

ORDINANCE NO. 1989

AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD BY, IN AND FOR THE CITY OF GARNETT, KANSAS, ON THE 7th DAY OF JUNE, 1966, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY THE PROPOSITION OF ISSUING NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY IN THE AMOUNT OF \$75,000.00 FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE A SITE AND TO BUILD AND EQUIP A LIBRARY BUILDING, THE PROCEEDS FROM THE SALE OF SAID BONDS, TOGETHER WITH AVAILABLE STATE OR FEDERAL FUNDS TO BE USED FOR THE ACQUIRING OF A SITE AND THE BUILDING AND EQUIPPING OF A LIBRARY, THE TOTAL COST NOT TO EXCEED \$150,000.00.

WHEREAS, the Governing Body of the City of Garnett, Kansas, having given consideration to the present limited library facilities, the inability of the Library Board to extend library use or make the same available, and to the benefits of a new library and equipment, is of the opinion by providing such facilities, the spiritual, intellectual and general welfare of the community will be advanced; and,

WHEREAS, it is necessary that a special election be called to submit the proposition, hereinafter set forth, to the qualified electors of said City;

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

Section 1. A special city election be and the same hereby is called, to be held by, in and for the City of Garnett, Kansas, on Tuesday, June 7th, 1966, for the purpose of, and that then and there, there will be submitted to the qualified electors of said City the following proposition:

"PROPOSITION:

Shall the following be adopted?

Shall the City of Garnett, Kansas, issue its negotiable general obligation bonds under authority of Chapter 12, Section 1737 of Kansas Statutes Annotated, in an amount not to exceed the sum of \$75,000.00 to provide funds for the purpose of acquisition of a site, construction, furnishing and equipping of a library building, the proceeds from the sale of such bonds to be used together with such other state or federal funds as might be available, the total cost of such library building, equipment and site not to exceed the sum of \$150,000.00?"

Section 2. Notice of said election shall be given as provided by law, which notice shall be published in the official city newspaper, The Anderson Countian, a newspaper of general circulation in said city, once each week for three consecutive weeks, the first publication to be at least twenty-one days prior to the day fixed for said election.

Section 3. The places for holding said election shall be as follows:

FIRST WARD: United Brethern Fellowship Hall, First and Pine Streets, Garnett.

SECOND WARD: Christian Church Annex, Second and Walnut Streets, Garnett.

THIRD WARD: City Commission Room, City Hall, 131 West Fifth Street, Garnett.

FOURTH WARD: Courthouse Basement, Anderson County Courthouse, Garnett, Kansas.

Such election shall be held and all things pertaining to said election shall be done as provided by law.

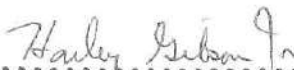
Section 4. This ordinance shall take effect and be in full force and effect from and after its publication in The Anderson Countian, according to law.

PASSED and APPROVED this 9th day of May, 1966.



.....
Mayor

ATTEST:



.....

City Clerk

(SEAL)

AN ORDINANCE REGULATING THE SALE AND USE OF EXPLOSIVES IN THE CITY OF GARNETT, KANSAS, FOR THE PROTECTION OF PERSONS AND PROPERTY, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 1968.

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

Section 1. It shall be unlawful for any person or persons in the City of Garnett, Kansas, to expose for sale, offer for sale, or sell any blank cartridge, firecracker, torpedo, skyrocket, or other fireworks or explosives at retail before the 27th day of June, 1966, and after the 5th day of July, 1966, and each year thereafter, except as hereinafter provided.

Section 2. It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded in the City of Garnett, Kansas, any of the fireworks or explosives mentioned in Section 1 of this Ordinance, except on the days said fireworks may be sold at retail.

Section 3. It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded in the City of Garnett, Kansas, any of the fireworks or explosives mentioned in Section 1 of this Ordinance, at any time, within One Thousand Feet of any hospital, sanitarium or infirmary; into or under a car or vehicle, whether moving or standing still; from any car or vehicle, whether moving or standing still; or within One Hundred feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

Section 4. It shall be unlawful for any person or persons to sell or to explode such fireworks items as M-80's, cherry bombs, bulldog salutes, skyrockets, tubular salutes, repeating bombs, aerial bombs, torpedoes, metal propelled items, and similar items as determined to be illegal in the State of Kansas.

Section 5. Nothing in this Ordinance shall be construed to prohibit the sale or use of blank powder, dynamite, or other explosives, for industrial purposes, or the sale and use of loaded cartridges and other ammunition for firearms not prohibited by other ordinances; and provided further that the City Commission may grant permission to any responsible person, persons or committee for patriotic displays of fireworks on the 4th of July, or such other occasion as they may deem proper, with proper safeguard as to fire protection.

Section 6. Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and shall be punished as provided for in Chapter Three of the Ordinances of the City of Garnett, Kansas.

Section 7. Ordinance No. 1968 of the City of Garnett, Kansas, is hereby repealed.

Section 8. This Ordinance shall take effect and be in force from and after its passage by the Governing Body of the City of Garnett, Kansas, and publication in the official City paper.

PASSED and APPROVED this 23 day of May, 1966.

E. M. Burns
.....
Mayor

Attest:

Harley Gilbert
.....
City Clerk

ORDINANCE NO 1995

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE THE GRADING, CURBING, CURBING AND GUTTERING, MACADAMIZING, AND OTHERWISE IMPROVING PARK STREET BETWEEN FOURTH AVENUE AND SEVENTH AVENUE, GRANT STREET BETWEEN FIRST AVENUE AND THIRD AVENUE, AND THIRD AVENUE FROM HAYES STREET TO GRANT STREET, INCLUSIVE, UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, under proceedings duly and regularly had, the construction and improvement of Park Street between Fourth Avenue and Seventh Avenue, Grant Street between First Avenue and Third Avenue, and Third Avenue from Hayes Street to Grant Street, all in the City of Garnett, Kansas, have been authorized, and the said streets have now been constructed and improved; and,

WHEREAS, the City has no funds to finance such improvement until bonds are issued; and,

WHEREAS, under Section 10-123 K. S. A., authority is conferred on the City of Garnett, Kansas to issue its temporary notes for the purpose of financing the construction of said improvement.

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 cost of improving Park Street between Fourth Avenue and Seventh Avenue, Grant Street between First Avenue and Third Avenue, and Third Avenue from Hayes Street to Grant Street, inclusive, as authorized by Ordinances 1970 and 1971 of the City of Garnett, until bonds can be issued therefor, the Mayor and the City Clerk be and they are hereby authorized to execute temporary notes of the City of Garnett, Kansas, not to exceed the aggregate of \$ 23,827.36 .

Section 2. That said temporary notes authorized herein shall be consecutively numbered and shall bear interest at the rate of 3.5 per cent per annum, interest shall be paid semi-annually; all of said notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of bonds which are to be issued and are issued as shown by the approved estimates on file.

Section 3. That the said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City, and when the same have been executed, shall be registered as provided by law.

Section 4. Said City is authorized under Section 12-601, 602 and 603 of K. S. A. and by Ordinances No. 1970 and 1971 of said City to make said improvements.

Section 5. That said temporary notes shall contain recitals and be in the form as provided by the Statutes of the State of Kansas.

Section 6: That this ordinance shall take effect and be in force from and after its passage and its publication in the Anderson Countian.

PASSED and APPROVED this 27 day of June, 1966.

Attest:

.....
Mayor

.....
Harley Gibson Jr.
City Clerk

(SEAL)

ORDINANCE NO. 1999

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE THE GRADING, CURBING, CURBING AND GUTTERING, MACADAMIZING, AND OTHERWISE IMPROVING PARK STREET BETWEEN FOURTH AVENUE AND SEVENTH AVENUE, GRANT STREET BETWEEN FIRST AVENUE AND THIRD AVENUE, AND THIRD AVENUE FROM HAYES STREET TO GRANT STREET, INCLUSIVE, UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, under proceedings duly and regularly had, the construction and improvement of Park Street between Fourth Avenue and Seventh Avenue, Grant Street between First Avenue and Third Avenue, and Third Avenue from Hayes Street to Grant Street, all in the City of Garnett, Kansas, have been authorized, and the said streets have now been constructed and improved; and,

WHEREAS, the City has no funds to finance such improvement until bonds are issued; and,

WHEREAS, under Section 10-123 K. S. A., authority is conferred on the City of Garnett, Kansas, to issue its temporary notes for the purpose of financing the construction of said improvement.

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 cost of improving Park Street between Fourth Avenue and Seventh Avenue, Grant Street between First Avenue and Third Avenue, and Third Avenue from Hayes Street to Grant Street, inclusive, as authorized by Ordinance 1970 and 1971 of the City of Garnett, until bonds can be issued therefor, the Mayor and the City Clerk be and they are hereby authorized to execute temporary notes of the City of Garnett, Kansas, not to exceed the aggregate of \$ 25000.

Section 2. That said temporary notes authorized herein shall be consecutively numbered and shall bear interest at the rate of 4% per cent per annum, interest shall be paid semi-annually; all of said notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of bonds which are to be issued and are issued as shown by the approved estimates on file.

Section 3. That the said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City, and when the same have been executed, shall be registered as provided by law.

Section 4. Said City is authorized under Section 12-601, 602 and 603 of K. S. A. and by Ordinances No. 1970 and 1971 of said City to make said improvements.

Section 5. That said temporary notes shall contain recitals and be in the form as provided by the Statutes of the State of Kansas.

Section 6. That this ordinance shall take effect and be in force from and after its passage and its publication in the Anderson Countian.

PASSED and APPROVED this 18 day of July, 1966.

.....
Mayor

Attest:

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City Clerk

(SEAL)

ORDINANCE NO. 1998

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF SEWER IMPROVEMENT BONDS, SERIES 1966-A, FOR THE CITY OF GARNETT, KANSAS, IN THE PRINCIPAL AMOUNT OF \$85,978.73, PROVIDING FOR THE TERMS OF SUCH BONDS, AND PROVIDING FOR THE LEVYING OF A SPECIAL ASSESSMENT TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE.

BE IT ORDAINED by the Governing Body of the City of Garnett, Kansas, that:

SECTION 1. There shall be and are hereby issued special assessment general obligation bonds of the City of Garnett, Kansas, in the principal amount of \$85,978.73, pursuant to the provisions of K.S.A. ~~12-618~~, for the purpose of paying the cost of construction of sanitary sewers within Sewer Districts 12, 14, 15 and 16 within said City as authorized by Ordinances Nos. 1827, 1872, 1875 and 1887, 1828, and 1888.

SECTION 2. Said bonds shall be designated as Series 1966-A, shall consist of eighty-six bonds, numbered one to eighty-six, inclusive, shall be in the denomination of \$1,000.00 each, except bond numbered one, which shall be for \$978.73, and shall be dated August 1, 1966. Bonds No. 1 to 8, inclusive, will mature October 1, 1967, and thereafter, the bonds shall mature serially at the rate of eight bonds per year on October 1 of each of the years 1968 to 1970, inclusive, and thereafter, at the rate of nine bonds per year on October 1 of each of the years 1971 to 1976, inclusive. The bonds shall bear interest at the rate of four and one-fourth percent per annum. Interest shall be payable semi-annually on April 1 and October 1 of each year, commencing April 1, 1967.

SECTION 3. The bonds shall be signed by the Mayor and the City Clerk of the City, and shall have the seal of the City affixed, and the interest coupons shall be authenticated by the facsimile signatures of said Mayor and City Clerk, and the bonds shall be registered by the City Clerk and the Auditor of the State of Kansas, and the proceeds from the sale of said bonds shall be used for the purpose for which said bonds are issued, including the payment of any temporary notes outstanding on the project.

SECTION 4. The Bonds, including interest coupons and certificates thereon, shall be in the form and of the size as provided by the statutes of the State of Kansas.

SECTION 5. There shall be levied annually, according to law, a special assessment tax within Sewer Districts 12, 14, 15 and 16, sufficient to pay such bonds and the interest thereon as the same become due.

SECTION 6. This ordinance shall take effect and be in full force from and after its adoption and publication in the official city paper.

Passed and approved this 18 day of July, 1966.

Ewert Burns

Mayor

(SEAL)

ATTEST:

Harley Gibson

City Clerk

ORDINANCE NO. 1999

AN ORDINANCE ESTABLISHING SPEED LIMIT FOR RAILROAD TRAINS, ENGINES AND CARS WITHIN THE CITY OF GARNETT, CONTROLLING THE STOPPING AT INTERSECTIONS, REPEALING ORDINANCE NO. 1074 AND SECTION 2 OF ORDINANCE NO. 76 OF THE ORDINANCES OF THE CITY OF GARNETT, KANSAS.

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

Section 1. Railroad trains, engines or cars shall not be driven or propelled over any railroad track within the City of Garnett at a speed greater than twenty-five (25) miles per hour.

Section 2. That the engineer or conductor or other persons responsible for the operation of railroad trains shall not allow such train, engine or cars thereof to block or impede traffic on any street crossing said railroad tracks for a period longer than 10 minutes.

Section 3. Ordinance No. 1074 and Section 2 of Ordinance No. 76, being the same as Title 9, Chapter 10, Sections 1 and 2 of the Ordinances and City Code of the City of Garnett, are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED and APPROVED this 25th day of July, 1966.

Ernest E. Burns

.....
Mayor

Attest:

Harley Gibson Jr.
.....
City Clerk

(SEAL)

ORDINANCE NO. 2002

AN ORDINANCE ADDING CERTAIN TERRITORY TO AND ENLARGING THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The owners of a tract of land lying contiguous to the corporate limits of the City of Garnett, Kansas, have platted said lands into lots and blocks and have dedicated thereon streets and utility easements, designating said tract as WESTGATE ADDITION; and,

WHEREAS, said owners have petitioned the Governing Body of the City of Garnett to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas.

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

Section 1. That Westgate Addition, having been subdivided into lots and blocks by the owners thereof, the same being adjacent and contiguous to the present corporate limits of the City of Garnett, Kansas, and pursuant to a petition by the owners of said tract to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas, it is hereby ordered that the following described real estate situated in Anderson County, Kansas, be and the same is hereby added to the corporate limits of the City of Garnett, Kansas, to-wit:

Beginning at the Northeast corner of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), thence South 620 feet, thence West 485 feet, thence North 620 feet, thence East 485 feet to place of beginning

Section 2. That this Ordinance shall take effect and be in full force as provided by law upon its publication in the official city paper.

PASSED and ADOPTED this 29th day of August, 1966.

Everett Burns
.....
Mayor

Attest:

Harley Gibson Jr.
.....
City Clerk

(SEAL)

AN ORDINANCE RELATING TO THE PLANTING AND MAINTENANCE OF STREET TREES
WITHIN THE CITY OF GARNETT, KANSAS.

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

SECTION I. Short Title:

This Ordinance shall be known and may be cited as the "Street Tree Ordinance" of the City of Garnett.

SECTION II. Definitions:

The word "street" shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the City.

The word "park" shall include all public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

The word "tree" --- unless the context clearly indicates otherwise --- means trees, shrubs, bushes and all other woody vegetation.

The "City Forester" shall be appointed by the City Manager.

SECTION III. Responsibility of Forester.

The City Forester shall be responsible for the planting, pruning, and removal of all trees located within the street rights-of-way and parks of the City. The owner of land abutting on any street may, when acting within the provisions of this Ordinance, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel. A street tree permit shall be required only when the owner of property intends to deviate from the rules and regulations contained in this Ordinance.

SECTION IV. Planting Procedures.

Tree planting on any right-of-way shall be performed in strict accordance with the terms hereunder and with the following regulations established for the planting, trimming, and care of trees in public places. If a person intends to deviate from the rules herein they must make application for a street tree permit to plant or set out trees or plants, and the City Forester shall have the authority to require from the applicant a detailed declaration of intentions with regard to planting.

- a. Trees must not be less than one inch in diameter of trunk one foot above the ground.
- b. All trees from one to three inches in diameter of trunk one foot above the ground must be protected and supported by tree guards.
- c. No tree shall be placed so as to cause a traffic hazard.
- d. Trees shall be planted at least 30 to 50 feet apart except where a special permit is obtained from the City Forester.
- e. No tree shall be planted where the clear space between the curb and sidewalk is less than ~~three~~¹⁰ feet.
- f. No tree shall be planted nearer than ~~one~~^{5 FEET} foot from the curb line or outer line of the sidewalk.
- g. No tree shall be planted nearer than 35 feet from the right-of-way lines of two intersecting streets.

SECTION V. Tree Protection.

No person shall, without authority, break, injure, mutilate, kill or destroy any tree or shrub, or set any fire, or permit any fire, or the heat thereof, to injure any portion of any tree. No person, owning or using, or having control or charge of gas or other substance deleterious to tree life, shall allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant.

SECTION VI. Public Tree Care.

The City of Garnett shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The City Forester may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

SECTION VII. Trimming and Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the

light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way. All shrubs and bushes located on the triangle formed by two (2) right-of-way lines at the intersection of two (2) streets, and extending for a distance of thirty-five (35) feet each way from the intersection of the right-of-way lines on any corner lot within the City, shall not be permitted to grow to a height of more than twenty-four (24) inches above the road level of any street, avenue or alley, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. No trees may be planted in this area. All trees that are planted must be at least thirty-five (35) feet from the intersection of the right-of-way lines of two streets. Any owner of any property failing to trim any trees, shrubs, or bushes in conformity with this section, shall be notified by the City Forester to do so and such notice shall require trimming in conformity with this section within five (5) days after the date of such notice. Upon the expiration of such period, the City Forester may cause the trimming to be done and the cost thereof may be collected from the owner of said property.

SECTION VIII. Interference with City Forester.

It shall be unlawful for any person to prevent, delay or interfere with the City Forester, or any of his agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any trees, plants, or shrubs in or upon any public right-of-way, public park or upon any private grounds as authorized in this Ordinance.

SECTION IX. Rules and Regulations.

The City Forester may make additional rules and regulations pertaining to the planting, removal and care of trees, bushes, and shrubs not inconsistent

with the provisions of this Ordinance. No person shall fail to obey any such rule or regulation.

SECTION X. Separability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase hereof. The Mayor and Governing Body of the City of Garnett hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

SECTION XI. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED and APPROVED by the Governing Body this 12 day of DECEMBER, 1966, in the City of Garnett, Kansas.

Everett Burns Mayor

Harley Gibson Jr City Clerk

9 12 1

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM (S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GARNETT, COUNTY OF ANDERSON, STATE OF KANSAS.

Be it ordained and enacted by the Commission of the City of Garnett State of Kansas as follows:

Article I

Unless the context specially indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- CCE744
- Sec. 1. "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage. Combined sewers will not be permitted.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half ($\frac{1}{2}$) inch in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 17. "Shall" is mandatory; "May" is permissive.

Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which is concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than (5) five times the average twenty-four (24) hour concentration of flows during normal operation.

Sec. 19. "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works of the City of Garnett, or his authorized deputy, agent, or representative.

Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or or in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Article II
Use of Public Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Garnett, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the city of Garnett, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. However, an exception should be made that a properly constructed septic tank will be permitted under unusual circumstances unless such should not be used because of sanitation or other reasons.

Sec. 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city limits and abutment on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty days after date of official notice to do so, provided that said public sewer is within three hundred feet of the property line and within a sewer district.

(See Sec. 3, Art. II)

- CCCE744
- Sec. 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. (See Sec.3, Art.II)
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Clerk and Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Thirty-five (\$35.00)dollars shall be paid to the city at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within (24) hours of the receipt of notice by the Superintendent. (See Sec. 3, Art. II)
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Kansas State Department of Health, Environmental Health Services. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 sq. ft. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (See Sec. 3, Art. II)
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Sec. 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (See Sec. 4, Art. II)
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Article IV

Building Sewers and Connections

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of (\$500.00) dollars for a residential or commercial building sewer permit and (\$500.000) dollars for an industrial building sewer permit shall be paid to the city at

the time the application is filed, unless the land to be developed has been or is in a sewer district and has paid or is paying an assessment for a sanitary sewer then the permit application is \$35.00.

- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building' except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. All trailers within authorized areas must have separate, independent sewer connections.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The use of any pumping equipment is prohibited for which cross connections with a public water supply system are required.
- Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Article V Use of the Public Sewers

- Sec. 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Superintendent. Industrial

cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer or natural outlet.

Sec. 3. No persons shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

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Sec.4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)^o F (65^o) C.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)^oF (0 and 65^o) C.
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horse power or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

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- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (g) Any waters or wastes having a pH in excess of (9.5).
 - (h) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements, in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

The admission into the public sewers of any waters or wastes having a 5-day biochemical oxygen demand (BOD₅) greater than (180) parts per million by weight, or (b) containing more than (180) per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 4, Article V, or (d) having an average daily flow of the city, shall be subject to the review and approval of the Superintendent. The owner shall provide, at his expense, such preliminary treatment as may be necessary to, (2) reduce the biochemical oxygen demand to (180) per million and the suspended solids to (180) parts per million by weight, or (6) reduce objectionable characteristics or constituents to within the maximum limits provided for in Sec. 3, Article V, or (c) control the quantities and rates of discharge of such waters

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or wastes. Plans, specifications, and any other pertinent information relative to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Kansas State Dept. of Health, Environmental Health Services, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Sec. 7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (See Sec. 3, Article III)

Sec. 9. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composit of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern, provided the municipal waste treatment facilities are of sufficient capacity to adequately treat the wastes.

Article VI Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Article VII
Powers and Authority of Inspectors

- Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees.
- Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works.

Article VIII
Penalties

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

Article IX
Validity

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Article X
Ordinance in Force

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- Sec. 2. Passed and adopted by the Commission of the City of Garnett,

State of Kansas on the 27 day of February, 1967.

Approved this 27 day of February, 1967.

Attest:

Harley Gibson, Clerk

Ernest Burns, Mayor

AN ORDINANCE CREATING THE CLASSIFIED SERVICE OF THE CITY OF GARNETT AND RELATING TO THE EMPLOYMENT AND COMPENSATION OF PERSONS IN SAID SERVICE; REPEALING ANY ORDINANCES IN CONFLICT HEREIN.

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


Section 1. That there is hereby created the classified service of the city of Garnett, and that all persons employed by the city except elected officials, persons serving the city as independent contractors, persons retained by the city as consultants, part-time employees of part-time boards and commissions, the city attorney, the police judge, the city manager and persons employed under established civil service systems shall be appointed, employed and paid under the provisions of this ordinance and the rules and regulations which may hereafter be adopted as herein provided.

Section 2. That rules and regulations governing appointment and employment to positions in the classified service shall be adopted and amended by resolution of the governing body and shall be on file in the office of the city manager and at such other locations as the governing body may provide and shall be open to inspection during regular business hours by any interested person.

Section 3. That any Ordinances in conflict be and the same are hereby expressly repealed.

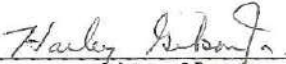
Section 4. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Passed by the board of commissioners, March 13, 1967.



Mayor

Attest:



City Clerk

2 Copies
Publication

ORDINANCE NO. 2022

AN ORDINANCE PROVIDING RULES OF CONDUCT FOR WATER SKIING ON LAKE GARNETT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Water skiing shall be permitted on Lake Garnett under the supervision of the Garnett Boat Club, provided that 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.

Section 2. That anyone water skiing or attempting to water ski on Lake Garnett shall, before entering the water for such purpose, attach to his body in a proper manner a sufficient life preserver or life jacket.

Section 3. Anyone operating a boat pulling water skiers shall do so at a proper speed and shall observe all the rules of safety for the protection of the skier and shall observe all rules of courtesy toward other persons using the lake for any proper purpose.

Section 4. Any person violating the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and subject to the penalty provisions of the Garnett City Code.

Section 5. This Ordinance shall take effect and be in force from and after its publication in the official city paper.

PASSED and APPROVED this 26th day of June, 1967.

R. W. Farris
.....
Mayor

Attest:

Harley Gibson Jr.
.....
City Clerk

(SEAL)

ORDINANCE NO. 2024

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS OF THE CITY OF GARNETT, KANSAS, IN THE SUM OF \$75,000.00 FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING A SITE AND CONSTRUCTING, FURNISHING, AND EQUIPPING A LIBRARY BUILDING TO BE USED WITH AVAILABLE STATE OR FEDERAL FUNDS FOR SAID PURPOSES, NOT EXCEEDING A TOTAL COST OF \$150,000.00.

WHEREAS, the Governing Body of the City of Garnett, Kansas, did, by Ordinance No. 1989, call a special election for the purpose of voting on the following proposition:

"Shall the City of Garnett, Kansas, issue its negotiable general obligation bonds under authority of Chapter 12, Section 1737 of Kansas Statutes Annotated, in an amount not to exceed the sum of \$75,000.00 to provide funds for the purpose of acquisition of a site, construction, furnishing and equipping of a library building, the proceeds from the sale of such bonds to be used together with such other state or federal funds as might be available, the total cost of such library building, equipment and site not to exceed the sum of \$150,000.00?";

and,

WHEREAS, at said special election held on the 7th day of June, 1966, a majority of the qualified voters of the City of Garnett, Kansas, voted in favor of the above proposition; and,

WHEREAS, the Governing Body of the City of Garnett is authorized, by this majority vote and by Chapter 12, Section 1737 K. S. A. and Article 1, Chapter 10 of K. S. A., to issue bonds for the purchase of said land and construction of said improvements provided for therein; now therefore,

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

Section 1. That for the purpose of paying the cost of acquiring a site and construction, furnishing and equipping a library building, bonds of said City of Garnett, Kansas, shall be issued in the sum not to exceed \$75,000.00, under the authority conferred and in the manner provided in Article 17, Chapter 12 K. S. A. and Article 1, Chapter 10 K. S. A., to be used with available state or federal funds for said purposes, not exceeding a total cost of \$150,000.00.

Section 2. That said bonds shall be dated July 1, 1967, and shall be designated as Series of 1967, and shall consist of seventy-five bonds, 1 to 75, inclusive, each of said bonds being in the denomination of \$1,000.00, and each of said bonds shall be dated July 1, 1967, and shall mature on the dates hereinafter set forth:

<u>Bond No.</u>	<u>Denomination</u>	<u>Maturity</u>	<u>Amount</u>
1 - 7	\$1,000.00	October 1, 1968	\$7,000.00
8 - 14	1,000.00	October 1, 1969	7,000.00
15 - 21	1,000.00	October 1, 1970	7,000.00
22 - 28	1,000.00	October 1, 1971	7,000.00
29 - 35	1,000.00	October 1, 1972	7,000.00
36 - 43	1,000.00	October 1, 1973	8,000.00
44 - 51	1,000.00	October 1, 1974	8,000.00
52 - 59	1,000.00	October 1, 1975	8,000.00
60 - 67	1,000.00	October 1, 1976	8,000.00
68 - 75	1,000.00	October 1, 1977	8,000.00

That said bonds shall bear interest as follows: Bonds 1 to 21, inclusive, due October 1, 1968, to October 1, 1970, inclusive, at the rate of 4% per annum; bonds 22 to 35, inclusive, due October 1, 1971, to October 1, 1972, inclusive, at the rate of 3 1/2% per annum, and bonds 36 to 75, inclusive, due October 1, 1973, to October 1, 1977, inclusive, at the rate of 3 3/4% per annum. Both principal and interest on said bonds shall be payable at the office of the State Treasurer of the State of Kansas, Topeka, Kansas.

Section 3. Said bonds and coupons shall contain recitals and be in the form and of the size as provided by the Statutes of the State of Kansas.

Section 4. That said bonds shall be signed by the Mayor and attested by the Clerk of said City, and shall have the corporate seal affixed, and the interest coupons shall be signed with the facsimile signatures of the Mayor and City Clerk.

Section 5. That the Mayor and City Clerk are hereby authorized to prepare and execute said bonds and coupons and, when so executed, said bonds shall be registered as required by law, and the Governing Body shall annually make provision for the payment of the principal and interest of said bonds, as the same shall become due, by levying a tax upon all the taxable property of said City.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. That this ordinance shall be in full force and take effect from and after its publication in the Anderson Countian, the official city paper, as provided by law.

PASSED and APPROVED this 3 day of July, 1967.

.....
R. W. Farris
 Mayor

Attest:

Harley Gibson Jr.
 City Clerk

(SEAL)

ORDINANCE NO. 2026

AN ORDINANCE APPORTIONING COST AND EXPENSE OF STREET IMPROVEMENTS OF GRANT STREET BETWEEN FIRST AVENUE AND THIRD AVENUE; THIRD AVENUE BETWEEN GRANT STREET AND HAYES STREET; AND PARK STREET BETWEEN FOURTH AVENUE AND SEVENTH AVENUE, ALL IN THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, AND LEVYING ASSESSMENTS AGAINST THE SEVERAL LOTS OR TRACTS OF LAND WHICH ARE LIABLE TO PAY SUCH COST AND EXPENSE.

WHEREAS, the total cost of the improvement of the streets in the City of Garnett to be improved as provided for in Ordinances No. 1970 and 1971, has been ascertained; and,

WHEREAS, the total cost to be paid for by special assessment against the lots and pieces of land within the area by law liable therefor has been ascertained to be the amounts set opposite each particular street, to-wit:

Grant Street between First Avenue and Third Avenue	\$ 8,875.11
Third Avenue between Grant Street and Hayes Street	3,466.40
Park Street between Fourth Avenue and Seventh Avenue	12,631.89
	\$24,973.40
Total Cost to Property Owners	\$24,973.40
City of Garnett for Intersections of Streets and Alleys	\$ 724.15;

and,

WHEREAS, each lot and piece of ground liable by law to be assessed for the cost of such improvements has been appraised by three disinterested parties and has been duly equalized, approved and apportioned by a meeting called and held for that purpose, and the portion and cost of the expense of such work and improvement specially assessed upon said lots and pieces of ground has been ascertained and determined to be the same set opposite each street project in the preceding paragraph; now therefore,

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

Section 1: That, for the purpose of paying the costs and expenses of the grading, curbing, guttering, paving, macadamizing, or otherwise improving all said streets and for the paying of engineering, legal, printing, legal publications, and interest on the temporary notes issued for said projects, as provided for in Ordinances No. 1970 and 1971 of the City of Garnett, and to provide funds for the payment of the bonds necessary and required to be issued by said City covering that portion of the improvements, and is hereby apportioned and assessed against the several lots, pieces of ground and parcels within said street improvement areas liable for the cost and expenses of construction of said streets, the sum set opposite each lot or piece of ground respectively. The said lots and pieces of ground are assessed and described as follows, to-wit:

GRANT STREET BETWEEN FIRST AVENUE AND THIRD AVENUE,
CITY OF GARNETT

<u>Lot No.</u>	<u>Assessment</u>
MAYS ADDITION - BLOCK ONE	
Eight	\$ 693.38
Nine	693.37
Ten	554.69
S/2 of Eleven	277.34

<u>Lot No.</u>	<u>Assessment</u>
MAYS ADDITION - BLOCK ONE (Continued)	
N/2 of Eleven	\$. 277.34
Twelve.	554.69
Thirteen.	693.37
Fourteen.	693.38
MAYS ADDITION-- BLOCK TWO	
One	\$. 4,437.55

THIRD AVENUE BETWEEN GRANT STREET AND HAYES STREET,
CITY OF GARNETT

<u>Lot No.</u>	<u>Assessment</u>
MAYS ADDITION - BLOCK ONE	
S/2 of Four	\$. 108.33
Five.	216.65
Six	270.81
Seven	270.81
Eight	270.81
Nine.	270.81
Ten	216.65
S/2 of Eleven	108.33

HARPER'S ADDITION - BLOCK ONE

N 70' of Four	\$. 297.42
Five.	361.20
N 155' of W 60' of Six.	415.96
N 155' of tract beg. 60' E of Lot Six, Blk. One, Harper's Add'n thence E 95', S 155', W 95', N 155' to beg.	658.62

PARK STREET BETWEEN FOURTH AVENUE AND SEVENTH AVENUE,
CITY OF GARNETT

<u>Lot No.</u>	<u>Assessment</u>
KIM ADDITION, BLOCK TWO	
E/2 of Six.	\$. 200.70
E/2 of Seven.	200.70
Nine.	401.41

<u>Lot No.</u>	<u>Assessment</u>
KIM ADDITION, BLOCK TWO (Continued)	
Ten	\$ 401.41
Eleven.	401.41
Twelve.	401.41
KIM ADDITION - BLOCK THREE	
Two	\$ 501.76
N 30' of Three.	188.16
S 50' of Three.	313.60
N 50' of Four.	313.60
S 30' of Four	188.16
Five.	501.76

UNPLATTED AREAS

<u>Description</u>	<u>Assessment</u>
Tract No. 1: Beginning at a point 72 rods West of the NE corner of the SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, South 216 feet, East 80 ft., North 216 ft., West 80 ft., to beginning; City of Garnett;	\$ 585.40
Tract No. 2: Beginning at a point 72 rods West of the NE corner of the SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, South 43 rods to extension of center of Sixth Avenue, East 14 rods, North to a point 200 feet m/l South of the North line of said quarter section, thence West 43 feet, North 200 feet to quarter section line, West 186 feet to beginning, except beginning at Northwest corner of said tract, South 216 feet, East 80 feet, North 216 feet, West 80 feet, City of Garnett;	\$ 6,099.90
Tract No. 3: Beginning at a point 72 rods West of NE corner of SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, South 216 feet, West 86 feet, North 216 feet, East 86 feet to place of beginning, City of Garnett;	\$ 292.69
Tract No. 4: Beginning at a point 85 rods and 15 feet West of NE corner of SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, South 216 feet, East 86 feet, South to North line of Kim Addition, West 96 feet, North to North line of said quarter section, East 10 feet to place of beginning, City of Garnett;	\$ 857.70
Tract No. 5: Beginning at a point 1002 feet West of the NE corner of SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, South 200 feet, East 80 feet, North 200 feet, West 80 feet to the beginning, City of Garnett;	\$ 439.04

UNPLATTED AREAS (Continued)

Description

Assessment

Tract No. 6: Beginning at a point at the NE corner of Kim Addition in the City of Garnett, thence North to a point 200 feet South of the quarter section line of the SE/4 of Sec. 25, Twp. 20, Rng. 19, Anderson County, Kansas, thence West 37 feet, thence Southerly to a point on the North line of Kim Addition to the City of Garnett, 36 feet West of the NE corner of said Kim Addition, thence East 36 feet to beginning, City of Garnett;

\$ 343.08

Section 2: That the owner of any such lot of piece of ground above described may at any time within thirty (30) days after the publication and taking effect of this ordinance, pay the sum hereby apportioned and assessed against such lot or piece of ground, and shall not thereafter be further liable for the cost and expense of constructing said improvements under this assessment.

Section 3: That unless said assessment is paid within the time provided in Section 2 of this ordinance said sum so apportioned and assessed against such lot or piece of ground respectively, shall be collected in ten equal annual installments, the first one of which installments shall, together with the interest on the whole amount be certified by the City Clerk of the said City of Garnett, Kansas, to the County Clerk of Anderson County, Kansas, and entered on the tax roll for the year 1967 and collected as other taxes, and one installment shall with one year's interest on the amount remaining due be so certified and entered on the tax rolls for each year thereafter for ten consecutive years.

The several amounts so apportioned and assessed and placed on the tax rolls shall bear interest at the rate fixed in the bonds to be issued for said improvement, which assessment with interest added on the full amount still due, shall be certified at the time of certifying other taxes to the County Clerk of Anderson County, Kansas, and the City Clerk of said City is hereby directed to make extensions each year of the amount assessed for the year with interest on the unpaid installments for one year and certify the same to the County Clerk of Anderson County, Kansas, in the same manner and at the same time prescribed by law for the certifying of other taxes to be collected as other taxes are collected.

Section 4: This ordinance shall take effect and be in force from and after its publication once in The Anderson Countian.

PASSED this 10th day of July, 1967.

APPROVED this 10th day of July, 1967.

P. W. Jarvis

Mayor

Attest:

Harley Gibson Jr.

City Clerk

(SEAL)

ORDINANCE NO. 2027

AN ORDINANCE CONCERNING THE REGULATION OF TRAFFIC ON CITY STREETS; PRESCRIBING CERTAIN EQUIPMENT FOR MOTORCYCLES AND MOTOR-DRIVEN CYCLES; REQUIRING THE WEARING OF CERTAIN PROTECTIVE HEADGEAR OF A TYPE APPROVED BY THE STATE HIGHWAY COMMISSION AND PRESCRIBING CERTAIN PENALTIES.

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

Section I. A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless such vehicle is designed to carry more than one person in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Section II. No person shall operate or ride as a passenger on a motorcycle or motor-driven cycle unless he is wearing a crash helmet or other adequate protective headgear of a type authorized and approved by the state highway commission.

Section III. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in K. S. A. 8-5,125.

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

PASSED this 10 day of July, 1967.

R.W. Barris
Mayor

ATTEST:

Harley Gibson Jr.
City Clerk

ORDINANCE NO. 2028

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$87,589.95 INTERNAL IMPROVEMENT BONDS (SEWER), SERIES 1967-2, OF THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, TO PAY THE COST OF THE CONSTRUCTION OF MAIN AND LATERAL SEWERS IN SANITARY SEWER DISTRICTS NOS. 13 and 17, IN THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, UNDER THE AUTHORITY OF K. S. A. 12-617 ET SEQ., AND ARTICLE 1 OF CHAPTER 10, AND ALL AMENDMENTS THERETO.

WHEREAS, By legal proceedings, the Governing Body of the City of Garnett, Anderson County, Kansas, has caused the following improvements to be legally contracted and made, to-wit: The construction of main and lateral sewers in Sanitary Sewer Districts Nos. 13 and 17 as provided by Ordinance Nos. 1829, 1830, 1935 and 1936; and,

WHEREAS, All legal requirements pertaining to said improvements have been complied with, and the total cost of said improvements has been ascertained to be the sum of \$90,779.28, of which total cost \$10,943.60 has been ascertained to be chargeable to all the taxable property of the City of Garnett, Kansas, and \$79,835.68 has been ascertained to be chargeable to the lots and pieces of ground liable therefor, which last named amount has been heretofore assessed and apportioned against the several lots and pieces of ground liable therefor, and according to law, \$3,189.33 of which has been paid by the property owners, thereby leaving unpaid on the total cost of said improvements, for which Internal Improvement Bonds may be issued, the sum of \$87,589.95.

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

Section 1. That for the purpose of paying the cost of the construction of main and lateral sewers in Sanitary Sewer Districts Nos. 13 and 17, as provided by Ordinances Nos. 1829, 1830, 1935 and 1936, there shall be, and hereby are, issued Internal Improvement Bonds (Sewer), Series 1967-2, of the City of Garnett, Anderson County, Kansas, in the aggregate amount of \$87,589.95, which said issue shall consist of 88 bonds, Bond No. 1 in the denomination of \$589.95, and Bonds numbered from 2 to 88, both inclusive, in the denomination of \$1,000.00 each, shall be dated July 1, 1967, shall bear interest and mature in the following amounts, upon the following dates, to-wit:

<u>NUMBERS</u>	<u>MATURITY</u>	<u>INTEREST RATE</u>	<u>AMOUNT</u>
1 to 9	October 1, 1968	3 3/4	\$ 8,589.95
10 to 17	October 1, 1969	3 3/4	8,000.00
18 to 25	October 1, 1970	3 7/8	8,000.00
26 to 34	October 1, 1971	3 7/8	9,000.00
35 to 43	October 1, 1972	4	9,000.00
44 to 52	October 1, 1973	4	9,000.00
53 to 61	October 1, 1974	4	9,000.00
62 to 70	October 1, 1975	4	9,000.00
71 to 79	October 1, 1976	4	9,000.00
80 to 88	October 1, 1977	4	9,000.00

\$87,589.95

The interest on said bonds shall be payable on the 1st day of April, 1968, and thereafter, semi-annually, on the 1st day of October and April of each year until the principal sum shall have been paid. Both principal and interest shall be payable at the office of the State Treasurer at Topeka, Kansas.

Section 2. Said bonds and coupons shall contain recitals, and be in the form and of the size as provided by the statutes of the State of Kansas.

Section 3. That said bonds shall be signed by the Mayor and attested by the Clerk of said City, and shall have the corporate seal affixed, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk, and both principal and interest shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 4. The Mayor and City Clerk are hereby authorized to prepare and execute said bonds and coupons, and when so executed, said bonds shall be registered as required by law, and the Governing Body shall annually make provision for the payment of the principal and interest of said bonds as the same shall become due by levying a tax upon all the taxable property of said City of Garnett, Anderson County, Kansas, liable therefor.

Section 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. That this Ordinance shall be in full force and take effect from and after its publication in The Anderson Countian, the official City Paper, as provided by law.

PASSED by the Governing Body and approved by the Mayor this 24th day of July, 1967.

Attest:

Harley Gibson Jr.
.....
City Clerk

(SEAL)

P. W. Garris
.....
Mayor of the City of Garnett,
Anderson County, Kansas.

ORDINANCE NO. 2033

AN ORDINANCE REGULATING THE CONSTRUCTION, INSTALLATION, ALTERATION, EXTENSION, REPAIR, REMOVAL, MAINTENANCE AND USE OF PLUMBING AND HOUSE DRAINAGE, AND AMENDING THE SPECIFICATIONS OF THE CITY OF GARNETT, KANSAS, AND AUTHORIZING THE USE OF POLYVINYL CHLORIDE (PVC) PLASTIC PIPE AND ACYLNITRILE-BULADIEVE-STYRENE (ABS) FOR DRAIN, WASTE AND VENT, WHICH MEETS CERTAIN STANDARDS UNDER CERTAIN CONDITIONS AND CIRCUMSTANCES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section I. That Polyvinyl Chloride (PVC) and Acylonitrile-Buladieve-Styrene (ABS) Plastic Pipe Commercial Standard C. S. 272-65, up to 4", and C. S. 256-63 Schedule 40 for above 4" use shall be permitted in the following installations provided no driveways are crossed:

- A. Underground piping for lawn sprinkler system.
- B. Roof Drainage.
- C. Plastic Pipe, Schedule 40 may be used for drain, waste and vent plumbing installations in all structures which are designed in accordance with this ordinance and applicable provisions of the Building Code. The design and plans aforesaid in any structure where Plastic Pipe is used shall allow sufficient means for expansion and contraction to insure a satisfactory installation and shall not be installed in any area where water above 180 Fahrenheit will be discharged into such system.

Section II. This ordinance supplements the existing specifications relative to plumbing in the City of Garnett, Kansas, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section III. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00.

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

PASSED and APPROVED by the Governing Body of the City of Garnett, Kansas, this 11 day of September, 1967

R. W. Farris
Mayor

Attest:

Harley Gibson, Jr.
City Clerk

ORDINANCE NO. -- 2034

AN ORDINANCE TO ESTABLISH THE WATER RATES IN THE CITY OF GARNETT, KANSAS, TO ESTABLISH AND REGULATE THE TIME AND METHOD OF PAYMENT FOR THE USE OF WATER BY THE CUSTOMERS OF THE CITY OF GARNETT, AND REPEALING OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the following rates be established for water delivered to the customers of the City of Garnett:

When 1,000 gallons of water are used, the rate per month shall be \$2.00.

When 1,000 gallons are used, each additional 1,000 gallons or fraction thereof untill 5,000 gallons are used shall be \$.80 per thousand gallons.

When 5,000 gallons are used, each additional 1,000 gallons or fraction thereof until 15,000 gallons are used shall be \$.70 per thousand gallons.

When 15,000 gallons are used each additional 1,000 gallons or fraction thereof until 25,000 gallons are used shall be \$.50 per thousand gallons.

When 25,000 gallons are used, each additional 1,000 gallons or fraction thereof shall be \$.40 per thousand gallons.

Section 2. That the minimum bill for residence users of water shall be \$2.00, that the minimum bill for commercial users shall be \$2.00, and that the minimum bill for manufactures shall be \$7.50

Section 3. This ordinance shall be in full force and effect after its adoption and publication in the official city newspaper.

PASSED and ADOPTED this 11 day of Sept, 1967.



Mayor

Attest:



City Clerk

(SEAL)

ORDINANCE NO. -- 2031

AN ORDINANCE RELATING TO WATER, GAS AND ELECTRICITY USED BY ANY PERSON SECURING THE SAME FROM WATER PIPES, GAS PIPES AND ELECTRICAL LINES OUTSIDE THE CITY OF GARNETT, THE ABOVE COMMODITIES BEING FURNISHED BY THE CITY OF GARNETT, AND REPEALING ORDINANCE NO. 813 DATED THE 12th DAY OF JULY, 1920, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

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

Section 1. Any person obtaining water from the waterworks system, gas from the gas system, and electricity from the wires of the City of Garnett, Kansas, the same being obtained outside the City of Garnett, Kansas, shall pay the twenty (20) percent more than the regular rate paid by persons obtaining the same who are residents within the City of Garnett.

Section 2. Ordinance No. 813 is hereby repealed and all other ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force after its passage by the City Commission and publication in the official city newspaper.

PASSED and APPROVED this 11 day of Sept, 1967.



Mayor

Attest:



City Clerk

(SEAL)

Ordinance No. 2040

AN ORDINANCE ANNEXING MELIZA'S ADDITION TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 1967 SUPP. 12-520.

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

Section 1. The following described plat, to-wit:

Block 1, Lot 1 of Meliza's Addition, a subdivision of Anderson County, Kansas, meeting one or more of the classifications for annexation prescribed by K.S.A. 1967 Supp. 12-520, is hereby annexed and made a part of the City of Garnett, Kansas.

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

PASSED by the Commission the 30th day of October, 1967.



Mayor

Attest:



City Clerk

ORDINANCE NO 2043

AN ORDINANCE AUTHORIZING NOTICE TO BE GIVEN OF THE INTENTION OF THE CITY OF GARNETT, KANSAS TO EXTEND, ENLARGE AND IMPROVE ITS MUNICIPALLY OWNED ELECTRIC UTILITY.

WHEREAS, the governing body of the City of Garnett, Kansas has found and determined that it is necessary to extend, enlarge and improve its municipally owned electric utility by constructing additional electric lines, installing new transformers and switches,

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

Section 1. That it is hereby found and determined that the municipally owned electric utility of the City of Garnett, Kansas should be extended, enlarged and improved by constructing additional electric lines, installing new transformers and switches.

Section 2. That the total cost of the extension, enlargement and improvement of said utility shall not exceed \$175,000 which shall be paid for by the issuance of revenue bonds not exceeding said amount as authorized by K.S.A. 10-1210. That the City Clerk is hereby directed to give notice in the official city newspaper of the intention of the governing body to make such extension, enlargement and improvement of said City municipally owned electric utility in accordance with the requirements of said statute.

Section 3. That this ordinance shall take effect and be in full force and effect from and after its passage by the Board of Commissioners of said City and its publication in the official City newspaper.

Passed by the Board of Commissioners and signed by the Mayor this 11th day of December 1967.

 /s/ R. W. Farris
Mayor

Attest:

 /s/ Harley Gibson, Jr.
Harley Gibson, Jr.
City Clerk

CCE744

ORDINANCE NO. 2047

AN ORDINANCE AUTHORIZING NOTICE TO BE GIVEN OF THE INTENTION OF THE CITY OF GARNETT, KANSAS TO IMPROVE AND ENLARGE ITS MUNICIAPLPLY OWNED WATER SYSTEM BY IMPROVING THE WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM AND IMPROVING THE SOURCE OF SUPPLY.

WHEREAS, the governing body of the City of Garnett, Kansas has found and determined that it is necessary to improve and enlarge its municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply.

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

Section 1. That it is hereby found and determined that the municipally owned water system of the City of Garnett, Kansas should be improved and enlarged by improving the water treatment and distribution system and improving the source of supply.

Section 2. That the total cost of the improvement and enlargement of said water system shall not exceed \$125,000 which shall be paid for by the issuance of revenue bonds not exceeding said amount as authorized by K.S.A. 10-1210. That the City Clerk is hereby directed to give notice in the official city newspaper of the intention of the governing body to make such improvement and enlargement of said City's municipally owned water system in accordance with the requirements of said statute.

Section 3. That this ordinance shall take effect and be in full force and effect from and after its passage by the Board of Commissioners of said City and its publication in the official city newspaper.

Passed by the Board of Commissioners and signed by the Mayor this 19th day of February, 1968

/s/ R. W. Farris
Mayor

Attest:

/s/ Harley Gibson, Jr.
City Clerk

CCE744

ORDINANCE NO. 2048

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF \$175,000 PRINCIPAL AMOUNT OF ELECTRIC LIGHT PLANT AND SYSTEM REVENUE BONDS, SERIES OF 1968, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF EXTENDING, ENLARGING AND IMPROVING THE CITY'S MUNICIPALLY OWNED ELECTRIC UTILITY BY CONSTRUCTING ADDITIONAL ELECTRIC LINES, INSTALLING NEW TRANSFORMERS AND SWITCHES, PRESCRIBING THE FORM AND DETAILS OF SAID REVENUE BONDS, PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEM FOR THE PURPOSES AUTHORIZED BY LAW INCLUDING PAYING THE COST OF OPERATION, IMPROVEMENT AND MAINTENANCE OF SAID UTILITY, PAYING THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS OF SAID CITY ISSUED AGAINST SAID SYSTEM AND PROVIDING ADEQUATE RESERVE FUNDS, AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 10-1201 to 10-1212 inclusive, and all amendments thereto, the governing body of the City of Garnett, Kansas, heretofore caused to be published in the official City newspaper a notice of the intention of the City to extend, enlarge and improve its municipally owned electric utility by constructing additional electric lines, installing new transformers and switches, and

WHEREAS, within fifteen days after the publication of the notice aforesaid, no written protest was filed with the City Clerk of said City against said extensions, enlargements and improvements or against the issuance of said revenue bonds, and the City is now authorized to make such extensions, enlargements and improvements, and

WHEREAS, the governing body of said City has caused preliminary plans and specifications for such improvements and an estimate of the cost thereof to be made by the City's consulting engineers, which plans, specifications and estimate have been and hereby are accepted and approved and are now on file in the office of the City Clerk, and

WHEREAS, it appears from said estimate and the governing body of the City hereby finds and determines that the cost of said improvements will be in the sum of \$178,000, and that it is necessary at this time that the City proceed forthwith to issue its Electric Light Plant and System Revenue Bonds, Series of 1968, in the principal amount of \$175,000 for the purpose of paying part of the cost of extending, enlarging and improving the City's municipally owned electric utility by constructing additional electric lines, installing new transformers and switches as provided in the notice of intention aforesaid,

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

Section 1. That the word "City" as used in this ordinance shall mean the City of Garnett, Kansas. The words "generating plant," "electric system," "electric utility," "electric works," "system," "utility," and "works" as used in this ordinance shall mean the City's entire electric plant and system serving the City, its inhabitants, and others, including all facilities for the generation, production and acquisition of electric energy, and the distribution and sale thereof, and including all improvements, extensions and enlargements of the City's electric system hereafter purchased, constructed, made or acquired by the City. The words "principal underwriters" as used in this ordinance shall mean E. F. Hutton & Co., Inc., of Kansas City, Missouri.

Section 2. That for the purpose of extending, enlarging and improving the City's municipally owned electric utility by constructing additional electric lines, installing new transformers and switches, there is hereby authorized and directed to be issued a series of Electric Light Plant and System Revenue Bonds, Series of 1968, of the City of Garnett, Kansas, in the principal amount of \$175,000, said bonds being hereinafter sometimes referred to as the "bonds" or the "revenue bonds."

Section 3. That said series of bonds shall be designated as "Series of 1968" and shall consist of 35 bonds, numbered from 1 to 35, inclusive, each in the denomination of \$5,000. Said bonds shall be dated March 1, 1968, and said bonds shall be numbered, shall become due serially on March 1 in each year, and shall bear interest as follows:

<u>Bond Numbers</u>	<u>Principal Amount</u>	<u>Maturity March 1</u>	<u>Annual Rate of Interest</u>
1 - 5	\$25,000	1969	4 1/4%
6 - 11	30,000	1970	4 1/4%
12 - 18	35,000	1971	4 1/4%
19 - 26	40,000	1972	4 1/4%
27 - 35	45,000	1973	4 1/4%

At the option of the City, bonds numbered 1 to 35, inclusive, may be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on March 1, 1969, or on any interest payment date thereafter at par and accrued interest to date of redemption together with a premium of one per cent (1%) of the principal amount of the bonds so redeemed and paid.

If the City shall elect to call for redemption and payment any of said bonds numbered 1 to 35, inclusive, prior to the maturity thereof, the City shall publish once in the official State paper of the State of Kansas, a notice of the intention of the City to call and pay said bonds, the same being described by number, said notice to be published in said paper not less than thirty (30) days nor more than sixty (60) days prior to the date on which said bonds are called for payment. The City shall also give written notice of the intention of the City to redeem and pay said bonds, said notice to be given by United States registered mail addressed to the underwriters and to be mailed not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, 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.

Interest on said bonds at the rates hereinbefore specified shall be payable semiannually on September 1 and March 1 in each year.

Said bonds and interest coupons to be attached thereto as hereinafter provided shall be payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 4. Said bonds and each of them shall be executed for and on behalf of the City by the signatures of the Mayor and City Clerk, with the seal of the City affixed. Interest coupons shall be attached to said bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 5. Each of said bonds and interest coupons attached thereto and the certificates to appear thereon shall be in substantially the following form:

No. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

ELECTRIC LIGHT PLANT AND
SYSTEM REVENUE BOND
SERIES OF 1968

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby promises to pay, out of the revenues hereinafter specified, to the bearer, the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of March, 1968, and to pay interest thereon from the date hereof at the rate of four and one-quarter per cent (4 1/4%) per annum, payable semi-annually on September 1 and March 1 in each year until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached, bearing the facsimile signatures of the Mayor and City Clerk of said City as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer, in the City of Topeka, Kansas.

(In bonds numbered 1 to 35, inclusive, insert here the redemption paragraph hereinafter set forth.)

THIS BOND is one of an authorized series of 35 bonds of the City of Garnett, Kansas, of like date and tenor, except as to number, privilege of redemption, and maturity, aggregating the principal amount of \$175,000, numbered from 1 to 35, inclusive, each in the denomination of \$5,000, issued for the purpose of extending, enlarging and improving the City's municipally owned electric utility by constructing additional electric lines, installing new transformers and switches, by 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. 10-1201 to 10-1212, inclusive, and all amendments thereto and all other provisions of the laws of said State applicable thereto, and this bond and all interest hereon are to be paid by said City of Garnett, Kansas, solely from the revenues derived from the rates, fees or charges collected by said City from the operation of its electric system and not from any other fund or source. The series of revenue bonds of which this bond is a part is junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds of the City, dated March 1, 1961, now outstanding in the principal amount of \$210,000, becoming due serially on March 1, 1968 to 1976, inclusive.

This bond and the series of which it is a part have been authorized and issued under the provisions of Ordinance No. 2048 of the City

passed and adopted on Feb 26, 1968, to which ordinance reference is made for a description of the covenants made by the City with respect to the collection, segregation and application of the revenues of the City's electric system, the nature and extent of the security of such bonds, the rights, duties and obligations of the City with respect thereto and the rights of the holders thereof. Under the terms of such ordinance the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as this bond and the series of which it is a part, provided, however, such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in said ordinance.

THIS BOND has been duly registered in the office of the City Clerk of the City of Garnett, Kansas, and in the office of the State Auditor of Kansas, and this bond and the coupons attached hereto are negotiable.

AND 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 properly 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.

IN WITNESS WHEREOF, the City of Garnett, in the State of Kansas, by its governing body, has caused this bond to be signed by its Mayor and attested by its City Clerk, and its corporate seal to be hereto affixed and the interest coupons hereto attached to be signed by the facsimile signatures of said officers, and this bond to be dated this First day of March, 1968.

R. M. Farris
Mayor

ATTEST:

Harley Gibson, Jr
City Clerk

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Electric Light Plant and System Revenue Bond, Series of 1968, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this 11 day of March, 1968.

City Clerk

OFFICE OF THE STATE AUDITOR OF KANSAS

I, Clay E. Hedrick, State Auditor of Kansas, 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 and the coupons attached thereto were registered in my office according to law this

WITNESS my hand and official seal.

State Auditor of Kansas

By Director of Post-Audits.

(FORM OF COUPON)

All Coupons for 6 months due March 1 and September 1.

\$106.25

Coupon No. _____

March,)
On the First day of September, 19___,)
the City of Garnett, Kansas will pay bearer,) March 1,
solely from the revenues derived by said City) September 1, 19___.
from the rates, fees or charges collected by)
said City from the operation of its electric)
system and not from any other fund or source,)
Dollars and)
Cents, in lawful money of the United States of) City of Garnett,
America, at the office of the State Treasurer,) Kansas
Topeka, Kansas, being ___ months' interest on)
its Electric Light Plant and System Revenue)
Bond, Series of 1968, dated March 1, 1968,)
No. _____)

(facsimile)
Mayor

ATTEST:

(facsimile)
City Clerk

Bonds numbered 1 to 35, inclusive, shall contain the following additional text:

At the option of the City of Garnett, Kansas, bonds numbered 1 to 35, inclusive, of the series of which this bond is a part may be redeemed and paid prior to maturity as a whole or in part in inverse numerical order on March 1, 1969 or on any interest payment date thereafter, at par and accrued interest to date of redemption, together with a premium of one per cent (1%) of the principal amount of each such bond so redeemed and paid. If this bond is called for redemption and payment prior to maturity, the City will publish once in the official state paper of the State of Kansas, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption, a notice of the intention of the City to call and pay this bond on a specified date. If this bond be called for redemption and payment as aforesaid, all interest on this bond shall cease from and after the date for which such call is made, provided funds are available for the payment of this bond at the price hereinbefore specified.

Section 6. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the Electric Light Plant and System Revenue Bonds, Series of 1968, of the City herein authorized, and to cause said bonds to be registered as provided by law, and, when duly executed and registered, to deliver said bonds to the purchasers thereof on payment of the purchase price.

The accrued interest on said bonds received on the sale thereof shall be credited to the "Electric System Bond and Interest Account for Bonds dated March 1, 1968," hereinafter ordered to be established. The principal amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the treasury of the City, to be known as the "Electric System Construction Fund," sometimes hereinafter referred to as the "Construction Fund," and shall be used by said City together with other cash funds on hand for the sole purpose of extending, enlarging and improving the City's municipally owned electric utility by constructing additional electric lines, installing new transformers and switches, as hereinbefore specified. Withdrawals from said fund shall be made on duly authorized and executed warrant therefor accompanied by a certificate executed by the City Superintendent that such payment is being made for a purpose within the scope of this ordinance and that the amount of such payment represents only the contract price or reasonable value of the property, labor, materials, service or obligation being paid for, or, if such payment is not being made pursuant to an express contract that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment of all costs and expenses incident to the issuance of the bonds herein authorized without a certificate from the City Superintendent. Any surplus in said "Construction Fund" not required to make said improvements and extensions shall be credited to the "Electric System Bond and Interest Account for Bonds dated March 1, 1968," hereinafter ordered to be established.

Section 7. The \$175,000 principal amount of Electric Light Plant and System Revenue Bonds, Series of 1968, of the City, dated March 1, 1968, herein authorized, are hereby made a lien on the revenues produced from the electric system of the City and the principal of and interest on said bonds shall be payable solely from the revenues derived

by said City from the operation of its electric system, including all revenues from improvements, extensions and enlargements in and to said electric system hereafter constructed or acquired, and neither said bonds nor the interest thereon shall be payable in whole or in part out of funds raised by taxation. Such bonds shall not be or constitute a general obligation of the City of Garnett, Kansas, nor shall they constitute indebtedness of said City within the meaning of any Constitutional or statutory limitation. Said series of bonds shall be junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds of the City, dated March 1, 1961, now outstanding in the principal amount of \$210,000, becoming due serially on March 1, 1968 to 1976, inclusive.

Section 8. The "Electric Utility Fund" created by Ordinance No. 1841 of the City, passed February 13, 1961, which said ordinance authorized the issuance of \$280,000 principal amount of Electric Light Plant and System Revenue Bonds of said City dated March 1, 1961, of which \$210,000 principal amount of bonds remain outstanding, for the purpose of handling all revenues and expenses of the electric system owned and operated by the City shall continue and the City covenants and agrees, that so long as any of the bonds herein authorized remain outstanding and unpaid, all of the revenues derived by the City from the operation of its electric system, including all revenues from improvements, extensions and enlargements in and to said electric system hereafter constructed or acquired by the City, will be paid and deposited in said "Electric Utility Fund" and that the monies in said "Electric Utility Fund" will be administered and used solely as hereinafter in this ordinance provided and the same will not be mingled with the other funds of the City.

Section 9. The creation and establishment by said Ordinance No. 1841 of the "Electric Utility Fund" and by Ordinance No. 1841 of the additional separate Bond Reserve Fund be, and the same is hereby ratified and confirmed, and that in addition to the funds aforesaid, there are hereby created and ordered to be established in the treasury of the City three separate accounts, each of which shall be maintained and administered by the City as hereinafter provided so long as any of the bonds herein authorized remain outstanding, to-wit:

- (a) "Electric System Bond and Interest Account for Bonds dated March 1, 1968" herein sometimes referred to as the "Bond and Interest Account,"
- (b) "Electric System Bond Reserve Account for Bonds dated March 1, 1968", herein sometimes referred to as the "Bond Reserve Account," and
- (c) "Electric System Surplus Account," herein sometimes referred to as the "Surplus Account."

The fund referred to in Section 8 herein shall be maintained by the City in accordance with the provisions of Ordinance No. 1841 so long as any of the Electric Light Plant and System Revenue Bonds of the City, dated March 1, 1961, remain outstanding and unpaid. The accounts referred to in paragraphs (a), (b) and (c) of Section 9 herein shall be maintained and administered by the City as hereinafter provided so long as any of the Electric Light Plant and System Revenue Bonds, Series of 1968, of the City herein authorized remain outstanding and unpaid.

Section 10. Monies paid and deposited in the "Electric Utility Fund" hereinafter ratified established shall be administered and disposed of so long as any of the bonds herein authorized are outstanding as follows:

(a) The City, each month, shall pay or make provision for the payment of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month and keeping the same in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, and insurance. No monies in the "Electric Fund" shall be used for the purpose of extending or enlarging the City's electric system.

(b) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month the City shall next pay or credit from the "Electric Utility Fund" into the "Bond and Interest Account" to the extent necessary to meet at the maturity thereof all interest on and principal of the bonds herein authorized, the following sums:

- (i) On the first day of each month beginning as of April 1, 1968 and ending August 1, 1968, such proportionate amounts as may be necessary to pay the interest that will become due on the bonds herein authorized on September 1, 1968; and on September 1, 1968, and continuing on the first day of each month thereafter so long as any of said bonds remain outstanding and unpaid, an amount not less than one-sixth of the amount of interest that will become due on said bonds on the next succeeding interest payment date; and
- (ii) On the first day of each month beginning as of April 1, 1968 and ending February 1, 1969, such proportionate amounts as may be necessary to pay the principal of the bonds herein authorized on March 1, 1969; and on March 1, 1969, and continuing on the first day of each month thereafter, an amount not less than one-twelfth of the principal amount of said bonds that will become due on the next succeeding bond maturity date.

All amounts paid or credited to said "Bond and Interest Account" shall be used and expended by the City for the sole purpose of paying the principal of and interest on the bonds herein authorized, Series of 1968, as and when the same become due.

(c) There shall next be paid and credited from the "Electric Utility Fund" to the "Electric System Bond Reserve Account for Bonds dated March 1, 1968," the sum of One Thousand Dollars (\$1,000) each month, beginning March 1, 1969, and continuing on the first day of each month thereafter until there shall have accumulated in said "Bond Reserve Account" the sum of Thirty-six Thousand Dollars (\$36,000).

As long as monies and investments in said "Bond Reserve Account" shall aggregate not less than Thirty-six Thousand Dollars (\$36,000), no further payments into said account shall be required, but if at any time or from time to time the City shall be compelled to use and expend any part of said "Bond Reserve Account" for the purpose of paying the

principal of or interest on the bonds herein authorized and such use shall reduce the amount of said account below the sum of Thirty-six Thousand Dollars (\$36,000), then the City after making all payments into the "Bond and Interest Account" at the time required to be made by the City under the provisions of paragraph (b) of this Section, will pay or credit from the "Electric Utility Fund" into said "Bond Reserve Account" such sums as may be necessary to maintain said account in the amount of Thirty-six Thousand Dollars (\$36,000).

Monies in said "Bond Reserve Account" shall be used and expended by the City solely to prevent any default in the payment of the principal of or interest on the bonds herein authorized, Series of 1968, if the monies in the "Bond and Interest Account" are insufficient to pay the principal of or interest on said bonds as they become due and if no other funds are available to pay said principal and interest. No part of said "Bond Reserve Account" shall ever be used or expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Bond Reserve Account" after such call and payment, an amount equal to the principal of all of the bonds herein authorized then outstanding together with all interest that will become due thereon to maturity.

The obligation of the City to make said payments into said "Bond Reserve Account" shall be subordinate to the obligation of the City to pay from the "Electric Utility Fund" the principal of and interest on an issue of Electric Light Plant and System Revenue Bonds, heretofore authorized by the City, and the obligation of the City to pay from the "Electric Utility Fund" any electric system revenue bonds of the City hereafter issued by the City in conformity with the provisions hereinafter contained and standing on a parity with the Electric Light Plant and System Revenue Bonds, Series of 1968, herein authorized.

Monies in the "Electric System Bond Reserve Account for Bonds dated March 1, 1968, shall be used to pay and retire the last outstanding bonds herein authorized unless such bonds and all interest thereon be otherwise paid.

(d) After all amounts required at the time to be paid or credited from the "Electric Utility Fund" into the "Bond and Interest Account", and the "Bond Reserve Account" under the provisions of paragraphs (b) and (c) of this Section shall have been so paid or credited, and if at the time the City shall not be in default in the performance of any covenant or agreement contained in this ordinance, the City, at the close of each fiscal year of the City's electric system, after retaining in the "Electric Utility Fund" such amount as the governing body of the City may deem necessary to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of sixty days, shall pay and credit remaining monies then in the "Electric Utility Fund" to the "Electric System Surplus Account," Monies in said "Surplus Account" may be applied by the governing body of the City to any purpose authorized by the laws of this State.

Section 11. If at any time the revenues derived by the City from the operation of its electric system shall be insufficient to make any payment or credit on the date or dates hereinbefore specified, the City shall make good the amount of such deficiency by making payments or credits out of the first available revenues thereafter received by the City from the operation of its electric system, such payments and credits being made and applied in the order hereinbefore specified in Section 10 hereof.

Section 12. If at any time the monies in the "Bond and Interest Account" and in the "Bond Reserve Account" are not sufficient to pay the principal of or interest on the bonds herein authorized as and when the same become due, then the amount of such deficiency shall be made up by transfer of monies from the other funds and accounts hereinbefore created in the following order: First, from the "Surplus Account," and second from monies held in the "Electric Utility Fund" provided, however, that there shall always remain in the "Electric Utility Fund" an amount sufficient to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of thirty days.

Section 13. Any monies held in any fund or account which are not immediately needed for the purposes of such fund or account may be invested by the City in direct obligations of the United States Government, provided, however, that no such investment shall be made for a period extending longer than to the date when the monies invested may be needed for the purpose for which such fund or account was created, and no investment shall be made in obligations maturing longer than five years after the date of purchase. Cash monies in each of the funds and accounts herein created or established shall be deposited in a bank or banks in Garnett, Kansas, which are members of the Federal Deposit Insurance Corporation and all such bank deposits shall be adequately secured by the banks holding such deposits. All interest on any investments held in any fund or account created by or referred to in this ordinance shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this ordinance, obligations of the United States Government shall be valued at the market value thereof.

Section 14. The City of Garnett, Kansas, covenants with each of the purchasers and owners of any of the Electric Light Plant and System Revenue Bonds of the City, Series of 1968, herein authorized, that so long as any of said bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees and charges for the use of or services rendered by the electric system of said City, including improvements, extensions and enlargements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said utility, provide an adequate depreciation fund, pay the principal of and interest on all electric system revenue bonds issued by the City against said utility and create and maintain reasonable reserve accounts as hereinbefore specified.

(b) None of the facilities or services afforded by the electric system of the City will be furnished to any user without a reasonable charge being made therefor. The City will pay monthly into the "Electric Utility Fund" for the electric energy or other service furnished the City for operating any city owned sewer lift stations in accordance with effective applicable rates, fees and charges. In the event that the net revenues derived by the City from the operation of its electric system shall at any time prove insufficient to pay the principal of and interest on the Electric Light Plant and System Revenue Bonds, Series of 1968, of the City herein authorized as and when the same become due, then the City will thereafter pay into the "Electric Utility Fund" a fair and reasonable payment in accordance with effective applicable rates, fees and charges for all electric energy or other service furnished the City for lighting the City's streets and its public buildings and the facilities housed therein and any other service rendered by the City's electric system to the City or any of its departments, and such payments will continue so long as necessary to prevent any default in the payment of the principal

of or interest on the bonds of the City herein authorized, or so long as any default in such payment shall exist.

(c) The City will maintain in good repair and working order the City's electric system and will operate the same in an efficient manner and at reasonable cost. In such operation the City will require the prompt payment of accounts and will discontinue electric service to any customer delinquent in the payment of his account for a period which shall not exceed sixty (60) days.

(d) At the end of each fiscal year the City will cause the superintendent of its electric system or an independent consulting engineer or firm of consulting engineers having a national reputation for skill and experience in the construction and operation of public utilities to make an examination and report on the condition and operation of the City's electric system, such report to include recommendations as to any changes in such operation deemed desirable. 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 year. A copy of each such report will be filed in the office of the City Clerk and duplicate copies thereof shall be mailed promptly to the underwriter.

(e) The City will not mortgage, pledge or otherwise encumber its electric system or any part thereof or any improvement, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said electric system or any material part thereof, provided, however, the City may dispose of any property which has become obsolete, nonproductive, or otherwise unusable to the advantage of the City. Any cash proceeds derived from the sale of such property shall be used by the City to improve, extend or enlarge the City's electric system.

(f) The City will carry and maintain a reasonable amount of all-risk insurance upon the properties forming a part of its electric system in so far as they are of an insurable nature, the amount of such insurance being such amount as would normally be insured by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with all reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then in redeeming or purchasing outstanding electric system revenue bonds of the City including the bonds herein authorized or other electric system revenue bonds of the City hereafter issued in accordance with the conditions contained in this ordinance and standing on a parity with the bonds herein authorized, such redemption or purchase being made in accordance with the provisions of this ordinance relating to the redemption or purchase of bonds. The City in operating its electric 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 any such policies shall be used in paying the claims on account of which such proceeds were received, provided, however, the City may elect to accept the provisions of the Workmen's Compensation Act of the State of Kansas as authorized by K.S.A. 44-505, and any amendments thereto hereafter enacted, and, in such event, may elect to carry its own risk in accordance with the provisions of the statutes of the State of Kansas. The cost of all insurance referred to in this paragraph (f) shall be paid as an operating cost out of the revenues of the City's electric system.

(g) 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 properties, business and affairs of the electric system of the City. Such accounts shall show the amount of revenue received from said utility, the application of such revenue, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of electric utilities. The City will operate its electric system on the basis of a fiscal year beginning on January 1st and ending on December 31st. Annually, as soon as possible following the close of each fiscal year, the City will cause an audit to be made by a competent firm of certified public accountants experienced in public utility accounting of the accounts of its electric system for the preceding fiscal year. Each such audit, in addition to such matters as may be thought proper by said accountants shall, without limiting the generality of the foregoing, include statements of gross revenues, operational expenditures, and net operational incomes and shall contain an operational balance sheet, a statement of profit and loss, a statement of all bonds called or matured and all interest paid, a statement of the number of customers served, a statement of the amount and character of all insurance carried, and a statement and summary of the accountants' recommendations as to the City's practices and procedures of Electric System operations. Within thirty (30) days after the completion of each such audit, said accountants shall file a copy thereof in the office of the City Clerk and shall forward copies of such audit to the underwriter.

If such audit shall disclose that proper provision has not been made for all of the requirements of the law under which the bonds herein authorized are issued, and of this ordinance, the City covenants and agrees that it will promptly proceed to cause to be charged for the services rendered by the City's electric system rates which will adequately provide for such requirements.

The City will cause to be prepared and mailed semiannually to the underwriters and to such others as may be designated from time to time by it a semiannual operating report showing the receipts and disbursements of its electric system.

(h) The holder of any of the bonds of the City herein authorized shall have the right at all reasonable times to inspect the electric system of the City, and all records, accounts and data relating thereto, and any such holder shall be furnished by the City with all such information concerning said utility and the operation thereof which he may reasonably request.

(i) The City will punctually perform all duties and obligations with respect to the operation and maintenance of its electric system, including all improvements, extensions and enlargements thereof, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this ordinance.

Section 15. The City of Garnett, Kansas, hereby covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, said City will not issue any additional bonds or other obligations payable out of the revenues of its electric system which stand on a parity or equality with the bonds herein authorized unless all of the following conditions are met:

(a) The issuance of additional electric system revenue bonds shall be authorized or permitted under the laws of the State of Kansas.

(b) The average annual net income derived by the City from the operation of its electric system, such net income being defined as the

gross income less only the reasonable expenses of operation, maintenance and repair of such utility but before any other payments or charges, for the fiscal year next preceding the issuance of additional bonds, shall have been equal to at least one hundred twenty-five per cent (125%) of the maximum amount required to be paid out of said income in any succeeding fiscal year on account of both principal and interest becoming due with respect to all electric system revenue obligations of the City, including the additional revenue bonds proposed to be issued.

(c) The City shall not be in default in making any payments at the time required to be made by it into the respective accounts created or established by this ordinance.

Additional electric system revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the bonds herein authorized and shall enjoy complete equality of lien on and claim against the revenues of the City's electric system with the bonds herein authorized and the City may make equal provision for paying said bonds and the interest thereon out of the "Electric Utility Fund" and may likewise provide for the creation of a reasonable bond reserve account for the payment of such additional bonds and the interest thereon out of monies in said "Electric Utility Fund."

Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional electric system revenue bonds or other revenue obligations for the purpose of reconstructing, altering, repairing, improving, extending or enlarging the City's electric utility and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the City's electric system, provided that such additional revenue bonds or obligations shall be junior and subordinate to the bonds herein authorized so that if at any time the City shall be in default in paying either interest on or principal of the bonds herein authorized 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 other revenue obligations out of monies in the "Electric Fund."

Section 16. The provisions of the bonds authorized by this ordinance and the provisions of this ordinance may be modified or amended at any time by the City with the written consent of the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds herein authorized at the time outstanding; provided, however, that no such modification or amendment shall permit or be construed as permitting (a) the extension of the maturity of the principal of any of the bonds issued hereunder, or the extension of the maturity of any interest on any bonds issued hereunder, or (b) a reduction in the principal amount of any bonds or the rate of interest thereon, or (c) a reduction in the aggregate principal amount of bonds the consent of the holders of which is required for any such amendment or modification. Any provision of the bonds or of this ordinance may, however, be modified or amended in any respect with the written consent of the holders of all of the bonds then outstanding. Every amendment or modification of a provision of the bonds or of this ordinance to which the written consent of the bondholders is given as above provided shall be expressed in an ordinance of the City amending or supplementing the provisions of this ordinance and shall be deemed to be a part of this ordinance. It shall not be necessary to note on any of the outstanding bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or

supplemental ordinance, if any, and a certified copy of this ