

AN ORDINANCE REQUIRING ALARMS TO DETECT AND WARN OF THE PRESENCE OF SMOKE IN CERTAIN BUILDINGS PROVIDING SLEEPING QUARTERS ON A COMMERCIAL BASIS TO THE GENERAL PUBLIC; DECLARING THE FAILURE TO INSTALL AND MAINTAIN THE SAME TO BE A MISDEMEANOR AND PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, The installation of smoke alarms in all buildings with sleeping quarters has been recommended by the Garnett Fire Department; and

WHEREAS, The said recommendation has been studied by this Commission and the following findings were made:

1. The efficacy of modern smoke alarms as a lifesaving tool is well documented.
2. Such alarms are generally available from a variety of proprietary manufacturers, are reasonably inexpensive, and simple to install and maintain.
3. Ideally all buildings with sleeping quarters should have such alarms installed and working properly.
4. However, an ordinance so broad in scope would:
 - (a) be difficult, if not impossible, to enforce; and
 - (b) with respect to private residences, would give rise to implications of constitutionally impermissible government activity.
5. Although fraught with constitutional problems if required by Ordinance, this Commission would encourage each and every homeowner voluntarily to install and keep in good repair an adequate system of smoke and fire alarms to protect all sleeping quarters within their respective homes.
6. The general public who takes advantage of and pays for sleeping quarter accommodations through any commercially available source is entitled to expect the protection afforded by a properly installed and operating smoke alarm system; and to require such establishment to install and maintain such smoke alarms is reasonable and enforcement of such requirements could be expected to be accomplished without undue burden or attendant constitutional problems.

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

SECTION 1:

(a) The terms "Apartment House", "Dwelling Unit", "Hotel", "Lodging House", and "Guest" shall have the same meanings as are set out in the definitional section of the Uniform Fire Code presently in force in the City of Garnett, the same as if such terms and their definitions were included in full in this subparagraph.

(b) The term "Smoke Alarm" shall mean a device which detects and gives audible warning of the existence of particles or products of combustion, other than heat.

SECTION 2: It shall be unlawful for the owner, manager, superintendent, administrator, or other agent in charge of any apartment house, lodging house, or hotel, including a child day

care center, rest home, and hospital, to rent or let any dwelling unit or guest room therein or to admit any resident to any rest home or patient to any hospital, or to receive for care any child at a day care center without first having installed a smoke detection alarm to protect each sleeping room or sleeping area therein.

SECTION 3: A smoke alarm required under this Ordinance:

(a) Shall be approved by Underwriters Laboratory, Inc. or by another comparable, nationally recognized testing laboratory and shall bear the label of such testing laboratory;

(b) Shall be installed according to the directions and specifications of the manufacturer, but if in conflict with the Electrical Code of the City of Garnett, then the Electrical Code shall take precedence;

(c) May be either of the ionization type or photo-electric type and may be powered either by AC or DC power, but if AC powered must be directly attached to a junction box not controlled by any switch other than the main power supply switch; and


(d) Shall be operated and maintained to comply with nationally recognized standards or the manufacturer's specifications so as to be kept in good operating condition at all times.

SECTION 4: For purposes of inspection and enforcement, the Garnett Police Department and the Garnett Fire Department shall be empowered to act as provided in Article II of the Uniform Fire Code presently in force in the City of Garnett, the same as if the provisions of this Ordinance were included as a subpart of the said Uniform Fire Code; and with respect to any matter not specifically provided for in this Ordinance or by other applicable Federal, State, or local law, the terms, conditions, powers, and authorities and all other applicable standards set out in the said Uniform Fire Code shall apply and are hereby incorporated by reference into this Ordinance.

SECTION 5: Any person found guilty of violating this Ordinance shall be declared guilty of committing a misdemeanor and shall be punished by a fine in an amount not less than \$25.00 and not more than \$100.00, or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.


SECTION 6: This Ordinance shall take effect and be in force from and after its passage and ninety (90) days after its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this 28TH day of May, 1985.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE REGULATING THE INSTALLATION AND LOCATION OF SATELLITE DISH ANTENNAS IN THE CITY OF GARNETT, KANSAS; APPROVING RECOMMENDATION OF CITY'S PLANNING COMMISSION AND AMENDING PARTS OF ORDINANCE 2230 OF THE CITY OF GARNETT, KANSAS; REPEALING INCONSISTENT PRIOR ORDINANCES OR PARTS THEREOF; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, The City of Garnett, Kansas, is a legally constituted municipal corporation and a city of the Second Class operating under the provisions of the laws of the State of Kansas and having a commission-manager form of government; and

WHEREAS, The governing body has directed its duly constituted Planning Commission to consider the regulation of satellite dish antennas; and

WHEREAS, The Planning Commission met in special hearings on February 26, 1985, March 26, 1985, and April 12, 1985; reviewing the regulation process concerning satellite dish antennas in various cities in Kansas, and at the final two such meetings discussed specific concerns regarding regulation of satellite dish antennas in Garnett and did then unanimously direct the preparation of a regulatory ordinance to include the following points:

1. Antennas shall be in rear yards only, and shall be:
 - (a) Set back not less than ten feet (10') from the rear and side lot boundary lines;
 - (b) If in a side-yard, shall not protrude farther forward (i.e. towards the front) of the lot than the main building.
2. Only one (1) dish per lot.
3. Dish shall not exceed twelve feet (12') in diameter.
4. Maximum installed height of dish and related equipment: Fifteen feet (15') above normal (i.e. average) ground level.
5. All lines, whether for electrical supply or for communications signals, shall be buried underground or encased in an approved conduit.
6. Enforcement shall be through the existing City Zoning procedure by incorporating regulations into the present Zoning Code.
7. Restrictions and regulations shall apply in all residential "R" zones and all agricultural "A" zones throughout the City.
8. Base or mounting pier for up to eight feet (8') diameter dishes to be at least 0.5 cubic yards steel reinforced concrete; over eight feet (8') in diameter, then in accordance with dish manufacturer's minimum specifications.
9. Temporary use for "try-out", etc. to be for up to one week; if mobile, must be securely tied down. Location shall be same as permanent, or as near so as is practical.

NOW, THEREFORE, After reviewing the minutes of the several meetings of the Planning Commission pertaining to regulation of satellite dish antennas and examination of the Planning Commission's recommendations, the governing body of the City of Garnett, Kansas, does hereby adopt and approve the recommendations of the Planning

Commission concerning regulation of satellite dish antennas in the City of Garnett, Kansas; and accordingly,

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

SECTION 1: Ordinance 2230 of the City of Garnett, Kansas, Article 4, is hereby amended by the addition, in numerical sequence, of the following two sections:

4-162a PARABOLIC DISH ANTENNA. See Satellite Dish Antenna.

4-165a SATELLITE DISH ANTENNA. The antenna and related receiving and signal processing equipment, including the dish-shaped or parabolic, circular structure, all designed for the purpose of transmitting or receiving signals from a satellite; sometimes called parabolic antenna or parabolic dish antenna.

SECTION 2: Ordinance 2230 of the City of Garnett, Kansas, Article 7, Section 101.02, is hereby amended to read as follows:

7-101.02 PERMITTED ACCESSORY USES.

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

SECTION 3: Ordinance 2230 of the City of Garnett, Kansas, Article 7, Section 102.02, is hereby amended to read as follows:

7-102.02 PERMITTED ACCESSORY USES.

- (1) Private garage or carport.
- (2) Temporary buildings for use during the construction of a specific permitted use, which upon completion or abandonment of the construction work shall be removed. In any case, said building shall be removed within eleven (11) months from date of permit for their erection, unless said time is extended by the Planning Commission for good cause.

(3) One sign not exceeding thirty-six (36) square feet of an area referring to the construction, lease, hire, or sale of a building, premise, or subdivision lot which sign shall be removed as soon as the premises are sold or leased or construction is completed, provided however, that said sign shall not in any case be allowed to remain longer than a period of one (1) year, unless permission is granted by the Planning Commission for an extension of time in amounts of six (6) months for each extension.

(4) Customary home occupations such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for such purposes, that no structural alterations or constructions involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not more than one (1) square foot in area, and attached flat against the building, shall be permitted.

(5) One satellite dish antenna.

SECTION 4: Ordinance 2230 of the City of Garnett, Kansas, Article 8, is hereby amended by the addition thereto of a new Section 108a, SATELLITE DISH ANTENNAS, as follows:

8-108a SATELLITE DISH ANTENNAS.

8-108a.01 GENERAL REQUIREMENTS. Any owner, lessee, or other person, firm, or corporation having an interest in any lot may, on application, install one (1) satellite dish antenna per lot, if permitted within the zoning district; provided, however, that he shall comply with all of the requirements of the district in which said property is located and with the following additional requirements:

8-108a.02 LOCATION AND DISTANCE FROM PROPERTY LINES. Satellite dish antennas shall be located either in rear or side yards. If in a rear yard, the antenna shall be set back not less than ten feet (10') from the rear and side lot boundary line. If in a side yard, the antenna shall be set back not less than ten feet (10') from any boundary line and shall in no case protrude farther forward (i.e. toward the front) of the lot than the main building situated upon said lot.

8-108a.03 EQUIPMENT STANDARDS.

(A) The satellite dish antenna shall not exceed twelve feet (12') in diameter and the maximum installed height of the satellite dish itself, together with related equipment, shall be fifteen feet (15') above normal (i.e. average) ground level at site.

(B) All lines to and from the satellite dish antenna and the main or any accessory buildings, whether used for electrical supply or for communication signals, shall be buried underground or encased in an approved conduit.

(C) All satellite dish antennas eight feet (8') in diameter or less shall be anchored in a permanent or semi-permanent base or to a post secured to either such a base or a pier consisting of not less than one-half cubic yard of

Portland cement concrete, with adequate steel reinforcing. Satellite dish antennas in excess of eight feet (8') in diameter shall conform to the dish manufacturers minimum specifications for mounting and installation.

8-108a.04 TEMPORARY USE. Temporary use for purposes of trial before purchase or substitution while permanent unit be under repair, shall be permitted for periods of not to exceed one (1) week; provided, however, that for such temporary period the satellite dish antenna shall be located on the lot as nearly as practicable as where the same would be permanently installed; and, provided, further, that the satellite dish antenna shall be mounted on a semi-permanent base of a size and weight to meet the specifications set out in Section 8-108a.03(C); or if mounted on a mobile wagon or trailer, such wagon or trailer shall be securely tied down and guyed so as to prevent upset by wind.

8-108a.05 APPLICATION; CONTENTS AND PROCEDURE. An application for a satellite dish antenna shall be made substantially in the same manner as for any other zoning certificate; and such application shall include the following minimum information:

(A) Name of the owner or owners of the land upon which the satellite dish antenna is to be located; if the application is not made by the owner or owners of the land, the name of the applicant and a short statement of applicant's reason for applying; name and address of the person or corporation installing the satellite dish antenna; a sketch describing the location on the lot where the satellite dish antenna is proposed to be set; and a description of the size, nature, and volume of the mounting or base;

(B) The proposed date when the satellite dish antenna is to be installed.

SECTION 5: This Ordinance is intended to be supplementary to Ordinance 2230 of the City of Garnett, Kansas, such being the General Zoning Ordinance of the City of Garnett, Kansas; and any provisions of the said Ordinance 2230, or any other ordinance of the City of Garnett, which are in conflict with the specific provisions hereof, are repealed.

SECTION 6: This Ordinance shall take effect and be in force from and after its passage, approval, and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26TH day of JUNE, 1985.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 10, CHAPTER 9, SECTION 5 OF THE MUNICIPAL CODE DEALING WITH THE OFFENSE OF FAILURE TO COMPLY WITH TRAFFIC CITATIONS; PROVIDING ADDITIONAL SUBSECTION DESCRIBING PROCESS TO BE FOLLOWED BY COURT CLERK IN REPORTING SUCH FAILURE TO COMPLY TO STATE DIVISION OF VEHICLES; REPEALING EXISTING SECTION AND PROVIDING FOR EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

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

SECTION 1: Title 10, Chapter 9, Section 5 of the Municipal Code is hereby amended to read as follows:

10-9-5: FAILURE TO COMPLY WITH TRAFFIC CITATION:


(A) It shall be unlawful for any accused person to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to appear at court in response to a traffic citation and pay in full any fine imposed, or otherwise comply with a traffic citation as provided by K.S.A. 12-4305, as amended by Section 30 of Chapter 39 of the 1984 Session Laws of Kansas. A traffic citation shall include a uniform notice to appear and complaint issued by a police officer; a notice to appear issued by the Clerk of the Municipal Court or other court official authorized by law to issue such notice, or the appearance requirements recited in any recognized or surety bond when the charge in any such case shall be a violation of any chapter or section of Title 10 of the Municipal Code of the City. The disposition of the charge for which this said traffic citation was originally issued, shall be immaterial to the determination of whether or not an accused person shall have violated this Section.

(B) In addition to penalties of law applicable under Sub-section (A), when a person fails to comply with a traffic citation, except for illegal parking, standing, or stopping, the Municipal Court shall mail notice to the accused person, that if he or she does not appear in the Municipal Court or pay all fines, costs, and any penalties within thirty (30) days from the date of mailing, the Division of Vehicles will be notified to suspend his or her driving privileges. Upon such accused person's failure to comply within the said thirty (30) day period, the Municipal Court shall notify the Division of Vehicles and shall assess a reinstatement fee of Twenty-five Dollars (\$25.00) for each charge in which such accused person fails to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine or court costs or other penalties.

SECTION 2: Title 10, Chapter 9, Section 5 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 and APPROVED This 26th day of June, 1985.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2730

AN ORDINANCE AMENDING TITLE 10, CHAPTER 7, SECTION 2 OF THE MUNICIPAL CODE; PROVIDING FURTHER AMENDMENTS TO SECTIONS OF THE STANDARD TRAFFIC ORDINANCE, PARTICULARLY SECTION 30 (DRIVERS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES) AND SECTION 194 (DRIVING WHILE LICENSE CANCELLED, SUSPENDED, OR REVOKED; PENALTY); REPEALING EXISTING SECTIONS 30 AND 194 OF STANDARD TRAFFIC ORDINANCE AS HERETOFORE ADOPTED BY REFERENCE; PROVIDING FOR AN EFFECTIVE DATE OF SUCH AMENDMENTS.

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

SECTION 1: Title 10, Chapter 7, Section 2 of the Municipal Code is hereby amended by the addition of a new Subsection (B) as follows:

10-7-2: AMENDMENT: (B) Article 6, Section 30 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1985, is hereby amended to read as follows:

Sec. 30. Drivers Under the Influence of Intoxicating or Drugs; Penalties.

- (a) No person shall operate or attempt to operate any vehicle within this City while:
 - (1) The alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the vehicle, is .10 or more;
 - (2) Under the influence of alcohol;
 - (3) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
 - (4) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
- (b) No person shall operate or attempt to operate any vehicle within this City if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (c) If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this State shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of this Section, a person shall be sentenced to not less than forty-eight (48) consecutive hours, nor more than six (6) months imprisonment, or in the court's discretion one hundred (100) hours of public service, and fined not less than Two Hundred Dollars (\$200.00), nor more than Five Hundred Dollars (\$500.00). The person convicted must serve at least forty-eight (48) consecutive hours imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which:
 - (1) suspends the person's driver's license for a period of one (1) year or, in lieu thereof, suspends the person's driver's license for twenty-one (21) days or until the person completes any educational and treatment programs required by the court, whichever is longer, and thereafter places

restrictions on the person's driver's license, as provided in K.S.A. Supp. 8-292 for the remainder of the one-year period; and

(2) requires that the person enroll in and successfully complete an alcohol and drug safety action program or a treatment program as provided in K.S.A. Supp. 8-1008, or both the education and treatment programs.

- (e) On a second conviction of a violation of this Section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) years imprisonment and fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). The person convicted must serve at least five (5) consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. Supp. 8-1008. In addition, the Court shall enter an order which suspends the driver's license of the convicted person for a period of one (1) year or, in lieu thereof, suspends the person's driver's license for one hundred twenty (120) days or until the person completes the treatment program approved by the Court, whichever is longer, and thereafter places restrictions on the person's driver's license, as provided in K.S.A. Supp. 8-292, for the remainder of the one-year period.
- (f) On the third or subsequent conviction of a violation of this Section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) years imprisonment and fined not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00). The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least ninety (90) days imprisonment. The Court may also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. Supp. 8-1008. In addition, the Court shall revoke the driver's license of the convicted person for the period of time specified for the revocation of a driver's license under Subsection (k) and in accordance with the procedure for revoking a driver's license under Subsection (l).
- (g) The Court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the Court.
- (h) In lieu of payment of a fine imposed pursuant to this Section, the Court may order that the person perform community service specified by the Court. The person shall receive a credit on the fine imposed in an amount equal to Five Dollars (\$5.00) for each full hour spent by the person in the specified community service. The community service

- ordered by the Court shall be required to be performed not later than one (1) year after the fine is imposed or by an earlier date specified by the Court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (i) The Court shall report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this Section to the Division. Prior to sentencing under the provisions of this Section, the Court shall request and shall receive from the Division a record of all prior convictions against such person for any violations of any of the motor vehicle laws of this state.
- (j) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section:
- (1) "Conviction" includes being convicted of a violation of this Section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this Section;
 - (2) "conviction" includes being convicted of a violation of law of another state or an ordinance of any municipality which prohibits the acts that this Section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such a law or ordinance;
 - (3) only convictions occurring in the immediately preceding five (5) years, including prior to the effective date of this act, shall be taken into account, but the Court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and
 - (4) it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (k) In addition to any fine or imprisonment imposed under this Section and in lieu of any restrictions on or suspension of a driver's license under this Section, the Court may revoke the person's driver's license or privilege to operate a motor vehicle on the public highways of this state. Whenever a license or privilege to operate a motor vehicle is revoked pursuant to this Section, the person whose license or privilege has been revoked shall not be entitled to have such license or privilege restored until the expiration of one (1) year from the date of revocation. On conviction of a third or subsequent violation of this Section, revocation pursuant to this Subsection shall be mandatory for a period set by the Court at not less than one (1) year.
- (l) Upon suspending or revoking any license pursuant to this Section, the Court shall require that such

license be surrendered to the Court. The Court shall transmit the license to the Division to be retained by the Division until further order of the Court. Whenever the Court restores the privilege to operate a motor vehicle on the public highways of this state to any person whose license was suspended or revoked, pursuant to this Section, the Court shall notify the Division.

- (m) If a person convicted under this Section already has a suspended or revoked driver's license, any period of license suspension or revocation under this Section shall not begin until the prior period of suspension or revocation has elapsed.
- (n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. For the purpose of this Subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413, et seq., shall not constitute plea bargaining.
- (o) The alternatives set out in Subsections (a)(1) and (2) may be pleaded in the alternative, and the City may, but shall not be required to, elect one of the two prior to submission of the case to the Court.
- (p) The term "alcohol content" as used in this section shall mean the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath and shall have the same construction as is given such term under the Kansas Motor Vehicle Code in Chapter 8, Kansas Statutes Annotated.

SECTION 2: Title 10, Chapter 7, Section 2 of the Municipal Code is hereby amended by the addition of a new Subsection (C) as follows:

10-7-2: AMENDMENT: (C) Article 19, Section 194 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1985, is hereby amended to read as follows:

Sec. 194. Driving While License Cancelled, Suspended, or Revoked; Penalty.

- (a) (1) Any person who drives a motor vehicle on any street or highway of this City at a time when such person's privilege so to do is cancelled, suspended, or revoked shall upon conviction be punished, except as otherwise provided by Subsection (a)(3),
 - (i) for the first such conviction by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and by not less than five (5) days imprisonment nor more than six (6) months imprisonment; and,
 - (ii) for a second or subsequent conviction by a fine of not less than One Hundred Dollars (\$100.00) nor more Twenty-five Hundred Dollars (\$2500.00) and by imprisonment of not less than five (5) days nor more than one (1) year. Such

person shall not be eligible for suspension of sentence, probation, parole, or other early release until completion of at least five (5) days imprisonment

- (2) No person shall be convicted under this Section if such person was entitled at the time of arrest under K.S.A. 8-257, to the return of such person's driver's license or was, at the time of arrest, eligible under K.S.A. 8-256, to apply for a new license to operate a motor vehicle.
- (3) If a person is convicted of violating this Section, whether such conviction be that person's first, second, or subsequent conviction,
 - (i) For acts committed while the person's privilege to drive was suspended or revoked for violation of Section 30 of this Ordinance, or K.S.A. 8-1567, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this Ordinance; or,
 - (ii) Such person having previously been convicted of violating Section 30 of this Ordinance, or K.S.A. 8-1567, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this Ordinance, committed while such person's privilege to drive was suspended or revoked, whether or not such person be previously convicted of driving while his privilege to drive was suspended or revoked;

then such person shall be sentenced to imprisonment of not less than ninety (90) days nor more than one (1) year and a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Twenty-five Hundred Dollars (\$2500.00). Such person shall not be eligible for suspension of sentence, probation, parole, or other early release until the minimum sentence be served.

- (b) For the purposes of determining whether a conviction is a first, second, or subsequent conviction in sentencing under this Section, "conviction" includes a conviction of a violation of any ordinance of any city or a law of any state which prohibits the acts prohibited by Subsection (a)(1), and which conviction occurs in the five (5) year period immediately preceding.

SECTION 3: The official codifier of the City of Garnett, Kansas, is hereby instructed and directed to re-number the existing part of Title 10, Chapter 7, Section 2 as Subpart "A" thereof, and to add the material as Subpart "B" and Subpart "C" as set out respectively in Sections 1 and 2 of this Ordinance.

SECTION 4: Article 7, Section 30, and Article 19, Section 194, of the Standard Traffic Ordinance for Kansas Cities, Edition of 1985, as the same presently exists in force within the City of Garnett, Kansas, be and the same are hereby repealed; provided, however, that any prosecution for violation of either or both of the said two sections which is pending on the effective date of this Ordinance or which is brought subsequently on facts which existed at the time of the effective date of this Ordinance, are hereby saved and excepted from such repealer until such prosecution shall be completed,

including any appeal.

SECTION 5: This Ordinance shall take effect and be in force from and after 12:01 a.m. Central Daylight Time on the 1st day of July, 1985, and after passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 26th day of June, 1985.

Carson G. Cole
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2732

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5 OF THE MUNICIPAL CODE GOVERNING, GENERALLY, USE OF CITY PARKS; EXPLICITLY EXTENDING THE RULES AND REGULATIONS OF SUCH CHAPTER TO CEDAR VALLEY RESERVOIR; AND MAKING FURTHER AMENDMENTS WITH RESPECT TO RESTRICTIONS ON BOATING, SWIMMING, FISHING, HUNTING, AND CAMPING WITHIN THE GARNETT CITY PARK SYSTEM; REPEALING CONFLICTING SECTIONS 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 1 of the Municipal Code is hereby amended to read as follows:

9-5-1: PURPOSE: The rules and regulations of this Chapter shall govern the use of all facilities which are a part of the Garnett City Park System, including but not limited to Lake Garnett, Crystal Lake and Cedar Valley Reservoir.

SECTION 2: Title 9, Chapter 5, Section 3 of the Municipal Code is hereby amended to read as follows:

9-5-3: FIREARMS: The use or discharge of any firearms is prohibited in any city park except:
(A) In designated areas of the North City Park surrounding and adjacent to Lake Garnett; and,
(B) the City Park surrounding and adjacent to Cedar Valley Reservoir as may be designated for waterfowl hunting.

SECTION 3: Title 9, Chapter 5, Section 9 of the Municipal Code is hereby amended to read as follows:

9-5-9: CAMPING: Camping shall be permitted only in the designated areas of any City Park.

SECTION 4: Title 9, Chapter 5, Section 11 of the Municipal Code is hereby amended to read as follows:

9-5-11: SWIMMING PROHIBITED: No person shall bath, swim, wade or otherwise go into the waters of any lake within any City Park except for water skiing when and where water skiing is permitted.

SECTION 5: Title 9, Chapter 5, Section 12 of the
Municipal Code is hereby amended to read as follows:

9-5-12: HUNTING: Hunting, shooting, trapping, injuring, pursuing or molesting in any way any bird or animal on or within any City Park is prohibited, except within the park surrounding Cedar Valley Reservoir, waterfowl hunting shall be permitted in designated areas only from October 1 of each year through January 31 of each succeeding year. Anyone so hunting shall observe all Kansas Fish and Game waterfowl seasons and other applicable hunting regulations.

SECTION 6: Title 9, Chapter 5, Section 13 of the Municipal Code is hereby amended to read as follows:

9-5-13: FISHING: Any person having a valid and sufficient fishing license for the State of Kansas and all persons exempt by law from licensure may fish in any lake within any city pary free of charge. The following shall in any event be observed:

- (A) Each person fishing in a City lake shall be limited to the use or operation of two (2) rods and lines with not more than two (2) hooks attached to each; or a fly rod and line with not more than two (2) flies attached; or a casting rod with not more than two (2) artificial bait devices or lures attached.
- (B) It shall be unlawful and punishable as a misdemeanor to
 - (i) attempt to take or catch any fish by hand fishing, toe fishing or snagging; or,
 - (ii) to use, operate or install any trot line, set line, float, bank or limb line other than south of the Missouri Pacific Railroad overpass on the Cedar Valley Reservoir.
- (C) Any unlawful device used in or as an aid facilitating the violation of any of the provisions of this Section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the Municipal Judge, be destroyed.
- (D) The catching and taking of fish from City lakes is permitted without limitation as to time. No catfish, excepting bullheads, of a length less than twelve inches (12") shall be retained or possessed. No black bass or walleye of a length less than fifteen inches (15") shall be retained or possessed. All under sized fish are to be returned immediately, unrestrained, to the waters from which they were taken. The size of a fish shall be determined as the total length in inches measured from the tip of the snout to the end of the tail, with themouth closed and the tail lobes pressed together.

- (E) Anyone entitled to fish in any City lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas State Forestry, Fish & Game Commission. The daily (midnight to midnight) bag limit on bullfrogs is eight (8).
- (F) It is unlawful and punishable as a misdemeanor to fish in, wade or otherwise molest the North Park Rearing Pond.
- (G) Nothing in this Section shall be construed to supersede applicable Statutes of the State of Kansas or regulations promulgated thereunder by the State Forestry, Fish & Game Commission.

SECTION 7: Title 9, Chapter 5, Section 14 of the Municipal Code is hereby amended to read as follows:

- 9-5-14 BOATING: (A) Boating and canoeing shall be permitted at any time on Lake Garnett or Cedar Valley Reservoir; provided, however, that with respect only to Lake Garnett the speed of the boat shall be restricted to trolling speed unless such boat be operated for water skiing. No motorized boat shall be permitted on Crystal lake; provided, however, electrically powered motors may be mounted upon a boat and used on Crystal Lake provided such electric power source is not generated on board by an internal combustion engine and provided further that such boat shall be restricted at all times to trolling speed. Row boats and canoes without motors shall be permitted at any time on Crystal Lake. For purposes of this subsection "trolling speed" shall mean a speed not in excess of 5 statute miles per hour. Any boat traveling in excess of trolling speed where such is applicable shall be considered to be a speed boat and subject to other regulations of Title 9, Chapter 5 of the Municipal Code.
- (B) All boats, canoes, or other vessels used upon the waters of any lake within any city park shall be required to obtain a boating permit from the City Clerk. If annual, such permits shall be issued upon a calendar year basis and where fees apply, no pro-ration of fees shall be allowed for registration less than for the full 12-month period. The following fees shall apply to the class or licensor.

ANNUAL PERMIT FEES

Anderson County Residents:

Boats with motors in excess of 10 HP	\$25.00
Boats with motors with 10 HP or less	5.00
Non-motorized craft, i.e. sailboats, canoes, etc.	5.00

General (Non-resident of Anderson County)

Boats with motors in excess of 10 HP	50.00
Boats with motors with 10 HP or less	10.00
Non-motorized craft, i.e. sailboats, canoes, etc.	10.00

THREE-DAY TEMPORARY PERMIT FEES

Boats with motors in excess of 10 HP	\$20.00
Boats with motors 10 HP or less and all non-motorized craft, i.e. sailboats, canoes, etc.	5.00

SECTION 8: Title 9, Chapter 5, Section 19 of the Municipal Code is hereby amended to read as follows:

9-5-19: ICE SKATING ON LAKES: It shall be unlawful for any person to skate upon ice on the surface of any lake within any City park.

SECTION 9: Title 9, Chapter 5, Section 21 of the Municipal Code is hereby amended to read as follows:

9-5-21: CAMPING AT LAKES; PERMITS: Camping in any type of mobile camping vehicle, trailer, devise or tent is permitted in any city park only in designated camping areas and only after a camping permit has been obtained. Camping permits may be issued by authorized employees of the City of Garnett including officers of the Garnett Police Department. A permit fee of \$1.50 per night per camping vehicle, trailer, devise or tent shall be paid for the issuance of any camping permit; provided, that the permit fee may be waived by the City Manager for camping use by established and recognized youth organizations of the City of Garnett or the immediately surrounding area. No camping permit shall be issued to any person under 18 years of age.

SECTION 10: There is hereby created an additional, new Section 23 of Title 9, Chapter 5 as follows, to-wit:

9-5-23: Any person violating the provisions of this chapter including amendments to any section or additional section added after the effective date hereof shall be punished by a fine of not greater than \$500.00 nor more than 90 days in jail; or by both such fine and imprisonment.

SECTION 11: Title 9, Chapter 5, Section 8, and the present text of all sections amended hereby be and the same are hereby repealed.

SECTION 12: 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 AND APPROVED THIS 8TH day of JULY,
1985.

Clavan G. Cole
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2735

AN ORDINANCE REPEALING TITLE 9, CHAPTER 5, SECTION 18 OF THE MUNICIPAL CODE, DEALING WITH PENALTIES FOR SOME VIOLATIONS OF SAID CHAPTER AND TITLE.

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

SECTION 1. Title 9, Chapter 5, Section 18 of the Municipal Code is hereby repealed.

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

PASSED and APPROVED This 12th day of August, 1985.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2737

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Country Club Lane within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the requested improvements are advisable, and that the nature and estimated cost of such improvements are as follows:

Country Club Lane, said street consisting of approximately 1300 linear feet of street paving including concrete curb and gutter, aggregate base, double seal coat and storm sewers according to good engineering practices; the estimated total project cost being.....\$75,000.00

SECTION 3: It is further found that the extent of the proposed improvement district is:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) of the Country Club Addition to the City of Garnett, Kansas.

SECTION 4: It is proposed that the entire actual cost of the above improvements be assessed against the improvement district so created and apportioned pro rata to each of the fourteen (14) lots of record contained within such improvement district.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 26th day of August, 1985.



Mayor

Attest:


City Clerk

ORDINANCE NO. 2739

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE STREET IMPROVEMENTS IN THE COUNTRY CLUB IMPROVEMENT DISTRICT, 1985 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Country Club Lane, a public street within the City of Garnett, Kansas in the Country Club Street Improvement District, 1985, said municipal improvements are now under contract and work progressing toward completion thereof; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the costs of street improvements to Country Club Lane within the City of Garnett, Kansas in the improvement district designated and known as Country Club Street Improvement District, 1985 created and authorized by Ordinance No. 2737, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue one temporary note of the City of Garnett, Kansas, not to exceed \$75,000.00 to bear interest at the rate of ten and one-half percent (10 1/2%) per annum and maturing on the 30th day of September, 1989, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof.

SECTION 2: That said note shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same has been executed, it shall be registered as is provided by law.

SECTION 3: That said temporary note shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01 et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

SECTION 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED This 9th day of September, 1985.


Claron G. Cole
Mayor

A T T E S T:


Joyce E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5 BY THE ADDITION OF A SECTION DEALING WITH THE REGULATION OF STRUCTURES OR FACILITIES COMMONLY CALLED "DUCK BLINDS"; ESTABLISHING PERMIT PROCEDURE AND FEES THEREFOR.

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

SECTION 1: DUCK BLINDS; PERMIT NECESSARY; FEES AND PROCEDURE:

A. It shall be unlawful to build, erect, set-up, emplace, or otherwise establish, permanently or temporarily, any type of structure or facility commonly called a "duck blind" within any City park, except as provided in this section.

B. Structures or facilities commonly known as "duck-blinds" to facilitate hunting of waterfowl may be erected temporarily within the Cedar Valley Reservoir area, upon written application and issuance of a permit. A fee of Ten Dollars (\$10.00) shall be charged for a permit, which shall be effective from October 1st in the year in which issued, through and including January 31st of the next succeeding year. In addition there shall be required to be deposited the sum of Twenty Dollars (\$20.00), which shall be refunded if the structure or facility shall be removed at the expiration of the permit or within sixty (60) days thereafter.

C. If the structure or facility shall not be removed as provided, in addition to forfeiture of the said security deposit, such structure or facility shall, at the expiration of such sixty (60) day grace period, be subject to being removed and demolished by the City of Garnett without the necessity to preserve such materials or to account to the owner therefor; such person shall forfeit the right for one (1) year to be issued a subsequent duck blind permit; and, the City shall have preserved to it any other remedy at law otherwise available.

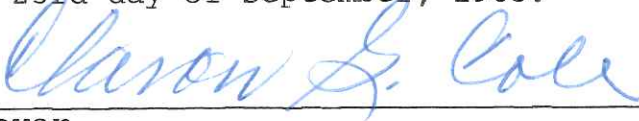
D. The City Manager is hereby given discretion to establish a maximum number of permits which shall be issued during any period and in the event the apparent demand for permits exceeds the supply, to establish a fair and equitable process for the apportionment of the available locations to the pool of applicants; and in addition to establish rules and regulations for the governing of the permittee's use of his permit and his structure or facility.

E. Application shall be made on a form provided by the City.

F. This act is supplemental to, and is to be construed as a part of, Title 9, Chapter 5 of the Municipal Code.

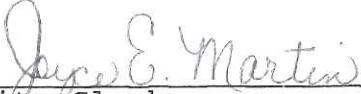
SECTION 2: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 23rd day of September, 1985.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE STREET IMPROVEMENTS IN THE COUNTRY CLUB IMPROVEMENT DISTRICT, 1985 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED; AND REPEALING ORDINANCE NO. 2739.

WHEREAS, Under proceedings duly and regularly had for the improvement of Country Club Lane, a public street within the City of Garnett, Kansas in the Country Club Street Improvement District, 1985, said municipal improvements are now under contract and work progressing toward completion thereof; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the costs of street improvements to Country Club Lane within the City of Garnett, Kansas in the improvement district designated and known as Country Club Street Improvement District, 1985 created and authorized by Ordinance No. 2737, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue one temporary note of the City of Garnett, Kansas, not to exceed \$75,000.00 to bear interest at the rate of seven and one-half percent (7½%) per annum and maturing on the 30th day of November, 1989, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof.

SECTION 2: That said note shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same has been executed, it shall be registered as is provided by law.

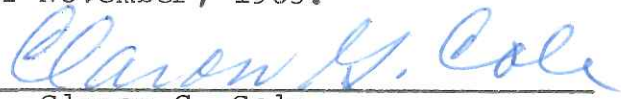
SECTION 3: That said temporary note shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01 et seq., to make said improvements, and by K.S.A. 12-6a14 (c) and (d) to issue bonds and temporary notes in payment of the same.

SECTION 5: Ordinance No. 2739 is hereby repealed.

SECTION 6: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED This 13th day of November, 1985.


Claron G. Cole
Mayor

A T T E S T:


Joyce E. Martin
City Clerk

ORDINANCE NO. 2749

AN ORDINANCE AMENDING TITLE IV, CHAPTER 3, SECTION 1, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ADOPTING BY REFERENCE A UNIFORM PLUMBING CODE; SAVING CERTAIN AMENDMENTS; AND REPEALING EXISTING SECTION.

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


Section 1. ADOPTION OF UNIFORM PLUMBING CODE. There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations for the installation, construction, alteration, removal, demolition, use, location and maintenance of plumbing and plumbing equipment, that certain code known as the "Uniform Plumbing Code" being particularly the 1982 edition, published by International Association of Plumbing and Mechanical Officials, whose address is 5032 Alhambra Avenue, Los Angeles, California 90032, of which not less than three copies have been and now are filed in the Office of the City Clerk.

Section 2. CERTAIN AMENDMENTS SAVED. The amendments to the Uniform Plumbing Code set out in Title 4, Chapter 3, Section 4 of the Municipal Code are saved and are to be construed as amendments to the Uniform Plumbing Code, Ed. 1982, as if fully set out herein as amendments.

Section 3. ORDINANCES REPEALED. Title 4, Chapter 3, Section 1 of the Municipal Code, as the same presently exists is repealed.

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

PASSED and APPROVED this 23rd day of December, 1985.



Mayor

ATTEST:



City Clerk

(SEAL)

ORDINANCE NO. 2750

AN ORDINANCE INCORPORATING BY REFERENCE THE "NATIONAL ELECTRICAL CODE" EDITION OF 1984, PROVIDING FOR ADDITIONAL REGULATION AND REPEALING TITLE 4, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE, CITY OF GARNETT, KANSAS.

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

Section 1. NATIONAL ELECTRICAL CODE ADOPTED; INCORPORATION BY REFERENCE. The National Electrical Code, Edition of 1984, as prepared and published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted and incorporated by reference as the electrical wiring code regulating and governing all electrical work covered by permits and as required by Title 4, Chapter 1, Section 1 of this Code. Compliance with the provisions of the said National Electrical Code shall be considered as meeting the requirements of this Title for the placing or installing of all electric lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the limits of this City, except as this Chapter may provide for such additional regulation. All such work shall be subject to inspection and approval by the electrical inspector of the City of Garnett.

Section 2. COPIES TO BE AVAILABLE. Not less than three (3) copies of said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2750" 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.

Section 3. REPEAL. Title 4, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, and all other municipal enactments in conflict with this Ordinance, are hereby repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the City Commission this 23rd day of December, 1985.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2753

AN ORDINANCE GENERALLY RESTRICTING MOTOR VEHICLE PARKING TO PERIODS NO LONGER THAN FORTY-EIGHT (48) HOURS; AMENDING TITLE 10, CHAPTER 2, SECTION 1(B); AND CREATING AN ADDITIONAL SECTION DESIGNATED TITLE 10, CHAPTER 2, SECTION 1(T).

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

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

10-2-1(B): Limited Parking in Designated Places: Motor vehicles, excepting trucks and trailers, tractors, tractors and trailers, and semi-trailers of over one-half ton may be parked in a single row in spaces provided in the center of Fourth Avenue between Oak Street and Main Street. Motor vehicles, excepting trucks, trucks and trailers, tractors, tractors and trailers, and semi-trailers of over one-half ton, may be parked parallel to the east curb between Second Street and Third Street on Oak Street and parallel with the west curb between Third Street and Fourth Street on Oak Street. Angle parking shall be permitted on each side of Fourth Street between Walnut Street and Oak Street, except for approximately the west one-half of the south curb at which point parking parallel to said curb shall be permitted.

SECTION 2: Title 10, Chapter 2, Section 1 of the Municipal Code is hereby amended by the addition of the following subpart:

10-2-1(T): General Time Limit Applicable to Parking Places: It shall be unlawful for any vehicle or combination of vehicles to be parked on the public streets, public parking lots, public alleys of the city, or other public areas designated for parking, when such vehicle, or combination of vehicles, to be left unattended or neglected for a period of over forty-eight (48) hours. Any such vehicle, or combination of vehicles, left unattended or neglected in excess of such period is subject to being impounded by the Police Department and the same may be towed from the such location and stored within the City of Garnett or some secure place at the City of Garnett Police Department's direction. The owner of such vehicle may reclaim the same by payment of towing and storage charges upon proof of ownership of said vehicle. This said Section shall be applicable to all parking within the City of Garnett, unless a shorter period of time shall be specifically designated for a particular parking area and shall apply to any additional parking areas created subsequent to the enactment hereof, if such additional parking areas be restricted or otherwise controlled by any portion of this Chapter. Nothing in this Subsection shall be construed as an exclusive remedy and such driver of any vehicle in violation of this Section may be liable for any other citation for a parking or traffic infraction made illegal either by the laws of the State of Kansas or any other title, chapter, or section of this Code.

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SECTION 3: Title 10, Chapter 2, Section 1(B) of the Municipal Code, as the same presently exists and any other enactment by ordinance, whether codified or not, which is in conflict with the provisions hereof, is 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 and APPROVED This 27th day of January, 1986.

Claron G. Cole
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 2755

AN ORDINANCE RELATING TO AGE RESTRICTIONS ON THE PURCHASE, POSSESSION AND CONSUMPTION OF CERTAIN BEVERAGES CONTAINING ALCOHOL; SPECIFICALLY AMENDED TITLE 6, CHAPTER 1, SECTION 30; TITLE 5, CHAPTER 9, SECTION 8 AND SECTION 11 OF THE MUNICIPAL CODE, AND DEFINING THE TERM "LEGAL AGE FOR CONSUMPTION OF CEREAL MALT BEVERAGE"; REPEALING EXISTING SECTIONS OF THE CITY CODE THEREIN AMENDED; PROVIDING EFFECTIVE DATE.

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

SECTION 1: Title 5, Chapter 9, Section 8 of the Municipal Code is hereby amended to read as follows:

5-9-8: SALES TO, OR PURCHASE OR POSSESSION OF CEREAL MALT BEVERAGE BY CERTAIN PERSONS PROHIBITED:

(A) No person under the legal age for consumption of cereal malt beverage shall buy, possess, or consume any cereal malt beverage in any licensed place of business.

(B) No licensee shall sell cereal malt beverage to, or permit possession or consumption of the same, by any person under the legal age for consumption of cereal malt beverage upon such licensed place of business.

(C) Nothing in this code shall be construed to prohibit a licensee's bona fide employee who is not less than eighteen (18) years of age to possess within such licensed place of business for purpose of dispensing or selling cereal malt beverage if:

1. The place of business is licensed only under Section 5-9-2(A) of this Chapter; or

2. The place of business is licensed under Section 5-9-2(B) of this Chapter and such business is also a licensed food service establishment as defined by K.S.A. 36-501, and amendments thereto, and not less than fifty percent (50%) of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

SECTION 2: Title 5, Chapter 9, Section 11 of the Municipal Code is hereby amended to read as follows:

5-9-11: CERTAIN LICENSED BUSINESSES; HOURS OF CLOSING SPECIFIED; QUALIFICATION AND REGISTRATION OF EMPLOYEES; NO PRIVATE AREAS; CONSUMPTION LIMITED: The following rules, regulations, and restrictions shall apply to every place of business licensed under Section 5-9-2(B) of this Chapter:

(A) Every such licensed business shall be closed to the public and no member of the public shall be or remain in or upon the licensed premises between the hours of twelve thirty o'clock (12:30) A.M. and six o'clock (6:00) A.M.

(B) No person shall be employed or be permitted to continue in employment by such licensed business in a managerial capacity or as a sales clerk who actually sells, carries for sale or receives payment for cereal malt beverages who is not a person of good character and reputation in the community in which he resides and who is not a citizen of the United States and who,

within two (2) years immediately preceding the date of his employment or during his employment, has been convicted of a felony or any crime involving a moral turpitude or been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor, or the violation of any other intoxicating liquor law of any State of the United States.

(C) No such licensed premises shall be operated with any private rooms or closed booths, but this shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

(D) No such licensee shall consume or permit any other person to consume any cereal malt beverage upon the licensed premises at hours other than when the business is open to the public or permitted to be open to the public; nor shall any employee of such business consume any cereal malt beverage during the hours he is on duty at such business.

SECTION 3: Title 6, Chapter 1, Section 30 of the Municipal Code is hereby amended to read as follows:

6-1-30: POSSESSION OF LIQUOR AND CEREAL MALT BEVERAGE BY CERTAIN PERSONS:

(A) It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession or to exercise control over any alcoholic liquor or strong beer as such terms are defined by the laws of the State of Kansas.

(B) It shall be unlawful for any person under the legal age for consumption of cereal malt beverage, as the same is defined in Title 5, Chapter 9, Section 14 of this Code, to have in his possession or to exercise control over any cereal malt beverage as such term is defined by the laws of the State of Kansas.

(C) Any person convicted of violating the terms of this Ordinance shall be punished by a fine of not to exceed one hundred dollars (\$100.00), or by imprisonment for a period of not more than thirty (30) days, or by both such fine and imprisonment. For the purposes of prosecuting violations of this Section under the Kansas Juvenile Code, violations of this Ordinance is hereby specifically declared to be a misdemeanor.

SECTION 4: There is hereby established a new section to be numbered 14 of Chapter 9, in Title 5 of the Municipal Code of the City of Garnett, Kansas, as follows, to-wit:

5-9-14: DEFINITION: As used in this chapter (and at any other place in this code, when specific reference is made to this section) the term "legal age for consumption of cereal malt beverage" means:

(A) With respect to persons born before July 1, 1966, nineteen (19) years of age; and,

(B) With respect to persons born on or after July 1, 1966, twenty-one (21) years of age.

SECTION 5: Title 6, Chapter 1, Section 30; Title 5, Chapter 9, Section 8 and Section 11, as the same presently exist, be and they 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 10th day of February 1986.

Clayton B. Coe
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

AN ORDINANCE PROHIBITING A PERSON FROM GOING UPON ICE ON THE SURFACE OF ANY LAKE WITHIN ANY CITY PARK; AMENDING TITLE 9, CHAPTER 5, SECTION 19 OF THE MUNICIPAL CODE.

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

SECTION 1: Title 9, Chapter 5, Section 19 of the Municipal Code is hereby amended to read as follows:

9-5-19: GOING UPON ICE ON THE SURFACE OF LAKES PROHIBITED: It shall be unlawful for any person to go upon the ice on the surface of any lake within any City Park for any purpose, including, but not limited to, ice skating or ice fishing.

SECTION 2: Title 9, Chapter 5, Section 19 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 and APPROVED This 10th day of February, 1986.

Claron G. Cole
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 2758

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 one year; 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 \$12,497.94 incurred through December 31, 1985 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 24th day of February, 1986.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2758:

William Spangler	\$ 292.98
Gerald Mersman	32.69
Kathy Karsk	7.26
Lena Mitchell	64.15
Daniel C. Woods	136.47
Julie Hollman	104.02
David L. Whitt	124.59
Jerry Bridgman	50.63
Patricia Hilburn	246.07
Rex Yaw	119.59
Elbert Hall	4.90
Alice Stanfield	407.21
William Stanfield	300.70
William Hopkins	196.48
Patrick Thomas	61.81
Vern & Deborah Reed	47.35
Ray Kennedy	169.20
Clifford M. St.Clair	116.03
Mark Smith	328.81
Carl Wollitz, Sr.	15.54
Allan & Lori LLoyd	80.21
Virginia Cravens	9.85
Lori McDaniel	92.48
Jerry Gifford	67.33
Regal Aluminum	4,165.95
Jessie Evans	32.28
Garnett Church Furniture	5,223.36
	<u>\$12,497.94</u>

ORDINANCE NO. 2759

AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 1 OF THE MUNICIPAL CODE, DEALING WITH REQUIREMENTS FOR AND PROCEDURES OBTAINING ELECTRICAL PERMITS TO DO CERTAIN WORK ON BUILDINGS OR STRUCTURES WITHIN THE CITY OF GARNETT, AND OUTSIDE THE CITY IF HOOKED TO AND USING ELECTRICAL ENERGY PRODUCED BY THE CITY; REPEALING EXISTING SECTION 1 OF TITLE 4, CHAPTER 1.

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

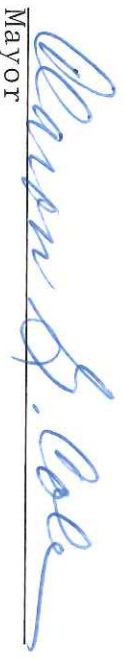
SECTION 1: Title 4, Chapter 1, Section 1 of the Municipal Code is hereby amended to read as follows:

4-1-1: ELECTRICAL PERMITS: No person, firm, or corporation shall make any material alterations or additions to the, or install a new, electrical entrance in any building or structure, which is or which is proposed to be hooked to the electrical energy distribution system of the City of Garnett without having first made written application to the City Manager, or his delegate, for, and having obtained, a permit from the City. Applications for permits shall be made on blanks furnished by the City and shall set forth in detail the work to be done, the type and location of the building or structure at which the work is to be done, and the name of the owner thereof. The application shall also contain the name of the applicant, if not owner, and such other information as needed to inform the City of Garnett of the electrical supply requirements necessary for such proposed alteration or addition. No permit shall be issued on such application until the City Manager, or his delegate, shall be satisfied that the City's electrical distribution facilities are adequate therefor. All applications shall be processed and permits issued without necessary delay. The fee for such permits shall be Five Dollars (\$5.00), which shall be paid prior to issuing any such permit.

SECTION 2: Title 4, Chapter 1, 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.

PASSED and APPROVED This 24th day of February, 1986.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2760

AN ORDINANCE AMENDING TITLE 9, CHAPTER 10, SECTION 1 OF THE MUNICIPAL CODE, FIXING MAXIMUM SPEED LIMITS FOR RAILROAD TRAINS, ENGINES, OR CARS; REPEALING EXISTING SECTION.

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

SECTION 1: Title 9, Chapter 10, Section 1 of the Municipal Code is hereby amended to read as follows:

9-10-1: SPEED LIMIT: Railroad trains, engines, or cars shall not be driven or propelled over any railroad track within the City at a speed greater than thirty (30) m.p.h.

SECTION 2: Title 9, Chapter 10, Section 1 of the Municipal Code, as the same presently exists, is hereby repealed.

SECTION 3: This amendment is deemed to be a part of Title 9, Chapter 10 of the Municipal Code and all existing penalties and remedies set out therein shall apply to the said Section 1 as herein amended.

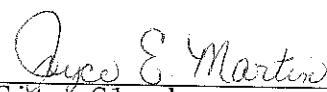
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 14TH day of April, 1986.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13(D) OF THE MUNICIPAL CODE RELATING TO CERTAIN FISHING LIMITATIONS; REPEALING EXISTING SECTION

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

SECTION 1: Title 9, Chapter 5, Section 13(D) is hereby amended to read as follows:

9-5-13: FISHING: * * *

(D) The catching and taking of fish from City lakes is permitted without limitation as to time. No catfish, excepting bullheads, of a length less than twelve inches (12") shall be retained or possessed. No black bass or walleye of a length less than fifteen inches (15") shall be retained or possessed. No wipers of a length less than eighteen inches (18") shall be retained or possessed. All undersized fish are to be returned immediately, unrestrained, to the waters from which they were taken. The size of a fish shall be determined as the total length in inches measured from the tip of the snout to the end of the tail, with the mouth closed and the tail lobes pressed together.

SECTION 2: Title 9, Chapter 5, Section 13(D), as the same presently exists, is hereby repealed.

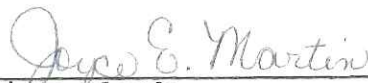
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED This 10TH day of MARCH, 1986.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE REDUCING THE LIABILITY INSURANCE REQUIREMENTS FOR TAXICAB OPERATORS WITHIN THE CITY AND GENERALLY AMENDING TITLE 5, CHAPTER 7, SECTION 4 OF THE MUNICIPAL CODE

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

SECTION 1: Title 5, Chapter 7, Section 4 of the Municipal Code of the City of Garnett is hereby amended to read as follows:

5-7-4: INSURANCE POLICY: The applicant shall also deposit with the City Clerk proof of liability insurance throughout the licensing period on each vehicle sought to be licensed and such insurance coverage shall in no event be less than the minimum required for the operation of an automobile by the State of Kansas; provided, however, that with respect to personal injury and property damage the following minimums shall apply:

- (a) Personal injury liability in an amount of \$25,000.00 individual and \$50,000.00 aggregate per accident; and
- (b) Property damage liability in an amount of \$10,000.00.

All such policies of insurance shall specifically provide that they cannot be cancelled, reduced, or otherwise modified until written notice of such shall have been given to the City of Garnett by the insurance carrier. Cancellation of any such policy or reduction of coverages below the minimums specified herein shall automatically render the license for such vehicle issued hereunder null and void until such time as adequate insurance coverage as herein required is obtained and proof thereof filed with the City Clerk.

SECTION 2: Title 5, Chapter 7, Section 4 of the Municipal Code, as the same now exists, is hereby repealed.

SECTION 3: This Ordinance shall be deemed amendatory and supplementary to Title 5, Chapter 7 of the Municipal Code of the City of Garnett, Kansas.

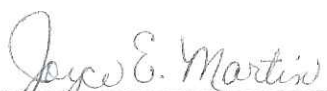
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 24TH day of MARCH, 1986.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2765

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:

A tract of land commencing at the Southeast Corner of the Southwest Quarter (SW/4) of the Southwest Fractional Quarter (SW Fr/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 165 feet, thence East 111 feet, thence South 165 feet, thence West 111 feet to the place of beginning;

is hereby changed from R-1 (Low Density Residential District) to C-3 (Highway Commercial District).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

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

PASSED By the Commission, 3 voting Aye; 0 voting Nay; and approved this 14th day of April, 1986.

AW Breckisen
Mayor

A T T E S T:

James E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, RELATING TO ANIMALS OTHER THAN DOGS; ELIMINATING REFERENCES TO CITY POUND MASTER AND SUBSTITUTING THEREFOR CITY MANAGER; AMENDING SECTIONS CONTROLLING IMPOUNDMENT PROCEDURES; RESTATING PROHIBITIONS ON KEEPING OF SWINE WITHIN THE CITY; AND ADDING NEW SECTIONS PROHIBITING POSSESSION OF EXOTIC ANIMALS AND DEFINING THE CRIME OF CRUELTY TO ANIMALS.

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

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

6-3-3: DUTIES OF CITY MANAGER: It shall be the duty of the City Manager, or his delegate, to take up or cause to be taken up any of the animals named in Section 2 or Section 17 of this Chapter, found to be loose or running at large within the City.

SECTION 2: Title 6, Chapter 3, Section 4 of the Municipal Code is hereby amended to read as follows:

6-3-4: NOTICE OF IMPOUNDING: Within twenty-four (24) hours of the taking up of any animal by the City Manager under the authority of this Chapter, he shall notify

(a) The Sheriff of Anderson County, Kansas, and request that the Sheriff take charge thereof and proceed under the terms of Chapter 47 of Kansas Statutes Annotated dealing with livestock and domestic animals; and

(b) In the case of exotic animals, shall notify the owner, if known, of the fact that such animal, describing the same, is impounded and may be claimed by the owner for purposes of disposal only in a manner consistent with the laws of Kansas and the provisions of this Chapter; but failing which reclaiming for disposal, custody will be retained until disposition of any pending complaint before the Municipal Court of the City of Garnett, charging a violation of Section 17 of this Chapter.

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

6-3-6: CARE OF ANIMALS: Any animal seized and impounded under the provisions of this Chapter shall be provided with proper care, food, and water while confined by or at the direction of the City Manager, or his delegate.

SECTION 4: Title 6, Chapter 3, Section 7 of the Municipal Code is hereby amended to read as follows:

6-3-7: DOMESTIC ANIMAL MAY BE CLAIMED BY OWNER: If at any time prior to the Anderson County Sheriff's taking charge of any livestock or domestic animal seized and impounded under the authority of this Chapter, the owner shall be entitled to possession of such livestock or domestic animal upon payment to the city of such fees as provided in this Chapter and all expenses incident to such taking up and keeping.

SECTION 5: Title 6, Chapter 3, Section 9 of the Municipal Code is hereby amended to read as follows:

6-3-9: FEES: The City of Garnett shall levy

for taking up and impounding any animal under the authority of this Chapter, the following fees:

(a) For a single domestic animal \$50.00; and for each additional domestic animal taken up at the same time, an additional \$10.00 per head, but not to exceed \$100.00 for each incident.

(b) For each exotic animal \$100.00

SECTION 6: Title 6, Chapter 3, Section 10 of the Municipal Code is hereby amended to read as follows:

6-3-10: RECORD TO BE KEPT: The City Manager, or his delegate, shall keep a record, including a complete description of all animals taken up and impounded, showing the time when impounded and the disposition thereof, which shall be open to inspection of the public.

SECTION 7: Title 6, Chapter 3, Section 16 of the Municipal Code is hereby amended to read as follows:

6-3-16: MAINTAINING SWINE: It shall be unlawful for any person or persons, any partnership, any coporation, or association to keep and maintain within the City of Garnett any pigs, hogs, or swine; provided, however, this Section shall not apply to the transportation in appropriate vehicles of such through said City; shall not apply to zoos, circuses, or carnivals; nor to the Community Sales Barn located in the Northwest Corner of the Northwest Quarter (NW/4) of Section 30, Township 20, Range 20.

SECTION 8: (New Section)

6-3-18: EXOTIC ANIMALS:

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

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

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes, Chimpanzees, gibbons, gorillas, orangutans, and saimangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocadiilians, 30 inches in length or more.
- (10) Constrictor snakes, six feet in length or more.
- (11) Coyotes.
- (12) Deer, includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose.

- (13) Elephants.
- (14) Hippopotami.
- (15) Hyenas.
- (16) Jaguars.
- (17) Leopards.
- (18) Lions
- (19) Lynxes.
- (20) Monkeys.
- (21) Ostriches.
- (22) Pumas, also known as cougars, mountain lions, and panthers.
- (23) Raccoons.
- (24) Rhinoceroses.
- (25) Skunks.
- (26) Tigers.
- (27) Wolves.

(c) The prohibitions of this Section shall not apply to zoos, circuses, carnivals, educational institutions, or medical institutions, if:

- (1) Their location conforms to the provisions of the zoning ordinance of the City;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectional odors; and
- (3) Animals are maintained in quarters so constructed as to prevent their escape and minimize noise.

(d) In addition to any other powers or authorities conferred on the Municipal Judge, the Municipal Judge shall have the authority to order any animal described in this Section and which is determined to be vicious or of vicious propensities to be confined, destroyed, or removed from the City.

SECTION 9: (New Section)

6-3-19: CRUELTY TO ANIMALS UNLAWFUL:

(a) It shall be unlawful for any person:

- (1) Intentionally to kill, injure, maim, torture, or mutilate any animal;
- (2) Abandon or leave any animal in any place without making provisions for its proper care; or
- (3) Having physical custody of any animal 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 animal.

(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 animal which is diseased or disabled beyond recovery for any useful purpose.

SECTION 10: The official codifier of the City of Garnett, Kansas, is hereby directed to redesignate Chapter 3 of Title 6 as "Animals Other Than Dogs" and to insert as new sections the material contained in Section 8 and Section 9 of this Ordinance.

SECTION 11: Sections 3, 4, 6, 7, 9, 10, and 16 of Chapter 3, Title 6 of the Municipal Code as the same presently exists are hereby repealed; and Sections 5, 8, 11, 12, 14, and 17 of Chapter 3, Title 6 of the Municipal Code are hereby repealed.

SECTION 12: 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 BY THE COMMISSION and APPROVED This 24TH day of MARCH, 1986.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2769

OF THE

CITY OF GARNETT, KANSAS

ADOPTED APRIL 3, 1986

\$4,990,000

COMBINED UTILITY REFUNDING REVENUE BONDS

SERIES 1986

DATED APRIL 1, 1986

ORDINANCE NO. _____
OF THE CITY OF GARNETT, KANSAS

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ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$4,990,000 PRINCIPAL AMOUNT OF COMBINED UTILITY REVENUE REFUNDING BONDS, SERIES 1986, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING THE FUNDS TO REFUND THE CITY'S OUTSTANDING WATER AND SEWER SYSTEM AND ELECTRIC LIGHT PLANT AND SYSTEM REVENUE BONDS AND TO PAY THE COSTS OF ISSUANCE OF SAID REFUNDING BONDS; PRESCRIBING THE FORM AND DETAILS OF SAID REFUNDING BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF THE WATER AND SEWER, GAS AND ELECTRIC SYSTEMS FOR THE PURPOSES AUTHORIZED BY LAW, INCLUDING PAYING THE COST OF OPERATION AND MAINTENANCE OF SAID SYSTEMS, PAYING THE PRINCIPAL OF AND INTEREST ON SAID REFUNDING BONDS, PROVIDING ADEQUATE DEPRECIATION AND RESERVE FUNDS, MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO, APPROVING AN ESCROW DEPOSIT AGREEMENT AND APPROVING AN OFFICIAL STATEMENT.

WHEREAS, the City of Garnett, Kansas, a municipal corporation and city of the second class duly created, organized and existing under the laws of the State of Kansas (the "City"), now owns and operates a revenue producing water and sewer system, gas system and electric system serving the City and its inhabitants (the "Systems"); and

WHEREAS, pursuant to K.S.A. 10-1201 to 10-1213, inclusive, as amended, the City has heretofore issued its Electric Light Plant and System Revenue Bonds, Series of 1978, dated September 1, 1978 (the "Series 1978 Bonds"), and its Electric System Revenue Bonds, Series 1981, dated March 1, 1981 (the "Series 1981 Bonds"), and pursuant to K.S.A. 12-856 to 12-868, inclusive, as amended, the City has heretofore issued its Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, dated November 1, 1983 (the "Series 1983 Bonds") (collectively, the "Outstanding Bonds"), and at the date of the payment and delivery of the Bonds as hereinafter defined, there will remain outstanding and unpaid \$4,460,000 principal amount of the Outstanding Bonds;

WHEREAS, it is hereby found and determined that in order to structure a lower annual debt service, create interest cost savings and provide for a more economical and efficient program

for the retirement of indebtedness of the Systems, it is desirable and necessary to refund and pay (by defeasance) the Outstanding Bonds;

WHEREAS, it is hereby found and determined that it is desirable and necessary to issue \$4,990,000 principal amount of Combined Utility Revenue Refunding Bonds, Series 1986 (the "Bonds"), in accordance with K.S.A. 10-116a, as amended, to provide funds to refund the Outstanding Bonds and to pay the cost of issuance of the Bonds; and

WHEREAS, except for the Outstanding Bonds, the City does not have outstanding any other bonds or obligations payable from the revenues derived by the City from the operation of its Systems as hereinafter defined.

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings:

"Act" means K.S.A. 10-116a, as amended.

"Bonds" means the Combined Utility Refunding Revenue Bonds, Series 1986, in the aggregate principal amount of \$4,990,000 authorized and issued pursuant to this Ordinance.

"Bond Reserve Account" means the Reserve Account for Combined Utility Refunding Revenue Bonds, Series 1986, created by Section 401 of this Ordinance.

"Bond Reserve Requirement" means an amount equal to the maximum amount due in any fiscal year for the payment of principal of and interest on the Bonds; provided, however, that if necessary to retain the federal tax-exempt status of the Bonds, such amount shall not exceed 150% of the debt service for the bond year.

"City" means the City of Garnett, Kansas, and any successors or assigns.

"Code" means the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder.

"Combined Utility System" means the electric generating plants and all appurtenances thereto, the electric distribution

system now serving the City and its inhabitants and others, together with all extensions, enlargements and improvements thereto hereafter made or acquired by the City; the entire waterworks plant and sewage system owned and operated by the City for the production, storage, treatment and distribution of water and the collection and treatment of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City; and the gas system owned and operated by the City for the distribution of natural gas to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"Consulting Engineer" means an independent engineer or engineering firm, having a national reputation for skill and experience in the construction and operation of public utilities, at the time employed by the City for the purpose of carrying out the duties imposed on the Consulting Engineer by this Ordinance.

"Depreciation and Replacement Account" means the Combined Utility System Depreciation and Replacement Account created by Section 401 of this Ordinance.

"Escrow Trust Agreement" means the Escrow Trust Agreement dated as of April 24, 1986, by and between the City of Garnett, Kansas, and Security Bank of Kansas City, Kansas City, Kansas.

"Escrow Trustee" means Security Bank of Kansas City in the city of Kansas City, Kansas, and any successors or assigns.

"Excess Earnings Account" means the Combined Utility System Excess Earnings Account created by Section 401 of this Ordinance.

"Excess Investment Earnings" means an amount equal to the sum of--

(a) The excess of --

(1) the aggregate amount earned from the date of issue on all Nonpurpose Obligations in which gross proceeds of the Bonds are invested,

(2) The amount that would have been earned if the yield on such Nonpurpose Obligations had been equal to the yield on the Bonds, plus

(b) Any income attributable to the excess described in paragraph (a) above.

"Insurer" means Municipal Bond Insurance Association as issuer of the Policy.

"Net Operating Revenues" means the gross revenues received by the City from the operation of the Combined Utility System, including investment income from funds and accounts created by this Ordinance, less the reasonable expenses of operation, maintenance and repair of the Combined Utility System but before any other payments or charges.

"Nonpurpose Obligation" means any security, other than an obligation exempt from taxation under the Code, in which gross proceeds of an issue are invested and which is not acquired to carry out the governmental purpose of the issue. *required?*

"Operation and Maintenance Account" means the Combined Utility System Operation and Maintenance Account created by Section 401 of this Ordinance.

"Ordinance" means this ordinance as from time to time amended in accordance with the terms hereof.

"Original Purchaser" means Shearson Lehman Brothers Inc., Kansas City, Missouri, the original purchaser of the Bonds.

"Outstanding Bonds" means the Series 1978 Bonds, the Series 1981 Bonds and the Series 1983 Bonds described on Schedule 1 attached hereto.

"Paying Agent and Bond Registrar" means Security Bank of Kansas City, in the City of Kansas City, Kansas, and its successors and assigns.

"Policy" means the Municipal Bond Guaranty Insurance policy to be issued by the Insurer to guaranty the payment of the principal of and interest on the Bonds as provided herein. *ee ee*

"Principal and Interest Account" means the Principal and Interest Account for Combined Utility Refunding Revenue Bonds, Series 1986, created by Section 401 of this Ordinance.

"Record Date" means the fifteenth day (whether or not a business day) of the calendar month next preceding an interest payment date.

"Revenue Fund" means the Combined Utility System Revenue Fund created by Section 401 of this Ordinance.

"Series 1978 Bonds" means the Electric Light Plant and System Revenue Bonds, Series of 1978, dated September 1, 1978, of the City.

"Series 1981 Bonds" means the Electric System Revenue Bonds, Series 1981, dated March 1, 1981, of the City.

"Series 1983 Bonds" means the Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, dated November 1, 1983, of the City.

"Surplus Account" means the Combined Utility System Surplus Account created by Section 401 of this Ordinance.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. There is hereby authorized and directed to be issued a series of Combined Utility Refunding Revenue Bonds, Series 1986, of the City in the principal amount of \$4,990,000 (the "Bonds") for the purpose of paying the cost of refunding in advance of their maturities the Outstanding Bonds as provided in this Ordinance.

Section 202. Security for the Bonds. The Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the revenues derived by the City from the operation of the Combined Utility System, including revenues derived from extensions, enlargements and improvements to the Combined Utility System hereafter constructed or acquired by the City, and the taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. In the event any portion of the payment of the principal of or interest on the Bonds is not made by the City when due, said principal and interest is payable pursuant to the terms of the Policy issued by the Insurer. Reference is made to the Policy for a description of each bond owner's rights thereunder. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction.

Section 203. Description of the Bonds. The Bonds shall consist of fully registered certificated bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The certificated Bonds shall be substantially in the form set forth in Exhibit A attached hereto or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive, as amended. The Bonds shall be subject to registration, transfer and exchange as provided in Section 206 hereof. The Bonds shall be dated April 1, 1986, shall

become due on October 1 in the years (subject to redemption prior to maturity as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Maturity October 1</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>
1986	\$ 90,000	4.80%
1987	90,000	5.00%
1988	95,000	5.25%
1989	100,000	5.50%
1990	105,000	5.75%
1991	115,000	6.00%
1992	120,000	6.15%
1993	125,000	6.30%
1994	135,000	6.40%
1995	145,000	6.50%
1996	155,000	6.60%
1997	165,000	6.70%
1998	175,000	6.80%
1999	185,000	6.90%
2000	200,000	7.00%
2001	215,000	7.00%

TERM BONDS

2010	2,775,000	7.30%
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The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year of twelve 30-day months) from the date thereof or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on April 1 and October 1 in each year, beginning on October 1, 1986.

Section 204. Designation of Paying Agent and Bond Registrar. Security Bank of Kansas City, in the City of Kansas City, Kansas, is hereby designated as the City's paying agent for the payment of principal of, redemption premium, if any, and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent and Bond Registrar"). The Mayor and City Clerk are hereby authorized to execute on behalf of the City an agreement with Security Bank of Kansas City to act as Paying Agent and Bond Registrar for the Bonds.

Section 205. Method and Place of Payment of Bonds. The principal of, redemption premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

The principal of and redemption premium, if any, on each Bond shall be paid at maturity or upon earlier redemption to the person in whose name such Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent and Bond Registrar.

The interest payable on each Bond on any interest payment date shall be paid by check or draft mailed by the Paying Agent and Bond Registrar to the person in whose name such Bond is registered at the close of business on the Record Date for such interest.

The Paying Agent and Bond Registrar shall keep in its office a record of payment of principal of, premium, if any, and interest on all Bonds.

Section 206. Registration, Transfer and Exchange of Bonds. The City covenants that it will, as long as any of the Bonds remain outstanding, cause to be kept at the office of the Paying Agent and Bond Registrar books for the registration, transfer and exchange of Bonds as herein provided. Each Bond when issued shall be registered in the name of the owner thereof on the registration books kept by the Paying Agent and Bond Registrar. Bonds may be transferred and exchanged only upon the registration books maintained by the Paying Agent and Bond Registrar as provided in this Section.

Upon surrender thereof at the principal office of the Paying Agent and Bond Registrar, the Paying Agent and Bond Registrar shall transfer or exchange any Bond for a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount as the Bond which was presented for transfer or exchange. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent and Bond Registrar, duly executed by the registered owner thereof or by the registered owner's duly authorized agent. All Bonds presented for transfer or exchange shall be surrendered to the Paying Agent and Bond Registrar for cancellation.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent and Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent and Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that

might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the owners of the Bonds.

The City and the Paying Agent and Bond Registrar may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, redemption price, if any, and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon the registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent and Bond Registrar shall be affected by any notice to the contrary, but such registration may be changed as herein provided.

Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bonds shall be delivered to the Bond Registrar for cancellation pursuant to this Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to this Ordinance, such Bond shall be canceled by the Bond Registrar and the canceled Bond shall be returned to the City Clerk.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate, as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated Bonds, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the City and the Bond Registrar evidence of such loss, theft or destruction satisfactory to them, together with an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing any Bond or Bonds mutilated, stolen, lost or destroyed.

Section 209. Execution, Authentication and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or facsimile thereof shall nevertheless be valid and

sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds as hereinbefore specified and to cause the Bonds to be registered in the office of the City Clerk and the State Treasurer of Kansas as provided by law, and when duly executed, to deliver the Bonds to the Paying Agent and Bond Registrar for authentication. Upon authentication, the Paying Agent and Bond Registrar shall deliver the Bonds to the Original Purchaser of the Bonds, upon payment of the purchase price of 97.25% of the principal amount thereof plus accrued interest thereon to the date of delivery.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in Section 203 hereof, which shall be manually executed by the Paying Agent and Bond Registrar. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Paying Agent and Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Paying Agent and Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption. At the option of the City, Bonds maturing on October 1, 1992, and thereafter may be called for redemption and payment prior to maturity on April 1, 1992, and thereafter, in whole at any time at the redemption prices set forth below (expressed as percentages of principal amount), plus accrued interest thereon to the redemption date:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
April 1, 1992, to March 31, 1993	102.00%
April 1, 1993, to March 31, 1994	101.50%
April 1, 1994, to March 31, 1995	101.00%
April 1, 1995, to March 31, 1996	100.50%
April 1, 1996, and thereafter	100.00%

Section 302. Mandatory Redemption. The Bonds maturing in the year 2010 shall be subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of this Section at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. The payments specified in Section 602(b) of this Ordinance which are to be deposited into the Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on October 1, 2002, and on each October 1 thereafter to and including October 1, 2009, the following principal amounts of Bonds:

<u>Year</u>	<u>Principal Amount</u>
2002	\$230,000
2003	245,000
2004	265,000
2005	280,000
2006	305,000
2007	325,000
2008	350,000
2009	375,000

The remaining \$400,000 principal amount of Bonds shall be paid at maturity on October 1, 2010.

At its option, to be exercised on or before the 45th day next preceding any mandatory redemption date, the City may: (a) deliver to the Paying Agent and Bond Registrar for cancellation Bonds maturing on October 1, 2010, in any aggregate principal amount desired; or (b) furnish the Paying Agent and Bond Registrar funds, together with appropriate instructions, for the purpose of purchasing any of said Bonds maturing on October 1, 2010, from any holder thereof whereupon the Paying Agent and Bond Registrar shall expend such funds for such purpose to such extent as may be practical; or (c) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Bonds maturing on October 1, 2010, which prior to such date have been redeemed (other than through the operation of the requirements of this Section) and cancelled by the Paying Agent and Bond Registrar and not theretofore applied as a credit against any redemption obligation under this Section. Each Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Bonds of the same maturity on such redemption date, and any excess of such amount shall be credited on future mandatory redemption obligations for Bonds of the same maturity in chronological order, and the principal amount of Bonds of the same maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses

(a), (b) or (c) above, the City will, on or before the 45th day next preceding each mandatory redemption date, furnish the Paying Agent and Bond Registrar a written certificate indicating to what extent the provisions of said clauses (a), (b) and (c) are to be complied with with respect to such mandatory redemption payment.

Section 303. Notice of Redemption. In the event that the City shall elect to redeem and pay any of the Bonds prior to the maturity thereof pursuant to Section 301 hereof and when the redemption of Bonds is required pursuant to Section 302 hereof, the City or the Paying Agent and Bond Registrar acting on behalf of the City shall give written notice of its intention to redeem and pay said Bonds or portions thereof on a specified date, the same being described by principal amount and maturity, said notice to be given by United States registered or certified mail addressed to the Original Purchaser of the Bonds and to the registered owner of each Bond, each of said notices to be mailed at least 15 days prior to the redemption date. Notice shall also be published at least 15 days prior to the redemption date in a financial journal published in the City of New York, New York.

Section 304. Effect of Call for Redemption. Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

ARTICLE IV

ESTABLISHMENT OF FUNDS AND ACCOUNTS

Section 401. Creation of Funds and Accounts. There are hereby created and ordered to be established in the treasury of the City the following separate accounts to be known respectively as the:

- (a) Combined Utility System Revenue Fund (the "Revenue Fund").
- (b) Combined Utility System Operation and Maintenance Account (the "Operation and Maintenance Account").
- (c) Principal and Interest Account for Combined Utility Refunding Revenue Bonds, Series 1986 (the "Principal and Interest Account").
- (d) Reserve Account for Combined Utility Refunding Revenue Bonds, Series 1986 (the "Bond Reserve Account").
- (e) Combined Utility System Depreciation and Replacement Account (the "Depreciation and Replacement Account").

- (f) Combined Utility System Surplus Account (the "Surplus Account").
- (g) Combined Utility System Excess Earnings Account (the "Excess Earnings Account").

Section 402. Administration of Funds and Accounts. The funds and accounts established pursuant to Section 401 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE V

APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Section 501. Disposition of Bond Proceeds. The proceeds received from the sale of the Bonds, including any premium or accrued interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

- (a) There shall be deposited in the Principal and Interest Account any premium on the Bonds and any amount received on account of accrued interest on the Bonds.
- (b) There shall be deposited with the Escrow Trustee the sum of \$46,727.51 for the cost of issuance of the Bonds, including, but not limited to, all printing, signing and mailing expenses, legal fees, accounting expenses incurred in connection with determining that the Bonds are not arbitrage bonds, fees for ratings received on the Bonds, the Escrow Trustee's initial fees, and the insurance premium on any policy insuring the payment of the principal of and/or interest on the Bonds.
- (c) There shall be deposited with the Escrow Trustee the remaining balance of the proceeds of the Bonds to be used in accordance with the Escrow Trust Agreement.

Simultaneously with the issuance of the Bonds, the Escrow Trustee is authorized to disburse funds properly attributable to the cost of issuance of the Bonds.

Section 502. Disposition of Other Moneys. Concurrently with the issuance and delivery of the Bonds, the City shall pay and credit from moneys on hand and available for such purposes, the following amounts:

- (a) There shall be deposited the sum of \$433,115.00 in the Reserve Account.

- (b) There shall be deposited the sum of \$50,000 in the Depreciation and Replacement Account.
- (c) There shall be deposited with the terms of the Escrow Trustee the sum of \$89,472.49 for payment of a portion of the cost of issuance of the Bonds as provided in Section 501(b) hereof.

ARTICLE VI

APPLICATION OF REVENUES

Section 601. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain outstanding and unpaid, all of the revenues derived and collected by the City from the operation of the Combined Utility System will be paid and deposited into the Revenue Fund, and that said revenues shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be mingled with any other moneys, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

Section 602. Application of Moneys in Funds and Accounts. The City covenants and agrees that from and after the delivery of the Bonds and continuing so long as any of the Bonds shall remain outstanding and unpaid, the City will on the first day of each month administer and allocate all of the moneys then held in the Revenue Fund as follows:

- (a) There shall first be paid and credited to the Operation and Maintenance Account an amount sufficient to pay the estimated cost of operating and maintaining the Combined Utility System during the ensuing month.

All amounts paid and credited to the Operation and Maintenance Account shall be expended and used by the City solely for the purpose of paying the reasonable and proper expenses of operating and maintaining the Combined Utility System and keeping the Combined Utility System in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, annual audits, periodic consulting engineers' reports, insurance, and the cost of purchased power, gas or water, if any.

- (b) There shall next be paid and credited to the Principal and Interest Account, to the extent necessary to meet at maturity thereof the payment of all interest on and principal of the Bonds, the following sums:

- (i) An amount equal to the pro rata portion of interest that will become due on the Bonds on the next succeeding interest payment date;
- (ii) An amount equal to the pro rata portion of principal that will become due on the Bonds on the next succeeding principal payment date; and
- (iii) On the first day of each month preceding a month in which fees of the Paying Agent and Bond Registrar are scheduled to become due, such amounts as may be required to pay such fees of the Paying Agent and Bond Registrar becoming due in the next month.

All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due and the fees of the Paying Agent and Bond Registrar.

If at any time the moneys in the Revenue Fund shall be insufficient to make in full the payments and credits at the time required to be made by the City to the principal and interest accounts established by the City to pay the principal of and interest on the outstanding Combined Utility System revenue bonds of the City, including only the Bonds and any other Combined Utility System revenue bonds of the City hereafter issued and standing on a parity with the Bonds, the available moneys in the Revenue Fund shall be divided among such principal and interest accounts in proportion to the respective principal amounts of said series of Combined Utility System revenue bonds of the City at the time outstanding which are payable from the moneys in said principal and interest accounts.

- (c) If the City shall ever be required to expend and use a part of the moneys in the Bond Reserve Account and such expenditure shall reduce the amount of said Account below the Bond Reserve Requirement, the City shall, after all amounts required at the time to be paid under the provisions of paragraphs (a) and (b) of this Section have been paid, next pay and deposit into the Bond Reserve Account the sum of \$7,500 each month until said Account shall equal the Bond Reserve Requirement. Except as hereinafter provided in this Section, all amounts paid and credited to the Bond Reserve Account shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the Bonds if the moneys in the Principal and Interest Account are insufficient to pay the interest on or principal of said Bonds as they

become due. After the Bond Reserve Account equals the Bond Reserve Requirement no further payments into said Account shall be required.

Moneys in the Bond Reserve Account may be used to call the Bonds for redemption and payment prior to their maturity provided all of the Bonds at the time outstanding are called for payment and funds are available to pay the same according to their terms. Moneys in the Bond Reserve Account shall be used to pay and retire the last outstanding Bonds unless such Bonds and all interest thereon are otherwise paid.

If at any time the moneys in the Revenue Fund shall be insufficient to make in full the payments and credits at the time required to be made by the City to the bond reserve accounts established by the City to protect the payment of the outstanding Combined Utility System revenue bonds of the City, including only the Bonds and other Combined Utility System revenue bonds of the City hereafter issued and standing on a parity with the Bonds, the available moneys in the Revenue Fund shall be divided among such bond reserve accounts in proportion to the respective principal amounts of said series of Combined Utility System revenue bonds of the City at the time outstanding which are payable from the moneys in such bond reserve accounts.

- (d) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a), (b) and (c) of this Section have been made, there shall next be paid and credited to the Depreciation and Replacement Account the sum of \$3,000 each month until said Account shall aggregate the sum of \$200,000. If the City shall ever be required to expend and use a part of the moneys in the Depreciation and Replacement Account and such expenditure shall reduce the amount of said Account below the sum of \$200,000, the City shall, after all amounts required at the time to be paid under the provisions of paragraphs (a), (b) and (c) of this Section have been paid, next pay and deposit into the Depreciation and Replacement Account the sum of \$3,000 each month until said Account shall aggregate the sum of \$200,000. Except as hereinafter provided in Section 604, moneys in the Depreciation and Replacement Account shall be expended and used by the City, if no other funds are available therefor, solely for the purpose of making emergency replacements and repairs in and to the City's Combined Utility System as may be necessary to keep the Combined Utility System in good repair and working order and to assure the continued effective and efficient operation thereof. After the Depreciation and Replacement Account aggregates the sum of \$200,000, no further payments into said Account shall be required.

- (e) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a), (b), (c) and (d) of this Section have been made, all moneys remaining in the Revenue Fund shall be paid and credited to the Surplus Account. If the City is not in default under any of the terms of provisions of the Ordinance, moneys in the Surplus Account may be expended and used for the following purposes as determined by the governing body of the City:
- (i) Paying the cost of the operation, maintenance and repair of the Combined Utility System to the extent that may be necessary after the application of the moneys held in the Operation and Maintenance Account under the provisions of paragraph (a) of this Section;
 - (ii) Paying the cost of extending, enlarging or improving the Combined Utility System;
 - (iii) Preventing default in, anticipating payments into or increasing the amounts in the Principal and Interest Account, the Bond Reserve Account or the Depreciation and Replacement Account referred to in paragraphs (b), (c) and (d) of this Section, or any one of them, or establishing or increasing the amount of any principal and interest account or bond reserve account created by the City for the payment of any Combined Utility System revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing on a parity with the Bonds;
 - (iv) Calling, redeeming and paying prior to maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the call price (if any bonds are callable), the Bonds or any other Combined Utility System revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing on a parity with the Bonds, including principal, interest and premium, if any;
 - (v) Paying the principal of and interest on general obligation bonds of the City issued to pay the cost of improvements to the Combined Utility System; or
 - (vi) Making payments to the City's general fund for any general governmental or municipal function of the City, provided the amount transferred to the City's general fund in any calendar year may not exceed an amount equal to the franchise and

property taxes which would had been levied against the Combined Utility System had it been privately owned.

Section 603. Deficiency of Payments into Funds or Accounts. If at any time the revenues derived by the City from the operation of the Combined Utility System shall be insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received by the City from the operation of the Combined Utility System, such payments and credits being made and applied in the order hereinbefore specified in Section 602 of this Ordinance.

If at any time the moneys in the Principal and Interest Account and in the Bond Reserve Account are not sufficient to pay the principal of and interest on the Bonds as and when the same become due, then moneys in the Surplus Account and the Depreciation and Replacement Account may and shall be used by the City, in that order, to prevent any default in the payment of the principal of and interest on the Bonds.

Section 604. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Account, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Bonds, from the Bond Reserve Account, the Surplus Account and the Depreciation and Replacement Account as provided in Sections 602 and 603 hereof, sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due, and to forward such sums to the Paying Agent prior to dates when such principal, interest and fees of the Paying Agent and Bond Registrar will become due. If, through lapse of time, or otherwise, the holders of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 605. Deposits into and Payments from the Excess Earnings Account. The City shall make the following deposits and payments unless in the opinion of Bond Counsel compliance with this Section is not required in order to maintain the federal tax-exempt status of the Bonds.

- (a) There shall be paid over to and deposited into the Excess Earnings Account all Excess Investment Earnings received from the investments of any fund or account in Nonpurpose Obligations at a yield in excess of the Yield of the Bonds, said deposits to be made at the

time of the receipt by the City of any interest payment or sale proceeds with respect to such Nonpurpose Obligations. All income or interest on the investment of moneys on deposit in the Excess Earnings Account shall remain in the Excess Earnings Account.

- (b) Not less frequently than annually, the City shall determine the Excess Investment Earnings on each fund or account held by the City under this Ordinance and shall deposit, from moneys held on deposit in such fund or account, into the Excess Earnings Account an amount equal to such Excess Investment Earnings.
- (c) The provisions in paragraphs (a) and (b) above shall not be applied to earnings on the Principal and Interest Account so long as the total annual earnings on the Principal and Interest Account do not exceed the sum of \$100,000.
- (d) On or before April 1, 1991, and on or before April 1 of the years 1996, 2001 and 2006, and within 30 days after the retirement of all of the outstanding Bonds, the City shall pay to the United States all amounts then held on deposit in the Excess Earnings Account.

ARTICLE VII

DEPOSIT AND INVESTMENT OF FUNDS

Section 701. Deposits of Moneys. Cash moneys in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State of Kansas which are members of the Federal Deposit Insurance Corporation or a savings and loan association or associations located in the State of Kansas which are members of the Federal Savings and Loan Insurance Corporation, and all such deposits shall be continuously and adequately secured by the banks or savings and loan associations holding such deposits as provided by the laws of the State of Kansas.

Section 702. Investment of Funds. Moneys held in any fund or account referred to in this Ordinance may be invested by the City in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created and, provided, further that no such investment shall violate the provisions of Section 703 hereof. All interest on any investments held in any fund or account shall accrue to and become a part of such fund or account. In determining the amount held in any fund or

account under any of the provisions of this Ordinance, obligations shall be valued at the principal amount or the market value thereof, whichever is lower. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the Revenue Fund.

Section 703. Arbitrage Covenant. The City covenants and agrees that as long as any of the Bonds remain outstanding and unpaid, the City will make no use of the proceeds of the Bonds which would cause any of the Bonds to be or become "arbitrage bonds" within the meaning of the Internal Revenue Code of 1954, as amended, and the regulations of the Treasury Department thereunder and the City will comply with all applicable requirements of said Code and regulations.

ARTICLE VIII

PARTICULAR COVENANTS OF THE CITY

The City covenants and agrees with each of the purchasers and owners of any of the Bonds that so long as any of the Bonds remain outstanding and unpaid:

Section 801. Efficient and Economical Operation. The City will continuously own and will operate the Combined Utility System in an efficient and economical manner and will keep and maintain the same in good repair and working order.

Section 802. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Combined Utility System, including all extensions, enlargements and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (a) pay the cost of the operation and maintenance of the Combined Utility System; (b) pay the principal of and interest on the Bonds as and when the same become due; (c) enable the City to have in each fiscal year Net Operating Revenues from the Combined Utility System in an amount that will be not less than 125% of the amount required to be paid by the City in such fiscal year on account of both principal of and interest on all revenue bonds at the time outstanding; and (d) provide reasonable and adequate reserves for the payment of the Bonds and the interest thereon and for the protection and benefit of the Combined Utility System of the City as provided in this Ordinance. The City will require the prompt payment of accounts for service rendered by or through the Combined Utility System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges.

Section 803. Reasonable Charges for all Services. None of the facilities or services provided by the Combined Utility System will be furnished to any user (excepting the City itself) without a reasonable charge being made therefor. In the event that the revenues derived by the City from the Combined Utility System shall at any time be insufficient to pay the reasonable expenses of operation and maintenance of the Combined Utility System and also to pay all interest on and principal of the Bonds as and when the same become due, then the City will thereafter pay into the Revenue Fund a fair and reasonable payment in accordance with effective applicable rates, fees and charges for all services or other facilities furnished to the City or any of its departments by the Combined Utility System, and such payments will continue so long as the same may be necessary in order to prevent or reduce the amount of any default in the payment of the interest on or principal of the Bonds.

Section 804. Restrictions on Mortgage or Sale of System. The City will not mortgage, pledge or otherwise encumber the Combined Utility System or any part thereof, or any extension or improvement thereof, nor will it sell, lease or otherwise dispose of the Combined Utility System or any material part thereof; provided, however, the City may sell any portion of such property which shall have been replaced by other similar property of at least equal value, or which shall cease to be necessary for the efficient operation of the Combined Utility System. The proceeds of any such sale or sales shall be paid and deposited into the Revenue Fund. The City may cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City.

Section 805. Insurance. The City will carry and maintain a reasonable amount of fire and extended coverage insurance upon all of the properties forming a part of the Combined Utility System insofar as the same are of an insurable nature, such insurance to be of the character and coverage and in an amount as would normally be carried by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then the City will pay and deposit the proceeds of such insurance into the Revenue Fund. The City in operating the Combined Utility System will carry and maintain public liability and workmen's compensation insurance in such amounts as would normally be maintained by a private corporation engaged in a similar type of business, and the proceeds derived from such insurance shall be used in paying the claims on account of which such proceeds were received. The cost of all insurance obtained pursuant to the requirements of this subsection shall be paid as an operating cost out of the revenues of the Combined Utility System.

Section 806. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the Combined Utility System of the City. Such accounts shall show the amount of revenues received from the Combined Utility System, the application of such revenues, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of municipal utilities.

Section 807. Annual Budget. Prior to the commencement of each fiscal year, the director of the Combined Utility System or other representative of the City designated by the governing body of the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the Combined Utility System for the next succeeding fiscal year. The City Clerk, promptly upon the filing of said budget in the City Clerk's office, will mail a copy of said budget to the Original Purchaser of the Bonds. Said annual budget shall be prepared in accordance with the requirements of the laws of Kansas and shall contain all information as shall be required by such laws.

Section 808. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made of the Combined Utility System for the preceding fiscal year by a certified public accountant or firm of certified public accountants to be employed for that purpose and paid from the revenues of the Combined Utility System. Said annual audit shall include:

- (a) A classified statement of the gross revenues received, the expenditures for operation and maintenance, the Net Operating Revenues and the amount of any capital expenditures made in connection with the Combined Utility System during the previous fiscal year;
- (b) A balance sheet as of the end of each fiscal year with the amount on hand at the end of such year in each of the funds and accounts created by and referred to in this Ordinance;
- (c) A statement showing the profit or loss for such fiscal year;
- (d) A statement of all Combined Utility System revenue bonds matured or redeemed and interest paid on bonds during said fiscal year;

- (e) A statement of the number of customers served by the Combined Utility System at the beginning and the end of such fiscal year;
- (f) A statement showing the amount and character of the insurance carried by the City on the property constituting the Combined Utility System and showing the names of the insurers, the expiration dates of the policies; and
- (g) Such remarks and recommendations regarding the City's practices and procedures of operating the Combined Utility System and its accounting practices as said accountants may deem appropriate.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk, and a duplicate copy of said audit shall be mailed to the Original Purchaser of the Bonds. Such audits shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any user of the services of the Combined Utility System, any Holder of any of the Bonds, or by anyone acting for or on behalf of such taxpayer, user or Holder.

As soon as possible after the completion of such annual audit, the governing body of the City shall review such audit, and if any audit shall disclose that proper provision has not been made for all of the requirements of this Ordinance and the law under which the Bonds are issued, the City covenants and agrees that it will promptly cure such deficiency and will promptly proceed to increase the rates, fees and charges to be charged for the use and services furnished by the Combined Utility System as may be necessary to adequately provide for such requirements.

Section 809. Consulting Engineer Report. At least once every three years, the City will cause the Consulting Engineer to make an examination of and report on the condition and operations of the Combined Utility System, such report to include recommendations as to any changes in such operations deemed desirable. Each such report shall also make reference to any unusual or extraordinary items of maintenance and repair and any extensions or improvements that may be needed in the ensuing three year period. A copy of each such report shall be filed in the office of the City Clerk and, upon request, sent to the Original Purchaser of the Bonds or any bondholder.

Section 810. Bondholders' Right of Inspection. The Holder or Holders of any of the Bonds shall have the right at all reasonable times to inspect the Combined Utility System and all records, accounts and data relating thereto, and any such Holder shall be furnished all such information concerning the Combined Utility System and the operation thereof which such Holder may reasonably request.

Section 811. Performance of Duties. The City will faithfully and punctually perform all duties and obligations with respect to the operation of the Combined Utility System, including all extensions, enlargements and improvements thereto, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this Ordinance.

ARTICLE IX

ADDITIONAL BONDS

Section 901. Prior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other debt obligations payable out of the revenues of the Combined Utility System or any part thereof which are superior to the Bonds.

Section 902. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other long-term obligations payable out of the revenues of the Combined Utility System or any part thereof which stand on a parity or equality with the Bonds unless all of the following conditions are met:

- (a) The City shall not be in default in the payment of principal of or interest on the Bonds or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance; and
- (b) The City shall obtain a certificate of the Consulting Engineer showing that the average annual Net Operating Revenues for the two fiscal years immediately preceding the issuance of additional bonds shall have been equal to at least 125% of the maximum amount required to be paid out of said Revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to all Combined Utility System revenue obligations of the City, including the additional bonds proposed to be issued. In determining the net revenues of the Combined Utility System for the purpose of this subsection, the Consulting Engineer may adjust said Revenues by adding thereto, in the event the City shall have made any increase in rates for the use and services of the Combined Utility System and such increase shall not have been in effect during all of the two fiscal years immediately preceding the issuance of additional bonds, the amount, as

estimated by the Consulting Engineer, of the additional Net Operating Revenues which would have resulted from the operation of the Combined Utility System during said two preceding fiscal years had such rate increase been in effect for the entire period.

Additional revenue bonds of the City issued under the conditions set forth in this Section shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the revenues of the Combined Utility System with the Bonds, and the City may make equal provision for paying said bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable principal and interest accounts and bond reserve accounts for the payment of such additional bonds and the interest thereon out of moneys in the Revenue Fund.

Section 903. Junior Lien Bonds. Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for the purpose of extending, improving, enlarging, repairing or altering the Combined Utility System and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the Combined Utility System, provided at the time of the issuance of such additional revenue bonds or obligations the City shall not be in default in the performance of any covenant or agreement contained in this Ordinance, and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Bonds, or if the City shall be in default in making any payments required to be made by it under the provisions of paragraphs (a), (b) and (c) of Section 602 of this Ordinance, the City shall make no payments of either principal of or interest on said junior and subordinate revenue bonds or obligations until said default or defaults be cured. In the event of the issuance of any such junior and subordinate revenue bonds or obligations, the City, subject to the provisions aforesaid, may make provision for paying the principal of and interest on said revenue bonds or obligations out of moneys in the Revenue Fund.

Section 904. Refunding Bonds. The City shall have the right, if it shall find it desirable, to refund any of the Bonds under the provisions of any law then available. Said Bonds or any part thereof may be refunded and the refunding bonds so issued shall enjoy complete equality of pledge with any of the Bonds which are not refunded, if any, upon the revenues of the Combined Utility System.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Acceleration of Maturity in Event of Default. The City covenants and agrees that if it shall default in the payment of the principal of or interest on any of the Bonds as the same shall become due, or if the City or its governing body or any of the officers, agents or employees thereof shall fail or refuse to comply with any of the provisions of this Ordinance or of the Constitution or statutes of the State of Kansas and such default shall continue for a period of 30 days, then, at any time thereafter and while such default shall continue, the holders of 25% in principal amount of the Bonds then outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of all Bonds then outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything in this Ordinance or in the Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said outstanding Bonds shall have been so declared to be due and payable, all arrears of interest upon all of said Bonds, except interest accrued but not yet due on such Bonds, and all arrears of principal upon all of said Bonds shall have been paid in full and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Kansas shall have been cured, then and in every such case the holders of a majority in principal amount of the Bonds then outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

Section 1002. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Holders of the Bonds, and the Holder or Holders of not less than 10% in principal amount of the Bonds at the time outstanding shall have the right for the equal benefit and protection of all Holders of Bonds similarly situated:

- (a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Holder or Holders against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Kansas;

- (b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Holders of the Bonds.

Section 1003. Limitation on Rights of Bondholders. No one or more bondholders secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of such outstanding Bonds.

Section 1004. Remedies Cumulative. No remedy conferred herein upon the bondholders is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the holders of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by any bondholder on account of any default or to enforce any right or exercise any remedy shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such bondholder, then, and in every such case, the City and the holders of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the bondholders shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1005. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When all of the Bonds shall have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate. Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance if there shall have been deposited with the Paying Agent and Bond Registrar or other bank located in the State of Kansas and having full trust powers, at or prior to the maturity or redemption date of said Bonds, in trust for and irrevocably appropriated thereto, moneys and/or direct obligations of the United States of America which, together with the interest to be earned on any such obligations, will be sufficient for the payment of the principal of said Bonds, the redemption premium thereon, if any, and interest accrued to the date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the maturity thereof, the City shall have elected to redeem such Bonds and notice of such redemption shall have been given. Any moneys and obligations which at any time shall be deposited with said Paying Agent and Bond Registrar or other bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent and Bond Registrar or other bank in trust for the respective holders of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge hereof. All moneys deposited with the Paying Agent and Bond Registrar or other bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XII

AMENDMENTS

Section 1201. Amendments. The rights and duties of the City and the bondholders, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the holders of not less than 51% in principal amount of the Bonds then outstanding, such consent to be evidenced by an instrument or instruments executed by such holders and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;

- (b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (c) permit the creation of a lien on the revenues of the Combined Utility System prior or equal to the lien of the Bonds or additional bonds hereafter issued on a parity with the Bonds as hereinbefore provided;
- (d) permit preference or priority of any Bonds over any other Bonds; or
- (e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the holders of all of the Bonds at the time outstanding.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of consent to such modification by the holders of not less than 51% in principal amount of the Bonds then outstanding. It shall not be necessary to note on any of the outstanding Bonds any reference to such amendment or modification.

ARTICLE XIII

MISCELLANEOUS PROVISIONS

Section 1301. Notices, Consents and Other Instruments by Bondholders. Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the bondholders may be in any number of concurrent writings of similar tenor and may be signed or executed by such bondholders in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent and Bond Registrar with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power

to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

- (b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the registration books of the City maintained by the Paying Agent and Bond Registrar.

Section 1302. Preliminary Official Statement and Final Official Statement. The Preliminary Official Statement dated March 28, 1986, describing the Bonds (copies of which have been made available to the governing body of the City), is hereby approved and the distribution of said Preliminary Official Statement by Shearson Lehman Brothers Inc. is hereby ratified and approved. The Mayor and other authorized representatives of the City are hereby authorized to make such additions and changes in the Preliminary Official Statement not inconsistent with this Ordinance as they may consider to be necessary or desirable to complete it as an Official Statement.

Section 1303. Bond Insurance Policy. The Mayor, City Clerk and other authorized representatives of the City are hereby authorized to take such action as is necessary to provide for the issuance of the Policy.

Section 1304. Escrow Trust Agreement. The Mayor, City Clerk and other authorized representatives of the City are hereby authorized to execute the Escrow Trust Agreement in substantially the form attached hereto as Exhibit B.

Section 1305. Severability. If any section or other part of this Ordinance, whether large or small, shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1306. Governing Law. This Ordinance shall be governed exclusively by and constructed in accordance with the applicable laws of the State of Kansas.

Section 1307. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body and publication once in the official City newspaper.

PASSED by the City Commission of the City of Garnett,
Kansas, and signed by the Mayor this 3rd day of April 1986.

Claron G. Cole
Claron G. Cole

Mayor

(Seal)

ATTEST:

Joyce E. Martin
Joyce E. Martin

City Clerk

EXHIBIT A

(FORM OF FULLY REGISTERED CERTIFICATED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-___

Registered
\$_____

CITY OF GARNETT

COMBINED UTILITY REFUNDING REVENUE BOND
SERIES 1986

<u>Interest Rate</u> _____ %	<u>Maturity Date</u> _____, 19__	<u>Dated</u> April 1, 1986	<u>CUSIP</u> <u>Number</u> _____
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REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The CITY OF GARNETT, a municipal corporation in the County of Anderson, State of Kansas (the "City"), for value received, hereby promises to pay to the Registered Owner shown above or registered assigns, but solely from the revenues derived by the City from the operation of its Combined Utility System as hereinafter specified, the Principal Amount on the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for (likewise payable solely from the revenues derived by the City from the operation of its Combined Utility System), payable semiannually on April 1 and October 1 in each year, beginning on October 1, 1986, until said principal sum shall have been paid.

The principal of and redemption premium, if any, on this Bond shall be paid at maturity or upon earlier redemption to the person in whose name such Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of such Bond at the principal office of Security Bank of Kansas City, in the City of Kansas City, Kansas (the "Paying Agent and Bond Registrar"). The interest payable on this Bond on any interest payment date shall be paid by check or draft mailed by the Paying Agent and Bond Registrar to the person in

whose name such Bond is registered on the registration books maintained by the Paying Agent and Bond Registrar at the close of business on the Record Date for such interest, which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding such interest payment date. The principal of, redemption premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE HEREOF AND SUCH CONTINUED TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

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(FORM OF REVERSE SIDE OF BOND)

ADDITIONAL PROVISIONS

This Bond is one of a duly authorized series of bonds of the City designated "Combined Utility Refunding Revenue Bonds, Series 1986," aggregating the principal amount of \$4,990,000 (the "Bonds"), issued by the City for the purpose of refunding in advance of their maturities the Outstanding Bonds as defined in the ordinance of the City authorizing the issuance of the Bonds (the "Ordinance"). The Bonds are issued under the authority of and in full compliance with the Constitution and laws of the State of Kansas, including particularly K.S.A. 12-856 to 12-868, inclusive, K.S.A. 10-1201 to 10-1212, inclusive, and K.S.A. 10-116a, all as amended, and pursuant to the Ordinance.

Bonds or portions thereof maturing on October 1, 1992, and thereafter, at the option of the City, may be called for redemption and payment prior to maturity on April 1, 1992, and thereafter, in whole at any time at the redemption prices set forth below (expressed as percentages of principal amount), plus accrued interest thereon to the redemption date:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
April 1, 1992, to March 31, 1993	102.00%
April 1, 1993, to March 31, 1994	101.50%
April 1, 1994, to March 31, 1995	101.00%
April 1, 1995, to March 31, 1996	100.50%
April 1, 1996, and thereafter	100.00%

Bonds maturing on October 1, 2010, are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of the Ordinance on October 1, 2002, and on each October 1 thereafter, at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date.

In the event the City elects to redeem and pay any of the Bonds prior to maturity, the City or the Paying Agent and Bond Registrar acting on behalf of the City will publish once in a financial journal published in New York, New York, a notice of the intention of the City to call and pay said Bonds; the same being described by number and maturity, said notice to be published not less than 15 days prior to the date on which said Bonds are called for Payment. The City will also give like written notice of its intention to call and pay said Bonds, said notice to be mailed by United States registered or certified mail addressed to the original purchaser of the Bonds, to the State Treasurer and to the registered owner of each Bond, each of said notices to be mailed at least 15 days prior to the date fixed for redemption. Whenever any Bond is called for redemption and payment as aforesaid, all interest on said Bond shall cease from and after the date for which such call is made, provided funds are available for the payment of said Bond at the price hereinbefore specified.

The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the revenues derived by the City from the operation of ~~the~~ its electric, gas, water and sewer systems (said systems, together with all extensions, enlargements and improvements thereto, being herein called the "Combined Utility System"). The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest, and the Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. Under the conditions set forth in the Ordinance, the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as the Bonds; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

The City hereby covenants with the holder of this Bond to keep and perform all covenants and agreements contained in the Ordinance, and the City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Combined Utility System of the City, including all extensions, enlargements and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to pay the cost of operation and maintenance of the Combined Utility System, pay the principal of and interest on the Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Ordinance for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the revenues of the Combined

Utility System of the City, the nature and extent of the security of the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the holders thereof.

The Municipal Bond Insurance Association, a New York insurance association, has issued its Municipal Bond Insurance Policy with respect to the payments due for principal of and interest on this Bond to Citibank, N.A., New York, New York, as the Insurance Trustee under said Policy. Said Policy is on file and available for inspection at the principal office of said Insurance Trustee and a copy thereof may be secured from said Association or said Insurance Trustee.

The Bonds are issuable in the form of fully registered Bonds without coupons in the denominations of \$5,000 or any integral multiple thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only upon the registration books kept for that purpose at the above-mentioned office of the Paying Agent and Bond Registrar, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent and Bond Registrar duly executed by the registered owner or the registered owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon payment of the charges therein prescribed. The City and the Paying Agent and Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

This Bond has been duly registered in the office of the City Clerk and in the office of the State Treasurer of Kansas, and this Bond is negotiable only by assignment.

=====
This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon shall have been executed by the Paying Agent and Bond Registrar.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds provision has been duly made for the collection and segregation of

the revenues of the Combined Utility System of the City, including the revenues of extensions, enlargements and improvements to the Combined Utility System hereafter constructed or acquired, and for the application of the same as hereinbefore provided.

IN WITNESS WHEREOF, the CITY OF GARNETT, KANSAS, has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its official seal to be affixed hereto or imprinted hereon, and this Bond to be dated the Dated Date shown above.

CERTIFICATE OF AUTHENTICATION

CITY OF GARNETT, KANSAS

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By _____
Mayor

Registration Date: _____

Paying Agent and Bond Registrar

(Seal)

ATTEST:

By _____
Authorized Officer

City Clerk

Registration Number 0148-002-040186-592

=====

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security or
Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the books kept by the Paying Agent and Bond Registrar for the registration thereof, with full power of substitution in the premises.



Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

(Name of Bank)

By _____
Title:

=====

[LEGAL OPINION]

=====

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Bond, Series 1986, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

(facsimile seal) _____
City Clerk

=====

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond, Series 1986, was registered in my office according to law on _____.

X

WITNESS my hand and official seal.

(seal)

Treasurer of the State of Kansas

BY: _____
Assistant State Treasurer

=====

X

GAAR & BELL DRAFT
April 2, 1986
For Discussion Purposes Only

=====

ESCROW TRUST AGREEMENT

between

CITY OF GARNETT, KANSAS

and

SECURITY BANK OF KANSAS CITY
Kansas City, Kansas
as Escrow Trustee

DATED AS OF APRIL 24, 1986

Entered in Connection with the Issuance of

\$4,990,000

COMBINED UTILITY REVENUE REFUNDING BONDS

SERIES 1985

=====

To Refund and Provide for the Payment of Electric System and
Water and Sewer System revenue bonds of the City of Garnett,
Kansas, in the Outstanding Principal Amount of \$4,460,000.

ESCROW TRUST AGREEMENT

THIS ESCROW TRUST AGREEMENT (the "Agreement"), made and entered into as of the 24th day of April 1985, by and between the CITY OF GARNETT, KANSAS, a municipal corporation duly organized and existing under the laws of the State of Kansas (the "City"), and SECURITY BANK OF KANSAS CITY, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with its principal office located in the City of Kansas City, Kansas, as Escrow Trustee (the "Escrow Trustee"):

W I T N E S S E T H:

WHEREAS, the City has heretofore issued its Electric Light Plant and System Revenue Bonds, Series of 1978, dated September 1, 1978, Electric System Revenue Bonds, Series 1981, dated March 1, 1981, and Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, dated November 1, 1983, now outstanding in the aggregate principal amount of \$4,460,000, maturing and bearing interest as set forth in Exhibit B attached hereto (the "Outstanding Bonds"); and

WHEREAS, pursuant to K.S.A. 10-116a, as amended (the "Act"), the City may provide for the payment of the Outstanding Bonds by depositing in trust with the Escrow Trustee direct obligations of, or obligations unconditionally guaranteed by, the United States of America, the principal of which will provide moneys which, together with other available moneys deposited with such Escrow Trustee at the same time, shall at all times be sufficient to pay the principal and interest due or to become due on all of the Outstanding Bonds; and

WHEREAS, pursuant to Ordinance No. _____, adopted on April 3, 1986 (the "Ordinance"), the City has heretofore authorized the issuance and delivery of \$4,990,000 principal amount of its Combined Utility Revenue Refunding Bonds, Series 1986, dated April 1, 1986 (the "Refunding Bonds"), for the purpose of providing funds, together with other funds of the City which are available, to refund and provide for the payment of the Outstanding Bonds in accordance with the terms of the Act and the ordinances authorizing the issuance of the Outstanding Bonds, which Refunding Bonds will mature and bear interest as set forth in Exhibit A attached hereto; and

WHEREAS, in order to duly provide for the payment of the Outstanding Bonds by the proper and timely deposit and application of the proceeds of the Refunding Bonds and other moneys and obligations required for payment of the Outstanding Bonds and to furnish irrevocable instructions therefor, it is necessary to enter into this Escrow Trust Agreement and to enter into certain covenants for the benefit of the holders from time to time of the Outstanding Bonds.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants hereinafter set forth, the parties hereto agree as follows:

Section 1. Definitions. In addition to words and terms elsewhere defined in this Agreement, the following words and terms as used in this Agreement shall have the following meanings, unless some other meaning is plainly intended:

"Agreement" shall mean this Escrow Trust Agreement dated as of April 24, 1986, between the City and the Escrow Trustee.

"Bond Counsel" shall mean a firm of attorneys of recognized standing in matters relating to Section 103 of the Internal Revenue Code of 1954, as amended.

"City" shall mean the City of Garnett, Kansas, a municipal corporation duly organized and existing under the laws of the State of Kansas.

"Code" shall mean the Internal Revenue Code of 1954, as amended.

"Escrow Fund" means the Escrow Fund established by Section 2 hereof.

"Escrowed Securities" shall mean the SLGS and Open Market Securities, collectively, as hereinafter defined.

"Escrow Trustee" shall mean Security Bank of Kansas City, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with its principal office located in the City of Kansas City, Kansas.

"Federal Funds" shall mean funds transferred through a Federal Reserve Bank and available for use on the same day as the transfer.

"Open Market Securities" shall mean securities which are direct obligations of, or obligations unconditionally guaranteed by, the United States of America, listed in Exhibit C-1 attached hereto, and any Substitute Escrowed Securities as hereinafter defined.

"Ordinance" shall mean Ordinance No. _____ of the City, adopted on April 3, 1986, authorizing the issuance of the Refunding Bonds.

"Payment Date" shall mean each date upon which interest or principal is due on the Outstanding Bonds, as shown on Exhibit D attached hereto.

"Outstanding Bonds" shall mean the revenue bonds of the City, described on Exhibit B attached hereto.

"Refunding Bonds" shall mean the City's \$4,990,000 principal amount of Combined Utility Revenue Refunding Bonds, Series 1986, dated April 1, 1986 as described on Exhibit A attached hereto.

"SLGS" shall mean United States Treasury Securities, State and Local Government Series, listed in Exhibit C-2 attached hereto, and any Substitute Escrowed Securities as hereinafter defined.

"Substitute Escrowed Securities" shall mean obligations acquired by the Escrow Trustee in accordance with Section 6 hereof.

"U.S. Obligations" shall mean securities which are direct obligations of, or are unconditionally guaranteed as to the timely payment of principal and interest by, the United States of America, including SLGS.

Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. The word "person" shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

Section 2. Creation of Escrow Fund. There is hereby created and established with the Escrow Trustee a special and irrevocable escrow trust fund designated "City of Garnett, Kansas, Escrow Fund for Combined Utility Revenue Refunding Bonds" to be held in the custody of the Escrow Trustee. There are hereby further created and established two separate and distinct accounts within the Escrow Fund, as follows:

- (a) the Restricted Account; and
- (b) the Open Market Account.

Section 3. Deposits into Escrow Fund.

(a) The City and the Escrow Trustee agree that, prior to or concurrently with the execution of this Escrow Trust Agreement, the City shall deposit with the Escrow Trustee

the sum of \$ _____ from funds provided by the City, and the Escrow Trustee shall apply such amount to purchase the securities listed in Exhibit C-1 (the "Open Market Securities"), and shall deposit the Open Market Securities in the Open Market Account. In lieu of such deposit, the City may purchase the Open Market Securities directly and deliver the Open Market Securities to the Escrow Trustee for deposit in the Open Market Account.

(b) Concurrently with the execution of this Escrow Trust Agreement, there is hereby deposited with the Escrow Trustee, and the Escrow Trustee hereby acknowledges the receipt of, Federal Funds in the amount of \$ _____ from the proceeds of the Refunding Bonds which amount shall be deposited in the Restricted Account. The amount deposited in the Restricted Account will be used by the Escrow Trustee as follows:

[(1) cash in the amount of \$ _____ shall be deposited in the Restricted Account and shall be invested in U.S. Obligations on deposit with the Escrow Trustee having a continuous market value equal to 100% of the principal amount so invested and maturing on or before _____, 19__, at a yield not greater than _____%. On _____, 19__, the Escrow Trustee shall apply \$ _____ of the maturing amount of such obligations to pay the principal and interest due on the Outstanding Bonds on _____, 19__, and shall hold the sum of \$ _____ uninvested in the Restricted Account to be used to pay a portion of the interest due on the Outstanding Bonds on _____, 19__. The income earned on such U.S. Obligations shall be paid to the City concurrently with the transfer of principal and interest due on _____, 19__; and]

(2) an amount equal to \$ _____ will be deposited in the Restricted Account and used to purchase United States Treasury Obligations - State and Local Government Series as described in Exhibit C-2 (the "SLGS").

Section 4. Investment of Funds.

(a) After the initial investments pursuant to Section 3 hereof, the Escrow Trustee shall not invest the cash balances on deposit in the Restricted Account. Upon maturity, the amounts derived from such securities will be held in the Restricted Account until transferred by the Escrow Trustee to the paying agent[s] for the Outstanding Bonds.

(b) The Escrow Trustee shall invest the cash balances on deposit in the Open Market Account in direct obligations of, or obligations unconditionally guaranteed by, the

United States of America maturing at such times and in such amounts so as to be available when needed for payments shown on Exhibit D, at such rate or rates as may be acceptable to the City. Upon maturity, the amounts derived from such investments will be held in the Open Market Account until transferred by the Escrow Trustee to the paying agent[s] for the Outstanding Bonds.

(c) The Escrow Trustee shall not invest any moneys hereunder except in accordance with the provisions of this Section.

(d) Upon payment of all of the principal of and interest on the Outstanding Bonds, all funds remaining in the Escrow Fund shall be paid to the City.

Section 5. Application of Moneys in the Escrow Fund. The Escrow Trustee shall purchase the U.S. Obligations solely from the moneys deposited in the Escrow Fund. The Escrow Trustee shall apply the moneys derived from the maturing principal of the U.S. Obligations to the payment of the principal of and interest due or to become due on the Outstanding Bonds as the same become due and payable as set forth on Exhibit D attached hereto. The Escrow Trustee shall withdraw first from the Restricted Account and then from the Open Market Account the maturing principal and interest of the U.S. Obligations and shall, prior to each Payment Date, pay such amounts, by check mailed in such manner to arrive at the office of the paying agent[s] for the Outstanding Bonds at least three business days prior to the Payment Dates, as required by K.S.A. 10-130, as amended, at the times and in the amounts shown on Exhibit D. Not less than 20 business days prior to each Payment Date shown on Exhibit D, the Escrow Trustee shall send to the paying agent[s] for the Outstanding Bonds the notice required by K.S.A. 10-130, as amended.

Section 6. Substitute Securities. At the written request of the City and upon compliance with the conditions hereinafter stated, the Escrow Trustee shall have the power to request the redemption of the SLGS or sell, transfer, request the redemption or otherwise dispose of the Open Market Securities and to substitute direct obligations of, or obligations which are unconditionally guaranteed by, the United States of America, which are not subject to redemption prior to maturity except at the option of the holder thereof and which are available for purchase with the proceeds derived from such disposition on the date of such transaction. The Escrow Trustee shall purchase such substitute obligations with the proceeds derived from the sale, transfer, disposition or redemption of the U.S. Obligations. The transactions may be effected only by simultaneous sale and purchase transactions, and only if (a) the amounts and dates on which the anticipated transfers from the Escrow Fund to the paying agent[s] for the payment of the principal of and interest on the Outstanding

Bonds will not be diminished or postponed thereby, (b) the Escrow Trustee shall receive, at the expense of the City, the opinion of Bond Counsel to the effect that such disposition and substitution would not cause any of the Refunding Bonds to be an "arbitrage bond" within the meaning of Section 103(c) of the Code and the regulations thereunder; (c) the Escrow Trustee shall receive from an independent certified public accountant a certification that after such transaction the principal of the U.S. Obligations in the Escrow Fund will, together with other moneys available for such purpose, be sufficient at all times to pay when due the principal of and interest on the Outstanding Bonds and the interest income earned on the U.S. Obligations, together with other moneys available for such purpose, will be sufficient to pay when due all principal of and interest on the Refunding Bonds; and (d) the Escrow Trustee shall receive the written approval of the Municipal Bond Insurance Association ("MBIA"), the insurer of the Refunding Bonds.

The City hereby covenants that no part of the moneys or funds at any time in the Escrow Fund shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended.

Section 7. Irrevocable Trust; Lien on Moneys. The trust created hereby shall be irrevocable. The holders of the Outstanding Bonds shall have an express lien on all moneys in the Escrow Fund until used and applied in accordance with this Agreement.

Section 8. Redemption of Certain Outstanding Bonds. The Escrow Trustee is hereby directed to call for redemption certain Outstanding Bonds as specified in Exhibit attached hereto. The Escrow Trustee, at the expense of the _____, shall provide for the publication and/or mailing of any notice or notices of redemption required in the Outstanding Bonds Resolution.

Section 9. Liability of City and Escrow Trustee. The Escrow Trustee and the City shall not be liable for any loss resulting from any investment made pursuant to the terms and provisions of this Agreement. The liability of the Escrow Trustee for the payment of the principal of and interest on the Outstanding Bonds shall be limited to the amounts deposited pursuant to Section 3 of this Agreement. The City hereby covenants to pay all of the fees and expenses of the Escrow Trustee for services rendered by the Escrow Trustee under this Agreement; provided, however, that the Escrow Trustee shall have no lien whatsoever upon any of the moneys in the Escrow Fund for the payment of such fees and expenses.

Section 10. Indemnification. The City hereby assumes liability for, and hereby agrees (whether or not any of the transactions contemplated hereby are consummated) to indemnify, protect, save and hold harmless the Escrow Trustee and its respective successors, assigns, agents and servants, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements (including legal fees and disbursements) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against, at any time, the Escrow Trustee (whether or not also indemnified against the same by the City or any other person under any other agreement or instrument) and in any way relating to or arising out of the execution and delivery of this Agreement, the establishment of the Escrow Fund established hereunder, the acceptance of the moneys and securities deposited therein, the purchase of the U.S. Obligations, the retention of the U.S. Obligations or the proceeds thereof and any payment, transfer or other application of moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement; provided however, that the City shall not be required to indemnify the Escrow Trustee against its own negligence or misconduct. In no event shall the City be liable to any person by reason of the transactions contemplated hereby other than to the Escrow Trustee as set forth in this Section. The indemnities contained in this Section shall survive the termination of this Agreement.

The Escrow Trustee and its respective successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract or otherwise, in connection with the execution and delivery of this Agreement, the establishment of the Escrow Fund, the acceptance of the moneys deposited therein, the purchase of the U.S. Obligations, the retention of the U.S. Obligations or the proceeds thereof or any payment, transfer or other application of the moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement or by reason of any nonnegligent act, omission or error of the Escrow Trustee made in good faith in the conduct of its duties. The duties and obligations of the Escrow Trustee shall be determined by the express provisions of this Agreement. The Escrow Trustee may consult with counsel who may or may not be counsel to the City, and in reliance upon the opinion of such counsel shall have full and complete authorization and protection in respect of any action taken, suffered or omitted by it in good faith in accordance therewith. Whenever the Escrow Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the City.

Section 11. Amendments to Agreement. This Agreement is made for the benefit of the City and the holders from time to time of the Outstanding Bonds and the Refunding Bonds and it shall not be repealed, revoked, altered or amended without the written consent of all such holders, the Escrow Trustee, MBIA and the City; provided, however, that the City and the Escrow Trustee may, without the consent of, or notice to, such holders, enter into such agreements supplemental to this Agreement as shall not materially adversely affect the rights of such holders and as shall not be inconsistent with the terms and provisions of this Agreement for any one or more of the following purposes:

(a) to cure any ambiguity or formal defect or omission in this Agreement;

(b) to grant to, or confer upon, the Escrow Trustee for the benefit of the holders of the Outstanding Bonds or Refunding Bonds, as the case may be, any additional rights, remedies, powers or authority that may lawfully be granted to, or conferred upon, such holders or the Escrow Trustee; and

(c) to include under this Agreement additional funds, securities or properties;

provided further, that the Escrow Trustee shall give written notice to MBIA prior to entering into any such supplemental agreement.

The Escrow Trustee shall be entitled to rely exclusively upon an unqualified opinion of the counsel of its choice with respect to compliance with this Section, including the extent, if any, to which any change, modification, addition or elimination affects the rights of the holders of the Outstanding Bonds or the Refunding Bonds or that any instrument executed hereunder complies with the conditions and provisions of this Section.

Section 12. Termination. This Agreement shall terminate when all transfers and payments required to be made by the Escrow Trustee under the provisions hereof shall have been made. The balance of moneys, if any, remaining in any and all funds and accounts established under this Agreement shall thereafter be returned to the City.

Section 13. Trust Funds. All the funds and accounts created and established pursuant to this Agreement shall be and constitute trust funds for the purposes provided in this Agreement and shall be kept separate and distinct from all other funds of the City and the Escrow Trustee and used only for the purposes and in the manner provided in this Agreement.

Section 14. Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by registered or certified mail, postage prepaid, addressed as follows:

(a) if to the City, to:

City Clerk
City Hall
131 West 5th
Box H
Garnett, Kansas 66032

(b) if to the Escrow Trustee, to:

Security Bank of Kansas City
One Security Plaza
Kansas City, Kansas 66117
Attention: Trust Department

(c) if to MBIA, to:

MBIA
Box 788
445 Hamilton Avenue
White Plains, New York 10602

Section 15. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the City or the Escrow Trustee to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

Section 16. Binding Effect. All the covenants, promises and agreements in this Agreement contained by or on behalf of the City or by or on behalf of the Escrow Trustee shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

Section 17. Resignation or Removal of Escrow Trustee.

(a) The Escrow Trustee may resign by giving notice in writing to the City and MBIA, said notice to be given at least 90 days prior to the effective date of such resignation and to be published in the Kansas Register. The Escrow Trustee may be removed in the following manner:

(1) by (i) the filing with the City of an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of the Outstanding Bonds, (ii) the publishing of such notice at least 60 days prior to the effective date of said

removal in a newspaper of general circulation or in the Kansas Register, and (iii) the delivery of a copy of the instruments filed with the City to the Escrow Trustee; or

(2) by a court of competent jurisdiction for failure to act in accordance with the provisions of the Escrow Agreement upon application by the City or the holders of 51% in aggregate principal amount of the Outstanding Bonds then remaining unpaid or the then outstanding Refunding Bonds.

(b) If the position of Escrow Trustee becomes vacant due to resignation or removal of the Escrow Trustee or any other reason, a successor Escrow Trustee may be appointed by the City. Notice of such appointment shall be given in writing to MBIA and shall be published in accordance with the requirements more specifically set forth in clause (1)(ii) of subsection (a) of this Section. Within one year after a vacancy, the holders of a majority in principal amount of the Outstanding Bonds then remaining unpaid or the outstanding Refunding Bonds may by an instrument or instruments filed with the City appoint a successor Escrow Trustee who shall supersede any Escrow Trustee theretofore appointed by the City. If no successor Escrow Trustee is appointed by the City or the holders of such Outstanding Bonds then remaining unpaid or such outstanding Refunding Bonds, the holder of any such bond or any retiring Escrow Trustee may apply to a court of competent jurisdiction for the appointment of a successor Escrow Trustee. The responsibilities of the Escrow Trustee under this Agreement will not be discharged until a new Escrow Trustee is appointed and until the cash and investments held under this Agreement are transferred to the new Escrow Trustee.

(c) No successor Escrow Trustee shall be appointed unless such successor Escrow Trustee shall be a corporation with trust powers authorized to do business in the State of Kansas, meeting the requirements of K.S.A. 10-116a, as amended, and organized under the banking laws of the United States or the State of Kansas and shall have at the time of appointment capital and surplus of not less than \$_____.

(d) Every successor Escrow Trustee appointed hereunder shall execute, acknowledge and deliver to its predecessor and to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor Escrow Trustee without any further act, deed or conveyance shall become fully vested with all the rights, immunities, powers, trusts, duties and obligations of its predecessor, but such predecessor shall, nevertheless, on the written request of such successor Escrow Trustee or the City, execute and deliver an instrument transferring to

such successor Escrow Trustee all the estates, properties, rights, powers and trusts of such predecessor hereunder, and every predecessor Escrow Trustee shall deliver all securities and moneys held by it to its successor. Should any transfer, assignment or instrument in writing from the City be required by any successor Escrow Trustee for more fully and certainly vesting in such successor Escrow Trustee the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Escrow Trustee, any such transfer, assignment and instruments in writing shall, on request, be executed, acknowledged and delivered by the City.

(e) Any corporation into which the Escrow Trustee, or any successor to it of the duties and responsibilities created by this Agreement, may be merged or converted or with which it or any successor to it may be consolidated, or any corporation resulting from any merger, conversion, consolidation or tax free reorganization to which the Escrow Trustee or any successor to it shall be a party shall, if satisfactory to the City, be the successor Escrow Trustee under this Agreement without the execution or filing of any paper or any other act on the part of the parties hereto, anything herein to the contrary notwithstanding.

Section 18. Governing Law. This Agreement shall be governed by the applicable law of the State of Kansas.

Section 19. Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested as of the date first above written.

CITY OF GARNETT, KANSAS

(Seal)

By _____
Mayor

ATTEST:

City Clerk

SECURITY BANK OF KANSAS CITY,
as Escrow Trustee

(Seal)

ATTEST:

By _____
_____ President

Trust Officer

ORDINANCE NO. 2771

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, except industrial service, shall be charged for at the rate of three dollars twenty-six cents (\$3.26) per thousand (1,000) cubic feet sold.

2. Industrial Rate - All gas sold by the City to industrial service users shall be charged for at the rate of two dollars eighty-three cents (\$2.83) per thousand (1,000) 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 May 1, 1986, and after its publication in an official City newspaper.

PASSED and APPROVED this 28th day of April, 1986.



Mayor

Attest:



City Clerk

AN ORDINANCE DEALING WITH MOTOR VEHICLES; RESTRICTING PARKING THEREOF AND AMENDING TITLE 10, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE, DESIGNATING CERTAIN AREAS IN WHICH VEHICLES MAY NOT BE PARKED UPON PUBLIC STREETS; AND ADDING ADDITIONAL SECTIONS TO SAID TITLE AND CHAPTER DESIGNATING ANGLE PARKING AREAS, DESIGNATING HANDICAPPED PARKING AREAS, AND DESIGNATING CERTAIN AREAS FOR PARKING VEHICLES WHICH ARE RESTRICTED AS TO TIME, AND TYPE OF VEHICLE; REPEALING EXISTING TITLE 10, CHAPTER 2, SECTION 1.

WHEREAS, The regulation of parking of vehicles upon public streets has been the subject of regulation from time to time; and

WHEREAS, Some conflicts exist with respect to existing regulations and others are drafted with a view towards vehicles or combinations of vehicles for parking practices which are outdated; and

WHEREAS, There exists a need to review the existing parking restrictions with a view towards modernizing and restating the same in a concise, logical format and to make such deletions or additions, modifications, and changes as appear necessary in view of modern vehicle design and motoring practices.

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

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

10-2-1: RESTRICTED PARKING--NO PARKING:

(A) No person shall stand or park any vehicle:

1. On Fourth Avenue between Walnut and Maple Streets;
2. On the east side of Walnut Street between Fourth and Fifth Avenues;
3. On the west side of Walnut Street between Fifth and Seventh Avenues;
4. On the east side of Oak Street between First Avenue and Park Road;
5. On the south side of Sixth Avenue between Pine and Maple Streets;
6. On the north side of Sixth Avenue from a point due south of the Southeast Corner of Lot Twenty (20), Block Fifty-four (54), east to Oak Street;
7. On the east side of Main Street between Third and Fourth Avenues;
8. On the south side of Third Avenue between Main and Oak Streets;
9. On the north side of Third Avenue for a distance of 118 feet due west of the center of Oak Street, as measured from the point of the two streets' intersection;
10. From the south side of that certain alley lying north of the Farris Addition to the City between its intersection with Maple Street on the east and its intersection with an extension of High Street on the west;

11. On the south side of Park Road between Maple and Walnut Streets;
 12. On the east side of Main Street for a distance of 10 feet either side of the center line of the alley, lying between Fifth and Sixth Avenues, if it were extended east beyond its present terminus.
- (B) No person shall stop, stand, or park any vehicle, for any period of time, for any purpose whatsoever, on either side of Maple Street, or in the center, turning lane of said street; provided, however, that at locations north of the intersection of said Maple Street and Park Road, a vehicle may stop, stand, or park alongside of the paved portion of said Maple Street at any location where a shoulder is provided, but only for such purposes as a vehicle may lawfully stop, stand, or park along the shoulder of a highway, as elsewhere provided either in the Standard Traffic Ordinance for Kansas Cities as adopted by the City of Garnett, or by the general traffic laws of the State of Kansas.
- (C) No person shall park or stand any tractor-trailer, semi-trailer, truck or combination of such vehicles, the truck or tractor of which is over one (1) ton in capacity upon Cleveland Street between Highway K-31 and Fourth Avenue.
- (D) No person shall stand or park any vehicle on any part of the public street easement whether paved or not:
1. On the north side of Sixth Avenue a distance of 54 feet east of the center line of Oak Street; and
 2. On the south side of Sixth Avenue a distance of 54 feet west of the center line of Oak Street.

SECTION 2: The following new section is hereby adopted and directed to be codified as Title 10, Chapter 2, Section 2:

10-2-2: RESTRICTED PARKING--TIME LIMIT:

- (A) No person shall park or stand any vehicle on the north side of Sixth Avenue, where permitted, between Oak Street and Walnut Street for a period of longer than fifteen (15) minutes.
- (B) No person shall park or stand any vehicle on the:
1. West side of Oak Street between Third Avenue and the alley lying between Third and Fourth Avenues; and
 2. East side of Oak Street, in the angle parking stalls, between Third Avenue and the private drive immediately south of the United States Post Office;

for a period of longer than fifteen (15) minutes.

- (C) No person shall park or stand any vehicle on either side of Warren Street between Walnut and Elm Streets between the hours 8:00 a.m. and 4:30 p.m., inclusive, Mondays through Fridays, inclusive.
- (D) No person shall park or stand any vehicle on the north side of Sixth Avenue between Vine and Maple Streets between the hours of 7:30 a.m. and 5:00 p.m., inclusive, on any day during which the public school adjacent thereto shall be in session.
- (E) No person shall park or stand any vehicle in the angle parking stall immediately south of City Hall on Fifth Avenue for a period of longer than fifteen (15) minutes.

SECTION 3: The following new section is hereby adopted and directed to be codified as Title 10, Chapter 2, Section 3:

10-2-3: RESTRICTED PARKING--ANGLE PARKING
DESIGNATED:

- (A) Angle parking as designated by painted stalls or otherwise in conformity with uniform traffic signing and marking shall be permitted within the City of Garnett, Kansas only at the following location:
 - 1. The east side of Oak Street between Third and Fourth Avenues;
 - 2. Either side of Oak Street between Fourth and Sixth Avenues;
 - 3. The north side of Fourth Avenue between Walnut and Main Streets;
 - 4. In a single file in the center of Fourth Avenue between Oak and Main Streets;
 - 5. The south side of Fourth Avenue from a point beginning 248 feet east of the center line of Walnut Street, thence east to Main Street;
 - 6. The south side of Fourth Avenue from Spruce to Olive Streets;
 - 7. Either side of Fifth Avenue from a point beginning 171 feet east of the center line of Walnut Street, thence east to Main Street;
 - 8. Public parking lot south of the Anderson County Courthouse within Block Forty-six (46) of the City of Garnett, on either side thereof;
 - 9. Along the east side of a portion of North Lake Road immediately adjacent and west of the Kansas National Guard Armory;

10. Along the south side of a part of North Lake Road immediately adjacent and east of the Municipal Swimming Pool and continuing around the northeasterly boundary of said pool, marked by a rock wall and on then around to the north side of said swimming pool to the point at which the said rock wall terminates.
- (B) No vehicle or combination of vehicles shall be parked in any angle stall so as to create an unreasonable traffic hazard by reason of its height, width, or combined length.
- (C) Angle parking stalls designated by Sub-paragraph 4 of Paragraph (A) of this Section and those along either side of Fifth Avenue between Oak and Walnut Streets shall be marked with a white line or other designation in conformity with uniform traffic signing and marking which indicates the maximum length of a vehicle or combination of vehicles which can be parked safely as determined by the Chief of Police and no person shall park or stand any vehicle or combination of vehicles in a stall thus marked so as to allow any portion thereof to extend beyond or overhand such marking.

SECTION 4: The following new section is hereby adopted and directed to be codified as Title 10, Chapter 2, Section 4:

10-2-4: RESTRICTED PARKING--HANDICAPPED PARKING STALLS DESIGNATED: The following parkings stalls are hereby designated "Handicapped Parking Stalls", which stalls shall be marked with appropriate signs or painted insignia on the pavement, or both:

- (A) One (1) angle parking stall on the north side of and immediately adjacent to the west of the pedestrian crosswalk in the public parking lot south of the Anderson County Couthouse, within Block Forty-six (46) of the City of Garnett, Kansas;
- (B) One (1) angle parking stall on the south side of and immediately adjacent to the west of the pedestrian crosswalk on East Fourth Avenue between Oak and Main Streets.

SECTION 5: The following new section is hereby adopted and directed to be codified as Title 10, Chapter 2, Section 5:

10-2-5: RESTRICTED PARKING--MAXIMUM TIME LIMIT FOR PARKING IN COMMERCIAL AREAS DESIGNATED: Except where a shorter time limit is specified elsewhere in this Chapter, no person shall park or stand any vehicle:

- (A) On Oak Street between Second and Third Avenues; between Fourth and Ninth Avenues; and on the west side thereof between Third and Fourth Avenues;
- (B) On Main Street between Third and Seventh Avenues;
- (C) On Fourth Avenue between Walnut and Main Streets;

- (D) On Fifth Avenue between Walnut and Pine Streets;
- (E) On Sixth Avenue between Oak and Pine Streets;
- (F) On Seventh Avenue between Oak and Main Streets;

for more than forty-eight (48) hours.

SECTION 6: Title 10, Chapter 2, Section 1 of the Municipal Code, as the same presently exists, is 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 and APPROVED This 12TH day of MAY, 1986.

Arnold Brecheisen
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

AN ORDINANCE GENERALLY REGULATING DOGS, DEFINING "RUN AT LARGE", AND AMENDING TITLE 6, CHAPTER 2, SECTION 1E; MAKING THE PROVISIONS OF TITLE 6, CHAPTER 2 UNIFORMLY APPLICABLE TO ALL CITY PARKS; AND REPEALING TITLE 9, CHAPTER 5, SECTION 7 OF THE MUNICIPAL CODE.

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

SECTION 1: Title 6, Chapter 2, Section 1E is hereby amended to read as follows:

6-2-1

(E) "Run at Large". Any dog shall be deemed to be running at large when it is off the premises occupied by its owner's household as such owner's abode and when not accompanied by such owner who either

1. Has the said dog on a leash; or,
2. Has the said dog at all times within his sight and the said dog is subject to the owner's voice control.

SECTION 2: Title 9, Chapter 5, Section 7 of the Municipal Code is hereby amended to read as follows:

9-5-7: DOGS IN PARK: The provisions of Title 6, Chapter 2 shall apply uniformly throughout all City parks without regard for whether or not the said territory or any part thereof is outside of the corporate limits of the City of Garnett, Kansas, so long as such territory is owned by the City of Garnett, Kansas, or is subject to an exclusive easement for the purpose of impounding and detaining waters or flood waters for any City reservoir.

SECTION 3: Title 6, Chapter 2, Section 1E and Title 9, Chapter 5, Section 7 of the Municipal Code, as each presently exist, are hereby repealed.

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

PASSED and APPROVED This 9TH day of JUNE, 1986.

A. M. Brecheisen
Mayor

A T T E S T:

Grace E. Martin
City Clerk

ORDINANCE NO. 2784

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Twelfth Avenue within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of the record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Twelfth Avenue between its intersection with Walnut Street and its intersection with Oak Street (20' by 350', more or less)

777 square yards of bituminous double seal:

60 ton base rock	\$ 240.00
penetration oil	157.95
1st seal coat - 400 gal. of road oil	220.00
20 ton cover rock	100.00
2nd seal coat - 400 gal. of road oil	220.00
20 ton cover rock	<u>100.00</u>

TOTAL EXTIMATED PROJECT COST \$1,037.95

SECTION 3: It is further found that the extent of the proposed improvement district is:

Lots One (1) through Six (6), Block Twenty-three (23) of Chapman Addition;

Lots One (1) through Ten (10), Block Three (3) of Mandovi Addition;

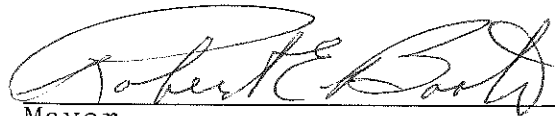
all in the City of Garnett, Anderson County, Kansas

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Twelfth Street, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 13th day of October, 1986.



Mayor Pro TEM

Attest:



City Clerk

AN ORDINANCE ESTABLISHING A PROCEDURE FOR DISPOSITION OF UNCLAIMED UTILITY SECURITY DEPOSITS; INCORPORATING DIRECTIONS TO CODIFIER.

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

SECTION 1: Any amount of a utility security deposit posted under the requirement of this chapter, together with the accrued interest thereon which remains in the account of any customer who has discontinued service, shall be declared unclaimed upon the following conditions:

(a) Such money has remained on deposit with the City of Garnett for a period of more than three (3) years from the date such utility service or services have been discontinued;

(b) No demand for such money has been made at any time during the said three (3) year period;

(c) The whereabouts of the person to whose account the money is credited is unknown and remains unknown after a reasonable effort has been made by the City of Garnett to determine the same; and

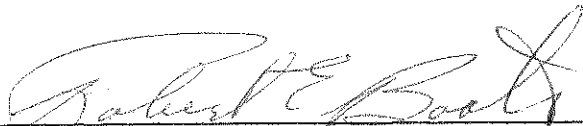
(d) Following the expiration of the said three (3) year period the City of Garnett has published, once each week for two (2) consecutive weeks in a newspaper of general circulation within Anderson County, Kansas, a notice listing the name and last known address of the said person whose deposit remains on account, and notifying such person that demand for such moneys must be made within sixty (60) days from the date of the last publication of such notice.

Any security deposit remaining after the said notice has run shall then be placed in the appropriate utility operating fund.

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.

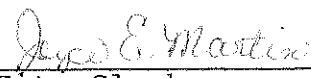
SECTION 3: The codifier of the City of Garnett is hereby directed to place the provisions of Section 1 of this Ordinance as an additional section and Title 4, Chapter 8 of the Muncipal Code.

PASSED and APPROVED This 13TH day of OCTOBER, 1986.



Mayor Pro Tem

A T T E S T:



City Clerk

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS TO PROVIDE ADDITIONAL EMPLOYEE BENEFITS; AUTHORIZING THE MANNER IN WHICH SUCH BENEFITS MAY BE PAID; PROVIDING EFFECTIVE DATE AND CODIFYING INSTRUCTIONS.


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

SECTION 1: The City of Garnett, Kansas, may provide or make available such other employee benefits, including, but not limited to, group health insurance, as may to the governing body appear advisable or appropriate. The governing body shall determine by resolution such additional benefits as may be available and shall in such resolution determine whether such benefit shall be made available and paid entirely by the City of Garnett; whether the same shall be made available and offered to employees of the City of Garnett entirely at employees' expense; whether to establish a program of participation between the City of Garnett and its employees wherein some benefits are provided to the employees at the City of Garnett's expense and other benefits are offered on an optional basis to be paid by the employee or other method of joint participation by the City of Garnett and its employees with respect to payment. The City of Garnett is hereby authorized to contribute or to pledge the contribution from appropriate funds whatever part of the cost of such benefit program is determined in such resolution to be the City's responsibility; and it is further authorized to withhold from each participating employee's payroll check an appropriate amount to pay the said employee's portion of the cost to participate in any program optional to the employee or in which a joint participation between the City and such employee is called for in said resolution.

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.

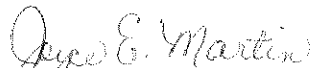
SECTION 3: The official codifier of the City of Garnett, is hereby instructed to codify Section 1 of this Ordinance as Title 1, Chapter 14, Section 2 of the Municipal Code, introducing the same by insertion of the following language "CITY EMPLOYEES MAY RECEIVE OR PARTICIPATE IN ADDITIONAL BENEFITS". The codifier is further instructed to re-title said Chapter 14 to read "Social Security and Other Benefits".

PASSED and APPROVED This 13TH day of OCTOBER, 1986.



Mayor Pro Tem

A T T E S T:



City Clerk

ORDINANCE NO. 2788

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, except industrial service, shall be charged for at the rate of three dollars sixty-four cents (\$3.64) per thousand (1,000) cubic feet sold.

2. Industrial Rate - All gas sold by the City to industrial service users shall be charged for at the rate of three dollars twenty-one (\$3.21) per thousand (1,000) 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 November 1, 1986, and after its publication in an official City newspaper.

PASSED and APPROVED this 27th day of October, 1986.



Mayor

Attest:



City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 11 OF THE MUNICIPAL CODE, GENERALLY PROHIBITING SWIMMING WITHIN ANY BODY OF WATER IN THE CITY PARK SYSTEM; AND EXPANDING THE DEFINITION OF WATERS IN WHICH SWIMMING IS PROHIBITED; REPEALING TITLE 9, CHAPTER 5, SECTION 11 AS THE SAME PRESENTLY EXISTS.

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

SECTION 1: Title 9, Chapter 5, Section 11 of the Municipal Code is hereby amended to read as follows:

9-5-11: SWIMMING PROHIBITED: No person shall bathe, swim, wade, or otherwise go into the waters of any lake, stream, creek, river, or reservoir, including, but not limited to, any basin, outfall area, sluice, or other integral part thereof, within any city park, except for the purpose of water skiing and then only when, where, and under the rules or conditions by which water skiing is permitted.

SECTION 2: Title 9, Chapter 5, Section 11 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 and APPROVED This 27TH day of OCTOBER, 1986.

A W Breckisen
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

AN ORDINANCE AMENDING ORDINANCE 2230, SECTION 8-109.04.04, REGULATING FENCES, WALLS AND HEDGES; AND SPECIFICALLY EXPANDING THE REGULATION TO PROHIBIT ELECTRICALLY CHARGED FENCES; REPEALING EXISTING SECTION AS THE SAME PRESENTLY EXISTS.

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

SECTION 1: Section 8-109.04.04 of Ordinance 2230 is hereby amended to read as follows:

8-109.04.04 FENCES, WALLS AND HEDGES.
Fences, walls and hedges may be located in required yards as follows:

(1) Under Four (4) Feet: If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located in any yard.

(2) Under Six (6) Feet: If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear, the side lot line of another lot in an R-District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.

(3) Barbed-Wire Fence: or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever, shall be prohibited.

(4) Electrically Charged Fence: Fences or walls incorporating a grid, the fence or such grid of which is electrically charged by any means whatsoever, are hereby prohibited.

SECTION 2: Section 8-109.04.04, Ordinance 2230, 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 and APPROVED This _____ day of _____, 1986.

Mayor

A T T E S T:

City Clerk

This ordinance was considered but never adopted.

ORDINANCE NO. 2792

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Kings Highway within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of the record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Kings Highway between its intersection with Seventh Avenue and its intersection with Eighth Avenue (20' by 350', more or less)

777 square yards of bituminous double seal:

60 ton base rock	\$ 240.00
penetration oil	157.95
1st seal coat - 400 gal. of road oil	220.00
20 ton cover rock	100.00
2nd seal coat - 400 gal. of road oil	220.00
20 ton cover rock	<u>100.00</u>

TOTAL ESTIMATED PROJECT COST \$1,037.95

SECTION 3: It is further found that the extent of the proposed improvement district is:

- Tract 1: South 30' of Lot Four (4) and all of Lot Five (5), Block One (1) of the Kim Addition
- Tract 2: Lot Eighteen (18) of Block Two (2) of the Bronston Heights Addition
- Tract 3: Lot Nineteen (19) of Block Two (2) of the Bronston Heights Addition
- Tract 4: Lot One (1) of Block Three (3) of the Bronston Heights Addition
- Tract 5: Lot Twenty-four (24) of Block Three (3) of the Bronston Heights Addition

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Kings Highway, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 10th day of February, 1987.

A. M. Brecheisen
Mayor

Attest:

James E. Martin
City Clerk

ORDINANCE NO. 2795

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS THE COUNTRY CLUB ADDITION.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Country Club Addition in the City of Garnett, Kansas.

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvement to be \$75,000.00 with the entire actual cost of said improvements being assessed against the improvement district so created and apportioned pro rata to each of the fourteen (14) lots of record contained within such improvement district.

WHEREAS, the Governing Body of the City of Garnett has, after due notice, met and determined the amount of such special assessments.

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

SECTION 1. Special Assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvement as follows:

<u>DESCRIPTION OF PROPERTY</u>	<u>ASSESSMENT</u>
Lot 1, Country Club Addition	\$5,357.00
Lot 2, Country Club Addition	5,357.00
Lot 3, Country Club Addition	5,357.00
Lot 4, Country Club Addition	5,357.00
Lot 5, Country Club Addition	5,357.00
Lot 6, Country Club Addition	5,357.00
Lot 10, Country Club Addition	5,357.00
Lot 11, Country Club Addition	5,357.00
Lot 12, Country Club Addition	5,357.00
Lot 13, Country Club Addition	5,357.00
Lot 14, Country Club Addition	5,357.00
Lot 15, Country Club Addition	5,357.00
Lot 16, Country Club Addition	5,357.00
Lot 17, Country Club Addition	5,357.00

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication of this ordinance, bonds or notes will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate of interest being the average net interest rate on the bonds or notes issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of four (4) years, the levy for each year being one-fourth of the principal amount of the assessment plus one year's interest on the amount unpaid.

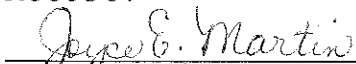
SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 29TH day of December, 1986.



Mayor

Attest:



City Clerk

AN ORDINANCE REDEFINING THE TERRITORIAL LIMITS OF THE CITY OF GARNETT, KANSAS, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, The City of Garnett, Kansas, has expanded its territorial limits by annexation, since last redefining its territorial limits; and

WHEREAS, It is desirable and necessary by reason thereof to redefine the territorial limits of the City of Garnett, Kansas.

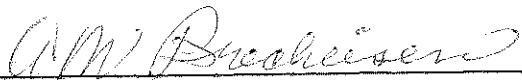
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: The boundary of the City of Garnett, Kansas, having been changed since last redefined by ordinance by reason of annexation, is hereby redefined and described as those lands set forth by metes and bounds in the exhibit attached hereto and comprised of six (6) pages, the same being marked as "Exhibit A" and adopted by reference as if set forth word for word and letter for letter in the body of this ordinance.

SECTION 2: All prior ordinances heretofore passed which define or redefine the territorial limits of the City of Garnett, Kansas, and any other ordinance in conflict herewith are hereby repealed.

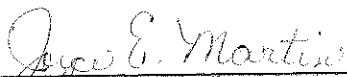
SECTION 3: This Ordinance shall be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 10TH day of FEBRUARY, 1987.



Mayor

A T T E S T:



City Clerk

Commencing at the Southwest Corner of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said Section line 2652.2 feet to the Southeast Corner of Section 25, Township 20, Range 19, thence North on said Section line 679 feet, thence West 720 feet, thence South 679 feet to the South line of said Section 25, thence West 624 feet, thence South 151 feet, thence West 195 feet, thence North 155 feet to the South line of said Section 25, thence West 1925 feet to the Southwest Corner of the Southeast Corner of Section 25, thence West 485 feet, thence North 1432 feet, thence West 175 feet, thence North 516 feet, thence East 660 feet, thence North 455 feet, thence West 100 feet, thence North 185 feet, thence East 100 feet to the Northeast Corner of the Southwest Quarter of said Section 25, thence North 2630 feet to the Northwest Corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said Section line 1547 feet, thence North 309.3 feet, thence West 200 feet, thence North 1720 feet, thence East 75 feet, thence North 629 feet, thence East 980 feet, thence South 420 feet, thence West 161 feet, thence South 198 feet, thence East 378 feet, thence South 200 feet, thence West 217 feet, thence South 304 feet, thence East 238 feet to the West line of Section 19, Township 20, Range 20, thence North along said Section line 96 feet, thence East 401.5 feet, thence South 300 feet, thence East 15.5 feet, thence South 510 feet, thence East 210.4 feet, thence South 298 feet, thence West 388 feet, thence South 265 feet, thence East 776 feet East, thence North 146 feet, thence East 235 feet, thence North 263 feet, thence

East 657 feet, thence North 150.4 feet, thence East 133 feet, thence South 150.4 feet, thence East 60.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said line intersects the South line of said Section 19, thence East along said Section line to the point 436 feet East of the Southwest Corner of the Southeast Quarter of Section 19, Township 20, Range 20, thence North 666 feet, thence East 596 feet, thence South 666 feet to the South line of said Section 19, thence East 40 feet, thence North 400 feet, thence East 764 feet, thence South 240 feet, West 70 feet, thence South 160 feet, thence East along the South line of said Section 19 399 feet, thence North 200 feet, thence East 100 feet, thence South 200 feet to the South line of said Section 19, thence East along the Section line 250 feet to the Southwest Corner of Section 20, Township 20, Range 20, thence 240 feet North, thence East 230 feet, thence South 240 feet to the South line of said Section 20, thence East along the Section line, 2410 feet to the Northwest Corner of the Northeast Quarter of Section 29, Township 20, Range 20, thence East 1320 feet, to the Northeast Corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way of the Missouri Pacific Railroad, thence Southwesterly along the North line of said railroad right-of-way 1097 feet to the point of intersection of said railroad right-of-way and the South Half-Section line of the Northeast Quarter of Section 29, Township 20, Range 20, thence West 353 feet to the

Southwest Corner of the Northeast Quarter of Section 29, Township 20, Range 20, thence North 1340 feet, thence West 1020 feet, thence North 245 feet, thence West 150 feet, thence North 30 feet, thence West 150 feet, thence South 287 feet to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of Section 29, Township 20, Range 20, thence West 1290 feet, thence South 180 feet, thence East 308 feet, thence South 957 feet, thence East 364.3 feet, thence South 188 feet, thence West 47.08 feet, thence South 170 feet, thence West 92 feet, thence South 86 feet, thence East 86 feet, thence South 100 feet, more or less, to the North right-of-way line of the Missouri-Pacific Railroad, thence Southwesterly along said railroad right-of-way to the point on the East line of Section 30, Township 20, Range 20, 339.6 feet South of the Northeast Corner of the Southeast Quarter of said Section 30, thence South along the Section line 988.4 feet to the Southeast Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence West on the South Section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest Corner of Lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence North $2^{\circ} 47'$ West 16.2 feet, thence West 382.3 feet, thence North $0^{\circ} 34'$ East 212.8 feet to South Section line of the North Half of the Southeast Quarter of said Section 30, thence West to the Southwest Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence South 2652.04 feet to the Southeast Corner of the North Half of the Northwest Quarter

of Section 31, Township 20, Range 20, thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 993 feet to the West right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence Southwesterly along said railroad right-of-way 1390 feet to the South line of the South Half of the Northwest Quarter of Section 31, Township 20, Range 20, thence West 1167 feet to the Southwest Corner of the Northwest Quarter of Section 31, the place of beginning; except a tract of 3.5 acres, more or less, described as follows: Beginning at a point 60 feet West and 310 feet North of the Southeast Corner of Section 24, Township 20, Range 19, thence West 458 feet, thence North 180 feet, thence East 11 feet, thence North 154 feet, thence East 450 feet thence South 335 feet, more or less, to the place of beginning; and also except a tract of .6 acre, more or less, described as follows: Beginning at a point 1558 feet West of the Southeast Corner of Section 19, Township 20, Range 20, thence running North 188 feet, thence, 132 feet West, thence 188 feet South, thence 132 feet East to the place of beginning; and also except a tract of 12.4 acres, more or less, described as follows: Beginning at a point 330 feet South of the Northeast Corner of the Northwest Quarter of Section 29, Township 20, Range 20, thence West 996.1 feet, thence South 165 feet, thence West 323.9 feet, thence South 153 feet, thence East 739.2 feet, thence South 300 feet, thence East 581 feet, thence North 618 feet to the place of beginning. Commencing at a point where the East side of the right-of-way of the Atchison, Topeka and Santa Fe Railroad intersects the South Section line of Section

19, Township 20, Range 20, thence East to a point 436 feet East of the Southwest Corner of the Southeast Quarter of Section 19, Township 20, Range 20, thence North 666 feet, thence East 596 feet, thence South 666 feet, thence East 40 feet, thence North 2240 feet, thence East 900 feet, thence North 150 feet, thence West 900 feet, thence North 250 feet, thence East 198 feet, thence North 2640 feet, thence West 1320 feet, thence North 562.8 feet, thence East 990 feet, thence North 100 feet, thence North $44^{\circ} 48'$ West 940.5 feet, thence West 330 feet, thence North 330.6 feet, thence North $89^{\circ} 33'$ West 1185.3 feet, thence South $0^{\circ} 27'$ West 706.5 feet, thence South $45^{\circ} 0'$ West 90 feet thence South $14^{\circ} 7'$ East 90 feet thence South $76^{\circ} 7'$ West 65 feet to a point on the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence South and Southeastward along the East right-of-way line to a point of beginning. Northeast Quarter of the Southeast Quarter of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the East side of Section 29, thence South 800 feet, thence West 200 feet, thence North 800 feet, thence East 200 feet to point of beginning. A tract of land 31 acres, more or less, lying in the West Half of the Southwest Quarter of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning. East Half of the Northwest Quarter of the Southeast Quarter of Section 29, Township 20, Range 20,

except a tract of 2 acres, more or less, described as follows: Beginning at a point 375 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half of the Northwest Quarter of the Southeast Quarter of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter of the Southeast Quarter of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the Southeast Corner of the Southeast Quarter of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53-1/2 rods, thence South 15 rods, thence East 53-1/2 rods to point of beginning.

Exhibit A

ORDINANCE NO. 2802

AN ORDINANCE INCORPORATING BY REFERENCE THE "NATIONAL ELECTRICAL CODE" EDITION OF 1987, PROVIDING FOR ADDITIONAL REGULATION AND REPEALING TITLE 4, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE, CITY OF GARNETT, KANSAS.

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

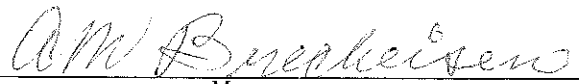
Section 1. NATIONAL ELECTRICAL CODE ADOPTED; INCORPORATION BY REFERENCE. The National Electrical Code, Edition of 1987, as prepared and published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted and incorporated by reference as the electrical wiring code regulating and governing all electrical work covered by permits and as required by Title 4, Chapter 1, Section 1 of this Code. Compliance with the provisions of the said National Electrical Code shall be considered as meeting the requirements of this Title for the placing or installing of all electric lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the limits of this City, except as this Chapter may provide for such additional regulation. All such work shall be subject to inspection and approval by the electrical inspector of the City of Garnett.

Section 2. COPIES TO BE AVAILABLE. Not less than three (3) copies of said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2802 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.

Section 3. REPEAL. Title 4, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, and all other municipal enactments in conflict with this Ordinance, are hereby repealed.

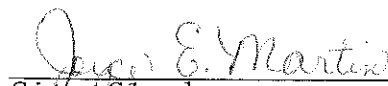
Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the City Commission this 10th day of March, 1987.



Mayor

ATTEST:



City Clerk

AN ORDINANCE REGULATING THE DEVELOPMENT AND MANAGEMENT OF THE GARNETT MUNICIPAL CEMETERY; AMENDING TITLE 9, CHAPTER 7, SECTION 8 OF THE MUNICIPAL CODE ESTABLISHING NEW PRICES FOR THE PURCHASE OF LOTS; AMENDING TITLE 9, CHAPTER 7, SECTION 11 ESTABLISHING NEW SERVICE CHARGES; AMENDING TITLE 9, CHAPTER 7, SECTION 13 PROVIDING FOR ADDITIONAL REGULATIONS ON THE SETTING OF CERTAIN MONUMENTS AND STONES; AND AMENDING TITLE 9, CHAPTER 7, SECTION 16 RESTRICTING TIMES OF BURIAL UNDER CERTAIN CIRCUMSTANCES; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER THUS AMENDED; PROVIDING EFFECTIVE DATE FOR ORDINANCE.

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 made according to the charts contained in this section. A person purchasing a lot who is then on the tax rolls of the City of Garnett shall be entitled to claim the twenty percent (20%) discount from the regular rate. The charts of regular price and City taxpayer rate are as follows:

<u>All Ten Foot Length Lots & Plots</u>	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Lots with 8 plots	\$ 360.00	\$ 288.00
Lots with 6 plots	270.00	216.00
Lots with 4 plots	180.00	144.00
Lots with 3 plots	142.00	114.00
Single plots	50.00	40.00

Twelve Foot Length Lots & Plots
Located in 4th Addn., Blocks A & 2

Lots with 4 plots	252.00	202.00
Single plots	70.00	56.00

Twelve Foot Length Lots & Plots
Located in 4th Adun., Blocks
3, 4, & 5

Lots with 6 plots	570.00	456.00
Lots with 4 plots	380.00	304.00
Single Plots	100.00	80.00

Multiple plot purchases in any quantity less than a complete lot shall be at the single plot price, regardless of location or length of lot or plot.

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 service shall be made according to the charts contained in this section. An interment for a decedent who at the time of death was on the tax rolls of the City of Garnett shall be discounted twenty percent (20%) from the regular rate. The charts of regular price and City taxpayer rate are as follows:

<u>Burial Charges:</u>	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Standard Interment; Adult	\$ 125.00	\$ 100.00
Child Interment (5 foot grave)	85.00	68.00
Baby Interment (under 18 months)	60.00	48.00
Ashes Interment	50.00	40.00

	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Charges in Addition to Above for Interment Made on Saturdays and After Normal Working Hours	\$ 100.00	\$ 80.00
State Social Assistance (Includes burial and grave)	150.00	150.00

SECTION 3: Title 9, Chapter 7, Section 13 of the Municipal Code is hereby amended to read as follows:

9-7-13: MONUMENTS; MARKERS: Monuments and markers may be placed on any lot in the Municipal Cemetery. The design, specifications, and location of monuments shall be subject to the approval of the Sexton. No marker or monuments shall be placed nearer than four inches (4") to a lot line and no more than one individual memorial shall be placed at any one grave, and markers and monuments shall be so placed that the description thereon may be read from the nearest path or road. Family monuments shall be placed at the front or west end of the lot and the individual monument or marker shall be placed at the back or east end of the lot. All family monuments and headstones must be placed upon a four inch (4") concrete base and the top of the base shall be level with the ground and shall be at least four inches (4") wider than the stone. Monuments or markers shall not be set by the City, but shall be set under the supervision of the Sexton. Monuments and stones with a distance of thirty-six inches (36") or less between them shall be placed on one continuous (solid) footing (base). Temporary grave markers are allowed in the Cemetery for a period not to exceed six (6) months.

SECTION 4: No burial or interment in the Municipal Cemetery shall be permitted on Sunday or on any municipal holiday, except in time of catastrophe, disaster, or epidemic.

SECTION 5: Instructions to codifier: The official codifier of the City of Garnett, Kansas, is hereby instructed to codify the section of this Ordinance immediately preceding as Subpart (N) of Title 9, Chapter 7, Section 16 of the Municipal Code setting forth cemetery regulations.

SECTION 6: Title 9, Chapter 7, Section 8; Title 9, Chapter 7, Section 11; and Title 9, Chapter 7, Section 13, as the same presently exists, are hereby repealed.

SECTION 7: This Ordinance shall take effect and be in force from and after the 1st day of April, 1987, and upon its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 10th day of March, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2805

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 one year; 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 \$2,186.08 incurred through December 31, 1986 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 24th day of March, 1987.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2805:

Julie A. Schafer	\$ 72.43
Russell Hill	265.16
Tammy Goddard	427.20
Shirley M. Ray	183.48
Vera McGehee	169.14
Jerry Clark	69.55
Keith A. Moody	83.26
Shirley M. Ray	121.77
Harold Pohl	32.01
Robin Crawford	15.59
Paula Lopez	78.63
Jeanne Cady	15.14
Toni Teter	59.80
Janet Lee	34.49
Cathy Bondi	173.14
Javier Mireles	103.16
Bob and Denise Sickler	40.63
Ronald Stanley	61.26
Wendi Hollman	128.37
Lester L. Price	17.65
John Brummel	34.22
	<u>\$2,186.08</u>

ORDINANCE NO. 2806

AN ORDINANCE AMENDING THE FISHING REGULATIONS OF THE CITY OF GARNETT; SPECIFICALLY AMENDING TITLE 9, CHAPTER 5, SECTION 13D CHANGING THE LENGTH RESTRICTIONS ON BLACK BASS.

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

SECTION 1: Title 9, Chapter 5, Section 13D is hereby amended to read as follows:

(D) The catching and taking of fish from City lakes is permitted without limitation as to time. No catfish, excepting bullheads, of a length less than twelve inches (12") shall be retained or possessed. No walleye of a length less than fifteen inches (15") shall be retained or possessed. No wipers of a length less than eighteen inches (18") shall be retained or possessed. No black bass of a length twelve inches (12") or more, but less than fifteen inches (15") in length shall be retained or possessed. Any fish of the restricted size class shall be returned immediately, unrestrained, to the waters from which they were taken. The size of a fish shall be determined as the total length in inches measured from the tip of its mouth to the end of the tail, with the mouth closed and the tail lobes pressed together.

SECTION 2: Title 9, Chapter 5, Section 13D 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 and APPROVED This 24th day of March, 1987.

A. W. Brecheisen
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 2807

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Oak Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of the record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

North Oak from Park Road north to dead end.

(20' by 640', more or less)

1422 square yards of bituminous double seal:

90 ton base rock	\$ 360.00
Penetration oil	302.88
1st seal coat - 711 gallons of MC 3000 road oil	369.72
2nd seal coat - 711 gallons of MC 3000 road oil	369.72
52.5 ton cover rock	<u>262.50</u>

Total Estimated Project Cost \$1,664.82

SECTION 3: It is further found that the extent of the proposed improvement district is:

Tract 1 Lot Three (3) Block Two (2) Harold L. Hermann
Bryson Addition

Tract 2	Lot Four (4) Block Two (2) Bryson Addition	Douglas Miller
Tract 3	Lot Five (5) Block Two (2) Bryson Addition	Patrick Tastove
Tract 4	Lot Six (6) Block Two (2) Bryson Addition	Harry Reed
Tract 5	Lot Seven (7) Block Two (2) Bryson Addition	Velma White
Tract 6	A tract in Block Three (3) Bryson Addition commencing 164 feet North of the South- west corner of said Block Three (3), thence North 100 feet, thence East to the East line of said Block, thence Southeasterly along said point of beginning, thence West to the point of beginning, being a part of Lots One (1) and Two (2), Block Three (3) Bryson Addition	Lester Demoret
Tract 7	A tract described as Lot Two (2) Block Three (3), Less the south 72 feet thereof, Bryson Addition.	Emmett Hodgson
Tract 8	All of McDonnell Addition	Richard L. McDonnell
Tract 9	Lot Two (2) Block Two (2) Bryson Addition	Ralph Tilton
Tract 10	Lot One (1), Block Two (2) Bryson Addition	Carol Ann Nickelson

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Oak Street, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 24TH day of MARCH, 1987.

AM Breakeisen
Mayor

Attest:

James E. Martin
City Clerk

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:

Commencing 34 rods west of the Northeast corner of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence west 24 rods, thence south 43 rods, more or less, to the center of a western extension of Sixth Street in the City of Garnett, thence east 24 rods, thence north to the place of beginning, LESS beginning 58 rods west of the Northeast corner of said Southeast Quarter (SE/4), thence south 200 feet, thence east 237 feet, thence north 200 feet, thence west 237 feet to the place of beginning, ALSO LESS commencing 611 feet west of the Northeast corner of said Southeast Quarter (SE/4), thence west 105 feet, thence south 200 feet, thence east 105 feet, thence north 200 feet to the place of beginning

is hereby changed from District R-1 (Residential)
to District R-3 (Residential).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

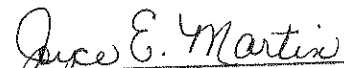
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED By the Commission, 3 voting Aye; 0 voting Nay;
and approved this 14th day of April, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2810

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, except industrial service, shall be charged for at the rate of four dollars ten cents (\$4.10) per thousand (1,000) cubic feet sold.

2. Industrial Rate - All gas sold by the City to industrial service users shall be charged for at the rate of three dollars sixty-seven cents (\$3.67) per thousand (1,000) 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 May 1, 1987, and after its publication in an official City newspaper.

PASSED and APPROVED this 14th day of April, 1987.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2814

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING COST OF CERTAIN STREET IMPROVEMENT IN AN AREA KNOWN AS THE COUNTRY CLUB ADDITION; AND REPEALING ORDINANCE 2795.

WHEREAS, Pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Country Club Addition in the City of Garnett, Kansas; and

WHEREAS, The Governing Body of the City of Garnett, Kansas has determined the total cost of such improvement to be \$75,000.00, with the entire actual cost of said improvements being assessed against the improvement district so created and apportioned pro rata to each of the fourteen (14) lots of record contained within such improvement district; and

WHEREAS, The Governing Body of the City of Garnett has, after due notice, met and determined the amount of such special assessments; and

WHEREAS, The Governing Body, in making such special assessments by way of Ordinance 2795, provided for a four (4) year pay out, rather than a ten (10) year pay out, it is necessary to correct the clerical error by the adoption of a new ordinance and to repeal the original ordinance.

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

SECTION 1: Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces, and parcels of land liable for said special assessment for said improvement as follows:

<u>DESCRIPTION OF PROPERTY</u>	<u>ASSESSMENT</u>
Lot 1, Country Club Addition	\$5,357.00
Lot 2, Country Club Addition	5,357.00
Lot 3, Country Club Addition	5,357.00
Lot 4, Country Club Addition	5,357.00
Lot 5, Country Club Addition	5,357.00
Lot 6, Country Club Addition	5,357.00
Lot 10, Country Club Addition	5,357.00
Lot 11, Country Club Addition	5,357.00
Lot 12, Country Club Addition	5,357.00
Lot 13, Country Club Addition	5,357.00
Lot 14, Country Club Addition	5,357.00
Lot 15, Country Club Addition	5,357.00
Lot 16, Country Club Addition	5,357.00
Lot 17, Country Club Addition	5,357.00

SECTION 2: Such amounts levied and assessed as set forth in Section 1 of this Ordinance shall be due and payable from and after the publication of this Ordinance, and unless such assessments are paid within ten (10) days from the publication of this Ordinance, bonds or notes will be issued therefor and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate of interest being the average net interest rate on the bonds or notes issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth (1/10th) of the principal amount of the assessment, plus one (1) year's interest on the amount unpaid.

Ordinance 2814
Page 2

SECTION 3: Ordinance No. 2795 of the City of Garnett, Kansas is hereby repealed.

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

PASSED and APPROVED, This 26th day of May, 1987.



Mayor

A T T E S T:



City Clerk

Public Notices

(Published in the Anderson
Countian, Thursday, June 4, 1987)

ORDINANCE NO. 2814

AN ORDINANCE LEVYING
ASSESSMENTS ON LOTS, PIECES,
AND PARCELS OF GROUND IN THE
CITY OF GARNETT, KANSAS FOR
THE PURPOSE OF PAYING COST OF
CERTAIN STREET IMPROVEMENT
IN AN AREA KNOWN AS THE
COUNTRY CLUB ADDITION; AND
REPEALING ORDINANCE 2795.

WHEREAS, Pursuant to proceedings
regularly had according to law,
contracts have been let for the
improvement of said Country Club
Addition in the City of Garnett,
Kansas; and

WHEREAS, The Governing Body of
the City of Garnett, Kansas has
determined the total cost of such
improvement to be \$75,000.00, with
the entire actual cost of said
improvements being assessed against
the improvement district so created
and apportioned pro rata to each of
the fourteen (14) lots of record
contained within such improvement
district; and

WHEREAS, The Governing Body of
the City of Garnett has, after due
notice, met and determined the
amount of such special assessments;
and

WHEREAS, The Governing Body,
in making such special assessments
by way of Ordinance 2795, provided
for a four (4) year pay out, rather
than a ten (10) year pay out, it is
necessary to correct the clerical error
by the adoption of a new ordinance
and to repeal the original ordinance.

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

SECTION 1: Special assessments to
pay the cost of said improvement,
with accrued interest, be and the
same are hereby levied against the
several lots, pieces, and parcels of
land liable for said special
assessment for said improvement as
follows:

DESCRIPTION OF PROPERTY - - ASSESSMENT:

- Lot 1, Country Club Addition
\$5,357.00
- Lot 2, Country Club Addition
\$5,357.00
- Lot 3, Country Club Addition
\$5,357.00
- Lot 4, Country Club Addition
\$5,357.00
- Lot 5, Country Club Addition
\$5,357.00
- Lot 6, Country Club Addition
\$5,357.00
- Lot 10, Country Club Addition
\$5,357.00
- Lot 11, Country Club Addition
\$5,357.00
- Lot 12, Country Club Addition
\$5,357.00
- Lot 13, Country Club Addition
\$5,357.00
- Lot 14, Country Club Addition
\$5,357.00
- Lot 15, Country Club Addition
\$5,357.00

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS }
Anderson County } ss.

Case No. Ord. No 2814

Garold Dane Hicks, being first duly sworn on oath states that he is managing editor of THE ANDERSON COUNTIAN, a weekly paid circulation on a weekly basis in Anderson County, Kansas; newspaper printed in the State of Kansas and published in and of general circulation in Anderson County, Kansas, with a general and said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the attached notice; and that said newspaper has been entered at the post office of publication, Garnett, Kansas, as second class mail matter.

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

1st pub. June 4, 1987 4th pub. _____, 19____
2nd pub. _____, 19____ 5th pub. _____, 19____
3rd pub. _____, 19____ 6th pub. _____, 19____

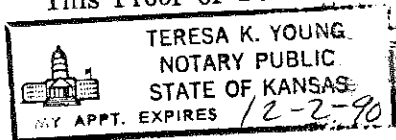
Garold Dane Hicks
Managing Editor

Subscribed and sworn to before me, this 26th day of

June, 1987
Fee \$ _____
Teresa K. Young
Notary Public.

My commission expires 12-2-90.

This Proof of Publication approved _____, 19____



Judge of District Court

assessments are
from the publication of this Ordinance,
be issued therefor and the City Clerk shall
y Clerk all of the above assessments which
together with interest at a rate of interest
t interest rate on the bonds or notes issued
vements and such amounts so certified shall
rolls and collected as other taxes are col-
of ten (10) years, the levy for each year
th) of the principal amount of the assess-
ar's interest on the amount unpaid.

ORDINANCE NO. 2815

AN ORDINANCE AMENDING ORDINANCE 2556 TO CORRECT CLERICAL ERRORS CONTAINED THEREIN, SUCH ORDINANCE BEING AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS PINE STREET.

WHEREAS, Pursuant to proceedings regularly had and according to law a portion of Pine Street, within the City of Garnett, Kansas, was improved and after due notice special assessments made to pay the cost of such improvements, with accrued interest; and

WHEREAS, The vehicle for making such special assessments was Ordinance 2556, which, in Section 1 thereof, contained clerical errors with respect to two (2) certain tracts of property, lots, pieces, and parcels of land liable for such assessments within the said improvement district; and

WHEREAS, It is necessary and desirable to correct the descriptions of such lots, pieces, and parcels of land so as to clarify the authority of the City of Garnett, Kansas to levy and assess the costs of such improvement against said real estate.

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

SECTION 1: Section 1 of Ordinance 2556 is hereby amended to read as follows, to-wit:


<u>DESCRIPTION OF PROPERTY</u>	<u>ASSESSMENT</u>
Lot 1, Block 2, Pineway Addition	\$ 1,427.90
Lot 1, Block 1, Pineway Addition	1,427.90
Lot 12, Block 4, City of Garnett	1,388.24
North 70' of Lot 12, Block 17, City of Garnett	694.12
South 70' of Lot 12, Block 17, City of Garnett	694.12
All of Lot 13, Block 17, City of Garnett	1,388.24
All of Lot 1, Block 3, 50' of vacated street, all of Lot 1, Block 4 in Pineway Addition	3,351.61
All of Lot 24, Block 16, City of Garnett	1,388.24
South 60' of Lot 1, Block 16, City of Garnett	594.96
North 80' of Lot 1, Block 16, City of Garnett	793.28
All of Lot 1, Block 5, City of Garnett	1,388.24

SECTION 2: Section 1 of Ordinance 2556, as the same exists presently, is hereby repealed.

SECTION 3: Except as amended hereby, the terms and provisions of Ordinance 2556 are hereby ratified and approved, and the assessments levied and made heretofore against the lots, pieces, and parcels of land liable therefor are hereby ratified and approved.

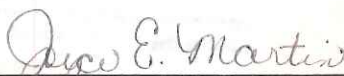
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 26th day of May, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2817

AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3 OF THE MUNICIPAL CODE, REGULATING THE EXPLODING OF FIREWORKS; PROVIDING FOR DESIGNATED DAYS AND TIMES OF DAY; AND REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

SECTION 1: Title 7, Chapter 3, Section 3 of the Municipal Code is hereby amended to read as follows:

7-3-3: EXPLODING; FIRING ON DESIGNATED DAYS AND AT DESIGNATED TIMES: It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded within the City:

(a) Any fireworks or explosives described in Section 1 of this Chapter, except on the days such fireworks may lawfully be sold at retail; and

(b) Any fireworks or explosives described in Section 1 of this Chapter and which when used, fired off, or exploded give an audible report, whistle, or similar noise, except on the days such fireworks may be lawfully sold at retail and then only between the hours of 8:00 a.m. and 10:00 p.m. of such days, other than within the confines of the North City Park or at the Cedar Valley Reservoir.

(c) Nothing in this Section shall be construed to restrict the use, firing off, or explosion of any fireworks or explosive on the 4th of July, between the hours of 10:00 p.m. and midnight of said day.

SECTION 2: Title 7, Chapter 3, Section 3 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 and APPROVED, this 9TH day of June, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2819

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 25 OF THE MUNICIPAL CODE, RE-DEFINING TRESPASS TO PROHIBIT CONDUCT AS IS NOW PROHIBITED BY K.S.A. 21-3721; AND REPEALING THE EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

SECTION 1: Title 6, Chapter 1, Section 25 of the Municipal Code is hereby amended to read as follows:

6-25-1: CRIMINAL TRESPASS: Criminal trespass is entering or remaining upon or in any land, structure, vehicle, aircraft, or watercraft by a person who knows he or she is not authorized or privileged to do so, and:

(a) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property communicated to such person by the owner thereof or other authorized persons;

(b) Such premises or property are posted in a manner reasonably likely to come to the attention of intruders, or are locked, or fenced, or otherwise enclosed, shut or secured against passage or entry; or

(c) Such person enters or remains therein in defiance of a restraining order issued pursuant to K.S.A. 60-1607, 60-3105, 60-3106, 60-3107, 38-1542, 38-1543, or 38-1563, and any amendments to such statutory sections, and the restraining order has been personally served upon the person so restrained.

SECTION 2: Title 6, Chapter 1, Section 25 of the Municipal Code, as the same presently exists, is hereby repealed; provided, however, that any prosecution brought under the terms thereof and pending at the time of the effective date of this Ordinance shall continue the same as if such be not repealed by this Ordinance.


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 and APPROVED This 23RD day of June, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2821

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Spruce Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and full advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Spruce Street between its intersection with Sixth Avenue and its intersection with Seventh Avenue.

(22' by 354', more or less)

865 square yards of bituminous double seal:

90 ton base rock	\$ 405.00
30 ton buckshot	135.00
260 gallons penetration oil	143.00
432 gallons MC 3000	237.00
30 ton cover rock	150.00
Second seal coat	<u>387.00</u>

TOTAL ESTIMATED PROJECT COST \$1,457.00

SECTION 3: It is proposed that the pro rata portion of the above repairs and improvements attributable to the adjacent public right-of-ways to-wit: the alley ways in the middle of Block 32 and 33 in the City of Garnett and that portion of Sixth Avenue and Seventh Avenue, respectively, on the north and south end of such improvement be paid by the City of Garnett, Kansas, which said pro rata share based on footage is \$241.80 and the balance of the actual cost of said repairs and improvements be assessed against the improvement district so created and apportioned pro rata among the five (5) property owners of record contained within such improvement district. The extent of the improvement district is:

- Tract 1: Lot 12 in Block 62, City of Garnett
- Tract 2: Lot 1 in Block 63, City of Garnett
- Tract 3: Lot 24 in Block 63, City of Garnett
- Tract 4: South half of Lot 13 in Block 62, City of Garnett
- Tract 5: North half of Lot 13 in Block 62, City of Garnett

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Spruce Street, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.


SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 14th day of July, 1987.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2822

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AMENDING PARTS OF TITLE 4, CHAPTER 11 OF THE MUNICIPAL CODE, PROVIDING RULES AND REGULATIONS GOVERNING DEVELOPMENT IN FLOOD ZONES AND ESTABLISHING FLOOD ZONES BY MAP.

Be it ordained by the Governing Body of the City of Garnett.

SECTION 1 - The City Manager hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Ordinance and all other Ordinances of the City of Garnett now in force or hereafter adopted, related to zoning, sub-division or building codes.

SECTION 2 - The City Manager shall be appointed to these additional responsibilities by resolution of the Governing Body and his appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the City Manager, the Governing Body of the City shall designate an acting enforcement official.

SECTION 3 - The Governing Body of the City of Garnett hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

SECTION 4 - Permits Required: No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

a. Within Zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

b. Application: To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Within designated flood prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the City Manager.
7. Give such other information as reasonably may be required by the City Manager.

SECTION 5 - The City Manager shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 6 - The City Manager, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section II of this Ordinance) will:

a. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or others sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

- (1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (2) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structure components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.
- (3) Require for all new construction and substantial improvements - That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Require the use of construction materials that are resistant to flood damage.

c. Require the use of construction methods and practices that will minimize flood damage.

d. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

e. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

f. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
- (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
- (3) All components of the anchoring system be capable of carrying a force of 4800 pounds.
- (4) Any additions to manufactured homes be similarly anchored.

g. Require that all manufactured homes to be placed with Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6f.

SECTION 7 - The Governing Body of the City shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

- a. All such proposed developments are consistent with the need to minimize flood damage.
- b. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres of fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 8 - New Water and Sewer, etc. - New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 9 - The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

SECTION 10 - This Ordinance shall take precedence over conflicting Ordinance or parts of Ordinances and provisions of Title 4, Chapter 11 of the Municipal Code, which are hereby amended to conform herewith. The Governing Body of the City of Garnett may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

SECTION 11 - Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- FLOODPROOFING - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- MANUFACTURED HOME PARK - A parcel (or contiguous parcels) of land OR SUBDIVISION divided into two or more manufactured home lots for rent or sale.
- REGULATORY FLOOD - The water surface elevation of the 100-year ELEVATION flood.
- SPECIAL FLOOD HAZARD - The land within a community, subject to a one AREA percent or greater chance of flooding in any given year. This land is indentified as Zone A on the official map.
- STRUCTURE - A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
- SUBSTANTIAL IMPROVEMENT- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition

"substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.


100-YEAR FLOOD -

The condition of flooding having a one percent chance of annual occurrence.

ADOPTED AND PASSED by the Governing Body of the City of Garnett, this 14th day of July, 1987.


Robert E. Boots, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 2826

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Cedar Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and full advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Cedar Street from its intersection with First Avenue
North 257' to edge of existing blacktop.

(22' x 257', more or less)

628 square yards of bituminous double seal:

180 gallons penetration oil	\$ 99.00
300 gallons MC 3000	159.00
15 ton cover rock	75.00
Road bed construction	400.00
Second seal coat	<u>234.00</u>

TOTAL ESTIMATED PROJECT COST \$967.00

SECTION 3: It is proposed that the entire actual cost of the above repairs and improvements be assessed against the improvement district so created and apportioned among the several property owners of record, pro rata upon the basis of lot frontage abutting said street. The extent of the proposed improvement district is:

Lot 12, Block 3; Lot 1, Block 4, City of Garnett.
South 77 feet of Lot 1, Block 2; All of Lot 1 and
the South 17 feet of Lot 2, Block 1 in the Tawney
Addition to the City of Garnett.

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned among the several property owners of record, within the improvement district pro rata upon the basis of lot frontage abutting said street.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 25th day of August, 1987



Mayor

Attest:



City Clerk

ORDINANCE NO. 2827

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:

Block Nine (9), Twenty (20) and Twenty-Three (23),
Mandovi Addition

is hereby changed from District R-3 (Residential) to District I-1 (Light Industrial).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

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

PASSED By the Commission, 3 voting Aye; 0 voting Nay;
and approved this 25th day of August, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE No. 2830

AN ORDINANCE PROHIBITING THE SELLING OR OFFERING FOR SALE OF ANY ARTICLE OF MERCHANDISE FROM A VEHICLE PARKED OR FROM A TEMPORARY STAND SET-UP ON THE PAVED, MAIN-TRAVELED PORTION OF THE ROADWAY OF ANY PUBLIC STREET WITHIN THE CITY OF GARNETT; CREATING AN EXCEPTION THERETO.

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

Section 1. No person, firm, organization, partnership, corporation, or other entity shall sell or offer for sale any article of merchandise, nor solicit orders for the same from any vehicle parked or any temporary stand set-up on the paved, main-traveled portion of any roadway of any of the public streets within the City of Garnett, Kansas.

Section 2. The provisions of Section 1 of this ordinance shall not apply to the paved parking area running along the south side of Block 46 within the City of Garnett, Kansas, being what is commonly called the courthouse, one-way, parking strip.


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 and APPROVED This 22nd day of September, 1987.



Mayor

ATTEST:



City Clerk

AN ORDINANCE VACATING A PART OF FOURTEENTH STREET; A PART OF TWELFTH STREET; AND A PART OF VINE STREET AND A PORTION OF A CERTAIN ALLEY IN MANDОВI ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RESERVATION OF A UTILITY EASEMENT IN A PORTION OF THE AREA TO BE VACATED; AND FOR THE RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423

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

SECTION 1: The following described real estate, to-wit:

- (a) Fourteenth Street between its intersections with Maple and Elm Streets;
- (b) Twelfth Street between its intersections with Maple and Vine Streets;
- (c) Vine Street between its intersections with Thirteenth and Fifteenth Streets;
- (d) The public alley bisecting in an east-west direction Block Twenty (20), Mandovi Addition; and
- (e) The public alley generally bisecting in an east-west manner Block Seven (7), Mandovi Addition to the City of Garnett;

be vacated as public streets or public alleys, as the case may be; which said public streets and public alleyways were, respectively, a part of the duly platted area of Mandovi, which is now an addition to the City of Garnett, Kansas, such Plat being recorded at Page 16 of the Plat Book in the office of Register of Deeds, Anderson County, Kansas, on the 10th day of July, ~~19~~ 1888.

SECTION 2: The public streets and public alleyways above described have never been opened or laid out as public ways and the lands adjacent thereto have become a part of one ownership and are used presently as an industrial site, which is the highest and best use of the lands and such streets and alleys if laid out would be deadend streets and alleys; and that it is necessary and expedient to vacate the above described public streets and alleys in order that the fullest utilization might be made of the present industrial use.

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

SECTION 4: There is hereby reserved in favor of the City of Garnett, Kansas, a right of way and easement over and through the portion of Vine Street proposed to be vacated for the purpose of installation, maintenance, removal, re-installation, or use for utility services, including, but not limited to electrical transmission service, over and through the said real estate.

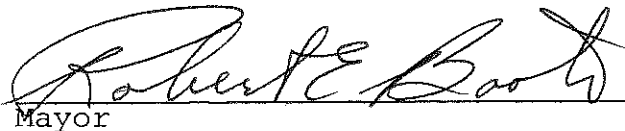
SECTION 5: A certified copy of this Ordinance, after the same becomes effective, shall be filed by the City Clerk in the office

Ordinance
Page 2

of the County Clerk and in the office of the Register of Deeds, Anderson County, Kansas, and be placed of record in each office as provided by law.

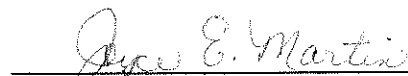
SECTION 6: This Ordinance shall take effect and be in force from and after its adoption, its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 3 hereof.

PASSED and APPROVED This 13th day of October, 1987.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE PROHIBITING PARKING ON A PART OF WALNUT STREET WITHIN THE CITY OF GARNETT, KANSAS


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

SECTION 1: No person shall stand or park any vehicle on the east side of Walnut Street between Kaw Avenue and Park Road.

SECTION 2: This Ordinance shall be deemed a supplementary parking restriction and the official City codifier is directed to place the same as an additional subpart to Title 10, Chapter 2, Section 1A.


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 and APPROVED This 13th day of October, 1987.



Mayor

A T T E S T:



City Clerk

=====

ORDINANCE NO. 2835
OF THE
CITY OF GARNETT, KANSAS
ADOPTED
OCTOBER 27, 1987

\$75,000
SPECIAL IMPROVEMENT DISTRICT BONDS
SERIES, 1987

=====

ORDINANCE NO. 2835

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$75,000 PRINCIPAL AMOUNT OF SPECIAL IMPROVEMENT DISTRICT BONDS, SERIES, 1987, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN STREET IMPROVEMENTS IN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; AND 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.

WHEREAS, pursuant to K.S.A. 12-6a01 to 12-6a17, inclusive, and K.S.A. 10-101 to 10-133, inclusive, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City of Garnett, Kansas (herein called the "City"), has caused certain improvements to be made in the City, consisting of: (1) Construction of street improvements to Country Club Lane in the City of Garnett, Kansas.

WHEREAS, all legal requirements pertaining to said improvements have been complied with, and the governing body of the City now finds and determines that the total costs of said improvements and related expenses are at least \$75,000.00, all of which have been levied and assessed against the several lots, pieces and parcels of lands liable for special assessments for said improvements; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay the costs of said improvements; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$75,000 to pay the costs of said improvements including the paying off and retiring of temporary notes of the City heretofore issued to provide funds for the payment of said costs; and

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

Section 1. Authorization of and Security for the Bonds.

For the purpose of providing funds to pay the cost of certain street improvements in the City, there shall be issued and hereby are authorized and directed to be issued the Special Improvement District Bonds, Series, 1987, of the City in the principal amount of \$75,000 (herein called the "Bonds").

The Bonds shall be general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by such improvements, and if not so paid, 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 Bonds and the interest thereon as the same become due.

Section 2. Description of the Bonds, Designation of Paying Agent. The Bonds shall consist of negotiable coupon Bonds, numbered from 1 consecutively upward, in the denomination of \$1,500 each. All of the Bonds shall be dated October 1, 1987, shall become due serially on October 1 in the respective years, without option of prior payment, and shall bear interest from the date thereof at the respective rates per annum, as follows:

<u>MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>ANNUAL RATE OF INTEREST</u>
1988	\$ 7,500	6 3/4%
1989	7,500	6 3/4%
1990	7,500	6 3/4%
1991	7,500	6 3/4%
1992	7,500	6 3/4%
1993	7,500	6 3/4%
1994	7,500	6 3/4%
1995	7,500	6 3/4%
1996	7,500	6 3/4%
1997	7,500	6 3/4%

Interest on the Bonds at the rates aforesaid shall be payable semiannually on October and April of each year, beginning on April 1, 1988. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America at the State Treasurer's Office in Topeka, Kansas.

Section 3. Method of Execution of the Bonds. Each of the Bonds shall be signed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Clerk and shall have the corporate seal of the City affixed or imprinted thereon. Interest coupons shall be attached to the Bonds representing the interest thereon, which interest coupons shall bear the facsimile signatures of the Mayor and City Clerk.

Section 4. Form of Bonds. Each of the Bonds and the certificates to appear thereon and the interest coupons to be attached thereto shall be in substantially the following form:

(FORM OF BOND)

No. _____

\$1,500

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

SPECIAL IMPROVEMENT DISTRICT BOND
SERIES, 1987

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF GARNETT, a municipal corporation in the County of Anderson, State of Kansas (herein called the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer the principal sum of

ONE THOUSAND FIVE HUNDRED DOLLARS

on the First day of October, 1988, and to pay interest thereon from the date hereof at the rate of six and three fourths percent

(6 3/4%) per annum, payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1988, until said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached as they severally become due. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America at State Treasurer's Office in Topeka, Kansas.

THIS BOND is one of an authorized series of negotiable coupon bonds of the City designated "Special Improvement Bonds, Series, 1987", of like date, denomination and tenor excepting number, interest rate and maturity, aggregating the principal amount of \$75,000 (herein called the "Bonds"), issued by the City for the purpose of providing funds to pay the cost of certain street improvements in the City, under the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and statutes of the State of Kansas, including K.S.A. 12-6a01 to 12-6a17, inclusive, and K.S.A. 10-101 to 10-133, inclusive, and all amendments thereof, and all other provisions of the laws of said State applicable thereto, and pursuant to proceedings duly and legally had by the governing body of the City.

THE BONDS are general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by such improvements, and if not so paid, 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 Bonds and the interest thereon as the same become due.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the

total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Garnett, Kansas, by its governing body, has caused this Bond to be signed by the facsimile signature of its Mayor and attested by the facsimile signature of its City Clerk, and its corporate seal to be affixed or imprinted hereon, and has caused the interest coupons hereto attached to be signed by the facsimile signatures of said Mayor and City Clerk, and this Bond to be dated this _____ day of _____, 1987.

(facsimile)
Mayor

ATTEST:

(facsimile)
City Clerk

Registration No. _____

=====

(FORM OF COUPON)

(First coupon due)

The CITY OF GARNETT, KANSAS, promises
to pay the bearer the amount shown hereon in
lawful money of the United States of America
at State Treasurer's Office, upon presentation
and surrender of this coupon, being interest then
due on its SPECIAL IMPROVEMENT DISTRICT BOND,
SERIES, 1987, dated October 1, 1987.

)
) On _____
) _____
) \$ _____
)
)
)

Bond No. _____

Coupon No. _____

(facsimile)
Mayor

ATTEST:

(facsimile)
City Clerk

Registration No. _____

=====

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF _____)

I, the undersigned, City Clerk of the City of Garnett,
Kansas, hereby certify that the within Bond has been duly registered
in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

=====

=====
(FORM OF STATE TREASURER'S CERTIFICATE)
OFFICE OF THE STATE TREASURER OF KANSAS

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

I, Joan Finney, State Treasurer of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of the within Bond has been filed in my office, and that this Bond and the coupons attached hereto were duly registered in my office in compliance with the laws of the State of Kansas this _____.

WITNESS my hand and official seal.

State Treasurer of Kansas

By _____
Assistant State Treasurer

=====
Section 5. Execution and Delivery of the Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, and to cause the Bonds to be registered in the office of the City Clerk and in the office of the State Treasurer of Kansas as provided by law, and, when duly executed and registered, to deliver the Bonds to The Kansas State Bank ^{of Garnett, Kansas} the original purchaser of the Bonds, which purchase price shall be not less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery.

Section 6. Disposition of Bond Proceeds. All accrued interest and premium, if any, received from the sale of the Bonds shall be deposited in the Bond and Interest Fund held by the City Treasurer for the retirement of general obligation bonds of the City.

The balance of the proceeds derived from the sale of the Bond shall be deposited in the City Treasury and shall be used and expended solely for the purpose of paying the cost of the improvements as hereinbefore described.

Section 7. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of and interest on the Bonds as the same become due from the special assessments levied upon the property benefited by the improvements herein described, or if such special assessments are not sufficient therefor, by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The special assessments and 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 other taxes of the City are levied and collected, and the proceeds derived therefrom shall be paid to the City Treasurer and deposited in the Bond and Interest Fund of the City and shall be used exclusively for the payment of the principal of and interest on the Bonds as and when the same shall become due and payment of the fees and expenses of the Paying Agent as provided in Section 8 hereof.

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

Section 8. Transfer of Funds to Paying Agent. The City Treasurer is hereby authorized and directed to withdraw from the Bond and Interest Fund and forward to the Paying Agent sums sufficient to pay both principal of and interest on the Bonds as and when the same become due, and also to pay the charges made

by the Paying Agent for acting as fiscal agent in the payment of principal and interest on the Bonds, and said charges shall be forwarded to the Paying Agent over and above the amount of the principal of and interest on the Bonds.

Section 9. 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 official City newspaper.

PASSED AND APPROVED this 27th day of October,
1987.



Mayor

ATTEST:



City Clerk

(Published in the Garnett Review,
Monday, November 2, 1987)

ORDINANCE NO. 2835

AN ORDINANCE AUTHORIZING
AND DIRECTING THE ISSUANCE,
SALE AND DELIVERY OF \$75,000
PRINCIPAL AMOUNT OF SPECIAL
IMPROVEMENT DISTRICT BONDS,
SERIES, 1987, OF THE CITY OF
GARNETT, KANSAS, FOR THE
PURPOSE OF PROVIDING FUNDS
TO PAY THE COST OF CERTAIN
STREET IMPROVEMENTS IN THE
CITY; PRESCRIBING THE FORM

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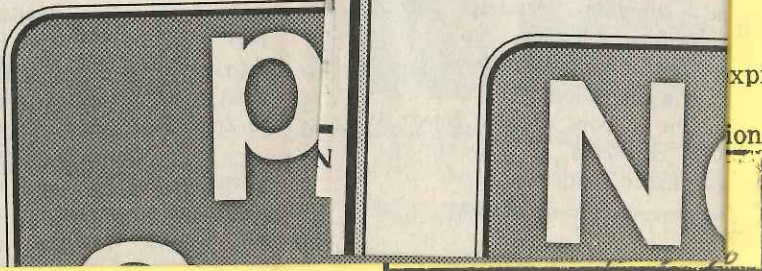


A raisin gets a helping hand
in parade Friday. The raisin

ness will be accepted.
purchases of at least \$10 on an
ase receipts to our office.
bill to the person who

For you and your

that you **WILL** have to do.
have to do to win an extra



OF PUBLICATION

Case No. Ord 2835

I, the undersigned, being a
person duly sworn on oath states that he is managing
the publication of the Garnett Review, a weekly newspaper printed in the State of
Kansas, in general circulation in Anderson County, Kansas,
on a weekly basis in Anderson County, Kansas;
and that it is not a religious or fraternal publication.

It has been published at least weekly fifty times a year and has been so
continuously published in said County and State for a period
of 1 year immediately preceding the first publication of the attached notice; and
it is entered at the post office of publication, Garnett,
Kansas, as second class matter.

A copy of which is hereto attached, was published in the
Garnett Review weekly newspaper for 1 consecutive

4th pub., 19...
5th pub., 19...
6th pub., 19...

Wald Dave Deeks
Managing Editor

to before me, this 9th day of
November, 1987.

Jessie K. Young
Notary Public.

expires 12-2, 1990.

on approved, 19.....

.....
Judge of District Court

ORDINANCE NO. 2836

AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 3N OF THE MUNICIPAL CODE RELATING TO THREE PHASE ELECTRICAL SERVICE; REPEALING EXISTING SECTION

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

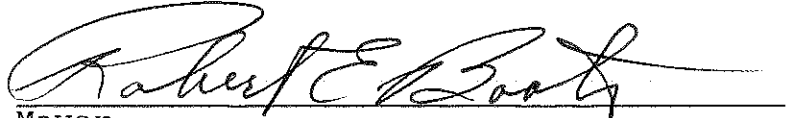
SECTION 1: Title 4, Chapter 1, Section 3N of the Municipal Code is hereby amended to read as follows:

(N) On three (3) phase services all entrance wires shall be of the same size.

SECTION 2: Title 4, Chapter 1, Section 3N of the Municipal Code, as the same presently exists, is hereby repealed.

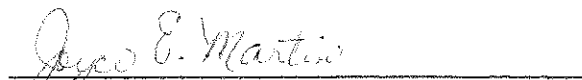
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 27th day of October, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2837

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS FOR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:

All of Block Three (3) in Pineway Addition
to the City of Garnett, Anderson County,
Kansas

is hereby changed from District R-1 (Residential) to District R-3 (Residential); provided, no mobile home shall be erected or parked in said Block.

SECTION 2: 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:

All of Block Four (4) in Pineway Addition
to the City of Garnett, Anderson County,
Kansas

is hereby changed from District R-2 (Residential) to District R-3 (Residential); provided, no mobile home shall be erected or parked in said Block.

SECTION 3: Upon this Ordinance's becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

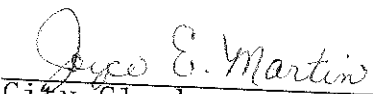
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED By the Commission, 3 voting Ayes; 0
voting Nay; and approved this 10th day of November, 1987.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2846

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 one year; and,

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

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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$3,183.24 incurred through December 31, 1987 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 23rd day of February, 1988.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2846

Kim Crabtree Brown	\$ 253.57
Mary Cole	9.92
Charles Robinson	134.23
Richard Williams	187.85
Linda Skinner	124.26
John Calcott	115.42
C. Chizari and R. Teter	20.00
Pamela Smith	103.90
George and Ruth Pederson	526.71
Michael B. Kastruba	99.82
Joe Owens	361.16
Judy Sullivan	91.66
David Wells	387.71
Brenda Griffith	25.07
Shawn Herman	156.44
George and Myrtle Turner	42.96
Danny and Lisa Kirkpatrick	138.80
Four State Oil Supply	<u>403.76</u>
	\$3,183.24

ORDINANCE NO. 2848

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE DEALING WITH THE AMOUNT OF UTILITY SECURITY DEPOSITS; INCREASING SUCH DEPOSIT FOR RESIDENTIAL--ALL ELECTRIC CUSTOMERS; AND RE-STATING CONDITIONS UPON WHICH A DEPOSIT IN AN AMOUNT EQUAL TO TWICE THE ORDINARY RATE MAYBE MADE; AND REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

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

4-8-3: AMOUNT OF DEPOSITS:

(A) No distinctions shall be made in requiring a utility security deposit of any customer, regardless of the ownership of the specific property to which the customer's utility services are to be provided.

(B) The basic utility security deposit for both residential and general service utility customers shall be fifty dollars (\$50.00) for electrical service customers; provided, however, that those customers qualifying for and receiving electrical energy under the classification fixed in Title 4, Chapter 4, Section 4(B), Residential--All Electric shall pay a utility security deposit of one hundred dollars (\$100.00); fifty dollars (\$50.00) for gas service customers; and twenty-five dollars (\$25.00) for water service customers. Customers receiving more than one utility service shall pay the aggregate amount of such deposits due for the respective utility services they purchase.

(C) Any utility customer, or any person applying to the City of Garnett for any utility services whose electrical, gas, water, sanitary sewer, trash, or other like utility services who shall have been suspended, terminated, or shut off by reason of non-payment 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 shut off 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 in Subsection (B) of this Section.

SECTION 2: Title 4, Chapter 8, Section 3 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 and APPROVED This 8th day of March, 1988.

A T T E S T:



Mayor



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 8 OF THE MUNICIPAL CODE DEALING WITH APPLICATION FOR UTILITY SERVICE; DEFINING WHO IS A CUSTOMER OF THE CITY UTILITY SYSTEM; REPEALING EXISTING SECTION.

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

SECTION 1: Title 4, Chapter 7, Section 8 of the Municipal Code is hereby amended to read as follows:

4-7-8: APPLICATION FOR UTILITY SERVICES;
DEFINITION OF CUSTOMER:

(a) No utility service of any class or type shall be commenced by the City for any customer until the customer has made written application to the City for such services, and such application is approved by the City Manager or his delegate. The application shall be made on forms provided by the City. The City Manager is hereby authorized to and he shall prescribe the form of the application and shall see that at all times an adequate supply is maintained. Such application shall include, but shall not be limited to questions to determine customer's previous residential address, the length of time at such address, the names and addresses of suppliers of utilities to such residential address, the customer's Social Security number, date of birth, and motor vehicle operator's or chauffeur's license number, and the state issuing the same.

(b) For purposes of this Section the term "customer" means either a person being supplied with or applying for utility services, who is:


- (1) Eighteen (18) years of age or older; and
- (2) Either:
 - (i) the owner of; or
 - (ii) the tenant responsible for payment of the rent or lease installments to the owner (and who is not merely a roomer or boarder);of the premises to which such utility services are to be supplied.

(c) No application shall be approved if the customer, the customer's spouse, or a person of the opposite sex occupying the same living quarters as the customer owes any sum to the City of Garnett for any class or type of utility services which said sum is delinquent.

SECTION 2: Title 4, Chapter 7, Section 8 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.

PASSED BY THE COMMISSION and APPROVED This 8th day of March, 1988.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 8 OF THE MUNICIPAL CODE, STATING ADDITIONAL BASES FOR DISCONTINUANCE OF OR REFUSAL TO GRANT UTILITY SERVICES; RESTATING PROCEDURES FOR HEARING AND NOTICE IN CONNECTION WITH UTILITY SHUT OFF FOR NON-PAYMENT; REPEALING EXISTING SECTION

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

SECTION 1: Title 4, Chapter 4, Section 8 of the Municipal Code is hereby amended to read as follows:

4-4-8: UTILITY REFUSAL OR SHUT OFF POLICY;
ESTABLISHING PROCEDURES FOR HEARING AND NOTICE
THEREOF IN THE CASE OF SHUT OFF FOR NON-PAYMENT
OF BILLS:

(a) The City of Garnett may discontinue or refuse any utility service for any of the following reasons:

- (1) When the customer requests it;
- (2) When a dangerous condition exists on the customer's premises;
- (3) When the customer fails to provide the information requested in the application or fails to post the required security deposit as elsewhere provided by this Code;
- (4) When the customer misrepresents his or her identity for the purpose of obtaining utility services;
- (5) When the customer refuses to grant utility personnel access during normal working hours to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance, or replacement;
- (6) When the customer continues to act, after notice to cease, so as to adversely affect the safety of the customer or other persons or the integrity of the utility delivery system;
- (7) When the customer causes or permits unauthorized interference with or the diversion or use of utility services situated or delivered on or about the customer's premises; or
- (8) When a utility bill becomes delinquent, but only after notice as provided in Part B of this Section.

(b) In case of the failure of any customer to pay the utility charges incurred on his account, all utilities furnished on such account shall be shut off and terminated on the 25th day of the month in which they are due and shall not again be turned on or restored until such account shall have been paid in full, including penalties; and including in addition thereto any sum established as a turn on or utility restoration fee; provided, however, that at such time as a utility account becomes delinquent notice shall be given to the utility customer of such delinquency and of his right to request a hearing not later than 4:30 o'clock p.m. on the 24th day of the month in which such is due. Said hearing

shall shall be conducted before the City Manager or his designate and shall be convened for the sole purpose to permit the customer to contest the accuracy of such delinquency, either entirely or in part. Such notice shall be mailed to the utility customer by United States Mail, First Class postage prepaid and properly addressed to the last known address as shown by the utility records at City Hall, and such notice shall be substantially in the following form, to-wit:

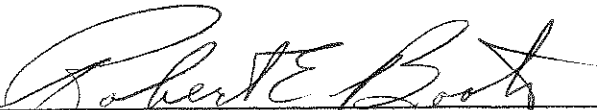
You are hereby notified that you may request a hearing before the City Manager or his designated agent not later than 4:30 o'clock p.m. on the 24th day of this month, if you contest the accuracy of this delinquency notice. If you do not request such a hearing and your account remains delinquent, utilities are subject to turn off.

This notice shall be given on the 16th day of the month when such account shall be due and when the same has become delinquent, or on the first business day occurring after the 16th day of the month, but in no event shall such notice be given later than the 20th day of any such month. Such hearings shall be conducted by the City Manager, or at his direction the City Clerk, or some other person who is authorized to make any corrections or adjustments found from such hearing to be necessary.

SECTION 2: Title 4, Chapter 4, Section 8 of the Municipal Code as the same presently exists is hereby repealed.

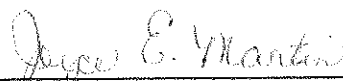
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED BY THE COMMISSION and APPROVED this 8th day of March, 1988.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2859

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519, ET SEQ., AND DECLARING THE NAME OF SUCH ANNEXED AREA TO BE "BARNES ADDITION".

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

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

Beginning at City property line 942 feet east of the center of Section 29, (Being a Northwest corner of the Garnett Municipal Airport) thence South 330 feet, thence west 285 feet, thence in a southwesterly direction at approximately the same angle as US Highway 169, crossing the 1/2 section line of Section 29, 264 feet south of the south highway right of way line or 668.5 feet south of the center of said Section 29, continuing southwesterly 343 feet to fence on west property line, thence northwesterly along such property line 221 feet to the south right of way of said US Highway 169, thence northeasterly along said right of way to the east-west 1/2 section line of said Section 29, thence east along said 1/2 section line to place of beginning. All in Anderson County, Kansas.

having met one or more of the classifications for annexation described by K.S.A. 12-519, et seq., and specifically that the owners thereof have petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas, to be known as "Barnes Addition".

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 and APPROVED This 12th day of July, 1988.


Mayor

A T T E S T:


City Clerk

AN ORDINANCE DECLARING THE POLICY OF THE CITY OF GARNETT, KANSAS TO PROVIDE WITHIN CONSTITUTIONAL LIMITATIONS FAIR HOUSING THROUGHOUT THE CORPORATE LIMITS OF THE CITY; DECLARING CERTAIN PRACTICES UNLAWFUL; AND PROVIDING A PROCEDURE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF; ALL PURSUANT TO THE AUTHORITY OF TITLE VIII, OF THE CIVIL RIGHTS ACT OF 1968, AS AMENDED.

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

Section 1. POLICY

It is the policy of the City of Garnett, Kansas, to provide, within constitutional limitations, for fair housing throughout the City.

Section 2. DEFINITIONS

(a) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(b) "Family" includes a single individual.

(c) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(d) "To rent" includes to lease, sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(e) "Discriminatory housing practice" means an act that is unlawful under sections 4, 5 or 6.

Section 3. UNLAWFUL PRACTICE

Subject to the provisions of subsection (b) and section 7, the prohibitions against discrimination in the sale or rental of housing set forth in section 3 shall apply to:

(a) All dwellings except as exempted by subsection (b)

(b) Nothing in section 4 shall apply to

(1) Any single-family house sold or rented by an owner: Provided, That such private individual owner does not own more than three such single-family houses at any one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further; That such bonafide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, That the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent,

or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 4 (c) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by section 3 and except as exempted by sections 3(b) and 7, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

Section 5. DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan

or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3(b).

Section 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-family listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

Section 7. EXEMPTION

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 8. ADMINISTRATION

(a) The authority and responsibility for administering this Act shall be in the City Manager of Garnett, Kansas.

(b) The City Manager may delegate any of these functions, duties, and powers to employees of the City or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The City Manager shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the City, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the City Manager to further such purposes.

Section 9. EDUCATION AND CONCILIATION

Immediately after the enactment of this ordinance, the City Manager shall commence such educational and conciliatory activities as will further the purposes of this ordinance.

He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

Section 10. ENFORCEMENT

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the City Manager. Complaints shall be in writing and shall contain such information and be in such form as the City Manager requires. Upon receipt of such complaint, the City Manager shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the City Manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the City Manager decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the City Manager who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the City Manager, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If within thirty days after a complaint is filed with the City Manager, the City Manager has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The City Manager will assist in this filing.

(d) If the City Manager has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the City Manager shall immediately terminate all efforts to obtain voluntary compliance.

Section 11. INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE

(a) In conducting an investigation the City Manager shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, That the City Manager first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The City Manager may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The City Manager may administer oaths.

(b) Upon written application to the City Manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the City Manager to the same extent and subject to the same limitations as subpoenas issued by the City Manager himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpoena of the City Manager shall be entitled to the same witness and mileage fees as are witnesses in proceedings in Kansas district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(d) Within five days after service of a subpoena upon any person, such person may petition the City Manager to revoke or modify the subpoena. The City Manager shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the City Manager or other person at whose request it was issued may petition for its enforcement in the State court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the City Manager shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the City Manager, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the City Manager pursuant to his subpoena or other order, or shall wilfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(g) The City Attorney shall conduct all litigation in which the City Manager participates as a party or as amicus pursuant to this ordinance.

Section 12. ENFORCEMENT BY PRIVATE PERSONS

(a) The rights granted by sections 3, 4, 5 and 6 may

be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty days after the alleged discriminatory housing practice occurred: Provided, however, That the court shall continue such civil case brought pursuant to this section or section 10(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the City Attorney are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the City Manager and which practice forms the basis for the action in court: And provided, however, That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be affected.

(b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Section 13. INTERFERENCE, COERCION, OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6. This section may be enforced by appropriate civil action.

Section 14. SEPARABILITY OF PROVISIONS

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

CASES Section 15. PREVENTION OF INTIMIDATION IN FAIR HOUSING

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order

to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate:

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

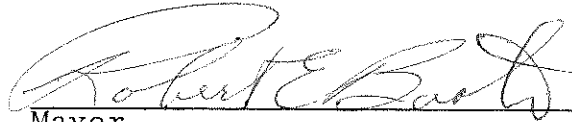
Section 16. EFFECTIVE DATE

That 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.

Section 17. AUTHORITY


This ordinance is made pursuant to and under the authority of Title VIII, Civil Rights Act of 1968 as amended (Federal Fair Housing Law).

PASSED AND APPROVED This 13TH day of SEPTEMBER, 1988.



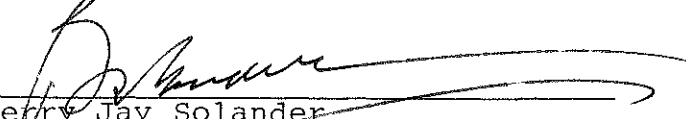
Mayor

Attest:



City Clerk

APPROVED AS TO FORM:



Terry Jay Solander
City Attorney

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:

South sixty feet (60') of Lots Eleven
(11) and Twelve (12), Block Forty-three
(43) in the City of Garnett;

is hereby changed from R-2 (Residential)
to C-1 (Local Business District).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

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

PASSED By the Commission, 3 voting Aye; 0 voting Nay;
and approved this 13TH day of September, 19 88.



Mayor

A T T E S T:



City Clerk

ORDINANCE 2864

AN ORDINANCE RESTRICTING PARKING TO 15 MINUTES OR LESS IN EIGHT DESIGNATED STALLS WITHIN THE CITY OF GARNETT, KANSAS; AND DECLARING THE SAME AMENDATORY TO TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE.

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

Section 1. No person shall park or stand any vehicle in any of the following described angle parking stalls, to-wit:

1. The four stalls immediately north of Garnett State Savings Bank on Fifth Avenue, along the south curb of said avenue between its intersection with Oak Street to the west and the private drive of Garnett State Savings Bank to the east; and

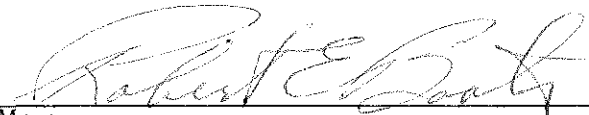
2. The four stalls immediately east of Garnett Savings and Loan Association on Oak Street, along the west curb of said street between the private drive of Garnett Savings and Loan Association to the north and said street's intersection with Sixth Avenue on the south,

for a period of longer than fifteen (15) minutes.

Section 2. This ordinance shall be construed as amendatory to Title 10, Chapter 2 of the Municipal Code and the official codifier is instructed to insert the provisions of Section 1 hereof as "Subparagraph F" of Section 2 of said Chapter 10.

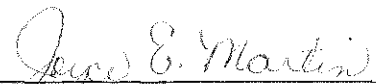
Section 3. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the city of Garnett, Kansas.

PASSED AND APPROVED this 13th day of September, 1988.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2869

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2(B) OF THE MUNICIPAL CODE DEALING WITH LIMITATION ON PARKING OF MOTOR VEHICLES IN CERTAIN AREAS; AND CHANGING THE PARKING LIMITATIONS ON THE WEST SIDE OF OAK STREET BETWEEN THIRD AVENUE AND THE ALLEY LYING BETWEEN THIRD AND FOURTH AVENUES; REPEALING EXISTING SECTION OF SAID CHAPTER AND TITLE.

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

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

10-2-2: TIME LIMIT:

B. No person shall park or stand any vehicle on the:

1. West side of Oak Street between Third Avenue and a point 63 feet north of the center line of the alley lying between Third and Fourth Avenues;

2. West side of Oak Street between the alley lying between Third and Fourth Avenues on the north and Fourth Avenue on the south; and

3. East side of Oak Street, in the angle parking stalls, between Third Avenue and the private drive immediately south of the United States Post Office;

for a period of longer than fifteen (15) minutes.

SECTION 2: Title 10, Chapter 2, Section 2(B) 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 and APPROVED, This 8th day of November, 1988



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2871

AN ORDINANCE AMENDING THE FISHING REGULATIONS OF THE CITY OF GARNETT; SPECIFICALLY AMENDING TITLE 9, CHAPTER 5, SECTION 13D CHANGING THE LENGTH RESTRICTIONS ON CERTAIN FISH AND ESTABLISHING CREEL LIMITS; AND SECTION 13F RESPECTING THE REARING POND AND RELATED FACILITIES.

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

SECTION 1: Title 9, Chapter 5, Section 13D is hereby amended to read as follows:

(D) The catching and taking of fish from City lakes is permitted without limitation as to time. The following restrictions shall apply as to length/^{and} creel limit:

1. No catfish, excepting bullheads of a length less than fifteen inches (15") shall be retained or possessed. No walleye or wiper of a length less than eighteen inches (18") shall be retained or possessed. No crappie of a length less than ten inches (10") shall be retained or possessed. No black bass of a length twelve inches (12") or more but less than fifteen inches (15") in length shall be retained or possessed. Any fish of the restricted size class shall be returned immediately, unrestrained, to the waters from which they were taken. The size of a fish shall be determined as the total length, in inches, measured from the tip of its mouth to the end of its tail, with the mouth closed and the tail lobes pressed together.

2. The daily (midnight to midnight) creel limit on the following classes or types of fish shall be observed and no person shall be entitled to have more than one (1) days creel limit in his possession, to-wit:

(a) Catfish, except bullheads, three (3).

(b) Crappie, fifteen (15).

SECTION 2: Title 9, Chapter 5, Section 13F is hereby amended to read as follows:

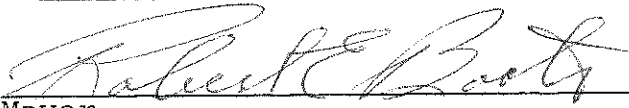
(F) It is unlawful and punishable as a misdemeanor to fish in, wade, or otherwise molest the North Park Rearing Pond, rearing cages, or fish feeders.


SECTION 3: Title 9, Chapter 5, Section 13D and 13F, 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.

PASSED and APPROVED This 22nd day of November, 1988.

A T T E S T:


Mayor


City Clerk

ORDINANCE NO. 2872

AN ORDINANCE PLACING TIME LIMITATIONS ON THE PARKING OF MOTOR VEHICLES ON A PORTION OF THE WEST SIDE OF OAK STREET, GENERALLY IN FRONT AND TO THE EAST OF GARNETT HIGH SCHOOL, AS MORE PARTICULARLY SET IN THE TEXT OF THE ORDINANCE; AND PROVIDING INSTRUCTIONS FOR PLACING THE SAME IN THE MUNICIPAL CODE.

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

SECTION 1: No person shall park or stand any vehicle on the west side of Oak Street for a distance of 564 feet, commencing at a point 301 feet south of the intersection of the center lines of North Oak Street and Park Road and running thence south along the west side of Oak Street to a point 865 feet south of said intersection, between the hours of 7:30 a.m. and 4:00 p.m. inclusive, on any day during which the public high school adjacent and immediately to the west thereof shall be in session.

SECTION 2: This Ordinance shall be deemed to constitute an amendment to Title 10, Chapter 2, Section 2 of the Municipal Code and shall be inserted as Subparagraph F of said Section by the official codifier of 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 and APPROVED This 22nd day of November, 1988.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2875

AN ORDINANCE DECLARING UNLAWFUL THE BLOCKING OF PUBLIC SIDEWALKS AND WAYS IN THE CITY OF GARNETT, KANSAS; PROVIDING FOR CERTAIN EXCEPTIONS AND PERMITS FOR TEMPORARY CONDITIONS.

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

SECTION 1. It shall be unlawful for any person:

- (i) to build, construct, erect, or install any barricade, scaffold or other obstruction, whether temporary or permanent;
- (ii) to store, leave or allow to be left any implements, tools, equipment or building materials except as may be necessary to load or unload the same; or,
- (iii) to leave or allow to be left or stored any unattended goods, wares, merchandise or the necessary display or showcases for the same;

on any sidewalks or other public ways of the City of Garnett.

SECTION 2. Goods, wares, and merchandise, whether new or used, offered for sale by any merchant occupying a business premises abutting a sidewalk or other public way together with the necessary display or showcase therefor shall be conclusively presumed not to be unattended if placed upon such sidewalk or other public way so as to permit a reasonably unrestricted pedestrian walkway and if placed thereon for only so long as the business is actually open for the active conduct of business in the abutting or adjacent premises.

SECTION 3. Nothing in this Ordinance shall be construed to prohibit planters, benches, or other decorations of reasonable size and in reasonable number to be placed in front of any business upon the public sidewalk or ways if such constitute neither a sight hazard to the motoring public or to pedestrians nor otherwise impede pedestrian traffic.

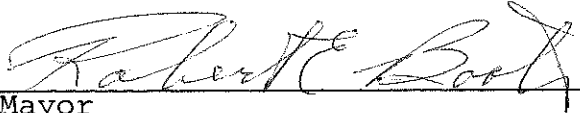
SECTION 4. The City Manager is hereby authorized to grant, upon a satisfactory showing of need, temporary permits in connection with a building or moving permit, or during a remodeling or maintenance project, for limited times, to allow the owner or occupant of property abutting any such sidewalk or public way to use or encumber such sidewalk or public way of the City of Garnett during the construction, improvement, remodeling or maintenance of any building. But, no such permit shall be issued until plans for warning and safeguarding the public during such period shall have been submitted to the City Manager and approved. During such temporary period, every effort shall be made to provide a temporary, safe walkway for pedestrians.

SECTION 5. The official codifier is instructed to place this at Section Three in Title Nine (9), Chapter One (1), such section to be introduced: "OBSTRUCTION OF SIDEWALKS UNLAWFUL; CERTAIN EXCEPTIONS; PERMITS FOR TEMPORARY CONDITIONS:"

Ordinance No. 2875
Page 2


SECTION 6. 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.

PASSED and APPROVED this 27th day of December, 1988.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2876

AN ORDINANCE DECLARING THE KEEPING AND MAINTAINING OF NUISANCES TO BE UNLAWFUL WITHIN THE CITY OF GARNETT, KANSAS; DEFINING NUISANCES; PROVIDING FOR THE REMOVAL OR ABATEMENT OF NUISANCES; AUTHORIZING THE ASSESSMENT OF COSTS; AND REPEALING ANY ORDINANCE OR ENACTMENT IN CONFLICT HEREWITH.

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

SECTION 1: NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person, firm, or corporation to maintain, permit, or allow any nuisance within the City of Garnett, Kansas. "Nuisance" is defined to be an annoyance; any use of property by one which gives offense to or endangers the life or health of another, violates the laws of decency, unreasonably pollutes the air with foul, noxious odors or smoke, or obstructs the reasonable and comfortable use and enjoyment of the property of another and includes, but is not limited to, the following:

- (a) stagnant ponds or pools of water;
- (b) rank vegetation;
- (c) dead animals allowed to remain twenty-four (24) hours or more after death;
- (d) any junked, wrecked or inoperable vehicle;
- (e) any accumulation of filth, excrement, lumber, rocks, dirt, or any open pit from which rocks, or dirt, or both have been removed, and any accumulation or refuse or garbage contrary to Title 7, Chapter 2, Section 8 of the Municipal Code;
- (f) any icebox, refrigerator, or other container, the keeping of which is declared unlawful by Title 6, Chapter 4, Section 1 of the Municipal Code;
- (g) trees, shrubs, or other growths kept or maintained contrary to Title 9, Chapter 3, Section 7 of the Municipal Code;
- (h) structures, temporary or otherwise, stationary or moveable, which are situated upon any public way contrary to Title 9, Chapter 12, Section 1 of the Municipal Code; and
- (i) any other condition which is specifically declared to be a nuisance by any other provision now or hereinafter enacted and incorporated into the Garnett Municipal Code;

which is, or in combination are, a menace and dangerous to the health of the inhabitants of the City of Garnett or of any neighborhood, family, or resident of the City of Garnett.

In determining whether or not a vehicle is "junked, wrecked, or inoperable" the following factors shall be taken into account, but shall not in and of themselves be conclusive:

1. The vehicle, if of the class permitted or required to be registered or tagged pursuant to the provisions of K.S.A. 8-126, et seq., either is not currently or registered or tagged under those sections; or in the alternative is not covered by a non-highway title certificate or an antique title.
2. The vehicle has for a period of thirty (30) consecutive days or longer been placed upon jacks, blocks, or other supports or allowed to lie on its side or top.

However, no vehicle shall be considered to constitute a nuisance if the same is enclosed in a garage or other building; is screened, whether by natural screening or artificial screening, so as to preclude such vehicle from ready and easy view by the public or access to the same by children; or which is possessed or held by any person conducting a business enterprise in compliance with existing City zoning regulations and applicable Federal or Kansas laws.

SECTION 2: COMPLAINTS; INQUIRY AND INSPECTION. The City Manager shall make inquiry and inspection of premises reported or believed to be a nuisance upon receiving a complaint or complaints in writing signed in the aggregate by five (5) or more persons stating that a nuisance exists and describing the same and where located; or when the City Manager is informed that a nuisance may exist by the Kansas Department of Health & Environment, the Southeast Kansas Multi-County Health District, or other health board having jurisdiction in the area, the Chief of Police, or the Fire Chief. The City Manager may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance and shall make such an inspection upon being directed to do so by resolution of the City Commission of Garnett. Upon making any inquiry and inspection, the City Manager shall make a written report of his findings and file such report with the City Clerk. All complaints shall be investigated without unnecessary delay. The City Manager may (and shall upon request of the Governing Body) make an interim report on the status of any investigation underway, but not resolved if it has been thirty (30) days or longer since the complaint was made.

SECTION 3: RIGHT OF ENTRY. It shall be a violation of this Ordinance to deny the City Manager the right of access and entry upon private property at any reasonable time for the purpose of making the inquiry and inspection required by Section 2, and the City Manager and City Attorney shall be authorized to take appropriate steps to enforce this right, either through an action brought in the District Court of Anderson County, Kansas, or by prosecution for such violation in the Municipal Court of the City of Garnett.

SECTION 4: NOTICE. Any person, corporation, partnership, or association owning or otherwise in possession of or in charge of the premises which after inquiry and inspection appear to be in violation of this Ordinance shall be served with a Notice requiring such owner or agent to remove and abate from the premises the thing or things therein described as a nuisance within a fixed period of time not to exceed ten (10) days, which time shall be specified in the Notice and such Notice shall also state that before the expiration of such time period the recipient thereof may request a hearing before the City Manager, who is hereby designated the official representative of the governing body for such purpose.

SECTION 5. SAME; MANNER OF NOTICE. This Notice shall be served upon the owner or agent of such property by restricted mail or by personal service; or if the premises is unoccupied and the owner is a non-resident, then by mailing a notice by restricted mail to the last known address of the owner.

SECTION 6. FAILURE TO COMPLY; PENALTY. Should the owner or agent of the owner of such property fail to comply with the requirements of the notice for a period longer than that named in the notice or fails within such period to request a hearing before the City Manager, the City Manager may file a complaint in

the Municipal Court against such owner or agent of the owner alleging a violation of the provisions of this Ordinance and upon conviction such person shall be fined in an amount not to exceed \$100.00 or be imprisoned for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Each day during which the condition continues after notice has been served shall constitute an addition or separate offense.

SECTION 7: ABATEMENT. In addition to, or as an alternative to prosecution as provided above, the City Manager shall proceed to have the things described in the Notice removed and abated from the lot or parcel of ground. After removal or abatement, the City Manager shall give notice to the owner or agent by restricted mail of the total cost of such abatement or removal incurred by the City and such notice shall also state that payment of such cost is due and payable within thirty (30) days following receipt of the notice. In addition to the actual direct costs for abatement or removal, the City may also recover and include in the notice costs of providing the notice, including postage.

SECTION 8: COSTS ASSESSED. If the cost of such removal or abatement and notice is not paid within the thirty (30) day period so provided, the cost shall be collected in the manner provided by K.S.A. 12-1,115 (1986 Supp.) and any amendments thereto or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. The cost is to be assessed against the lot or parcel by the City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify the aforesaid costs and the County clerk shall extend the same on the tax roll of the county against the lot or parcel of ground and it shall be collected by the County Treasurer and paid to the City as other taxes are collected and paid as provided by law. The City of Garnett may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 (1986 Supp.) and any amendments thereto, but only until the full cost and any applicable interest has been paid in full.

SECTION 9: HEARING. If a hearing is requested within the ten (10) day period as provided in Section 4, such request shall be made in writing to the City Clerk. Failure to make a timely request for a hearing shall constitute a waiver of the owner or agent of the owner's right to contest the findings of the public officer before the City of Garnett. The hearing shall be convened by the City Manager as soon as possible after the filing of the request and the person shall be advised by the City of Garnett of the time and place of such hearing, not less than five (5) days in advance thereof. At such a hearing the owner or agent of the owner may be represented by an attorney and the City of Garnett, acting through the City Manager and the City Attorney, may introduce such witnesses or documentary evidence as is necessary. The hearing need not be conducted following formal rules of evidence. Upon conclusion of the hearing, the City Manager shall either ratify his earlier findings; modify them as appears appropriate based upon the evidence adduced at the hearing, including, if appropriate, to set them aside. If the owner or agent of the owner remains aggrieved, he shall be entitled to appeal the City Manager's decision but until such appeal is actually filed the City Manager's findings, either originally or as modified after the hearing, shall be in full force and effect and entitle the City to proceed with prosecution or abatement.

ORDINANCE NO. 2877

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTIONS 14 THROUGH 16 INCLUSIVE DEALING WITH BOATING REGULATIONS, ANNUAL PERMIT FEES AND SPEEDBOAT AND WATER SKIING REGULATIONS IN CITY PARKS; REPEALING EXISTING SUBSECTIONS.

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

SECTION 1: Title 9, Chapter 5, Section 14 of the Municipal Code is hereby amended to read as follows:

9-5-14: BOATING:

A. Boating and canoeing shall be permitted at any time on Lake Garnett or Cedar Valley Reservoir; provided, however, that with respect only to Lake Garnett the speed of the boat shall be restricted to trolling speed unless such boat be operated for water skiing. No motorized boat shall be permitted on Crystal Lake; provided, however, electrically powered motors may be mounted upon a boat and used on Crystal Lake provided such electric power source is not generated on board by an internal combustion engine and provided further that such boat shall be restricted at all times to trolling speed. Row boats and canoes without motors shall be permitted at any time on Crystal Lake. For purposes of this subsection "trolling speed" shall mean a speed not in excess of five (5) statute miles per hour. Any boat traveling in excess of trolling speed where such is applicable shall be considered to be a speed boat and subject to other regulations of Title 9, Chapter 5 of the Municipal Code. At all times, pilot or operator of any boat or vessel on any city lake shall operate the same at a speed that is reasonable and prudent given consideration to conditions and actual hazards then existing, and nothing in this subsection shall be construed to the contrary.

B.(1) All boats, canoes, or other vessels used upon the waters of any lake within any City park shall be required to obtain a boating permit from the City Clerk. If annual, such permits shall be issued upon a calendar year basis and where fees apply, no pro-ration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall apply to the class of licensee:

Annual Permit Fees

Anderson County Residents:

Boats with motors in excess of 10 HP	\$15.00
Boats with motors with 10 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Anderson County):

Boats with motors in excess of 10 HP	\$35.00
Boats with motors with 10 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	10.00

Three-Day Temporary Permit Fees

Boats with motors in excess of 10 HP	\$15.00
Boats with motors 10 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

(2) Upon payment of the annual permit fee provided in sub-part (1) hereof, the City Clerk shall issue a decal

or other insignia of distinctive design which shall be changed annually to correspond with the registration period, and which such decal or insignia shall be permanently affixed to the boat to which it is issued and displayed at all times thereon and so maintained as to be clearly visible and legible. The decal or insignia shall be placed within one foot of the transom and within two feet of the left corner of said vessel.

(3) In order to permit participation in single day events of City or area wide importance, the City Manager is hereby authorized to waive and cause to be issued a temporary, one day permit for any boat, canoe or other vessel to be used upon the waters of any lake within any city park for participation in that event and for that purpose only, which said temporary permit shall expire at midnight on the day of such event and shall thereafter be of no purpose.

(4) An annual permit may be transferred upon the sale of the boat for which it was issued, to a replacement boat, canoe or vessel titled or owned by the same person upon the payment of a \$2.00 transfer fee. Lost or damaged decals will be replaced on the payment of \$2.00. The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this subpart.

SECTION 2: Title 9, Chapter 5, Section 15 of the Municipal Code is hereby amended to read as follows:

9-5-15: BOATING REGULATIONS:

(1) All regulations adopted by the Kansas Forestry Fish and Game Commission and all laws of Kansas governing boat operations shall at all times be adhered to on City lakes and the violation thereof shall constitute a violation of this subsection the same as if each regulation was set out word for word and the prosecution for such prosecution may be brought in the municipal court of the City of Garnett, Kansas.

(2) On all boats and vessels manually propelled and all canoes and kayaks regardless of length there must be one Coast Guard approved I, II, III (wearable lifesaving device) or IV (throwable) device carried for each person on board and being towed. Manually propelled vessels shall also carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(3) All class A (under 16 feet) motor boats and sailboats shall have on board:

Valid Certificate of Number on board

Registration number on both sides of bow

One coast guard approved lifesaving device type I, II, III or IV for each person aboard and being towed.

Fire extinguisher, one B-I for motorboats in which inflammable gases may accumulate

Lights while underway from sunset to sunrise

Motorboats - combination red and green light on bow, white horizon light aft

Sailboats - combination red and green light on bow, 12 pt. white light aft

Ventilation on motorboats using volatile fuels

Flame arrestor on inboard boats

(4) All Class 1 (16 ft. to under 26 ft.) motor boats and sailboats shall have on board:

Valid Certificate of Number on board
Registration number on both sides of bow
One coast guard approved wearable lifesaving device type I, II or III for each person aboard and being towed plus one throwable device, type IV coast guard approved.
Fire extinguisher, one B-I for motorboats in which inflammable gases may accumulate or fixed system
Lights while underway from sunset to sunrise
Motorboats - combination red and green light on bow, white horizon light aft
Sailboats - combination red and green light on bow, 12 pt. white light aft
Ventilation on motorboats using volatile fuels
Flame arrestor on inboard boats
Whistle, horn or other mechanical sound-producing device for motorboats

(5) All Class 2 (26 ft. to under 40 ft.) motorboats and sailboats shall have on board:

Valid Certificate of Number on board
Registration number on both sides of bow
One coast guard approved wearable lifesaving device type I, II or III for each person aboard and being towed plus one throwable device, type IV coast guard approved.
Fire extinguishers, one B-II or two B-I; or fixed system plus one B-I for motorboats in which inflammable gases may accumulate
Lights while underway from sunset to sunrise
Motorboats - 20 pt white light forward, red and green side lights, white horizon light aft
Sailboats - red and green side lights, 12 pt. white light aft
Ventilation on motorboats using volatile fuels
Flame arrestor on inboard boats
Whistle, horn or other mechanical sound-producing device for motorboats

(6) All Class 3 (40/^{ft.}to not more than 65 ft.) motorboats and sailboats shall have on board:

Valid Certificate of Number on board
Registration number on both sides of bow
One coast guard approved wearable lifesaving device type I, II or III for each person aboard and being towed plus one throwable device, type IV coast guard approved
Fire extinguishers, one B-II plus one B-I or three B-I; or fixed system plus one B-II or two B-I for motorboats in which inflammable gases may accumulate.
Lights while underway from sunset to sunrise
Motorboats - 20 pt. white light forward, red and green side lights, white horizon light aft
Sailboats - red and green side lights, 12 pt. white light aft
Ventilation on motorboats using volatile fuels
Flame arrestor

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

Bell for motorboats

(7) All lifesaving devices or P.F.D.'s must be coast guard approved, serviceable and readily accessible at all times, in each boat or vessel.

(8) Boats anchored in open water between sunset and sunrise must display a white light visible to another boat approaching from any direction.

(9) Every motorboat and vessel except open boats shall be provided with proper ventilation so as to remove explosive or inflammable gases.

(10) Every motorboat except one equipped with an outboard motor, using gasoline as fuel shall have the carburetor or carburetors equipped with efficient coast guard approved flame arresters or backfire traps.

(11)(i) PASSING: When two vessels are approaching each other "head on", or nearly so, each shall be operated to pass the other on the port (left) side at a distance and speed so that the wake of each will not endanger the other.

(ii) OVERTAKING: When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so and then at such a speed and distance so as not to endanger the overtaken vessel.

(iii) CROSSING: In a crossing situation, the vessel which has the other on her own port (left) side shall hold her course and speed; and the vessel which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(iv) Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.

(12)(i) No person shall operate any vessel carrying passengers, cargo or equipment beyond the safe carrying capacity of the vessel or powered by machinery beyond its safe power capacity.

(ii) No owner or person in possession of a vessel shall permit a person under 12 years of age to operate a motorboat unless accompanied and under the direct and audible supervision of a parent or other person over 17 years old.

(iii) No person shall operate a motorboat or other vessel close to swimming areas, moored boats, or vessels engaged in fishing, servicing buoys or markings, or similar activities, without reducing the speed of the vessel so as to prevent wash or wake from the vessel causing damage or unnecessary inconvenience to the occupants of the area or other vessels.

(iv) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

(v) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbituate or marijuana.

(vi) No person shall operate or moor a vessel within a water area which is marked by buoys or some other distinguishing device as a bathing or swimming area, or as an all-boats-prohibited area. Further, no person shall operate a boat for purposes other than fishing or hunting in areas marked by buoys or otherwise designated as fishing or hunting areas.

(vii) No person shall operate or give permission for the operation of a vessel which is not properly equipped with safety devices as required by the law and regulations.

SECTION 3: Title 9, Chapter 5, Section 16 of the Municipal Code is hereby amended to read as follows:

9-5-16: SPEEDBOATS; WATER SKIING:

(A) Speed boating and water skiing shall be permitted on Cedar Valley Reservoir at any time and on Lake Garnett only on each Wednesday and Sunday and the first and third Saturdays of each month, from ten o'clock (10:00) A.M. to sunset of each day, beginning on and after May 15 and ending on and including November 15 of each year. Speed boating and water skiing shall also be permitted on Lake Garnett between ten o'clock (10:00) A.M. and sunset on Memorial Day, July 4, commonly called Independence Day, and Labor Day of each year. Speed boating on Crystal Lake is prohibited at any time, and speed boating on Lake Garnett other than at the times expressly permitted by this Chapter is prohibited.

(B) No speed boating or water skiing shall be permitted at any time in the east neck or the far south end of Lake Garnett, both of which restricted areas shall be marked with buoys.

(C) Any person who exercises the privilege of water skiing or attempting to water ski shall do so at his own risk, and shall comply with all rules for safety for water skiing. Any person water skiing or attempting to water ski shall, before entering the water for such purpose, attach to his body in a proper manner a sufficient life preserver or life jacket.

(D) All persons operating a boat pulling or towing water skiers shall do so at a reasonable and prudent speed, shall observe all rules of safety for the protection of the skier and other persons using the lake for lawful purposes and shall do so with a vessel equipped with a wide-angle rear view mirror properly placed to provide maximum vision; or in the absence of such mirror, in addition to the operator of the boat or vessel there must be an observer in the boat at least 12 years of age who is a responsible person.

(E) All boats on Lake Garnett must follow the following pattern when leaving and returning to the dock:

1. Boats leaving the dock must keep to the right while in the east neck.
2. Upon entering the main lake boats must keep to right of center when going south and north.
3. When entering the east neck boats must keep to the right and slow to five (5) miles per hour.

(F) Boats pulling skiers or surf-board riders will have the right of way over all other boats. They shall operate at approximately seventy-five feet (75') from the shore and on Lake Garnett shall operate in a counter clockwise course from the dam in the main body of the lake ONLY. When a skier or surf-board rider falls, the boat operator must

turn RIGHT and retrieve him at once. Tow rope cannot be more than seventy-five feet (75') in length.

(G) Not more than two (2) skiers may be pulled on any one boat if there are more than eight (8) boats on Lake Garnett.

(H) Boat trailers are not to be parked on any road leading up from the ramp while the boat is on the lake, but shall be parked so as not to block access to any dock.

(I) No boat shall be tied to any dock, except as necessary to receive or discharge passengers.

(J) Any speed boat licensed under the terms of this Chapter may be operated on Lake Garnett during the month of March of each year for purposes of testing upon application by the licensed owner to the City for a one day permit, which shall be issued upon application for a date certain, provided, however, that no licensed owner shall be entitled to more than two (2) such permits during any calendar year; and provided further that no water skiing shall be permitted during the month of March; and provided further that all other rules for the operation of speed boats upon Lake Garnett shall be observed when operating under any such one day permit.

SECTION 4: Title 9, Chapter 5, Sections 14 through 16 inclusive, as the same presently exist, are hereby repealed.

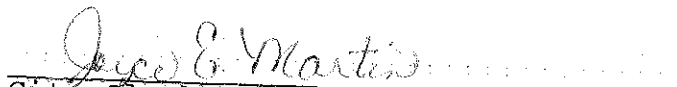
SECTION 5: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this 27th day of December, 1988.



Mayor

A T T E S T;



City Clerk

ORDINANCE NO. 2879

AN ORDINANCE CREATING AND ESTABLISHING A CITY TREE ADVISORY BOARD; PROVIDING FOR THE APPOINTMENT OF MEMBERS THERETO, ESTABLISHING THEIR RESPECTIVE TERMS OF OFFICE AND SETTING FORTH THEIR DUTIES AND RESPONSIBILITIES.

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

SECTION 1. Creation and establishment. There is hereby created and established a City Tree Advisory Board for the City of Garnett, Kansas which shall consist of five members who are citizens and residents of the City of Garnett, and who shall be appointed by the governing body.

SECTION 2. Term of Office. On taking effect of this title and chapter, two of the members shall be appointed to the first Board for a term of one year; two of the members shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Thereafter, as each such term expires, members shall be appointed for a term of three years, but in the event a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. Members of the commission shall hold office until their successor is appointed and qualified.

SECTION 3. Compensation. Members of the Tree Advisory Board shall serve without compensation.

SECTION 4. Duties and Responsibilities. The Tree Advisory Board shall study, investigate, counsel and develop a written plan for the care, planting, culture and removal or disposition of trees and shrubs on parks, streets, alleys, and upon other public lands owned and managed by the City of Garnett and under control of the City Forester as provided by Title 9, Chapter 3 of the Municipal Code and such plan shall be reviewed annually and revised as needed, and then each year presented to the governing body and upon acceptance and approval shall constitute the official comprehensive city tree plan of the City of Garnett, Kansas. The administration of such plan shall be carried out, in the same manner as any other City program, by the City Manager and a City Forester acting under the direction and supervision of the City Manager. In addition, the Tree Advisory Board shall, when requested by the governing body, consider, investigate, make findings and report and recommend upon any special matter or question coming within the scope of the Board's work.

SECTION 5. Operation. The Tree Advisory Board shall annually select a chairman and such other officers as it may find expedient or convenient, and shall make it's own rules and regulations as it may deem necessary to carry out its duties and responsibilities.

SECTION 6. Codification instructions. The official codifier of the City of Garnett is hereby instructed to encode the provisions of this ordinance as Title 2, Chapter 8 of the Municipal Code of the City of Garnett, Kansas.

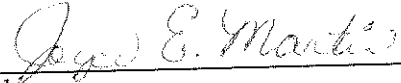
SECTION 7. Effective Date. This Ordinance shall take effect and be in force from and after it's passage and it's publication in an official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED this 10th day of January, 1989.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 6 OF THE MUNICIPAL CODE DEALING WITH REFUNDING OF UTILITY DEPOSITS; REPEALING EXISTING SUBSECTIONS

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

SECTION 1: Title 4, Chapter 8, Section 6 of the Municipal Code is hereby amended to read as follows:

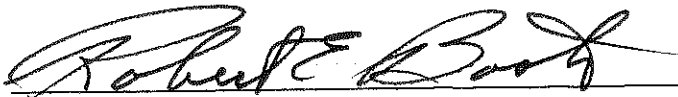
4-8-6: REFUNDING OF DEPOSITS:

- (A) All utility security deposits shall be refunded, with accrued interest, upon termination or discontinuance of service,
1. To each customer who owes no outstanding account for such utility services, in full; or,
 2. To each customer who owes some outstanding account for such utility services, the balance, if any, after applying the deposit and accrued interest to the payment of such outstanding account.
- (B) The City may, in its uncontrolled discretion, refund security deposits and any accrued interest prior to termination or discontinuance of service in those instances in which the customer has established a twelve (12) month consecutive period of on-time payment of monthly utility bills or otherwise has demonstrated credit worthiness. Any customer whose security deposit has been refunded under the provisions of this subsection, but who fails to maintain thereafter consistent on-time payment of monthly utility bills, may be required again to post a security deposit in accordance with the deposit requirements then in effect for new customers. A customer who fails to redeposit such security deposit, after ten (10) days notice thereof, shall be subject to termination of all utility services provided by the City until such deposit is again posted. Notice of the re-deposit requirements shall be given by First Class Mail, postage prepaid, and addressed to the customer at his current billing address.

SECTION 2: Title 4, Chapter 8, Section 6 of the Municipal Code, as the same presently exists, is hereby repealed.

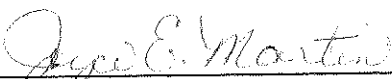
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 28th day of February, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2890

AN ORDINANCE FIXING A MAXIMUM SPEED LIMIT ON A PART OF EAST FOURTH AVENUE WITHIN THE CITY OF GARNETT, KANSAS; REPEALING ANY OTHER ORDINANCE IN CONFLICT HEREWITH.

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

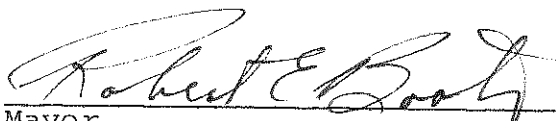
SECTION 1: There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of 40 miles per hour over and upon that part of East Fourth Avenue within the City commencing at the southwest corner of the Maggio Addition to the City of Garnett, and thence running east 408 feet, more or less, to the west right-of-way line of the Union Pacific (formerly Missouri-Pacific) Railroad.

SECTION 2: This Ordinance shall be amendatory to Title 10, Chapter 4 of the Municipal Code and the official codifier of the City of Garnett, Kansas, shall place the same within said chapter. The penalty for violation of this Ordinance shall be as provided for other violations of the said chapter, the penalty section being Title 10, Chapter 4, Section 3 of the Municipal Code.

SECTION 3: Provisions of any ordinance of the City of Garnett which are in conflict herewith are hereby repealed.

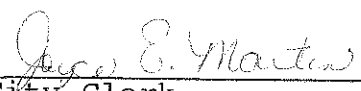
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 23rd day of May, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2892

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 4 OF THE MUNICIPAL CODE, SUCH AMENDMENT DESIGNATING AN ADDITIONAL HANDICAPPED PARKING STALL; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

WHEREAS, One angle parking stall on the east side of Oak, between Fifth and Sixth Avenues, formerly designated as a loading zone, is no longer needed or designated as such a loading zone and it would be desirable and beneficial to the motoring public that such be designated as a handicapped parking stall; and

WHEREAS, Such stall would be in addition to the two (2) handicapped parking stalls existing elsewhere in the downtown business area of the City of Garnett.

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

SECTION 1: Title 10, Chapter 2, Section 4 of the Municipal Code is hereby amended to read as follows:

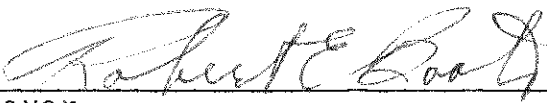
10-2-4: HANDICAPPED PARKING STALLS DESIGNATED: The following parking stalls are hereby designated "Handicapped Parking Stalls", which stalls shall be marked with appropriate signs or painted insignia on the pavement, or both:

- (A) One angle parking stall on the north side of and immediately adjacent to the west of the pedestrian crosswalk in the public parking lot south of the Anderson County Courthouse, within block forty-six (46) of the City;
- (B) One angle parking stall on the south side of and immediately adjacent to the west of the pedestrian crosswalk on East Fourth Avenue between Oak and Main Streets;
- (C) One angle parking stall on the east side of Oak Street, thirteen feet (13') in width and lying ninety-two (92') more or less south of the center line of the alley running between Fifth and Sixth Avenues.

SECTION 2: Title 10, Chapter 2, Section 4 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 and APPROVED This 13th day of June, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2893

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein on a part of a street commonly known as Easy Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of the record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

Easy Street from U.S. Highway 59 West 300'

(20' x 300', more or less)

666 square yards of bituminous double seal

200 gallons penetration oil	\$120.00
333 gallons MC 3000	199.80
15 ton cover rock	75.00
60 ton base rock	240.00
Second seal coat	274.80

TOTAL ESTIMATED PROJECT COST \$909.60

SECTION 3: It is further found that the extent of the proposed improvement district is:

- | | | |
|----------|---|-----------------------------------|
| Tract 1: | All of Block One (1)
in the Thomas Addition | Charles & Susan J.
Hughes |
| Tract 2: | All of Block Two (2)
in the Thomas Addition | Walt & Lillian
Wilcox |
| Tract 3: | A tract beginning 55 rods
north of the SE corner
of SE(1/4) East of the
Sixth Principal Meridian
thence north 18 rods
thence west 43 7/11 rods
thence south 18 rods
thence east 43 7/11 rods
to place of beginning less
tract MC-10-1. | Charles H. & Darlene
Schraeder |

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Easy Street, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.


SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED and APPROVED This 13th day of June, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2895

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 1(A)(11) RELATING TO PARKING RESTRICTIONS ON A PART OF PARK ROAD REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

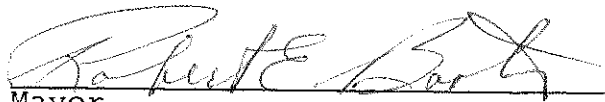
SECTION 1. Title 10, Chapter 2, Section 1 (A)(11) is hereby amended to read as follows:

10-2-1: No Parking: (A) No person shall stand or park any vehicle: (11) on the north side of Park Road between Maple and Elm Streets

SECTION 2. Title 10, Chapter 2, Section 1 (A)(11) 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 AND APPROVED this 27th day of June, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2897

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 17, OF THE MUNICIPAL CODE DEALING WITH REOPENING GRAVES, DISINTERMENT OF BODIES, PERMITS AND FEES THEREFOR; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1. Title 9, Chapter 7, Section 17 of the Municipal Code is hereby amended to read as follows:

9-7-17: Reopening Graves; disinterment; permits; fees:

- (A) Any person desiring to reopen any grave in the Municipal Cemetery to disinter or remove a body therefrom shall first obtain from the City Clerk a permit. Such person shall submit an application on forms provided by the City and pay the deposit required in this Chapter and in addition shall comply with any applicable law or rule and regulation of the State of Kansas, in such case made and provided. The application shall set forth all necessary information to permit the City Clerk to issue such permit including but not limited to the number of the lot, block and addition on which said grave is situated, the name of the person buried, the time of such burial and the place where such body is to be reburied or other manner of disposition of the body.
- (B) The fee for reopening a grave and removing a body therefrom shall be equal to the actual cost to the City for the work done plus an amount equal to 10% of such actual cost. The applicant for such permit shall pay a deposit at the time of application to the City Clerk equal to twice the regular burial permit fee to secure payment of the fee provided by this subsection.
- (C) The reopening of such grave and removal of such body shall be under the supervision of the City Manager, who upon completion of the work, shall communicate to the City Clerk information sufficient to permit the City Clerk to determine the actual fee due under this section. In the event such fee is less than the deposit paid at the time of application the City Clerk shall, in due course, refund the difference to the applicant and permit holder. In the event such actual fee shall be in excess of the deposit the City Clerk shall forthwith issue a statement to the applicant and permit holder who shall be liable for the payment of such additional amount.
- (D) When the applicant proposes a reinterment in another lot in the Cemetery, a service charge shall be paid in the amount required for an original interment, in addition to the disinterment permit fees as provided for herein.
- (E) An order of the District Court or the judge thereof, for the exhumation of the body of a deceased person shall be of sufficient application for a permit hereunder, and in such case no deposit shall be required, but the cost of such exhumation shall be a claim against the County Commissioners as provided by law.

SECTION 2. Title 9, Chapter 7, Section 17 of the Municipal Code as the same presently exists is hereby repealed.

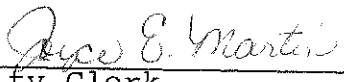
SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED, This 11TH day of July,
1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2898

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7 OF THE MUNICIPAL CODE; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1988, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; AND REPEALING CONFLICTING PROVISIONS OF THE EXISTING MUNICIPAL CODE AS SPECIFIED, THE PROVISIONS OF ORDINANCES 2708 AND 2730 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH; SAVINGS CLAUSE.

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 limit of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance For Kansas Cities", Edition of 1988, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted by Ordinance No. 2898", with all sections or portions thereof intended to be omitted or changed clearly marked to show any omission or change, and to which shall be attached a copy of this Ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance For Kansas Cities, similarly marked, as may be deemed expedient.

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

10-7-2: AMENDMENT: Article 7, Section 33 of the Standard Traffic Ordinance For Kansas Cities, Edition of 1988, is hereby amended to read as follows:

- Sec. 33. Maximum Speed Limits. (a) Except when
- (i) A special hazard exists that requires a lower speed for compliance with Section 32; or,
 - (ii) A different limit is fixed for a particular street, group of streets, or an area either in Title 10, Chapter 4 or in Title 10, Chapter 8 of the Municipal Code,

the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall

drive a vehicle at speeds in excess of such maximum limits:

- (1) Twenty (20) m.p.h. in any business district;
- (2) Thirty (30) m.p.h. in any residential district or in any park;
- (3) Ten (10) m.p.h. in any alley; and
- (4) Fifty-five (55) m.p.h. in all other locations.

The maximum speed limit established by or pursuant to this paragraph shall be in force regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect.

(b) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than forty-five (45) m.p.h. on any roadway having dirt, sand, or gravel surface, and in no event shall a school bus be driven to or from school or activities in excess of fifty-five (55) m.p.h., notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

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


10-7-3: OMISSION: Article 14, Section 105 and Article 20, Section 201, and each and every subsection thereof of the Standard Traffic Ordinance For Kansas Cities, Edition of 1988, are hereby omitted.

SECTION 4: This Ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code and the penalty provisions remaining in Title 10, Chapter 7, Section 4 shall be fully applicable.

SECTION 5: REPEAL: Title 10, Chapter 7, Sections 1 through 3 inclusive, as the same presently exists, are hereby repealed; Title 10, Chapter 9, Sections 3, 4, and 5 are hereby repealed; Title 10, Chapter 10, Sections 1 through 4 are hereby repealed; and the provisions of Ordinance 2708 and Ordinance 2730 are hereby repealed; other ordinances expressly in conflict herewith 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 or any ordinance 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 ordinances or 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 its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 11th day of July, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2899

AN ORDINANCE AMENDING TITLE 8, CHAPTER 7, SECTION 1 OF THE MUNICIPAL CODE FURTHER DEFINING NUISANCES; AND AMENDING TITLE 8, CHAPTER 7, SECTION 2 OF THE MUNICIPAL CODE PROVIDING FOR MAKING OF COMPLAINTS FOR VIOLATION OF CHAPTER 7 OF SAID TITLE; REPEALING EXISTING SECTIONS.

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

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

8-7-1: NUISANCES UNLAWFUL; DEFINED: It shall be unlawful for any person, firm, or corporation to maintain, permit, or allow any nuisance within the City.

(A) "Nuisance" is defined to be an annoyance; any use of property by one which gives offense to or endangers the life or health of another, violates the laws of decency, unreasonably pollutes the air with foul, noxious odors or smoke, or obstructs the reasonable and comfortable use and enjoyment of the property of another and includes, but is not limited to, the following:

1. Stagnant ponds or pools of water;
2. Rank vegetation;
3. Dead animals allowed to remain twenty-four (24) hours or more after death;
4. Any junked, wrecked or inoperable vehicle;
5. Any accumulation of filth, excrement, lumber, rocks, dirt, or any open pit from which rocks, or dirt, or both have been removed, and any accumulation or refuse or garbage contrary to Title 7, Chapter 2, Section 8 of the Municipal Code;
6. Any icebox, refrigerator, or other container, the keeping of which is declared unlawful by Title 6, Chapter 4, Section 1 of the Municipal Code;
7. Trees, shrubs, or other growths kept or maintained contrary to Title 9, Chapter 3, Section 7 of the Municipal Code;
8. Structures, temporary or otherwise, stationary or moveable, which are situated upon any public way contrary to Title 9, Chapter 12, Section 1 of the Municipal Code; and
9. Any other condition which is specifically declared to be a nuisance by any other provision now or hereinafter enacted and incorporated into the Garnett Municipal Code;

which is, or in combination are, a menace and dangerous to the health of the inhabitants of the City or of any neighborhood, family, or resident of the City.

(B) In determining whether or not a vehicle is "junked, wrecked, or inoperable" the following factors shall be taken into account, but shall not in and of themselves be conclusive:

1. The vehicle, if of the class permitted or required to be registered or tagged pursuant to the provisions of Kansas Statutes Annotated 8-126, et seq., either is not currently registered or tagged under those sections; or in the alternative is not covered by a nonhighway title certificate or an antique title.

2. The vehicle has for a period of thirty (30) consecutive days or longer been placed upon jacks, blocks, or other support or allowed to lie on its side or top.
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

However, no vehicle shall be considered to constitute a nuisance if the same is enclosed in a garage or other building; is screened, whether by natural screening or artificial screening, so as to preclude such vehicle from ready and easy view by the public or access to the same by children; or which is possessed or held by any person conducting a business enterprise in compliance with existing City zoning regulations and applicable Federal or Kansas laws.


SECTION 2: Title 8, Chapter 7, Section 2 of the Municipal Code is hereby amended to read as follows:

8-7-2: COMPLAINTS; INQUIRY AND INSPECTION: The City Manager shall make inquiry and inspection of premises reported or believed to be a nuisance upon receiving a complaint or complaints in writing signed in the aggregate by two (2) or more persons stating that a nuisance exists and describing the same and where located; or when the City Manager is informed that a nuisance may exist by the Kansas Department of Health and Environment, the Southeast Kansas Multi-County Health District, or other health board having jurisdiction in the area, the Chief of Police, or the Fire Chief. The City Manager may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance and shall make such an inspection upon being directed to do so by resolution of the City Commission of Garnett. Upon making any inquiry and inspection, the City Manager shall make a written report of his findings and file such report with the City Clerk. All complaints shall be investigated without unnecessary delay. The City Manager may (and shall upon request of the governing body) make an interim report of the status of any investigation underway, but not resolved, if it has been thirty (30) days or longer since the complaint was made.

SECTION 3: Title 8, Chapter 7, Sections 1 and 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 and APPROVED This 11TH day of July, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2902

AN ORDINANCE REPEALING ORDINANCE 2464, ELIMINATING THE REQUIREMENT THAT A DRIVER'S LICENSE APPLICATION OF MINORS UNDER THE AGE OF SIXTEEN (16) YEARS BE FIRST SUBMITTED TO THE CHIEF OF POLICE.


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

SECTION 1: Ordinance 2464 of the City of Garnett, Kansas, is hereby repealed.

SECTION 2: The City Clerk, upon passage of this Ordinance, shall transmit a certified copy hereof to the Division of Vehicles, Department of Revenue of the State of 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 and APPROVED This 25th day of July, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2904

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

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

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

Tract 1:

All of the Northeast Quarter (NE/4) of Section Thirty-one
(31), Township Twenty (20) South, Range Twenty (20) East of
the Sixth Principal Meridian, lying north of the centerline
of U. S. Highway 169 right-of-way, less railroad right-of-
way and highway right-of-way, and except all that portion
of the Northeast Quarter (NE/4) of the Northeast Quarter
(NE/4) lying north of the centerline of U. S. Highway 169
right-of-way;

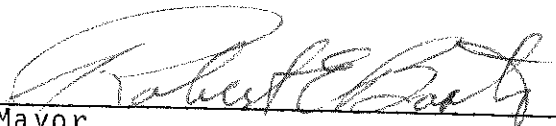
Tract 2:

Commencing at the Northeast Corner of Lot Seven (7) of
Maplewood Addition to the City of Garnett, Kansas, thence
East 1403.2 feet, more or less, to a point on the west
right-of-way line of the Atchison, Topeka & Santa Fe Rail-
road, thence South 14° 10' East 144.8 feet, thence on a right
angle turn in an Easterly direction 40 feet, thence on a
right angle turn in a Southerly direction and again parallel
to said Railroad right-of-way 221.6 feet, thence West 359
feet, thence South 804 feet, thence West 200 feet, thence
South to the County road 435 feet, thence West along said
county road 110 feet, thence North 610 feet, thence West
55 feet, thence North 676.8 feet, thence West 798 feet,
more or less, to the Southeast Corner of said Lot Seven (7),
Maplewood Addition, thence North 300 feet to the place of
beginning, being a part of the Southwest Quarter (SW/4) of
Section Nineteen (19), Township Twenty (20), Range Twenty
(20), Anderson County, Kansas;

each having met one or more of the classifications for annexation
described by K.S.A. 12-519, et seq., specifically that the owner
of each tract, being the City of Garnett, Kansas, has consented to
and desires to annex the same to its corporate limits and such
lands being adjacent to one of the existing boundaries of the
said City of Garnett, Kansas, the same lands are hereby annexed
to and made a part of the City of Garnett, Kansas.

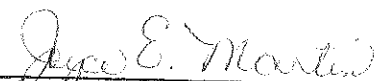
SECTION 2: This Ordinance shall take effect and be in force
from and after its passage and its publication in an official news-
paper of the City of Garnett, Kansas.

PASSED and APPROVED This 8th day of August, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2908

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE RELATING TO THE AMOUNT OF SECURITY DEPOSITS FOR MUNICIPAL UTILITY SERVICES: REPEALING EXISTING PROVISIONS OF TITLE 4, CHAPTER 8, SECTION 3.

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:

4-8-3: AMOUNT OF DEPOSITS: (A) There is hereby established for each of the following classes of services utility security deposits:

(i) Residential - All Electric, Premises Owner: \$ 100.00 ;

(ii) Residential - All Electric, All Other: \$ 200.00 ;

(iii) All Other Electric Service Customers, Both Residential and General Service: \$50.00;

(iv) Gas Service Customers - All Classifications: \$50.00;

(v) Water Service Customers - All Classifications: \$25.00.


(B) Customers receiving more than one utility service shall pay the aggregate amount of such deposits due for the respective combination of utility services they purchase.

(C) Any utility customer, or any person applying to the City for any utility services whose electrical, gas, water, sanitary sewer, trash, or other like utility services shall have been suspended, terminated, or shut off by reason of non-payment 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 shut off 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 is 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 deposit set out and provided otherwise by this Section.

SECTION 2: Title 4, Chapter 8, Section 3 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 and APPROVED This 26th day of September, 1989.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE TEMPORARILY SUSPENDING CREEL AND LENGTH LIMITS ON CRAPPIE TAKEN FROM THE CEDAR VALLEY RESERVOIR, SAID LIMITS BEING FIXED BY TITLE 9, CHAPTER 5, SECTION 13(D) OF THE MUNICIPAL CODE

WHEREAS, Findings supervised by a competent Biologist indicate an over-population of crappie at the City of Garnett's Cedar Valley Reservoir; and

WHEREAS, In the opinion of Fish Biologists advising the City of Garnett, it would be appropriate to reduce the population of crappie in the said reservoir by allowing unrestricted harvesting.


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

SECTION 1: The creel and length limits imposed upon the taking of crappie from Garnett's Cedar Valley Reservoir by Title 9, Chapter 5, Section 13(D) of the Municipal Code are hereby suspended with respect only to crappie and only at Garnett Cedar Valley Reservoir, such suspension to remain in effect for so long as this Ordinance shall be effective.

SECTION 2: Nothing herein shall in any way be construed to affect the creel or length limits with respect to other species of fish at Garnett's Cedar Valley Reservoir; or with respect to all species of fish, including, but not limited, to crappie at any other City lake.


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 and APPROVED This 26th day of September, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2911

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE DEALING WITH PARKING RESTRICTIONS; MODIFYING THE "NO PARKING" RESTRICTIONS ON THE SOUTH SIDE OF SIXTH AVENUE; REPEALING EXISTING TITLE, CHAPTER, AND SECTION; SAVING CLAUSE; ESTABLISHING A NEW ZONE ON SAID STREET FOR THE PURPOSES OF LOADING AND UNLOADING PASSENGERS; EFFECTIVE ON PUBLICATION.

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

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

10-2-1: NO PARKING:

(A) No person shall stand or park any vehicle:

1. On Fourth Avenue between Walnut and Maple Streets;
2. On the east side of Walnut Street between Fourth and Fifth Avenues;
3. On the west side of Walnut Street between Fifth and Seventh Avenues;
4. On the east side of Oak Street between First Avenue and Park Road;
5. On the south side of Sixth Avenue between Pine and Vine Streets;
6. On the north side of Sixth Avenue from a point due south of the southeast corner of Lot Twenty (20), Block Fifty-four (54) east to Oak Street;
7. On the east side of Main Street between Third and Fourth Avenues;
8. On the south side of Third Avenue between Main and Oak Streets;
9. On the north side of Third Avenue for a distance of one hundred eighteen feet (118') due west of the center of Oak Street, as measured from the point of the two (2) streets' intersection;
10. From the south side of that certain alley lying north of the Farris Addition to the City between its intersection with Maple Street on the east and its intersection with an extension of High Street on the west;
11. On the south side of Park Road between Maple and Walnut Streets;
12. On the east side of Main Street from a distance of ten feet (10') either side of the center line of the alley, lying between Fifth and Sixth Avenues, if it were extended east beyond its present terminus.

- (B) No person shall stop, stand, or park any vehicle, for any period of time, for any purpose whatsoever, on either side of Maple Street, or in the center, turning lane of said street; provided, however, that at locations north of the intersection of said Maple Street and Park Road, a vehicle may stop, stand, or park alongside of the paved portion of said Maple Street at any location where a shoulder is provided, but only for such purposes as a vehicle may lawfully stop, stand, or park along the shoulder of a highway, as elsewhere provided either

in the Standard Traffic Ordinance for Kansas Cities as adopted by the City of Garnett, or by the general traffic laws of the State.

- (C) No person shall park or stand any tractor-trailer, semi-trailer, truck or combination of such vehicles, the truck or tractor of which is over one tone in capacity upon Cleveland Street between Highway K-31 and Fourth Avenue.
- (D) No person shall stand or park any vehicle on any part of the public street easement whether paved or not:
1. On the north side of Sixth Avenue a distance of fifty-four feet (54') east of the center line of Oak Street; and
 2. On the south side of Sixth Avenue a distance of fifty-four feet (54') west of the center line of Oak Street.


SECTION 2: Title 10, Chapter 2, Section 1 of the Municipal Code 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 the original section of said chapter and title shall stay the effectiveness of such repealer with respect to each case then pending which shall be prosecuted to conclusion upon the same terms and conditions as if the original code section had not been repealed.

SECTION 3: No person shall park or stand any vehicle on the south side of Sixth Avenue between Vine and Maple Streets, except for the purpose of loading and unloading passengers; provided, however, that such loading or unloading shall be undertaken in an expeditious manner without delay; and provided further that the driver or some person in charge of such vehicle licensed by law to operate the same shall constantly be present or available to remove such vehicle in an emergency; and provided yet further that private passenger vehicles shall yield space in favor of an officially marked school bus loading or attempting to load or unload passengers thereat.

SECTION 4: The section immediately preceding shall be deemed amendatory to Title 10, Chapter 2 and shall be assigned Section 6 within said chapter and title by the official codifier of the City of Garnett, Kansas.


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 and APPROVED This 10th day of October, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2914

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 one year; 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 \$5,522.27 incurred through June 30, 1989 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 October, 1989.


Mayor

Attest:


City Clerk

Attachment to Ordinance No. 2914

Rebecca Goudy	\$ 142.55
Mildred Reyes	14.60
Johnny Buller	512.21
Nick Jaimez	4.16
Wesley White	74.05
James Runnels	131.23
Betty Brown	36.07
Lori Kellerman	63.43
Sherri Carr/ Terry McCullough	36.31
Robert Hopkins	23.49
Charles Scott	422.09
Terri Welsh	265.66
Patricia Gully	51.26
Mickey Scott	163.96
Fred Goddard	127.44
David L. Thacker	4.84
Tim Weldin	368.24
Teresa Hensley	305.41
Ebeny Revelle	108.87
George Tush Estate	81.34
Nina Beaner	34.30
Dean Boyer	32.29
Paul Morris	12.65
Bob Hornberg	42.75
Margaret Maurer	212.76
Kenny & Sharon Weaver	191.68
Bonnie Beissel	835.83
Dawn Fagg	45.29
Bonnie Casida	94.70
Doug & Judi White	312.44
Dianne Roy	121.03
Mike Steen	238.96
Steven Wells	90.90
Mike Waldhauser	7.50
Rebecca Goudy	58.35
Terry Throckmorton	161.24
Richard Swank	46.06
New & Used But Not Abused	46.33
 Total	 \$5,522.27

ORDINANCE NO. 2918

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13 OF THE MUNICIPAL CODE RELATING TO FISHING ON CITY LAKES; ESTABLISHING AN ANNUAL CITY FISHING PERMIT AND SPECIAL TROUT FISHING PERMIT; SETTING FORTH RULES AND REGULATIONS GOVERNING FISHING; AND AUTHORIZING THE ESTABLISHMENT OF RESTRICTIONS AND LIMITATIONS ON FISHING BY THE GOVERNING BODY HENCEFORTH BY SIMPLE RESOLUTION; REPEALING EXISTING SECTION AND REPEALING ORDINANCE 2909 AND ANY OTHER ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Title 9, Chapter 5, Section 13 of the Municipal Code is hereby amended to read as follows:

9-5-13: FISHING:

(A) (1) No person shall fish or attempt to fish from any City lake without having been issued and having in his possession a valid City Fishing Permit; provided, however, no person under sixteen (16) years of age shall be required to have such a City Fishing Permit. Any person having a current Kansas Fishing License or any person exempt from licensure under Kansas law may make application for a City Fishing Permit to the City Clerk, who shall issue an annual permit upon payment of the following fees:

- a. A resident of Anderson County \$ 5.00
- b. All other persons 7.50

Such Permit shall be valid for the year in which issued and shall expire on the 31st day of December in the year of issuance and there shall be no pro-ration of the above fees, regardless of when the license shall be applied for and issued. Such permit shall authorize the holder to fish in any City lake, for all species of fish, except trout.

(2) All persons desiring to fish for trout in any City lake where authorized shall be required first to apply for a Special City Trout Permit to the City Clerk and the permit shall be issued upon payment of the following fees, which shall be in addition to any other permit fee which may be applicable:

- a. Anderson County residents over twelve (12) years of age \$ 5.00
- b. All other persons over twelve (12) years of age 7.50
- c. All persons twelve (12) years of age and under 2.50
- d. Non-resident daily 3.00

Such Permit shall be valid for the year in which issued and shall authorize the holder to participate in the City Trout Program for that calendar year in which issued.

(3) A duplicate City Fishing Permit or Trout Permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon the payment of a one dollar (\$1.00) replacement to the City Clerk.

- (B) It shall be unlawful and punishable as a misdemeanor for any person:
1. To fish for any species, other than trout, at any one time with more than two (2) rods and lines, or to fish with any one rod or line which has attached to it more than two (2) hooks, or two (2) flies, or two (2) artificial bait devices or lures.
 2. To fish for trout at any one time with more than one (1) rod, pole, or line, or to fish for trout from any boat.
 3. To fish without having a valid Kansas Fishing License (unless exempt therefrom by Kansas law) and, when required, without possessing a valid City Fishing Permit, or Trout Permit, or both.
 4. To take or attempt to take or catch any species of fish by hand fishing, toe fishing, snagging, snaring, or gigging.
 5. To use, operate, or install any trot line, set line, float, bank, or limb line on any City lake, other than south of the Missouri-Pacific Railroad overpass on Cedar Valley Reservoir.
 6. To fish in any City lake at a time when such fishing is prohibited by resolution; or to fish in violation of any restrictions established by resolution for such lake or for taking any species of fish from such lake.
 7. To have, retain, or possess fish of the size or in a quantity greater than established by this Section or any resolution adopted under the authority granted by this Section.
- (C) The Governing Body, on recommendation of the City Manager, in consultation with appropriate, qualified fish biologists or state game agencies, may establish restrictions on the taking of fish. Such restrictions may include the hours at which fish may be taken from one or more lakes; classification by species and limitation of retention and possession of species by length, weight, or both, and the establishment of daily (midnight to midnight) creel limits. Such resolution may from time to time be adopted or amended by the Commission, and shall make reference to this Subpart and when published once in an official newspaper of the City of Garnett, Kansas, shall have the same effect as if set out word for word in this Section.
- (D) Anyone entitled to fish in any City lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas State Forestry Fish and Game Commission. The daily (midnight to midnight) bag limit on bullfrogs is eight (8).
- (E) It is unlawful and punishable as a misdemeanor to fish in, wade or otherwise molest the North Park Rearing Pond, rearing cages, or fish feeders.
- (F) Any unlawful device used in or as an aid facilitating the violation of any of the provisions of this Section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the Municipal Judge, be destroyed.

- (G) Nothing in this Section shall be construed to supersede applicable statutes of the State of Kansas or regulations promulgated thereunder by the State Forestry, Fish and Game Commission.

SECTION 2: The provisions of Title 9, Chapter 5, Section 13 as the same presently exists, the provisions of Ordinance 2909, and the provisions of any other ordinance in conflict herewith 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, Kansas.

PASSED and APPROVED This 28th day of December, 1989.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14 OF THE MUNICIPAL CODE DEALING WITH BOATING AND BOATING REGISTRATION, ANNUAL PERMIT FEES; AND REPEALING EXISTING SECTION.

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

SECTION 1: Title 9, Chapter 5, Section 14 of the Municipal Code is hereby amended to read as follows:

9-5-14: BOATING:

A. Boating and canoeing shall be permitted at any time on Lake Garnett or Cedar Valley Reservoir; provided, however, that with respect only to Lake Garnett the speed of the boat shall be restricted to trolling speed unless such boat be operated for water skiing. No motorized boat shall be permitted on Crystal Lake; provided, however, electrically powered motors may be mounted upon a boat and used on Crystal Lake provided such electric power source is not generated on board by an internal combustion engine and provided further that such boat shall be restricted at all times to trolling speed. Row boats and canoes without motors shall be permitted at any time on Crystal Lake. For purposes of this subsection "trolling speed" shall mean a speed not in excess of five (5) statute miles per hour. Any boat traveling in excess of trolling speed where such is applicable shall be considered to be a speed boat and subject to other regulations of Title 9, Chapter 5 of the Municipal Code. At all times, pilot or operator of any boat or vessel on any city lake shall operate the same at a speed that is reasonable and prudent given consideration to conditions and actual hazards then existing, and nothing in this subsection shall be construed to the contrary.

B. (1) All boats, canoes, or other vessels used upon the waters of any lake within any City park shall be required to obtain a boating permit from the City Clerk. If annual, such permits shall be issued upon a calendar year basis and where fees apply, no pro-ration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall apply to the class of licensee:

Annual Permit Fees

Anderson County Residents:

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors with 40 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Anderson County):

Boats with motors in excess of 40 HP	\$ 35.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	10.00

Three-Day Temporary Permit Fees

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors 40 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

(2) Upon payment of the annual permit fee provided in sub-part (1) hereof, the City Clerk shall issue a decal or other insignia of distinctive design which shall be changed annually to correspond with the registration

period, and which such decal or insignia shall be permanently affixed to the boat to which it is issued and displayed at all times thereon and so maintained as to be clearly visible and legible. The decal or insignia shall be placed within one foot of the transom and within two feet of the left corner of said vessel.

(3) In order to permit participation in single day events of City or area wide importance, the City Manager is hereby authorized to waive the provisions of Subpart (1) hereof and cause to be issued a temporary, one day permit for any boat, canoe, or other vessel to be used upon the waters of any lake within any city park for participation in that event and for the purpose only, which said temporary permit shall expire at midnight on the day of such event and shall thereafter be of no purpose.

(4) An annual permit may be transferred upon the sale of the boat for which it was issued, to a replacement boat, canoe or vessel titled or owned by the same person upon the payment of a \$2.00 transfer fee. Lost or damaged decals will be replaced on the payment of \$2.00. The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this sub-part.

SECTION 2: Title 9, Chapter 5, Section 14 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 and APPROVED This 28th day of December, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2922

AN ORDINANCE AMENDING TITLE 8, CHAPTER 7, SECTION 1 OF THE MUNICIPAL CODE FURTHER DEFINING NUISANCES; REPEALING EXISTING SECTION.

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

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

8-7-1: NUISANCES UNLAWFUL; DEFINED: It shall be unlawful for any person, firm, or corporation to maintain, permit, or allow any nuisance within the City.

- (A) "Nuisance" is defined to be an annoyance; any use of property by one which gives offense to or endangers the life or health of another, violates the laws of decency, unreasonably pollutes the air with foul, noxious odors or smoke, or obstructs the reasonable and comfortable use and enjoyment of the property of another and includes, but is not limited to, the following:
1. Stagnant ponds or pools of water;
 2. Rank vegetation;
 3. Dead animals allowed to remain twenty-four (24) hours or more after death;
 4. Any junked, wrecked or inoperable vehicle;
 5. Any accumulation of filth, excrement, lumber, rocks, dirt, or any open pit from which rocks, or dirt, or both have been removed, and any accumulation or refuse or garbage contrary to Title 7, Chapter 2, Section 8 of the Municipal Code;
 6. Any icebox, refrigerator, or other container, the keeping of which is declared unlawful by Title 6, Chapter 4, Section 1 of the Municipal Code;
 7. Trees, shrubs, or other growths kept or maintained contrary to Title 9, Chapter 3, Section 7 of the Municipal Code;
 8. Structures, temporary or otherwise, stationary or moveable, which are situated upon any public way contrary to Title 9, Chapter 12, Section 1 of the Municipal Code; and
 9. Any other condition which is specifically declared to be a nuisance by any other provision now or hereinafter enacted and incorporated into the Garnett Municipal Code;

which is, or in combination are, a menace and dangerous to the health of the inhabitants of the City or of any neighborhood, family, or resident of the City.

- (B) In determining whether or not a vehicle is "junked, wrecked, or inoperable" the following factors shall be taken into account, but shall not in and of themselves be conclusive:
1. The vehicle, if of the class permitted or required to be registered or tagged pursuant to the provisions of Kansas Statutes Annotated 8-126, et seq., either is not currently registered or tagged under those sections; or in the alternative is not covered by a nonhighway title certificate or an antique title.

2. The vehicle has for a period of thirty (30) consecutive days or longer been placed upon jacks, blocks, or other support or allowed to lie on its side or top.
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

However, no vehicle shall be considered to constitute a nuisance if the same is enclosed in a garage or other building; is screened with a structure or a natural screen of sufficient size, strength, and density so as to preclude such vehicle or the silhouette thereof from ready and easy view by other persons or access to the same by children; or is possessed or held by any person conducting a business enterprise in compliance with the existing City zoning regulations and applicable Federal or Kansas laws. Any screen which constitutes a structure shall be erected or installed in conformity with all applicable zoning and building regulations of the City.

SECTION 2: Title 8, Chapter 7, Section 1 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 and APPROVED This 9TH day of January, 1990.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2927

AN ORDINANCE REPEALING TITLE 2, CHAPTER 1, SECTIONS 3, 4, 5, AND 6; REORGANIZING THE PARKS AND RECREATION ADVISORY BOARD AND PROVIDING FOR A SUBCOMMITTEE TO STUDY CERTAIN RECREATION FUNCTIONS; REPEALING CERTAIN EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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 five (5) members to be appointed by the Governing Body. All members shall be residents of the City of Garnett. In addition to such Board, there is hereby established a Standing Subcommittee of the Board, designated as the Lakes Advisory Subcommittee, consisting of seven (7) members to be appointed by the Governing Body. At least one (1) member of such Subcommittee, but in no case more than two (2) members, shall be a member of the Parks and Recreation Board.

SECTION 2: Title 2, Chapter 1, Section 4 of the Municipal Code is hereby amended to read as follows:

2-1-4: TERMS OF OFFICE: The terms of all members of the Parks and Recreation Advisory Board shall begin on the effective date of this Ordinance and each shall hold office until the expiration of his respective term, which shall expire as follows:

One (1) on January 1, 1991;
Two (2) on January 1, 1992; and
Two (2) on January 1, 1993.

Thereafter each member shall hold office for a term of three (3) years. Any vacancy shall be filled in the same manner as the original appointment and the person appointed to fill such vacancy shall serve for the remainder of the unexpired term to which he is appointed. Members of the Standing Subcommittee shall serve at the pleasure of the Governing Body.

SECTION 3: Title 2, Chapter 1, Section 5 of the Municipal Code is hereby amended to read as follows:

2-1-5: DUTIES OF PARKS AND RECREATION ADVISORY BOARD AND STANDING SUBCOMMITTEE: The Parks and Recreation Advisory Board shall have the duty of advising the Department and the Governing Body on all major proposals and propositions for the construction, reconstruction, and improvement of public parks and recreation facilities, including the acquisition of land for park purposes; the acquisition of major recreational equipment and facilities and the institution of any major new programs in the recreation system; provided, however, that all matters relating to the subjects generally assigned to such Parks and Recreation Board, but pertaining specifically to the lakes within the park system, including, but not limited to, fishing, boating, and water skiing and any water fowl hunting activities (such list being by way of illustration and not necessarily limitation) shall be referred by the Parks and Recreation Advisory Board to the Standing Subcommittee on lakes, whose duty it shall be to study the matters so referred and report their findings and recommendations to the entire Parks and Recreation Advisory Board.

SECTION 4: Title 2, Chapter 1, Section 6 of the Municipal Code is hereby amended to read as follows:

2-1-6: ORGANIZATION OF PARKS AND RECREATION ADVISORY BOARD AND SUBCOMMITTEE: The Parks and Recreation Advisory Board shall, upon appointment, meet and organize and elect a chairman, who shall serve as presiding officer, and a secretary and such other officers as they may deem necessary. Officers shall hold their term for one (1) year. After initial organization, officers shall be elected annually. Likewise the Subcommittee shall organize, electing a subcommittee chairman and such other subcommittee officers as they may deem necessary.

SECTION 5: Title 2, Chapter 1, Section 7 of the Municipal Code is hereby amended to read as follows:

2-1-7: REPORTS: All reports of the Parks and Recreation Advisory Board shall be presented to the Governing Body at a regularly scheduled Commission meeting. The Commission shall consider the findings and recommendations of the Parks and Recreation Advisory Board and take action within thirty (30) days after receipt of any report. The Governing Body may, for cause, extend such time on a case by case basis, so as to give matters under consideration full attention before final action is taken.

SECTION 6: Title 2, Chapter 1, Sections 3, 4, 5, 6, and 7, 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 and APPROVED, This 13TH day of MARCH, 1990.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 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:


South 60 feet of Lot Eleven (11) and Lot Twelve (12), Block Forty-three (43) in the City of Garnett;

is hereby changed from C-1 Local Business District to R-2 Residential District.

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

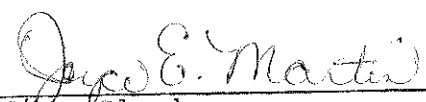
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED By the Commission, 3 voting Aye; 0 voting Nay; and approved this 27th day of March, 1990.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2932

AN ORDINANCE PROMULGATING CERTAIN RULES FOR THE USE OF THE GARNETT GUN RANGE; PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, The City of Garnett wishes to provide a safe and practical environment for recreational shooting at its gun range in the North City Park and in order to accomplish this goal it is necessary to establish and enforce certain rules and regulations for the safety of shooters, as well as other users of the North Park and facilities in the Park.

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

SECTION 1: The discharge of any firearm, except by a law enforcement officer in any City park is prohibited, except in the North City Park and then only in the area designated as the Gun Range, in accordance with this Ordinance and any further rules and regulations promulgated hereunder. Any unauthorized shooting or shooting contrary to this Ordinance or those rules is declared unlawful.

SECTION 2: Every person using the Gun Range shall be required first to register with the Garnett Police Department. Registration shall be carried out by a Police Officer or a City Police Radio Dispatcher at the dispatch center. Registration shall be completed upon a master register which shall require information from the registrant, including the registrant's name, date of birth, correct mailing address, and such other information as the City Manager shall designate and which is reasonably necessary for the enforcement and administration of this Ordinance.

SECTION 3: Upon completing registration, a key to the Gun Range and a range flag shall be issued to the user. Upon completing the shooting session, the user shall promptly return the key and flag to the City Police Radio Dispatcher.

SECTION 4: Every participant who uses the Gun Range shall continuously, throughout such use, fly and display the range flag from the flag pole at the rifle range provided for such purpose. Shooting participants shall use only paper, plastic, or approved metallic targets which are specifically manufactured for target use. Any other object, including, but not limited to, glass bottles and metal cans, is prohibited from use as targets.

SECTION 5: The Gun Range shall be open to the general public each day from one-half (1/2) hour after sunrise to one-half (1/2) hour before sunset; provided, however, the City Manager may from time to time as necessary to insure the efficient administration and fair use of the Gun Range, post other hours, which, upon posting, shall supersede the provisions of this Section for so long as needed, but not to exceed thirty (30) days. The Gun Range will be closed to use at any time the City's Annual Soccer Program is sponsoring a game or organized practice during the months of September and October. Keys and range flags will not be issued at such times.

SECTION 6: All motor vehicles shall be parked on the parking area provided or on the adjacent gravel roads and at no time shall motor vehicles be driven upon or parked on the designated Gun Range area, except for special events as may be approved and expressly authorized by the Governing Body.

SECTION 7: The use or possession of any alcoholic beverage or cereal malt beverage upon the Gun Range is hereby prohibited.

SECTION 8: It shall be the duty of any person using the Gun Range, after completing a shooting session, to clean the area of all used targets and all other trash or refuse and to deposit the same in suitable trash containers.

SECTION 9: Area law enforcement agencies and military or militia units which wish to use the shooting range for schooling, training, shooting qualifications, or regional law enforcement events shall upon application and approval for such use by the Chief of Police and City Manager, be scheduled for a specific time and date and individual members of such agency or unit shall be exempt from the regulations in Sections 2, 3, 5, and 6 hereof.

SECTION 10: Nothing in this ordinance shall be construed to prohibit skeet or trap shooting under the auspices of the Garnett Gun Club at their designated area in North City Park; and discharge of shotguns in connection with such shooting is specifically exempted from Section 1 hereof.

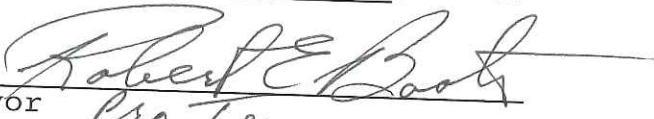
SECTION 11: Trap or skeet shooting at the Gun Range is prohibited.

SECTION 12: This Ordinance shall be considered amendatory to Title 9, Chapter 5 of the Municipal Code and any violation of the provisions hereof shall upon conviction be punished by the penalties set forth in Section 23 of said Title and Chapter.

SECTION 13: The City of Garnett reserves the right in addition or in lieu of prosecution in Municipal Court for any violation hereof, to refuse to issue a key and range flag to any person or persons who has previously exhibited a disregard for these or other Park rules and regulations, or who may not lawfully possess firearms.

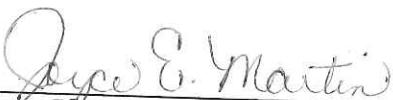
SECTION 14: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 23rd day of April, 1990.



Mayor *Pro Tem*

A T T E S T:



City Clerk

This Ordinance was passed on 4/23/90. It was never published as there were clarifications that needed to be made in Sections 1 & 10.

Ordinance No. 2933 was passed on 5/8/90 which repealed Ordinance No. 2932

ORDINANCE NO. 2933

AN ORDINANCE PROMULGATING CERTAIN RULES FOR THE USE OF THE GARNETT GUN RANGE; PROVIDING PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCE 2932.

WHEREAS, The City of Garnett wishes to provide a safe and practical environment for recreational shooting at its gun range in the North City Park and in order to accomplish this goal it is necessary to establish and enforce certain rules and regulations for the safety of shooters, as well as other users of the North Park and facilities in the Park.

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

SECTION 1: Every person using the Gun Range shall be required first to register with the Garnett Police Department. Registration shall be carried out by a Police Officer or a City Police Radio Dispatcher at the dispatch center. Registration shall be completed upon a master register which shall require information from the registrant, including the registrant's name, date of birth, correct mailing address, and such other information as the City Manager shall designate and which is reasonably necessary for the enforcement and administration of this Ordinance.

SECTION 2: Upon completing registration, a key to the Gun Range and a range flag shall be issued to the user. Upon completing the shooting session, the user shall promptly return the key and flag to the City Police Radio Dispatcher.

SECTION 3: Every participant who uses the Gun Range shall continuously, throughout such use, fly and display the range flag from the flag pole at the rifle range provided for such purpose. Shooting participants shall use only paper, plastic, or approved metallic targets which are specifically manufactured for target use. Any other object, including, but not limited to, glass bottles and metal cans, is prohibited from use as targets.

SECTION 4: The Gun Range shall be open to the general public each day from one-half (1/2) hour after sunrise to one-half (1/2) hour before sunset; provided, however, the City Manager may from time to time as necessary to insure the efficient administration and fair use of the Gun Range, post other hours, which, upon posting, shall supersede the provisions of this Section for so long as needed, but not to exceed thirty (30) days. The Gun Range will be closed to use at any time the City's Annual Soccer Program is sponsoring a game or organized practice during the months of September and October. Keys and range flags will not be issued at such times.

SECTION 5: All motor vehicles shall be parked on the parking area provided or on the adjacent gravel roads and at no time shall motor vehicles be driven upon or parked on the designated Gun Range area, except for special events as may be approved and expressly authorized by the Governing Body.

SECTION 6: The use or possession of any alcoholic beverage or cereal malt beverage upon the Gun Range is hereby prohibited.

SECTION 7: It shall be the duty of any person using the Gun Range, after completing a shooting session, to clean the area of all used targets and all other trash or refuse and to deposit the same in suitable trash containers.

SECTION 8: Area law enforcement agencies and military or militia units which wish to use the shooting range for schooling,

training, shooting qualifications, or regional law enforcement events shall upon application and approval for such use by the Chief of Police and City Manager, be scheduled for a specific time and date and individual members of such agency or unit shall be exempt from the regulations in Sections 1, 2, 4, and 5 hereof.

SECTION 9: Nothing in this Ordinance shall be construed to prohibit skeet or trap shooting at the area designated as the Garnett Gun Club in the North City Park.

SECTION 10: Trap or skeet shooting at the Gun Range is prohibited.

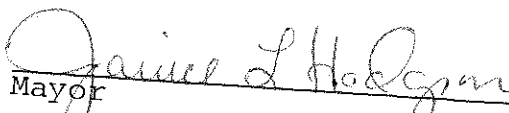
SECTION 11: This Ordinance shall be considered amendatory to Title 9, Chapter 5 of the Municipal Code and any violation of the provisions hereof shall upon conviction be punished by the penalties set forth in Section 23 of said Title and Chapter.

SECTION 12: The City of Garnett reserves the right in addition or in lieu of prosecution in Municipal Court for any violation hereof, to refuse to issue a key and range flag to any person or persons who has previously exhibited a disregard for these or other Park rules and regulations, or who may not lawfully possess firearms.

SECTION 13: Ordinance 2932 is hereby repealed.

SECTION 14: This Ordinance shall take effect and be in force from and after its passage and its publication in a official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 8th day of May, 1990.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2935

AN ORDINANCE REPEALING TITLE 9, CHAPTER 11 OF THE MUNICIPAL CODE DEALING WITH REGULATIONS AFFECTING CRYSTAL LAKE

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

SECTION 1: Title 9, Chapter 11 of the Municipal Code is hereby repealed.

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 and APPROVED This 22nd day of May, 1990.

Janice L. Hodgson
Mayor

A T T E S T:

Quico E. Martin
City Clerk

ORDINANCE NO. 2937

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT AND APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein on a part of a street commonly known as Second Avenue within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of the record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

Second Avenue Between Olive St. and Willow St.

(24' x 350', more or less)

933 square yards of bituminous double seal:

300 gallons penetration oil	\$ 180.00
520 gallons MC 3000	312.00
18 ton cover rock	108.00
130 ton base rock	455.00
Second seal coat	420.00

TOTAL ESTIMATED PROJECT COST \$1,475.00

SECTION 3: The per linear portion of the above repairs and improvements attributable to the adjacent public right-of-ways to-wit: A portion of the intersection of Olive and Second Avenue on the north and south side of said Second Avenue, which said pro rata share based on footage and estimated cost is \$126.60, shall be paid by the City of Garnett and the balance of the actual cost of said repairs and improvements shall be assessed against the improvement district so created and apportioned per linear foot among the eight (8) property owners of record contained within such improvement district. The extent of the improvement district is:

Tract

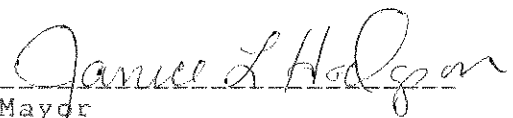
- | | | |
|---|---|---|
| 1 | Block Twenty (20) Lots Nine (9) through Eleven (11) | Bertha M. Bowman,
Vernon A. Bowman,
Ora Lee M. Gish, &
Wilma Jean C.
McDonald |
| 2 | Block Twenty (20) Lots Twelve (12) and Thirteen (13) | Leslie E. Reed &
Shirley M. |
| 3 | Block Twenty (20) Lot Fourteen (14) | Loren W. Hinkle |
| 4 | Block Twenty (20) Lots Fifteen (15) and Sixteen (16) | Walter D. Kyle &
Irean Kyle |
| 5 | Block Twenty-one (21) Lots One (1) through Three (3) | Edward L. Winfrey &
Patricia J. Winfrey |
| 6 | Block Twenty-one (21) Lot Four (4) | Nelson Huffman &
Laura (Huffman)
Andregg |
| 7 | Block Twenty-one (21) Lots Five (5), Six (6) and Seven (7) East 30 feet | Daniel J. Miller &
Patricia L. Miller |
| 8 | Block Twenty-one (21) Lots Seven (7) West 10 feet and Eight (8) | Lawrence L. Giffin
& Maxine Giffin |

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Second Avenue, the street to be improved as above described.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

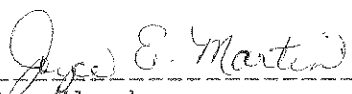
SECTION 6: This Ordinance shall take effect and be in force from and after its publication in a official City newspaper.

PASSED and APPROVED This 2nd day of July 1990.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2939

AN ORDINANCE CONSENTING TO THE MEMBERSHIP OF THE CITY IN THE KANSAS MUNICIPAL GAS AGENCY AND APPROVING AND AUTHORIZING THE FORM OF AND EXECUTION OF AN AGREEMENT CREATING THE KANSAS MUNICIPAL GAS AGENCY AND APPROVING AND AUTHORIZING THE FORM OF THE BYLAWS OF THE KANSAS MUNICIPAL GAS AGENCY.

WHEREAS, K.S.A. 12-2901 et seq. (the "Act") provides that in order for public agencies to make the most efficient use of their powers, such public agencies may cooperate with other public agencies on a basis of mutual advantage to provide services in a manner that will best accord with economic and other factors influencing the needs and development of such public agencies; and

WHEREAS, pursuant to the Act, two or more public agencies may enter into an agreement to create a municipal services agency for the purpose of planning, studying and developing supply, transmission and distribution facilities and programs, and for the purpose of securing an adequate, economical and reliable supply of natural gas and transmitting same for distribution through the distribution systems of such public agencies or for the use by other utility systems of such public agencies or to perform any other activities, services or functions permitted by a public agency; and

WHEREAS, the City of Garnett, Kansas (the "City") is qualified for membership in the municipal services agency as a public agency which owns and operates a natural gas system, an electric system which utilizes natural gas, a utility which uses natural gas in its operation or any other municipal utility; and

WHEREAS, certain public agencies, including the City, have heretofore by agreement (the "Agreement") created the Kansas Municipal Gas Agency;

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

SECTION 1. It is hereby deemed advisable that the City enter into an agreement to create the Kansas Municipal Gas Agency (the "Agency").

SECTION 2. In order to effectuate the creation of the Agency, the Mayor and City Clerk are hereby authorized to execute the INTERLOCAL COOPERATION AGREEMENT CREATING THE KANSAS MUNICIPAL GAS AGENCY in the form presented to the governing body this date and as attached hereto as Exhibit A.

SECTION 3. The City hereby approves the form of the Bylaws of the Kansas Municipal Gas Agency, attached hereto as Exhibit B, and requests the adoption thereof by the Board of Directors of the Agency. This Ordinance shall constitute an affirmative vote of the City for the initial adoption of the Bylaws.

SECTION 4. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

ADOPTED by the governing body of the City of Garnett, Kansas, on July 2, 1990.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2942

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 14 OF THE MUNICIPAL CODE REGULATING THE USE OF CERTAIN SIDEWALKS; REPEALING EXISTING SECTION.

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

SECTION 1: Title 6, Chapter 1, Section 14 of the Municipal Code is hereby amended to read as follows:

6-1-14: USE OF SIDEWALK RESTRICTED:

(a) It shall be unlawful for any person to ride or coast upon any bicycle, tricycle, skateboard, scooter, sled, child's wagon, or other toy vehicle upon any sidewalk in any business district in the City, or, except as hereinafter provided, to park or otherwise leave unattended any such bicycle, tricycle, skateboard, scooter, sled, child's wagon, or other toy vehicle on any sidewalk anywhere within the City; provided, however, nothing in this Section shall be construed to prohibit a parent or other adult from pulling a child's wagon upon any sidewalk anywhere within the City.

(b) Anyone operating any bicycle, tricycle, skateboard, scooter, sled, child's wagon, or other toy vehicle on any sidewalk in a residential area shall yield right-of-way to all pedestrians and shall operate in such a manner that pedestrians on such sidewalk are not endangered.

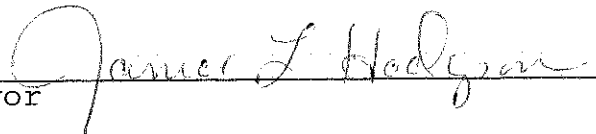
(c) In any business district, if no other practical space is available, a bicycle may be parked on the sidewalk adjacent to a business establishment for so long as the rider thereof shall be in such business establishment; provided, the bicycle shall always be parked so as to minimize hazard to pedestrians using the sidewalk and not block or impede access to the entrance of said business establishment.

SECTION 2: This Ordinance shall be deemed amendatory to Title 6, Chapter 1 of the Municipal Code; and Title 1, Chapter 1, Section 14 of the Municipal Code is hereby repealed as the same presently exists.


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 and APPROVED, This 28th day of August, 1990.

Mayor



A T T E S T:


City Clerk

ORDINANCE NO. 2944

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT AUTHORIZING THE AGENCY TO ASSIST AND REPRESENT THE CITY IN NEGOTIATIONS FOR DRUG-TESTING SERVICES; AUTHORIZING THE CITY TO ENTER INTO A DRUG-ABUSE TESTING AGREEMENT WITH THE CONTRACTORS NAMED THEREIN; AND APPROVING AND AUTHORIZING THE FORM OF AND ADOPTION OF A SUBSTANCE-ABUSE POLICY FOR THE CITY.

WHEREAS, the City of Garnett, Kansas (the "City") employs pipeline or gas distribution system personnel who are covered by 49 CFR Parts 192, 193, or 195 of the Pipeline Safety Regulations of the Department of Transportation, which, pursuant to 49 CFR Parts 199 and 40 (the "Regulations") require the City to administer anti-drug programs for some of its employees; and

WHEREAS, in compliance with the Regulations, the City must maintain and follow a written anti-drug plan that conforms with the Regulations.

WHEREAS, pursuant to the Bylaws of the Kansas Municipal Gas Agency ("KMGA") the City is qualified to be a member of KMGA as a public agency, within the meaning of K.S.A. 12-2901 et seq., which owns and operates a natural gas system, an electric system which utilizes natural gas, a utility which uses natural gas in its operations or any other municipal utility; and

WHEREAS, in order to achieve economies of scale with respect to administering the anti-drug program mandated in the Regulations, the City may join with cities that are Affiliates or Members of KMGA to form a consortium for the purpose of complying with the Regulations; and

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

SECTION 1. It is hereby deemed advisable that the City enter into an agreement with KMGA, in the form presented to the governing body this date and as attached hereto as Exhibit A, authorizing KMGA to assist and represent the City in negotiations for drug-testing services for the purpose of complying with the Regulations.

SECTION 2. The City hereby approves the form and content of the SUBSTANCE-ABUSE POLICY FOR THE CITY OF GARNETT, KANSAS FOR POSITIONS COVERED BY 49 CFR PARTS 199 AND 40 OF THE FEDERAL PIPELINE SAFETY REGULATIONS, comprised of 8 letter-sized pages approved as to form by the City Attorney, as submitted to the governing body this date, and hereby adopts said policy in order to comply with the Regulations.

SECTION 3. In order to further comply with the Regulations, the City is hereby authorized to enter into and execute a DRUG-ABUSE TESTING AGREEMENT with the Contractor named therein, in the form presented to the governing body this date, comprised of 7 letter-sized pages, approved as to form by the City Attorney.

ORDINANCE NO.
Page 2

SECTION 4. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

ADOPTED by the governing body of the City of Garnett, Kansas, on August 14, 1990.

Janice L. Hodges
Mayor

ATTEST:

Joyce E. Martin
City Clerk

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AGREEMENT

AGREEMENT WHEREBY THE KANSAS MUNICIPAL GAS AGENCY AGREES TO ASSIST AND REPRESENT THE CITY IN NEGOTIATIONS FOR DRUG-TESTING SERVICES FOR THE PURPOSE OF COMPLYING WITH THE FEDERAL PIPELINE SAFETY REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

This agreement entered into this 14th day of August, 1990 between the City of Garnett, Kansas (the "City") and the Kansas Municipal Gas Agency ("KMGA").

WHEREAS, KMGA was formed by Kansas municipalities for the purpose of assisting its members in various projects, including compliance with State and Federal Regulations, and

WHEREAS, pursuant to an Interlocal Cooperation Agreement dated as of July 3, 1990, the City is a member of KMGA; and

WHEREAS, the City employs pipeline or gas distribution system personnel who are covered by 49 CFR Parts 192, 193 or 195 of the Pipeline Safety Regulations of the Department of Transportation (the "Regulations") which, pursuant to 49 CFR Part 199, requires the City to administer drug-abuse testing and anti-drug programs for some of its employees; and

WHEREAS, the Regulations allow two or more entities which are subject to the Regulations to form a joint enterprise or consortium for the purpose of administering these drug-abuse testing and anti-drug programs; and

WHEREAS, the Regulations are complex and extensive, the City believes it to be in its best interest to join together with other Kansas municipalities which are Members or Affiliate Members of KMGA, to form a consortium (the "Consortium") for the purposes of administering these drug-abuse testing and anti-drug programs; and

WHEREAS, in furtherance of complying with the Regulations, the City shall enter into a contract with a common drug service contractor (the "Contractor") to perform drug testing services for the City; and

WHEREAS, in order to achieve the most economical arrangements which comply with the regulations, KMGA shall represent, enter into negotiations and provide a liason between the City, members of the Consortium and the Contractor in initiating such program.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND AMONG THE PARTIES HERETO, AS FOLLOWS:

SECTION 1. KMGA hereby agrees to act as agent for the City, as well as all other members of the Consortium, in order for the City to comply with the Regulations. KMGA shall include, but is not limited to, acting on behalf of the City in providing any necessary coordination services between the City, members of the Consortium and the Contractor and representing the City in negotiations with the Contractor to initiate drug-testing services which will enable the City to comply with the Regulations.

SECTION 2. KMGA shall not act in any manner which would hinder the furtherance of the stated substance abuse policy of the City nor act in any manner which would prevent the City from complying with the necessary Regulations.

SECTION 3. The City agrees to pay KMGA a share of the costs of initiating the drug-abuse testing program equitably in proportion with the other participating members of the Consortium. These costs shall include, but are not limited to, the initial costs to KMGA in contracting for services to operate the drug-testing program, KMGA administrative costs and legal fees. Such costs and expenses required for KMGA to fulfill its obligations under this Agreement shall be budgeted by KMGA and shall be paid within thirty (30) days of billing by KMGA.

SECTION 4. The termination of the City's relationship with the Consortium or the Contractor pursuant to the Drug Testing Agreement entered into by and between the City and the Contractor, shall not affect the City's membership status in KMGA.

IN WITNESS WHEREOF, the parties hereto have affixed their hand this _____ day of _____, 1990.

KANSAS MUNICIPAL GAS AGENCY
(KMGA)

THE CITY OF GARNETT
(the "City")

Signature

James L. Hadjian

Signature

Title

MAYOR

Title

ATTEST:

Secretary

Joyce E. Martin

City Clerk

DRUG-ABUSE TESTING AGREEMENT

This agreement entered into this ____ day of _____, 1990
between _____ (the "City") and Utility
Consultants, Inc. (the "Contractor").

WITNESSETH

WHEREAS, the City has joined together with other Cities who employ pipeline or gas distribution system personnel, and who are covered by 49 CFR Parts 192, 193 or 195 of the Pipeline Safety Regulations of the Department of Transportation (the "Regulations"), which, pursuant to 49 CFR Part 199, require the Cities to administer anti-drug programs for some of their employees; and

WHEREAS, the Pipeline Safety Regulations allow two or more entities which are subject to such Regulations to form a joint enterprise or consortium for the purpose of administering such anti-drug program; and

WHEREAS, in order to achieve economies of scale with respect to administering such anti-drug program, the City has joined with other Kansas Municipalities which are subject to the Regulations and are Affiliates or Members of the Kansas Municipal Gas Agency ("KMGA") to form a Kansas consortium (the "Consortium") for the purpose of complying with the Regulations requiring drug abuse testing and an anti-drug program; and

WHEREAS, the City has entered into an Agreement with KMGA dated as of _____, 1990 (the "Participation Agreement") authorizing KMGA to act as an agent to the City and members of the Consortium in negotiating with the Contractor; and

WHEREAS, the Contractor has developed a plan for administering the drug testing which is in compliance with the Regulations and has been filed with the Kansas Corporation Commission; and

WHEREAS, the Contractor will agree to provide the following enumerated services for the City, and for each of the other members of the Consortium, for the purpose of keeping all of the members of the Consortium in compliance with the Regulations;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND AMONG THE PARTIES HERETO, AS FOLLOWS:

SECTION 1. Pursuant to the Participation Agreement, the City has joined with other Kansas Municipalities in forming a Consortium, which will be administered by the Contractor, on behalf of the City and other members of the Consortium.

SECTION 2. The Contractor agrees to perform the services listed in Schedule B for the City and each member of the Consortium.

SECTION 3. The Contractor agrees to provide the City with a Substance Abuse Policy (the "Policy") and assistance in administering the Policy in compliance with all state and federal regulations.

SECTION 4. The City agrees on behalf of itself and its employees, to cooperate with the Contractor in the performance of the Contractor's duties hereunder.

SECTION 5. The City agrees to pay the Contractor the fees set out on Schedule A in accordance with the payment fees set out therein. The fees set out in Schedule A only apply to the testing of urine specimens for the drugs listed. Should additional tests be added to the list required by federal or state regulation, the Contractor shall submit its proposed fees for such cost to the City. If the City does not agree to such fees, it shall have the right to elect to terminate this Agreement.

SECTION 6. It is expressly understood and agreed that the Contractor is acting as an independent contractor, and not as an agent, partner or employee of the City. It is expressly agreed that the Contractor and the City are solely responsible for their own actions, and those actions of their own employees.

SECTION 7. Should the Contractor at any time fail to provide the services set out in this Agreement, including those described on Schedule B attached hereto, in compliance with the Regulations and the administration plan (attached hereto as Schedule C) the City shall have the right to terminate this Agreement by giving the Contractor written notice of such termination. The failure of the Contractor to perform any of the services required of it hereunder for any other member or members of the Consortium, shall not be considered a breach of this contract, unless such failure to perform would place the City in jeopardy of not being in compliance with the Regulations.

SECTION 8. Should the City or its employees fail to cooperate with the Contractor in the performance of the Contractor's responsibilities hereunder, or should the City continue to do any act, or fail to perform any act required of

it under the Regulations, after it has received notice that it is not in compliance with the Regulations, then the Contractor may terminate its relationship with the City by giving the City written notice of such termination. Such notice shall terminate the City's relationship with the Consortium.

SECTION 9. Should the City fail to pay any fees or costs to be paid to the Contractor under the terms of this Agreement within 30 days from the date that the Contractor has given the City written notice that such payment is due, then the Contractor shall have the right to terminate its relationship with the City by giving the City written notice of such termination.

SECTION 10. Unless the term of this Agreement is extended in accordance with the provisions of this section, the City's relationship with the Contractor shall terminate on the 31st day of December, 1991. Not later than 180 days prior to such termination date, and for each successive year that the term of this Agreement is extended, the Contractor may furnish the City with a proposed revision to Schedule A, which shall include any modifications to the charges set forth thereon and a proposed one-year extension of the term. The City shall notify the Contractor not later than 90 days prior to the termination date of its election to accept such modified charges, if any, and the extension of the term.

SECTION 11. Any financial obligations incurred by the City under the provisions of this Agreement shall be paid only from the revenues derived by the City from the operation of any municipal utility system or from funds budgeted and appropriated for that purpose during the appropriate budget year.

SECTION 12. The termination of the City's relationship with the Consortium or the termination of this Agreement pursuant to the terms herein, shall not affect the City's membership status in KMGa.

IN WITNESS WHEREOF, the parties hereto have affixed their hand this ___ day of _____, 1990.

(the "City")

UTILITY CONSULTANTS, INC.
(the "Manager")

James L. Hodgeson
Signature
MAYOR
Title

Signature

Title

ATTEST:

Joyce E. Martin
City Clerk

Title

SCHEDULE A

- I. Basic fee is \$275 per year, plus \$50 for each covered employee. The fee for new employees shall be paid within 15 days of the date the Pre-Employment test has been conducted. These fees cover all random testing for all covered employees of the Employer. Should random testing be terminated because of court order or regulation, the per employee fee will be refunded on a pro-rated basis, based on the number of months remaining in the Agreement year. A credit of \$15 on the basic fee, and \$5 on the fee per covered employee will be given to participating KMGMA Members and affiliate members.
2. Pre-employment testing, post-accident testing, testing based on reasonable cause, return to duty testing and such other tests as requested will be billed on a basis of \$85.00 per test. These fees shall be paid within 15 days from the date they are conducted.
3. The above fees include the cost of testing for:
 - A. Marijuana
 - B. Cocaine
 - C. Opiates
 - D. Amphetamines
 - E. Phencyclidine (PCP or angel dust)

If additional substances are added to the list required for testing by DOT, the Contractor will bill the City for each test taken in an amount equal to the Contractor's cost for adding such test or tests.

IN WITNESS WHEREOF, the parties hereto have affixed their hand this _____ day of _____, 1990.

EMPLOYER

UTILITY CONSULTANTS, INC.

Signature
City Manager

Title

Signature

Title

SCHEDULE B

The Contractor agrees to perform the following services for the Employer and for each member of the Consortium:

- A. Provide copies of applicable Federal and State anti-drug regulations and guidelines, together with revisions as they occur.
- B. Assist in preparing and maintaining a written anti-drug plan that conforms to the requirements of the Department of Transportation (DOT) procedures.
- C. Assist each Employer in providing an Employee Assistance Program to educate employees in the dangers of drug abuse, supply drug abuse educational material for display and distribution to employees, posters, distribution material for employees stating the City's policy on drug abuse, and display and distribution of information for employees containing a community service hot-line number for employee assistance.
- D. Supply materials for the Employer to aid in policy decision making. These will include guidelines and checklists for:
 1. Options available to employer when an employee tests positive.
 2. Pre-employment testing.
 3. Reasonable cause testing.
 4. Determining which employees required to be tested.
 5. Options on rehabilitation.
- E. Assist in the designation and establishment of a suitable collection site at the City's place of business when possible, or finding alternatives if necessary.
- F. Furnish personnel and equipment to perform the collection and transportation of the urine specimens for required testing, including:
 1. Pre-employment testing.
 2. Post-accident testing.
 3. Random testing (based upon number of employees in the Consortium, at a rate equal to 50% per year by the end of the first year.)
 4. Testing based upon reasonable cause.
 5. Post-rehabilitation testing.
 6. Such other tests as may become required for compliance.
- G. Random number selection for random testing.

- H. Provide training for supervisors who will determine whether an Employee must be drug tested, based on reasonable cause, together with such other training sessions as may be required under DOT regulations. The Contractor will notify the Employer when and where such training is available.
- I. Contract with one or more drug testing laboratories that have been certified by the Department of Health and Human Services (DHHS) under DOT procedures, and with one or more qualified Medical Review Officers to perform the drug testing procedures and requirements provided for under the Regulations. The drugs to be tested for are listed on Schedule A of the Drug Abuse Testing Agreement which is attached hereto.
- J. Assist the City in complying with all recordkeeping and reporting required in connection with drug abuse testing under the Regulations.

SECTION II

SUBSTANCE-ABUSE POLICY FOR THE CITY OF GARNETT, KANSAS FOR POSITIONS COVERED BY 49 CFR PARTS 199 AND 40 OF THE FEDERAL PIPELINE SAFETY REGULATIONS

Statement of Purpose

The City of Garnett, Kansas (the "City") employs personnel who are engaged in the maintenance, operation or emergency response functions on a natural gas distribution system and therefore, is required to comply with the federal Pipeline Safety Regulations of the Department of Transportation (the "Regulations") as set out in 49 CFR Parts 199 and 40. The following Substance Abuse Policy (the "Policy") and procedures for administering the Policy, have been adopted by the City for the purpose of complying with the Regulations requiring that all employees and applicants for employment for positions covered by 49 CFR 199 and 40 be tested for drug abuse. These Regulations also require the City to adopt an anti-drug plan which establishes the method of complying with the drug testing policy.

All persons who perform operating, maintenance or emergency response functions for the City, under 49 CFR Parts 192, 193 or 195 are subject to the provisions of this Policy.

Drug-Free Awareness Program

The City has developed a [Drug-Free Awareness] program which will inform employees about the dangers of drug abuse in the workplace, the City's policy on drug-abuse testing, the availability of treatment and counseling and the sanctions the City will impose for violations of its Substance-Abuse Policy.

Employee Assistance Program

For the purpose of educating and training employees, the City has made provisions for an Employee Assistance Program ("EAP"). The City will provide the following drug-abuse information and education to all employees covered by this Policy:

1. Informational material about drug use will be displayed and distributed in offices and work areas of employees covered by this Policy.
2. A community service hot-line telephone number for employee assistance will be displayed and distributed.

3. Copies of the City's policy on use of prohibited drugs will be given to employees and displayed.

4. Supervisors who will determine whether an employee must be drug tested based on reasonable cause will have one hour (60 ^{or} minutes) of training on recognizing physical, behavioral, or performance indications of possible drug use.

Types of Drug Testing

Employees subject to this drug testing program are required to be tested under the following five types of tests:

1. Pre-employment testing:
 - a. A pre-employment drug test will be conducted when an individual is hired for a position listed in this Policy.
 - b. A pre-employment drug test will be conducted when a current employee transfers from a position not covered by this Policy into a position listed in this Policy. An employee who previously is separated from a 49 CFR Part 199 anti-drug program position will be pre-employment tested prior to performing a function covered by the pipeline safety standards.
 - c. Only applicants who are offered a position covered by this Policy will be tested before being employed. Pre-employment job applicants who test positive by a Medical Review Officer (MRO) verified test result, will not be hired and do not have the right to have their samples retested. Employees transferring into a position requiring drug testing who test positive by an MRO verified test result do have the right to have their sample retested. Employees who fail a drug test will not be hired for the position requiring drug testing.
 - d. An employee who transfers from one position covered by this Policy to another covered by this Policy does not require pre-employment testing.

- e. Employees working in a position covered by this Policy on the effective date and continue to work in a covered position do not require a pre-employment test.

2. Random Testing:

- a. All employees working in a position covered by this Policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
- b. The Contractor will test at a rate equal to at least fifty percent (50%) of the employees in the Kansas consortium by the end of the first twelve (12) months, and thereafter. All persons will be subject to be randomly picked for drug testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period.
- c. To assure that the selection process is random, all covered employees of the City will be placed in a common pool with employees of the other members of the Kansas Consortium. All covered full time and temporary employees will be in this pool.
- d. Employees are selected by a computer based random number generator that is matched to the confidential number previously assigned to the employee.
- e. Random testing will be done on a monthly basis.

3. Post-Accident Testing:

- a. Employees working in positions covered by this Policy whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident will be tested.
- b. The employee will be tested as soon as possible, but not later than 32 hours after the accident. Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing should be as soon as possible.

- c. An "accident" on a gas pipeline [or LNG facility] is defined as an "incident" in 49 CFR 191.3.
- d. An "accident" on a hazardous liquid pipeline is defined as an "accident" in 49 CFR 195.50.
- e. All reasonable steps will be taken to obtain a urine sample from an employee after an accident. In case of an unconscious hospitalized employee, the hospital or medical facility will be requested to obtain a sample and if necessary, reference will be made to the DOT drug testing requirements. If an employee is unconscious or otherwise unable to evidence consent to the procedure, the medical facility shall collect the sample.
- f. If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that employee will be removed from duty as an employee covered by this Policy.

4. Reasonable Cause Testing:

- a. When there is reasonable cause to believe that an employee covered by this Policy is using a prohibited drug, the employee will be required to take a drug test.
- b. Only one supervisor of the employee must substantiate the decision to test for reasonable cause. This supervisor must be EAP trained in drug use symptoms.
- c. A decision to test must be based on specific contemporaneous physical, behavioral, or performance indicators of probable drug use. Examples of this are evidence of repeated errors on the job, regulatory or city (utility) rule violations, or unsatisfactory time and attendance patterns, coupled with a specific contemporaneous event that indicates probable drug use.

5. Ability to Provide Specimen (Applicable to ALL Drug Tests):

- a. If the employee is unable to provide a specimen, the collection team personnel will direct the employee to drink fluids, and after a reasonable time, attempt again to provide a sample.
- b. If, after eight hours, or at a subsequent collection, employee cannot provide a specimen, the MRO shall refer the employee for medical evaluation to determine if inability is genuine or constitutes a refusal to provide a specimen.
- c. If an employee refuses to supply a specimen for a urine test, the employee will be discharged.

Prohibited Drugs

Any substance specified in 49 CFR Parts 199 or 40 or any specified by a state agency policy are prohibited drugs under this Policy and currently include: Marijuana, opiates, PCP (Angel dust), amphetamines and cocaine.

Employees Subject to Testing

All persons who perform operating, maintenance or emergency response functions for the City, under 49 CFR Parts 192, 193 or 195 are subject to the provisions of this Policy. This includes persons employed by the City, contractors engaged by the City.

Upon being notified that a drug test is required, an employee will report as soon as possible to the drug testing collection team and provide a sample of his/her urine. All testing will be performed in accordance with the requirements of 49 CFR Part 40, Procedures for Transportation Workplace Drug Testing Programs. A photo ID is required for identification purposes.

Employees have the right to see photo identification from collection team personnel before testing. Collection Team personnel are employees of Utilities Consultants, Inc., and will comply with all requirements of 49 CFR Part 40 in regard to collection and chain of custody of samples.

The following employees of the City are subject to this Policy:

<u>Name</u>	<u>SS #</u>
Earl Rocker	513-52-3838
Dean Barr	510-52-6508
Ron Barnett	511-56-3228
George Boren	511-42-1053
Lewis Kennard	510-58-2795
Dee Sims	514-42-1251
Colette McDonnell	510-50-4119
Susan Wettstein	511-68-3486
Peggy Schuster	513-46-9147
Joyce Martin	511-52-0614
Bill Garrison	423-42-5783
Sylvia Swabby	511-38-2836
Susan Robie	510-46-3821
Rose Wilper	514-64-3761
Marge Thomas	512-20-8473
Ernie Ferguson (Humco)	511-72-4342
Richard G. Doran	514-40-8425
Ronda Jones	487-78-1589
Marcia Humbert	161-40-9098

Consequences for a Positive Test Result

A. Immediate Dismissal

If the test of an employee, who is subject to the requirements of 49 CFR Part 199, results in an MRO verified positive test result for the use of drugs, the employee immediately shall be dismissed from his position. Results of the positive drug test and reasons for the dismissal will remain confidential.

Independent Contractors of the City

Any independent contractor involved in the operation, maintenance or emergency response on the natural gas system of the City, shall be responsible for complying with the Regulations. If the test of an owner, or principle of an independent contractor results in an MRO verified positive test result for the use of drugs, the independent contractor's relationship with the city shall be terminated. If the test of an employee of an independent contractor results in an MRO verified positive test result for the use

of drugs, the employee shall be dealt with in the same manner as an employee of the city, provided that the independent contractor shall be responsible for any expenses incurred by the city.

Recordkeeping

The City shall keep the following records for the periods specified. These records will be maintained in the City Clerk's office under the control of City Manager.

1. Records that demonstrate that the collection process conforms to 49 CFR Parts 199 and 40 will be kept for a minimum of three (3) years. These records will be supplied by Utilities Consultants, Inc., and will include procedural data and statistics proving that the percentage of employees tested conformed to applicable state and federal regulations.
2. Records of employee drug test results showing that employees failed a drug test, the type of test failed and records that demonstrate rehabilitation, if any, will be kept for a minimum of five (5) years, and include the following information.
 - a. The functions performed by each employee who fails the drug test.
 - b. The prohibited drugs which were used by each employee who fails the drug test.
 - c. The disposition of each employee who fails the drug test (termination).
 - d. The age of each employee who fails the drug test.
3. Records of employee drug test results showing that employees passed a drug test will be kept for a minimum of one year.
4. A record of the number of employees tested, by type of test, must be kept for a minimum of five (5) years.

5. Records confirming that supervisors and employees have been trained as required by this Policy will be kept for a minimum of three (3) years. Training records will include copies of all training materials.

Confidentiality

Each individual's record of testing and results under this Policy will be maintained as private and confidential. This includes testing records of applicants for jobs and current and former employees.

Written records and test results will be kept in locked containers or secure location with access limited to personnel listed below.

With the exception of the testing laboratory, MRO, the designated Consortium contact person, designated employer contact person, and DOT or State agency officials investigating accidents, the results of individual drug tests will not be released to anyone without the expressed written authorization of the individual tested.

Prior to testing, the individual will be notified of persons who will receive test data. Training records and information as to drug abuse rehabilitation and testing which does not contain specific references to employees by name must be made available to DOT and state agency representatives upon request.

Condition of Employment

Compliance with the City's Substance Abuse Policy is a condition of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of treatment will be grounds for termination.

Reservation of Rights

The City reserves the right to revise, change or rescind this Policy in whole or in part, in accordance with the Regulations. Nothing in this Policy shall alter an employee's status. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time.

(PUBLISHED IN THE ANDERSON COUNTIAN ON DECEMBER 20, 1990)

ORDINANCE NO. 2954

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$980,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 1990, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF THEIR MATURITIES THE GENERAL OBLIGATION BONDS, SERIES 1983, OF THE CITY, DATED APRIL 1, 1983; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; AND MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST ON SAID BONDS AS THEY BECOME DUE.

WHEREAS, the City is a city of the second class, duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, the City has heretofore issued its General Obligation Bonds, Series 1983, dated April 1, 1983, in the original principal amount of \$900,000 (the "Refunded Bonds"), and on the date of the payment and delivery of the Bonds as hereinafter defined, there will remain outstanding and unpaid \$850,000 principal amount of the Refunded Bonds; and

WHEREAS, in order to create interest cost savings and to provide an orderly plan of financing for the City, it has become desirable and in the best interest of the City and its inhabitants to issue general obligation bonds of the City pursuant to K.S.A. 10-427 et seq., as amended, to provide funds to refund in advance of their maturities 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.

"Act" means the Constitution and statutes of the State of Kansas including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620, et seq., and K.S.A. 10-427 et seq., as amended and supplemented.

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

"Bonds" means the Series 1990 Bonds authorized by the Ordinance in the aggregate principal amount of \$980,000, and dated December 1, 1990.

"City" means the City of Garnett, Kansas.

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

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

"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 the Refunded Bonds referred to in the preamble to this Ordinance.

Section 2. Authorization of and Security for the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding Bonds, Series 1990, of the City in the principal amount of \$980,000, for the purpose of providing funds to refund in advance of their maturities the Refunded Bonds and to pay the costs of issuance of 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 3. 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 a resolution hereinafter adopted by the governing body of the City.

Section 4. 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 and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments 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, and the proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the City 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 and/or assessments are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds. In the event that at any time the City is of the opinion that for purposes of this Section it is necessary to restrict or limit the yield on the investment of any moneys held by the City under the Ordinance, the City shall take such action as may be necessary.

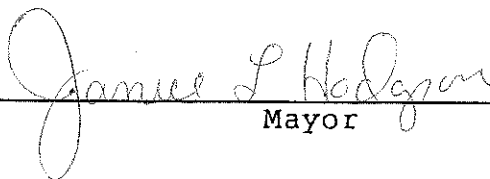
Section 6. Further Authority. The Mayor, City Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance to make alterations, changes 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. The Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

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 and publication in the official City newspaper.

PASSED by the governing body of the City this 19th day of
December 1990.

(SEAL)



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2955

AN ORDINANCE AMENDING TITLE 6, CHAPTER 6 OF THE MUNICIPAL CODE, GOVERNING A CURFEW FOR PERSONS UNDER EIGHTEEN (18) YEARS OF AGE; EXCEPTION; PARENTS AND GUARDIANS RESPONSIBILITY

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

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

6-6-1: PROHIBITED HOURS FOR MINORS ON STREETS:
It shall be unlawful for any person under eighteen (18) years of age to be upon any of the public streets, alleys, or other public grounds within the City of Garnett, Kansas, between the hours of 12:01 A.M. and 5:00 A.M. of any day, unless such person shall be accompanied by his or her parent or guardian, or shall then and there have in his or per possession written permission from such parent or guardian, so as to be abroad at such time; provided, however, that any such written permission shall be limited to a specific date and any blanket permission shall be of no force or effect whatsoever.

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

6-6-2: RESPONSIBILITY OF PARENTS AND GUARDIANS:
Any parent, guardian, or other person having actual custody of any person under eighteen (18) years of age who shall allow, permit, aid, or abet such person under eighteen (18) years of age to violate Section 1 hereof, shall be deemed guilty of contributing to such person's violation hereof and shall be, upon conviction, fined as provided in the general penalty provisions of the Municipal Code.

SECTION 3: Title 6, Chapter 6, Sections 1 and 2, as the same presently exist, and Title 6, Chapter 6, Section 3 of the Municipal Code are hereby repealed; provided, however, any case pending before the Municipal Court or in the Juvenile Court on the effective date of this Ordinance, charging either a violation of Section 2 of said title or chapter, or a juvenile proceeding founded upon a violation of Section 1 of said Chapter, shall stay the effectiveness of such repealer with respect to such case or cases, which shall be prosecuted to conclusion upon the same terms and conditions as if the provisions of said title and chapter 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 and APPROVED this 27th day of of December, 1990.

James L. Hodgson
Mayor

A T T E S T:

Jane E. Martin
City Clerk

ORDINANCE NO. 2956

AN ORDINANCE REGULATING THE OWNERSHIP AND REGISTRATION OF CATS,
REQUIRING ANNUAL REGISTRATION AND LICENSING AND VACCINATION

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

SECTION 1: DEFINITIONS: For the purposes herein, the following words and phrases shall have the meaning set opposite them:

City Manager: Shall include his deputy, delegate, alternate, or appointee.

Cat: Shall mean all members of the *felis catus*, male or female, six (6) months of age or older.

Household: Shall mean those members of a family or other persons living in one dwelling unit.

Own: Shall include own as commonly defined and include in addition keeping, harboring, sheltering, managing, or possessing or to have a part interest in any cat. If a minor owns a cat, subject to the provisions hereof, the head of the household of which such minor owner is a member shall be deemed the owner of such cat for the purposes hereof and shall be responsible as a owner, whether or not such household head is himself a minor. If not a member of a household, any such minor owner shall himself be directly subject to the provisions of this chapter and such shall be deemed to constitute a misdemeanor violation prosecutable in Juvenile Court.

Owner: One who owns, as above defined, his employee or agent or other person, whether employed or not, and whether or not an actual agency exists into whose charge the actual owner has committed the cat's care or control, whether for fee or otherwise.

Person: Includes an individual, any firm, association, partnership or corporation.

SECTION 2: REGISTRATION AND VACCINATION REQUIREMENTS: It shall be unlawful for any person within the corporate limits of the City to own any cat without first having had such cat inoculated against rabies, according to current veterinary 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 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 registration shall present such a certificate or affidavit properly completed to the City Clerk.

SECTION 3: REGISTRATION FEES: Between January 1 and before March 1 of each year, the cat owner shall register all cats owned by him at the office of City Clerk and shall pay the following fees:

- (a) The City Clerk shall collect a registration fee of Two Dollars Fifty Cents (\$2.50) for each male or sexually altered female cat whose owners reside within the corporate limits of the City, provided that all cats belonging to the same household shall be registered in the name of the head of such household.

- (b) The City Clerk shall collect a registration fee of Five Dollars (\$5.00) for each female cat who has not been sexually altered and whose owners reside within the corporate limits of the City, provided that all female cats who have not been sexually altered and which belong to the same household shall be registered in the name of the head of the household. It shall be presumed that any female cat is in a natural state and has not been sexually altered unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of certified statement of a licensed veterinarian or a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the City Clerk's registration books.

SECTION 3: LATE REGISTRATION FEES; EXCEPTIONS: On and after March 1 of each year the City Clerk shall collect a registration fee twice that the amount provided in the Section immediately preceding; provided, however, new residents of the City or person acquiring a cat or owning a cat which attains the age of registration after the 1st of January 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 the Section preceding; otherwise the registration fees in this Section shall apply.

SECTION 4: ANNUAL REGISTRATION: All registrations issued by the City Clerk hereunder for cats shall be valid until December 31 of the year in which the same are issued.

SECTION 5: REGISTRATION PROCEDURE:

- (a) The City Clerk, upon presentation of the certificate or affidavit showing then current inoculation against rabies and upon payment of the fees, all as herein before set out, shall record the following information for each cat registered:

Owner's name, owner's address, cat's color, breed, sex, age, weight, and names, if any, and the date of the cat's rabies vaccination.

After recording said information, the City Clerk shall issue a license to the owner and shall provide for each cat 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 cat at all times when the cat is outside the dwelling of the owner.

- (b) The owner of any cat shall cause the cat to wear a collar or harness while the cat is outside the dwelling of the owner. The tag herein required shall be securely affixed thereto and shall be fastened or affixed 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 cats by publication once in the official newspaper.

SECTION 6: EXCEPTION TO REGISTRATION; REQUIREMENTS FOR VISITING CATS: The provisions of this Ordinance with respect to registration shall not apply to any cat owned by any person who is

visiting or temporarily remaining within the City for a period of less than thirty (30) days; however, all such cats as may be visiting shall be kept under restraint by the owner of such cat at all times.

SECTION 7: TRESPASS AND DAMAGE: It shall be unlawful for any person to permit any cat to trespass upon and to do injury to public or private property of another.

SECTION 8: CONFINEMENT OF CERTAIN CATS DURING OESTRUS: Any cat which has not been sexually altered shall be kept securely confined in an enclosed place during such cat's oestrus cycle.

SECTION 9: TRANSFER FEE: If there is a change in ownership of a registered cat during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of One Dollar (\$1.00), said payment to be made within ten (10) days after such transfer of ownership; otherwise the former registration and license issued shall lapse and the cat shall be subject to re-registration in the new owner's name.

SECTION 10: IMPOUNDMENT; DISPOSITION: Any cat in violation of this Ordinance within the corporate limits of the City shall be subject to impoundment by the City Manager and a record of all cats impounded shall be kept. Such impoundment record shall include the following information:

- (a) Color, sex, weight, height, identifying marks, registration number, and if applicable rabies vaccination number and the date of impoundment.
- (b) If the cat so impounded has no current registration tag, it shall be kept for three (3) days and if within that time the owner does not appear to claim such cat, it may be sold, euthanized, or otherwise disposed of. If within the three (3) days of impoundment, the owner of such cat shall appear and claim the cat, it shall be turned over to that person who claims it upon payment of all actual costs of impoundment and upon that person's compliance with registration and vaccination requirements.
- (c) If the cat so impounded has a current registration attached to its collar, the owner of such cat as shown by the records in the office of City Clerk, shall be notified in writing as soon as possible within the three (3) day impoundment period. If at the end of such three (3) day impoundment period the City Clerk has been unable to locate the owner or the owner, upon having been located and notified, refuses to claim or redeem the cat, then the cat may be sold, euthanized, or otherwise disposed of.
- (d) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this Ordinance for violation of any of the provisions of this Ordinance; nor shall impoundment be a defense in any prosecution which may be commenced under this Ordinance.

SECTION 11: IMPOUNDMENT OR CONFINEMENT OF RABIES SUSPECTS:

- (a) Any cat which is suspected of having rabies or any cat which has bitten a human being and has thereby caused a laceration of the skin of such human being shall be seized and confined in a veterinary hospital for a period of fourteen (14) days; provided, however, the period of confinement may be shortened as the discretion of the veterinarian in charge of such hospital.

- (b) Any cat bitten by a known rabid animal, shall be seized and confined in a veterinary hospital as provided in Part (a) of this Section.
- (c) All expenses incurred in the confinement under this Section shall be borne by the owner of such cat. If any cat impounded under this Section shall not be claimed by the owner within the fourteen (14) day impoundment period, then the veterinarian shall transfer such cat to an impounding facility designated by the City of Garnett where such cat shall be disposed of according to the provisions of Section 10 hereof.

SECTION 12: RABIES; STATE OF EMERGENCY; PUBLICATION NOTICE: When there exists sufficient evidence to believe that rabies exists in an area of the City, the Governing Body may, by resolution, require all cat owners within the corporate limits of the City to confine their cats or transport them only in an appropriate secure carrier of a type as is approved for transportation of cats on commercial airlines, with such period as may be designated in that resolution or until otherwise ordered; and it shall be unlawful for any person to permit a cat to run at large in violation of the terms of such resolution. Such a resolution shall not become effective unless and until the same is published one (1) time in the official City newspaper.

SECTION 13: TRANQUILIZER GUN AND TRAPS AUTHORIZED; KILLING AUTHORIZED UNDER CERTAIN CONDITIONS: The City Manager shall be authorized to use a tranquilizer gun or one or more sufficient traps in the enforcement of this Ordinance. He shall be further authorized to kill any cat which is impractical or impossible to catch, capture, or tranquilize and which is endangering persons.

SECTION 14: BREAKING POUND: It shall be unlawful for any person not duly authorized to break open or attempt to break open any enclosure in which cats are confined or held pursuant to the provisions of this Ordinance or to take, let out, or attempt to take or let out any cat placed therein by any officer of the City of Garnett or to take or attempt to take from the custody of such officer any cat taken by him or otherwise in any manner to interfere with or hinder any officer of the City in the enforcement of this Ordinance.

SECTION 15: RIGHT OF ENTRY: The City Manager shall have the right of entry upon any private, unenclosed lots or lands for the purpose of collecting any cat whose presence thereupon is in violation of this Ordinance and it shall be unlawful for any person to interfere with the City Manager in the exercise of this right. The City Manager shall have the further right of entry upon property or premises during the period provided in Section 12 of this Ordinance and it shall be unlawful for any person to interfere with the City Manager in the exercise of that right.

SECTION 16: PENALTY:

- (a) Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon the first conviction thereof within any licensing period shall be fined the sum of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00); upon the second conviction thereof within any licensing period shall be fined in a sum of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00); and upon the third or subsequent conviction thereof within any licensing period shall be fined as upon a second conviction and in addition thereto the offending cat may be ordered destroyed by the court.

(b) In all cases charging a violation of Section 7
or Section 8
hereof and when in such case the court finds that
a cat involved in such violation was at the time of
the violation an unregistered cat, the court may
impose a fine twice that set out in Subpart (a) of
this Section.

PASSED and APPROVED This 27th day of December, 1990.

Mayor James L. Hedger

A T T E S T:

Joseph E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13 OF THE MUNICIPAL CODE RELATING TO FISHING ON CITY LAKES; PROVIDING FOR CERTAIN SHORT TERM PERMITS AND RESTATING OTHER PERMIT REQUIREMENTS, RULES AND REGULATIONS GOVERNING FISHING; AND THE AUTHORITY OF ESTABLISHING RESTRICTIONS AND LIMITATIONS ON FISHING BY THE GOVERNING BODY HENCEFORTH BY SIMPLE RESOLUTION; REPEALING EXISTING SECTION AND REPEALING ORDINANCE 2918 AND ANY OTHER ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Title 9, Chapter 5, Section 13 of the Municipal Code is hereby amended to read as follows:

9-5-13: FISHING:

(A) (1) No person shall fish or attempt to fish from any City lake without having been issued and having in his possession a valid City Fishing Permit; provided, however, no person under sixteen (16) years of age shall be required to have such a City Fishing Permit. Any person having a current Kansas Fishing License or any person exempt from licensure under Kansas law may make application for a City Fishing Permit to the City Clerk, who shall issue an ~~annual~~ permit upon payment of the following fees:

- a. A resident of Anderson County \$ 5.00
- b. All other persons 7.50
- c. Three-day permit 3.00

Such Permit, except the three-day permit, shall be valid for the year in which issued and shall expire on the 31st day of December in the year of issuance and there shall be no pro-ration of the above fees, regardless of when the license shall be applied for and issued. The three-day permit shall expire at 11:59 p.m. on the third day of the three day period for which it shall be issued. Such permit shall authorize the holder to fish in any City lake, for all species of fish, except trout.

(2) All persons desiring to fish for trout in any City lake where authorized shall be required first to apply for a Special City Trout Permit to the City Clerk and the permit shall be issued upon payment of the following fees, which shall be in addition to any other permit fee which may be applicable:

- a. Anderson County residents over twelve (12) years of age \$ 5.00
- b. All other persons over twelve (12) years of age 7.50
- c. All persons twelve (12) years of age and under 2.50
- d. Daily permit 3.00

Such Permit, except the daily permit, shall be valid for the year in which issued. Such permit shall authorize the holder to participate in the City Trout Program for that calendar year in which issued. The daily permit shall expire at 11:59 p.m. on the day for which it is issued.

- (3) A duplicate City Fishing Permit or Trout Permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon the payment of a one dollar (\$1.00) replacement fee to the City Clerk.
- (B) It shall be unlawful and punishable as a misdemeanor for any person:
1. To fish for any species, other than trout, at any one time with more than two (2) rods and lines, or to fish with any one rod or line which has attached to it more than two (2) hooks, or two (2) flies, or two (2) artificial bait devices or lures.
 2. To fish for trout at any one time with more than one (1) rods, pole, or line, or to fish for trout from any boat.
 3. To fish without having a valid Kansas Fishing License (unless exempt therefrom by Kansas law) and, when required, without possessing a valid City Fishing Permit, or Trout Permit, or both.
 4. To take or attempt to take or catch any species of fish by hand fishing, toe fishing, snagging, snaring, or gigging.
 5. To use, operate, or install any trot line, set line, float, bank, or limb line on any City lake, other than south of the Missouri-Pacific Railroad overpass on Cedar Valley Reservoir.
 6. To fish in any City lake at a time when such fishing is prohibited by resolution; or to fish in violation of any restrictions established by resolution for such lake or for taking any species of fish from such lake.
 7. To have, retain, or possess fish of the size or in a quantity greater than established by this Section or any resolution adopted under the authority granted by this Section.
- (C) The Governing Body, on recommendation of the City Manager, in consultation with appropriate, qualified fish biologists or state game agencies, may establish restrictions on the taking of fish. Such restrictions may include the hours at which fish may be taken from one or more lakes; classification by species and limitation of retention and possession of species by length, weight, or both, and the establishment of daily (midnight to midnight) creel limits. Such resolution may from time to time be adopted or amended by the Commission, and shall make reference to this Subpart and when published once in an official newspaper of the City of Garnett, Kansas, shall have the same effect as if set out word for word in this Section.
- (D) Anyone entitled to fish in any City lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas State Forestry Fish and Game Commission. The daily (midnight to midnight) bag limit on bullfrogs is eight (8).
- (E) It is unlawful and punishable as a misdemeanor to fish in, wade or otherwise molest the North Park Rearing Pond, rearing cages, or fish feeders.

- (F) Any unlawful device used in or as an aid facilitating the violation of any of the provisions of this Section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the Municipal Judge, be destroyed.
- (G) Nothing in this Section shall be construed to supersede applicable statutes of the State of Kansas or regulations promulgated thereunder by the State Forestry, Fish and Game Commission.

SECTION 2: The provisions of Title 9, Chapter 5, Section 13 as the same presently exists, the provisions of Ordinance 2918, and the provisions of any other ordinance in conflict herewith 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, Kansas.

PASSED and APPROVED This 27th day of December, 1990.

Mayor

James L. Hodgson

A T T E S T:

City Clerk

Jane E. Martin

AN ORDINANCE AMENDING ORDINANCE 2795, WHICH SAID EARLIER ORDINANCE PROVIDED FOR THE LEVING OF ASSESSMENTS ON LOTS, PIECES, AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS THE COUNTRY CLUB ADDITION; AND BY THIS AMENDMENT PROVIDING FOR A TEN (10) YEAR REPAYMENT INSTEAD OF THE FOUR (4) YEAR REPAYMENT PROVIDED ORIGINALLY IN ORDINANCE 2795

WHEREAS, Pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Country Club Addition to the City of Garnett, Kansas.

WHEREAS, The Governing Body of the City of Garnett, Kansas has determined the total cost of such improvement to be \$75,000.00 with the entire actual cost of said improvements being assessed against the improvement district so created and apportioned pro rata to each of the fourteen (14) lots of record contained within such improvement district.

WHEREAS, The Governing Body of the City of Garnett, did on December 29, 1986, after due notice, meet and determine the amount of such special assessments and by the adoption of Ordinance 2795 fixing such assessments, did provide for a four (4) year repayment in the event such assessments were not paid within ten (10) days of the publication of Ordinance 2795.

WHEREAS, Such period should have been over ten (10) years rather than four (4) years as originally provided in Ordinance 2795 and it is necessary by the terms of an amendment ordinance to change and extend such period of repayment from four (4) years to ten (10) years.

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

SECTION 1: Section 1 of Ordinance 2795 is hereby amended to read as follows:

SECTION 1. Special Assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvement as follows:

<u>DESCRIPTION OF PROPERTY</u>	<u>ASSESSMENT</u>
Lot 1, Country Club Addition	\$ 5,357.00
Lot 2, Country Club Addition	5,357.00
Lot 3, Country Club Addition	5,357.00
Lot 4, Country Club Addition	5,357.00
Lot 5, Country Club Addition	5,357.00
Lot 6, Country Club Addition	5,357.00
Lot 10, Country Club Addition	5,357.00
Lot 11, Country Club Addition	5,357.00
Lot 12, Country Club Addition	5,357.00
Lot 13, Country Club Addition	5,357.00
Lot 14, Country Club Addition	5,357.00
Lot 15, Country Club Addition	5,357.00
Lot 16, Country Club Addition	5,357.00
Lot 17, Country Club Addition	5,357.00

SECTION 2: Section 2 of Ordinance 2795 is hereby amended to read as follows:

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication

of this ordinance, bonds or notes will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate of interest being the average net interest rate on the bonds or notes issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth (1/10th) of the principal amount of the assessment plus one (1) year's interest on the unpaid amount.

SECTION 3: Ordinance 2795 as the same presently exists is hereby repealed; provided, however, the levies certified by the City Clerk and assessed against the individual properties under the authority of Ordinance 2795 heretofore made by the City Clerk for the years 1987, 1988, 1989, and 1990 are hereby saved and the authority of this Ordinance for levying and assessing the first four (4) annual installments of one-tenth (1/10th) of the principal amount against each lot shall stand as ratification for the said assessments.

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 and APPROVED This 8th day of January, 1991.

Janice L. Hodgson
Mayor

A T T E S T:

Jayce E. Martin
City Clerk

ORDINANCE NO. 2961

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2(B) OF THE MUNICIPAL CODE DEALING WITH LIMITATION ON PARKING OF MOTOR VEHICLES IN CERTAIN AREAS; AND DECREASING THE PARKING LIMITATIONS ON THE WEST SIDE OF OAK STREET BETWEEN THIRD AVENUE AND THE ALLEY LYING BETWEEN THIRD AND FOURTH AVENUES; REPEALING EXISTING SECTION OF SAID CHAPTER AND TITLE.

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

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

10-2-2: TIME LIMIT:

B. No person shall park or stand any vehicle on the:

1. West side of Oak Street between Third Avenue and a point 63 feet north of the center line of the alley lying between Third and Fourth Avenues; and

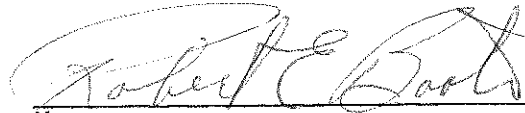
2. East side of Oak Street, in the angle parking stalls, between Third Avenue and the private drive immediately south of the United States Post Office;

for a period of longer than fifteen (15) minutes.

SECTION 2: Title 10, Chapter 2, Section 2(B) 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 and APPROVED, This 9th day of August, 1988.



Mayor

A T T E S T;



City Clerk

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTIONS 15 AND 18 OF THE MUNICIPAL CODE, GENERALLY INCREASING SERVICE FEES FOR SOLID WASTE SERVICES; REPEALING EXISTING SECTIONS AND PROVIDING 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) A refuse service charge of Five Dollars (\$5.00) per calendar month shall be levied against each residential dwelling unit for the collection and disposition of solid waste, as required by this chapter.

(B) A refuse service charge of Five Dollars (\$5.00) per calendar month shall be levied against each commercial and industrial solid waste customer for the collection and disposition of not more than one (1) 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 (1) cubic yard for each such customer, the customer shall be charged an additional One Dollar Twenty-five Cents (\$1.25) per cubic yard.

(C) Any solid waste customer requiring more than one (1) pick up of solid waste per week shall be charged as follows:

- (i) The first additional pick up per week, an additional Five Dollars (\$5.00) per month
- (ii) Two (2) additional pick ups per week, an additional Ten Dollars (\$10.00) per month
- (iii) Three (3) additional pick ups per week, an additional Fifteen Dollars (\$15.00) per month
- (iv) Four (4) additional pick ups per week, an additional Twenty Dollars (\$20.00) per month

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

- (i) For each one (1) cubic yard container Eight Dollars Twenty-five Cents (\$8.25)
- (ii) For each one and one-half (1 1/2) cubic yard container Nine Dollars (\$9.00)
- (iii) For each two (2) cubic yard container Ten Dollars (\$10.00)
- (iv) For each three (3) cubic yard container Sixteen Dollars Twenty-five Cents (\$16.25)
- (v) For each four (4) cubic yard container Eighteen Dollars Seventy-five Cents (\$18.75)
- (vi) 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 SERVICE; EXCEPTIONS:

(A) Any person, firm, or corporation at the time of beginning or terminating service, who receives service for a period of fewer than eighteen (18) consecutive days, shall be billed at one-half (1/2) the rate for such service; for service of eighteen (18) or more consecutive days, the charge shall be at the full monthly rate.

(B) Where collections are to be made, households of a single occupancy, regardless of age, such household shall be entitled to a special rate of Four Dollars (\$4.00) 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: The charges provided for in Sections 1 and 2 of this Ordinance shall be effective for all billings made by the City of Garnett, Kansas, for the class of services specified after the effective date of this Ordinance.

SECTION 4: Title 7, Chapter 2, Sections 15 and 18 of the Municipal Code, as the same presently exists, are hereby repealed.

SECTION 5: This Ordinance shall take effect upon its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 12th day of February, 1991.

Mayor

Jance L. Holgar

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2965

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$45,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 1991, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS; AND 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.

WHEREAS, the City is a city of the second class, duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, pursuant to K.S.A. 12-6a01 et seq. as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has caused certain street improvements to be made in the City.

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements and related expenses are at least \$45,000, with all of such cost to be paid by the owners of property within the City benefited by the Improvements; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay the costs of the Improvements; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$45,000 to pay the costs of the Improvements.

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and statutes of the State of Kansas including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620, et seq., and K.S.A. 12-6a01 et seq., as amended and supplemented.

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

"Bonds" means the Series 1991 Bonds authorized by the Ordinance in the aggregate principal amount of \$45,000, and dated March 1, 1991.

"City" means the City of Garnett, Kansas.

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

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

"Improvements" means the improvements referred to in the preamble to this Ordinance.

"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.

Section 2. Authorization of and Security for the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 1991, of the City in the principal amount of \$45,000, for the purpose of providing funds to pay the costs of the Improvements.

The Bonds shall be general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by the construction of the Improvements and, if not so paid, 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 3. 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 a resolution hereinafter adopted by the governing body of the City.

Section 4. 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 and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments 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, and the proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the City 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 and/or assessments are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds. In the event that at any time the City is of the opinion that for purposes of this Section it is necessary to restrict or limit the yield on the investment of any moneys held by the City under the Ordinance, the City shall take such action as may be necessary.

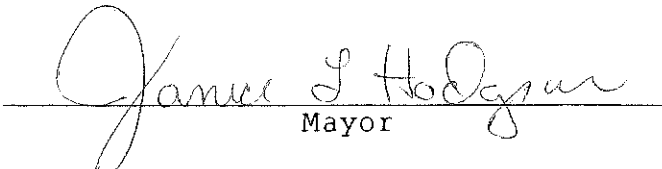
Section 6. Further Authority. The Mayor, City Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance to make alterations, changes 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. The Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

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 and publication in the official City newspaper.

PASSED by the governing body of the City this 12th day of
February 1991.

(SEAL)



Mayor

ATTEST:



City Clerk

(Published in the Garnett Review,
Monday, February 18, 1991)

ORDINANCE NO. 2965

**AN ORDINANCE AUTHORIZING THE
ISSUANCE AND DELIVERY OF
\$45,000 PRINCIPAL AMOUNT OF
GENERAL OBLIGATION BONDS,
SERIES 1991, OF THE CITY OF GAR-
NETT, KANSAS, FOR THE PURPOSE
OF PAYING THE COSTS OF CERTAIN
INTERNAL IMPROVEMENTS; AND
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.**

WHEREAS, the City is a city of the
second class, duly created, organized and
existing under the laws of the State of
Kansas; and

WHEREAS, pursuant to K.S.A. 12-
6a01 et seq., as amended, and other provi-
sions of the laws of the State of Kansas
applicable thereto, by proceedings duly
had, the governing body of the City has
caused certain street improvements to be
made in the City.

WHEREAS, all legal requirements
pertaining to the Improvements have been
complied with, and the governing body of
the City now finds and determines that the
total cost of the Improvements and related
expenses are at least \$45,000, with all of
such cost to be paid by the owners of
property within the City benefited by the
Improvements; and

WHEREAS, the governing body of the
City is authorized by law to issue general
obligation bonds of the City to pay the
costs of the Improvements; and

WHEREAS, the governing body of the
City hereby finds and determines that it is
necessary for the City to authorize the
issuance and delivery of its general obli-
gation bonds in the principal amount of
\$45,000 to pay the costs of the Improve-
ments.

NOW, THEREFORE, BE IT OR-
DAINED BY THE GOVERNING BODY
OF THE CITY OF GARNETT, KAN-
SAS, AS FOLLOWS:

**Section 1. Definitions of Words and
Terms.**

"Act" means the Constitution and stat-
utes of the State of Kansas including
K.S.A. 10-101 to 10-125, inclusive, K.S.A.
10-620, et seq., and K.S.A. 12-6a01 et
seq., as amended and supplemented.

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

"Bonds" means the Series 1991 Bonds
authorized by the Ordinance in the aggregate
principal amount of \$45,000, and
dated March 1, 1991.

"City" means the City of Garnett,
Kansas.

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

"Code" means the Internal Revenue
Code of 1986, as amended, and the applic-
able regulations proposed or promul-
gated thereunder of the United States
Department of the Treasury.

"Improvements" means the improve-
ments referred to in the preamble to this
Ordinance.

"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.

**Section 2. Authorization of and Secu-
rity for the Bonds.** There shall be issued
and hereby are authorized and directed to
be issued the General Obligation Bonds,
Series 1991, of the City in the principal
amount of \$45,000, for the purpose of
providing funds to pay the costs of the
improvements.

The Bonds shall be general obligations
of the City payable as to both principal
and interest from special assessments
levied upon the property benefited by the
construction of the Improvements and, if
not so paid, from ad valorem taxes which
may be levied without limitations as to
rate or amount upon all the taxable tan-
gible 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 3. Terms, Details and Condi-
tions 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 man-
ner prescribed and subject to the provi-
sions, covenants and agreements set forth
in a resolution hereinafter adopted by the
governing body of the City.

**Section 4. 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 and/or assessments upon
all of the taxable tangible property within
the City in the manner provided by law.

The taxes and/or assessments above
referred to shall be extended upon the tax
rolls in each of the several years, respec-
tively, 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, and the proceeds
derived from said taxes and/or assess-
ments shall be deposited in the Bond and
Interest Fund.

If at any time said taxes and/or assess-
ments are not collected in time to pay the
principal of or interest on the Bonds when
due, the City Treasurer is hereby author-
ized 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 and/or
assessments are collected.

Section 5. Tax Covenants. The City
covenants and agrees that it will not take
any action, or fail to take any action, if any
action or failure to take action would
adversely affect the exclusion from gross
income of the interest on the Bonds under
Section 103 of the Code. The City cove-
nants and agrees that it will use the pro-
ceeds of the Bonds as soon as practicable
and with all reasonable dispatch for the
purpose for which the Bonds are issued as
hereinbefore set forth, and that it will not
directly or indirectly use or permit the use
of any proceeds of the Bonds or any other
funds of the City, or take or omit to take

any action that would cause the Bonds to
be "arbitrage bonds" within the meaning
of Section 148(a) of the Code. To that end,
the City will comply with all require-
ments of Section 148 of the Code to the
extent applicable to the Bonds. In the
event that at any time the City is of the
opinion that for purposes of this Section it
is necessary to restrict or limit the yield on
the investment of any moneys held by the
City under the Ordinance, the City shall
take such action as may be necessary.

Section 6. Further Authority. The
Mayor, City 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 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 advisabil-
ity.

Section 7. Governing Law. The Ordi-
nance and the Bonds shall be governed
exclusively by and construed in accord-
ance with the applicable laws of the State
of Kansas.

Section 8. Effective Date. This Ordi-
nance shall take effect and be in full force
from and after its passage by the govern-
ing body of the City and publication in the
official City newspaper.

PASSED by the governing body of the
City this 12th day of February 1991.
(SEAL) /s/ Janice L. Hodgson
Mayor

ATTEST:
/s/ Joyce E. Martin
City Clerk

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clusive, K.S.A.
12-6a01 et seq., as amended and

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

"Bonds" means the Series 1991 Bonds authorized by the
Ordinance in the aggregate principal amount of \$45,000, and
dated March 1, 1991.

ORDINANCE NO. 2971

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9, SECTION 11 OF THE MUNICIPAL CODE, RELATING TO THE REGULATION OF BUSINESSES LICENSED TO SELL AT RETAIL CEREAL MALT BEVERAGE; AUTHORIZING SALES IN CERTAIN ESTABLISHMENTS ON SUNDAY, AND RESTATING EXISTING PROVISIONS OF SAID SECTION

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

SECTION 1: Title 5, Chapter 9, Section 11 of the Municipal Code is hereby amended to read as follows:

5-9-11: HOURS OF CLOSING SPECIFIED; QUALIFICATION AND REGISTRATION OF EMPLOYEES; NO PRIVATE AREAS; CONSUMPTION LIMITED; SUNDAY SALES PROHIBITED, EXCEPT AS STATED:

- (A) Every such licensed business shall be closed to the public and no member of the public shall be or remain in or upon the licensed premises between the hours of twelve thirty o'clock (12:30) A.M. and six o'clock (6:00) A.M.
- (B) No person shall be employed or be permitted to continue in employment by such licensed business in a managerial capacity or as a sales clerk who actually sell, carries for sale or receives payment for cereal malt beverage who is not a person of good character and reputation in the community in which he resides and who is not a citizen of the United States and who within two (2) years immediately preceding the date of his employment or during his employment, has been convicted of a felony or any crime involving a moral turpitude or been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor, or the violation of any other intoxicating liquor law of any state of the United States.
- (C) No such licensed premises shall be operated with any private rooms or closed booths, but this shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.
- (D) No such licensee shall consume or permit any other person to consume any cereal malt beverage upon the licensed premises at hours other than when the business is open to the public or permitted to be open to the public; nor shall any employee of such business consume any cereal malt beverage during the hours he is on duty at such business.
- (E) Except for licensees who are licensed pursuant to both this title and chapter and the State Club and Drinking Establishment Act:
 - 1. No cereal malt beverage shall be sold between the hours of twelve (12:00) midnight and six o'clock (6:00) A.M.; and
 - 2. No cereal malt beverage shall be sold on Sunday, except in a place of business licensed hereunder which also derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises.

Ordinance
Page 2

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 and APPROVED This 14th day of May, 1991.

James L. Hedgeman
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2972

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF GARNETT, KANSAS, TO KANSAS STATE BANK, OTTAWA, KANSAS, OF CERTAIN EQUIPMENT WHEREBY THE CITY LEASES TO THE BANK CERTAIN EQUIPMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT FROM KANSAS STATE BANK TO THE CITY WHEREBY THE BANK LEASES BACK TO THE CITY SUCH EQUIPMENT AND GRANTS THE CITY AN OPTION TO PURCHASE THE BANK'S INTEREST IN SUCH EQUIPMENT.

WHEREAS, pursuant to K.S.A. 12-101 et seq, and K.S.A. 10-1116b, the governing body of the City of Garnett, Kansas (the "City"), has determined to be in the best interest of the City for the City to enter into a Base Lease with Kansas State Bank, Ottawa, Kansas (the "Bank"), a Kansas banking corporation, whereby the City leases a 1991 John Deere 244E wheel loader as described therein (the "Equipment") to the Bank for a term of approximately thirty-six months for a single rental payment not to exceed \$43,171.31 to be paid concurrently with the commencement of the Base Lease and to be used to pay the cost of acquiring the Equipment; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into an Equipment Lease/Purchase Agreement whereby the City leases the Equipment back from the Bank with an option to purchase the Bank's interest in the Equipment, for a term ending April 30, 1994 for total rental payments not to exceed \$48,063.20.

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

Section 1. The Base Lease between the City, as lessor, and The Kansas State Bank, Ottawa, Kansas, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Base Lease on behalf of the City.

Section 2. The Lease/Purchase Agreement between the Bank, as lessor, and the City, as lessee, relating to the Equipment, in substantially the form attached hereto as Exhibit B, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Lease/Purchase Agreement on behalf of the City.

Section 3. The Mayor and City Clerk are hereby authorized to execute the Base Lease and the Lease/Purchase Agreement on behalf of the City in the forms presented to the City this date

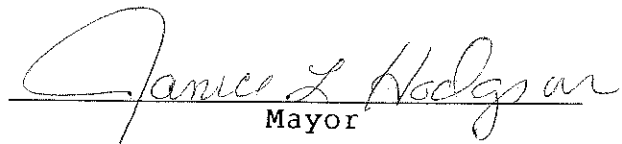
with such modifications as are approved by the Mayor and City Clerk, and to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease and the Lease/Purchase Agreement.

Section 4. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest portion of the Rental Payments made pursuant to the Agreement under the Internal Revenue Code of 1986 and will take such action as may be necessary to comply with the Code and with all other applicable laws, regulations, published rulings and judicial decisions, necessary to preserve the tax-exempt status of the interest portion of the Rental Payments, to the extent any such actions can be taken by the governing body of the City.

Section 5. The Rental Payments are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986. The City hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during the 1991 calendar year does not exceed \$10,000,000.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Garnett, Kansas, on this 23rd day of April 1991.



Mayor

(Seal)

ATTEST:



City Clerk

ORDINANCE NO. 2974

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

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

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

Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), less Highway and road rights of way, and containing 40 acres more or less;

having met one or more of the classifications for annexation described by K.S.A. 12-519, et seq., and specifically that the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, and such land being adjacent to an existing boundary of the City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

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

PASSED and APPROVED This 14th day of May, 1991.

Mayor

James L. Hodgson

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 2976

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF GARNETT, KANSAS, TO GARNETT STATE SAVINGS BANK, GARNETT, KANSAS, OF CERTAIN EQUIPMENT WHEREBY THE CITY LEASES TO THE BANK CERTAIN EQUIPMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE/PURCHASE AGREEMENT FROM GARNETT STATE SAVINGS BANK TO THE CITY WHEREBY THE BANK LEASES BACK TO THE CITY SUCH EQUIPMENT AND GRANTS THE CITY AN OPTION TO PURCHASE THE BANK'S INTEREST IN SUCH EQUIPMENT.

WHEREAS, pursuant to K.S.A. 12-101 et seq, and K.S.A. 10-1116b, the governing body of the City of Garnett, Kansas (the "City"), has determined to be in the best interest of the City for the City to enter into a Base Lease with Garnett State Savings Bank, Garnett, Kansas (the "Bank"), a Kansas banking corporation, whereby the City leases certain emergency communications equipment as described therein (the "Equipment") to the Bank for a term of approximately five years for a single rental payment not to exceed \$52,017.04 to be paid concurrently with the commencement of the Base Lease and to be used to pay the cost of acquiring the Equipment; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into an Lease/Purchase Agreement whereby the City leases the Equipment back from the Bank with an option to purchase the Bank's interest in the Equipment, for a term ending June 1, 1996 for total rental payments not to exceed \$61,865.93.

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

Section 1. The Base Lease between the City, as lessor, and Garnett State Savings Bank, Garnett, Kansas, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Base Lease on behalf of the City.

Section 2. The Lease/Purchase Agreement between the Bank, as lessor, and the City, as lessee, relating to the Equipment, in substantially the form attached hereto as Exhibit B, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Lease/Purchase Agreement on behalf of the City.

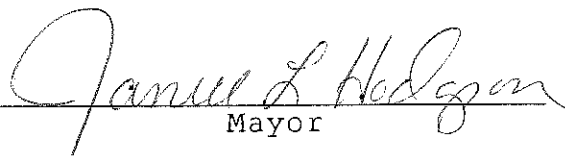
Section 3. The Mayor and City Clerk are hereby authorized to execute the Base Lease and the Lease/Purchase Agreement on behalf of the City in the forms presented to the City this date with such modifications as are approved by the Mayor and City Clerk, and to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease and the Lease/Purchase Agreement.

Section 4. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest portion of the Rental Payments made pursuant to the Agreement under the Internal Revenue Code of 1986 and will take such action as may be necessary to comply with the Code and with all other applicable laws, regulations, published rulings and judicial decisions, necessary to preserve the tax-exempt status of the interest portion of the Rental Payments, to the extent any such actions can be taken by the governing body of the City.

Section 5. The Rental Payments are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986. The City hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during the 1991 calendar year does not exceed \$10,000,000.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Garnett, Kansas, on this 11th day of June 1991.



Mayor

(Seal)

ATTEST:



City Clerk

ORDINANCE NO. 2978

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE CITY'S COMMUNITY ANTENNA POLE ATTACHMENT AGREEMENT DATED APRIL 22, 1981

WHEREAS, The City of Garnett, Kansas contracted with National Telephone Company, Inc. on April 22, 1981, to provide a community antenna television system within the City of Garnett, Kansas; and

WHEREAS, The said National Telephone Company, Inc. has assigned their obligations and rights under the said contract, which is now held by Communication Services, Inc.; and

WHEREAS, The City of Garnett and Communication Services, Inc. have negotiated a change in programing on the Garnett system, in exchange for which the City of Garnett, Kansas agreed to modify Paragraph 5, Page 3 of the said original Agreement and both the City of Garnett and Communication Services, Inc. are in agreement as to the text of such amendment.

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

Paragraph 5, Page 3 of the Agreement styled "Community Antenna Pole Attachment Agreement" between the City of Garnett, Kansas, and, originally, National Telephone Company, Inc., dated April 22, 1981, is hereby amended to read as follows:

5. Use of Channels 2 Through 13: The 12 channels (2 through 13) are presently utilized, 11 with basic service and 1 with a premium service, Home Box Office. Licensee agrees not to effect any programing changes so as to utilize any channels in this spectrum other than Channel 3 with premium service during the remaining term of this agreement. The intent of this paragraph is to insure, that except for Channel 3, the other channels remain fully utilized with basic service delivered to the subscriber without the need for additional terminal equipment, such as but not limited to converters.

BE IT FURTHER ORDAINED That the Mayor and City Clerk be and they are hereby authorized and directed to execute an appropriate written amendment to the agreement aforesaid and submitting the same to representatives of the present contract holder (Franchisee) Communication Services, Inc.

BE IT FURTHER ORDAINED That all other provisions of the said agreement are hereby ratified and confirmed.

PASSED and APPROVED This 25th day of June, 1991.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2982

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519, ET SEQ., AND DECLARING THE NAME OF SUCH ANNEXED AREA TO BE "BRAX ADDITION".

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

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

A part of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East described as follows:

Beginning at the Northeast Corner of Lot Fifty-six (56) of Hayden's Lakeview Estates Addition to Garnett (Revised 1977) to the City of Garnett, Kansas, thence running North 198 feet to the Southeast Corner of Lot Thirty-one (31) of said Addition, thence West along the south line of said Lot Thirty-one (31) to the Southwest Corner thereof, thence South 198 feet to the Northwest Corner of Lot Fifty-six (56) of said Addition, thence East along the north line of said Lot Fifty-six (56) 161 feet to the place of beginning;

having met one or more of the classifications for annexation described by K.S.A. 12-519, et seq., and specifically that the owners thereof have petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas, to be known as Brax Addition.

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 and APPROVED This 13th day of August, 1991.

James L. Holzman
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 2985

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

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

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

Beginning 300 feet North of the Southwest corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 200 feet, thence East 50 feet, thence South 200 feet, thence West 50 feet to the place of beginning

having met one or more of the classifications for annexation described in K.S.A. 12-519 et seq.; specifically, that the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, and such land being adjacent to an existing boundary of the City of Garnett, Kansas, the same is hereby annexed to and made a part of the City of Garnett, Kansas, and shall be known as the Sobba Addition to the City of Garnett, Kansas.

SECTION 2. 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 and APPROVED this 10th day of September, 1991.

James L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2989

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2 OF THE MUNICIPAL CODE REGULATING THE PARKING OR STANDING OF VEHICLES UPON CERTAIN STREETS AND AVENUES OF THE CITY OF GARNETT, KANSAS, FOR CERTAIN PERIODS OF TIME; AND SPECIFICALLY PROHIBITING PARKING OR STANDING ANY VEHICLE ALONG THE NORTH SIDE OF SIXTH AVENUE BETWEEN MAPLE STREET AND PINE STREET FOR CERTAIN HOURS OF CERTAIN DAYS; REPEALING EXISTING TITLE, CHAPTER, AND SECTION; PROVIDING FOR EFFECTIVE DATE

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

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

10-2-2: TIME LIMIT:

- (A) No person shall park or stand any vehicle on the north side of Sixth Avenue between Maple Street and Pine Street between the hours of 8 A.M. and 5:30 P.M., Monday through Saturday, inclusive.
- (B) No person shall park or stand any vehicle on the:
1. West side of Oak Street between Third Avenue and a point sixty-three feet (63') north of the center line of the alley lying between Third and Fourth Avenues;
 2. West side of Oak Street between the alley lying between Third and Fourth Avenues on the north and Fourth Avenue on the south; and
 3. East side of Oak Street, in the angle parking stalls, between Third Avenue and the private drive immediately south of the United States Post Office;
- for a period longer than fifteen (15) minutes.
- (C) No person shall park or stand any vehicle on either side of Warren Street between Walnut and Elm Streets between the hours of eight o'clock (8:00) A.M. and four thirty o'clock (4:30) P.M., inclusive, Mondays through Fridays, inclusive
- (D) No person shall park or stand any vehicle in any of the three (3) angle parking stalls immediately south of City Hall on Fifth Avenue for a period of longer than fifteen (15) minutes.
- (E) No person shall park or stand any vehicle in any of the following described angle parking stalls:
1. The four (4) stalls immediately north of Garnett State Savings Bank on Fifth Avenue, along the south curb of said avenue between its intersection with Oak Street to the west and the private drive of Garnett State Savings Bank to the east; and
 2. The four (4) stalls immediately east of Farmers State Bank along the west curb of said street between the private drive of Farmers State Bank to the north and said street's intersection with Sixth Avenue to the south;

for a period of longer than fifteen (15) minutes.

- (F) No person shall park or stand any vehicle on the west side of Oak Street for a distance of five hundred sixty-four feet (564'), commencing at a point three hundred one feet (301') south of the intersection of the center lines of North Oak Street and Park Road and running thence south along the west side of Oak Street to a point eight hundred sixty-five feet (865') south of said intersection, between the hours of seven thirty o'clock (7:30) A.M. and four o'clock (4:00) P.M., inclusive, on any day during which the public high school adjacent and immediately to the west thereof shall be in session.

SECTION 2: Title 10, Chapter 2, 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 January 1, 1992, and upon its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 22nd day of October, 1991.

James L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2991

AN ORDINANCE ADOPTING THE UNIFORM BUILDING CODE, 1991 ED.; AMENDING TITLE IV, CHAPTER 2, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; REPEALING TITLE IV, CHAPTER 2, AS THE SAME PRESENTLY EXISTS, AND ALL ORDINANCES IN CONFLICT HEREWITH; SAVINGS CLAUSE.

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

Section 1. ADOPTION OF UNIFORM BUILDING CODE: There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations to prohibit any person, firm, or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Office of Inspection that certain code known as the Uniform Building Code, 1991 Edition, published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road; Whittier, California 90601, of which not fewer than three (3) copies have been marked "Official Copy as Adopted by Ordinance 2991", and to which a copy of said ordinance shall be attached and now are filed in the Office of the City Clerk.


Section 2. PERMIT FEE: Application for a building permit shall be to the City Clerk on forms provided by the City of Garnett, the fee for which shall, from time to time, be fixed by resolution of the governing body.

Section 3. OFFICE OF INSPECTION: It shall be the duty and responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the "Uniform Building Code".

Section 4. REPEALER: Title IV, Chapter 2, as the same presently exists, and all ordinances and parts of ordinances in conflict herewith 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 or any ordinance 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 ordinances or 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 and APPROVED this 12th day of November, 1991.


MAYOR

Attest:


City Clerk

ORDINANCE 2992

AN ORDINANCE AMENDING TITLE IV, CHAPTER 3, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ADOPTING THE UNIFORM PLUMBING CODE, ED. 1991; ADOPTING OTHER REGULATIONS ON THE SAME SUBJECT; AND REPEALING EXISTING CHAPTER; SAVINGS 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 UNIFORM PLUMBING CODE: There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations for the installation, construction, alteration, removal, demolition, use, location and maintenance of plumbing and plumbing equipment that certain code known as the "Uniform Plumbing Code", 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, whose address is 20001 Walnut Drive South, Walnut, California 91789-2825, of which not less than three (3) copies have been marked "Official Copy as Adopted by Ordinance 2992", to which shall be attached a copy of said ordinance and now are filed in the Office of City Clerk.

Section 2. Title IV, Chapter 3, Section 2, of the municipal code is hereby amended to read as follows:

4-3-2: OFFICE OF INSPECTION CREATED: 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 "Uniform Plumbing Code".

Section 3. Title IV, Chapter 3, Section 3, of the municipal code is hereby amended to read as follows:

4-3-3: PLASTIC PIPE AND FITTING; CONDITIONAL USES:

- (A) Water service pipe shall mean the water pipe installed underground and entirely outside of a building or structure. Plastic pipe and fittings for potable water service, in addition to those materials listed elsewhere in the "Uniform Plumbing Code", high density, ultra high molecular weight polyethylene plastic pipe and polyvinyl chloride piping may be used on cold water services only, subject to the following specifications: Water service line Sch. 40 PVC, CS-207-60, CS256-63.160 #PE, CS255-63.
1. All PVC and PE pipe and fittings used for potable water must be approved by the National Sanitation Foundation and be marked with the NSF seal and conform with the above standards. No under slab installation will be permitted.
 2. All PVC water service lines must have a minimum rated working pressure of 160 P.S.I.
 3. All PE water service lines must have a minimum rated working pressure of 160 P.S.I.
- (B) All plastic piping shall be laid in a trench having a smooth compacted bottom of soil or sand. The first six inches (6") of backfill shall be sand or fine soil placed and compacted by hand. All plastic pipe so used shall be installed at a minimum depth of thirty inches (30"). Plastic piping that runs horizontally against or parallel to a wall shall be supported with permanent hangers placed at intervals of not more than five feet (5').

Section 4. Title IV, Chapter 3, Section 4, of the municipal code is hereby amended to read as follows:

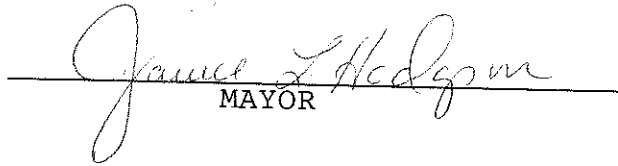
4-3-4: ADDITIONAL REGULATIONS FOR FUEL GAS:

- (A) Final piping inspection: This inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be covered or concealed are so concealed and before any fixtures, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO₂ or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than thirty (30) pounds per square inch gauge pressure. Test pressures shall be held for a length of time satisfactory to the City Manager, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen inches (14") water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch and shall be continued for a length of time satisfactory to the City Manager, but in no case for less than thirty (30) minutes. These tests shall be made using air, CO₂, or nitrogen pressure only and shall be made in the presence of the City Manager. All necessary apparatus for conducting tests shall be furnished by the permit holder.
- (B) All pipe used for the installation, extension, alteration or repair of any gas piping shall be standard weight wrought iron or black steel, yellow brass (containing not more than seventy-five (75) per cent copper), or internally tinned or equivalently treated copper of iron pipe size.
- (C) Gas piping supplying more than one building on any one premises shall be equipped with separate shut-off valves to each building, so arranged that the gas supply can be turned on or off to any individual or separate building. Such shut-off valve shall be located outside the building it supplies and shall be readily accessible at all times.
- (D) The size of the supply piping outlet for any gas appliance shall be not less than one-half (1/2) inch.
- (E) The minimum size of any piping outlet for a free-standing gas range shall be three-quarter (3/4) inch.
- (F) The minimum size of any piping outlet for a mobile home shall be one (1) inch.
- (G) In no event shall any building be supplied with gas piping of a size smaller than one (1) inch.
- (H) In such cases where the gas meter is located other than at the customer's property line immediately adjacent to the City's gas utility easement, minimum pipe sizes required by this Chapter to be installed on the outlet of said gas meter shall also be applicable and shall be required to be installed to connect the gas supply from the point where the City's supply enters the customer's property from the City's easement and running from that point to the inlet side of the said gas meter.

Section 5. REPEALER: Title IV, Chapter 3, as the same presently exists, and all ordinances and parts of ordinances in conflict herewith 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 or any ordinance 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 ordinances or 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 and APPROVED this 12th day of November, 1991.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 2993

AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 1990 ED.; AMENDING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE; PROVIDING FOR THE SUBORDINATION OF CONFLICTING PARTS OF SAID CODE TO SPECIFIC PROVISIONS OF EXISTING MUNICIPAL CODE; REPEALING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXISTS; SAVINGS CLAUSE.

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


Section 1. 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 NATIONAL ELECTRICAL CODE: The National Electrical Code, 1990 Edition, as prepared and published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted and incorporated by reference as the electrical wiring code for the City of Garnett, Kansas, regulating and governing all electrical work covered by permits and as required by Section 1, of this Chapter; provided, however, that the additional regulations set out in Section 3 of this Chapter are preserved and in the event of any conflict between the additional regulations contained in Section 3 of this Chapter and the National Electrical Code hereby adopted by reference then and in that event the provisions of Section 3 of this Chapter shall prevail. Compliance with the provisions of the said National Electrical Code and other regulations of this Chapter shall be considered as meeting the requirements of this title for the placing or installing of all electrical lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the City of Garnett, Kansas. Not fewer than three copies of the said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2993" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.


Section 2. REPEALER: Title IV, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, and all other municipal enactments in conflict with this Ordinance, 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 or any Ordinance 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 Ordinances or 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 and APPROVED this 12th day of November, 1991.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 2994

AN ORDINANCE AMENDING TITLE VII, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; ADOPTING THE UNIFORM FIRE CODE, ED. 1991, PROVIDING FOR THE ENFORCEMENT THEREOF, AND PENALTIES FOR VIOLATION THEREOF; REPEALING TITLE VII, CHAPTER 1 AS THE SAME PRESENTLY EXISTS; SAVINGS CLAUSE.

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

Section 1. ADOPTION OF UNIFORM 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 "Uniform Fire Code", 1991 Edition thereof, published by the International Conference of Building Officials whose address is 5360 South Workman Mill Road, Whittier, California 90601 and the Western Fire Chief Association whose address is 3602 Inland Empire Boulevard, Ontario, California 91764, of which not fewer than three (3) copies have been marked "Official Copy as Adopted by Ordinance 2994" and to which a copy of said ordinance shall be attached and are now on file in the office of the City Clerk, City Hall, Garnett, Kansas.

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

Section 3. PENALTY FOR VIOLATION FIRE CODE: Any person violating the provisions of the "Uniform Fire Code" as adopted by reference by the City of Garnett, Anderson County, Kansas, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted, and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager of the City of Garnett, Kansas, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment; provided, however, that for each and every violation of either Section 10.103 or Section 10.104 of the said "Uniform Fire Code", there shall be imposed a fine in a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and a period of imprisonment in the City Jail for a period of not less than one (1) nor more than six (6) months, of which thirty (30) days of any such sentence shall be executed and not suspended. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

Section 4. REPEALER: Title VII, Chapter 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 or any ordinance 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 ordinances or code sections had not been repealed.

ORDINANCE NO. 2995

AN ORDINANCE AMENDING TITLE 10, CHAPTER 4, SECTION 2 OF THE MUNICIPAL CODE DESIGNATING CERTAIN MAXIMUM SPEED LIMITS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER: SAVINGS CLAUSE.

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

SECTION 1. Title 10, Chapter 4, Section 2 of the Municipal Code is hereby amended to read as follows:

10-4-2: OTHER MAXIMUM SPEED LIMITS DESIGNATED:

(A) There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of thirty miles per hour (30 m.p.h.) over and upon that part of Maple Street within the City; provided, however, nothing herein shall be construed to restrict application of Chapter 8 of Title 10 of the Municipal Code relating to school zones insofar as the same controls traffic on the said Maple Street.

(B) There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of twenty miles per hour (20 m.p.h.) over and upon that part of Oak Street within the City, commencing at the intersection of said street and Third Avenue of said City and running north to the intersection of the alley between and running parallel to First and Second Avenues of said City.

(C) There is hereby established as the maximum lawful speed, and no person shall drive any vehicle in excess of forty miles per hour (40 m.p.h.) over and upon Westgate Road within the City.

(D) There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of forty miles per hour (40 m.p.h.) over and upon that part of East Fourth Avenue within the City commencing at the southwest corner of the Maggio Addition to the City, and thence running east four hundred eight feet (408'), more or less, to the west right-of-way line of the Union Pacific (formerly Missouri-Pacific) Railroad.

(E) There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of ten miles per hour (10 m.p.h.) over and upon any alley within the City.

(F) There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of thirty miles per hour (30 m.p.h.) over and upon any roadway within any park within the City or owned by the City. For purposes of this subsection, the municipal cemetery shall be considered a park.

SECTION 2. Title 10, Chapter 4, Section 2 of the Municipal Code, 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 the section of the Code hereby repealed shall stay the

ctiveness of such repeal with respect to such cases, and such
ses shall be prosecuted to conclusion upon the same terms and
onditions as if the original code section had not been 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 and APPROVED this 11th day of November, 1991.

Janine L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2996

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1991 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", 1991 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 hereinafter 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. 2996" 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: AMENDMENT: (Reserved for future use.)

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

10-7-3: OMISSION: Article 7, Section 37; and Article 20, Section 201 of the Standard Traffic Ordinance for Kansas Cities, edition of 1991, are hereby omitted.

SECTION 4: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code and the penalty provisions remaining in Title 10, Chapter 7, Section 4, shall be fully applicable hereto.

SECTION 5: Title 10, Chapter 7, Sections 1 through 3 inclusive 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 or any other ordinance repealed

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hereby 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 ordinances or code sections had not been 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 11th day of November, 1991.

Mayor

Janice L. Hodgson

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2998

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 two 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 \$8,748.76 incurred through May 31, 1991 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 November, 1991.



Mayor

Attest:



City Clerk

<u>Name</u>	<u>\$ Amount</u>
Odessa Lynn Price	\$ 228.23
Steve Enloe	80.79
Connie Demeritt	191.33
Debra Kolka	231.90
Robert Bolton	70.28
Norman Brown	145.13
Tanya Manspeaker	35.94
Carol West	119.17
Bryon & Laurel Jones	188.20
Willard/Jackie Kennedy	10.36
Bryan Ennis	153.89
Rosie Syens	93.65
Nick & Kim Crews	55.29
Rose Dye	151.45
Richard A. Ashburn	156.13
Michelle D. O'Bryan	243.49
Tim Morgan	18.40
Jim L. Petit	108.83
Robert E. Hamm	70.50
Jimmy McConnell	211.27
Larry W. Cole	41.80
Ivan D. Goins	164.27
Laura S. Adams	24.80
Timothy & Lena Dornes	408.03
Donna Sanders	102.25
Kenneth G. Cole	6.33
Gregory McLaughlin	184.64
Penny Herman	72.08
Jerry J. Cassel	76.99
Bobby & Linda Hookham	212.60
Amanda Pettibon	59.15
Michelle D. O'Bryan	93.66
Victoria Johnston	140.30
John Walrod	10.36
Melvin/Connie Lawrence	190.02
Carol Edmondson	379.53
David Molitor	32.87
T. A. & Debera Ashburn	18.76
Raymond R. Crawford	528.80
John Strobel d/b/a Dairy Queen	1,018.08
Valeta Benfield	37.86
Stevie J. Miller	178.79
David Harris	137.71
John Strobel	102.26
Day Window Company	1,806.61
Day Window Company	76.57
Re-Sale Shop	68.41
Carrie Matuska	11.00
Total	\$8,748.76

PAYMENT POSTING JOURNAL

CUSTOMER NUMBER AND NAME		PAY-AMOUNT	TRAN-NUM	NEW-BALANCE
POSTING DATE: 11/20/91				
OPERATOR: SUSAN				
BATCH: 5				
01	10550 PRICE, ODESSA LYNN	228.23	1	.00
01	10592 ENLOE, STEVE	80.79	2	.00
01	80011 DEMERITT, CONNIE	191.33	3	.00
01	80013 KOLKA, DEBRA	231.90	4	.00
01	80041 BOLTON, ROBERT	70.28	5	.00
01	80082 BROWN, NORMAN	145.13	6	.00
01	80243 MANSPEAKER, TANYA	35.94	7	.00
03	20333 WEST, CAROL	119.17	8	.00
03	20533 JONES, BRYON & LAUREL	188.20	9	.00
03	20992 KENNEDY, WILLARD/JACKIE	10.36	10	.00
04	25755 ENNIS, BRYAN	153.89	11	.00
04	25871 SYEMS, ROSTE	93.65	12	.00
04	25944 CREWS, NICK & KIM	55.29	13	.00
04	25972 DYE, ROSE	151.45	14	.00
04	26233 ASHBURN, RICHARD A.	156.13	15	.00
05	28013 O'BRYAN, MICHELLE D.	243.49	16	.00
05	28483 MORGAN, TIM	18.40	17	.00
05	28773 PETIT, JIM L.	108.83	18	.00
05	28843 HAMM, ROBERT E.	70.50	19	.00
05	29253 MCCONNELL, JIMMY	211.27	20	.00
05	29301 COLE, LARRY W.	41.80	21	.00
05	29313 GOINS, IVAN D.	164.27	22	.00
05	29642 ADAMS, LAURA S.	24.80	23	.00
06	31971 DORNES, TIMOTHY AND LEM	408.03	24	.00
06	32053 SANDERS, DONNA	102.25	25	.00
07	40652 COLE, KENNETH G.	6.33	26	.00
07	40691 MCLAUGHLIN, GREGORY	184.64	27	.00
08	45792 HERMAN, PENNY	72.08	28	.00
08	46113 CASSEI, JERRY J.	76.99	29	.00
08	46260 HOOKHAM, BOBBY & LINDA	212.60	30	.00
09	50292 PETTIRON, AMANDA	59.15	31	.00
09	50532 O'BRYAN, MICHELLE D.	93.66	32	.00
09	50833 JOHNSTON, VICTORIA	140.30	33	.00
0	55153 WALROD, JOHN	10.36	34	.00
0	55372 LAWRENCE, MELVIN/CONNIE	190.02	35	.00
0	55451 EDMONDSON, CAROL	379.53	36	.00
0	55452 MOLITOR, DAVID	32.87	37	.00
1	60343 ASHBURN, T. A. & DEBERA	18.76	38	.00
1	60393 CRAWFORD, RAYMOND R.	528.80	39	.00
1	91181 DAIRY QUEEN	1,018.08	40	.00
4	63511 BENFJELD, VALETA	37.86	41	.00
5	64151 MILLER, STEVIE J.	178.79	42	.00
5	64691 HARRIS, DAVID	137.71	43	.00
7	68200 STROBEL, JOHN	102.26	44	.00
7	91742 DAY WINDOW COMPANY	1,806.61	45	.00
7	91752 DAY WINDOW COMPANY	76.57	46	.00
8	92502 RE-SALE SHOP	68.41	47	.00
9	69074 MATUSKA, CARRIE	11.00	48	.00
BATCH TOTAL:		8,748.76		

ORDINANCE NO. 2999

AN ORDINANCE AMENDING TITLE IX, CHAPTER 5, SECTION 13 OF THE MUNICIPAL CODE RELATING TO FISHING ON CITY LAKES; PROVIDING FOR CERTAIN SHORT TERM PERMITS AND RESTATING OTHER PERMIT REQUIREMENTS, RULES AND REGULATIONS GOVERNING FISHING; AND THE AUTHORITY OF ESTABLISHING RESTRICTIONS AND LIMITATIONS ON FISHING BY THE GOVERNING BODY HENCEFORTH BY SIMPLE RESOLUTION; REPEALING EXISTING SECTION AND REPEALING ORDINANCE 2957 AND ANY OTHER ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Title IX, Chapter 5, Section 13 of the Municipal Code is hereby amended to read as follows:

9-5-13: FISHING:

- (A) (1) No person shall fish or attempt to fish from any City lake without having been issued and having in his possession a valid City Fishing Permit; provided, however, no person under sixteen (16) years of age shall be required to have such a City Fishing Permit. Any person having a current Kansas Fishing License or any person exempt from licensure under Kansas Law may make application for a City Fishing Permit to the City Clerk, who shall issue a permit upon payment of the following fees:

- | | |
|----------------------------------|---------|
| a. A resident of Anderson County | \$ 5.00 |
| b. All other persons | 7.50 |
| c. Three-day permit | 3.00 |

Such Permit, except the three-day permit, shall be valid for the year in which issued and shall expire on the 31st day of December in the year of issuance and there shall be no pro-ration of the above fees, regardless of when the license shall be applied for and issued. The three-day permit shall expire at 11:59 p.m. on the third day of the three day period for which it shall be issued. Such permit shall authorize the holder to fish in any City lake, for all species of fish, except trout.

- (2) All persons desiring to fish for trout in any City lake where authorized shall be required first to apply for a Special City Trout Permit to the City Clerk and the permit shall be issued upon payment of the following fees, which shall be in addition to any other permit fee which may be applicable:

- | | |
|--|---------|
| a. Anderson County residents over twelve (12) years of age | \$ 5.00 |
| b. All other persons over twelve (12) years of age | 7.50 |
| c. All persons twelve (12) years of age and under | 2.50 |
| d. Daily permit | 3.00 |

Such Permit, except the daily permit, shall be valid for the year in which issued. Such permit shall authorize the holder to participate in the City Trout Program for that calendar year in which issued. The daily permit shall expire at 11:59 p.m. on the day for which it is issued.

- (3) A duplicate City Fishing Permit or Trout Permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon the payment of a one dollar (\$1.00) replacement fee to the City Clerk.
- (B) It shall be unlawful and punishable as a misdemeanor for any person:
1. To fish for any species, other than trout, at any one time with more than two (2) rods and lines, or to fish with any one rod or line which has attached to it more than two (2) hooks, or two (2) flies, or two (2) artificial bait devices or lures.
 2. To fish for trout with greater than the number of permitted rods, lines, hooks, baits or flies as may be established in connection with each annual trout program by the governing body, on recommendation of the City Manager, in the same manner as provided in sub-paragraph c, supra.
 3. To fish without having a valid Kansas Fishing License (unless exempt therefrom by Kansas law) and, when required, without possessing a valid City Fishing Permit, or Trout Permit, or both.
 4. To take or attempt to take or catch any species of fish by hand fishing, toe fishing, snagging, snaring, or gigging.
 5. To use, operate, install or to possess with the intent to use, operate, or install, any trot line, set line, float, bank, or limb line on any City lake, other than south of the Missouri-Pacific Railroad overpass on Cedar Valley Reservoir.
 6. To fish in any City lake at a time when such fishing is prohibited by resolution of the Governing Body, or to fish in violation of any restrictions established by such a resolution for such lake or for taking any species of fish from such lake.
 7. To have, retain, or possess fish of the size or in a quantity greater than established by this Section or any resolution adopted under the authority granted by this Section.
- (C) The Governing Body, on recommendation of the City Manager, in consultation with appropriate, qualified fish biologists or state game agencies, may establish restrictions on the taking of fish. Such restrictions may include the hours at which fish may be taken from one or more lakes; classification by species and limitation of

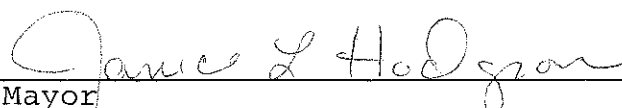
retention and possession of species by length, weight, or both, and the establishment of daily (midnight to midnight) creel limits. Such resolution may from time to time be adopted or amended by the Commission, and shall make reference to this Subpart and when published once in an official newspaper of the City of Garnett, Kansas, shall have the same effect as if set out word for word in this Section.

- (D) Anyone entitled to fish in any City lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas State Forestry Fish and Game Commission. The daily (midnight to midnight) bag limit on bullfrogs is eight (8).
- (E) It is unlawful and punishable as a misdemeanor to fish in, wade or otherwise molest the North Park Rearing Pond, rearing cages, or fish feeders.
- (F) Any unlawful device used in or as an aid facilitating the violation of any of the provisions of the Section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the Municipal Judge, be destroyed.
- (G) Nothing in the Section shall be construed to supersede applicable statutes of the State of Kansas or regulations promulgated thereunder by the State Forestry, Fish and Game Commission.

SECTION 2: The provisions of Title IX, Chapter 5, Section 13 as the same presently exists, the provisions of Ordinance 2957 and the provisions of any other ordinance in conflict herewith are hereby repealed.

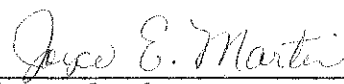
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of November, 1991.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3000

AN ORDINANCE AMENDING ARTICLE 9 OF ORDINANCE NO. 2230, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 2494, RELATING TO PROCEDURES TO SUPPLEMENT, CHANGE OR GENERALLY REVISE BOUNDARIES OR REGULATIONS CONTAINED IN THE ZONING ORDINANCE NO. 2230 OF THE CITY OF GARNETT; REPEALING CONFLICTING SECTIONS; PROVIDING EFFECTIVE DATE.

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

SECTION 1. Section 9-101 of Article 9, Ordinance 2230, of the City of Garnett, as previously amended by Ordinance 2494, is hereby amended to read as follows:

9-101: COMMISSION MAY AMEND ORDINANCE. Whenever the public necessity, convenience, general welfare, or a good zoning practice require, the City Commission may from time to time by ordinance, supplement, change, or generally revise the boundaries or regulation contained in this zoning ordinance by the amendment procedures set out in Chapter 56 of the 1991 Session Laws of Kansas or any act or acts of the legislature amendatory or supplementary thereto.

SECTION 2. Provisions of Ordinance 2230, Ordinance 2494 and any other ordinance of the City of Garnett which is in conflict herewith is hereby repealed.

SECTION 2. This ordinance shall take effect and be in force from and after its passage, publication in an official newspaper of the City of Garnett, Kansas, and the procedure for supplementing, changing or revising the boundaries or regulations of the zoning ordinances of the City of Garnett shall be followed from and after the 1st day of January, 1992.

PASSED and APPROVED this 26th day of November, 1991.

James L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk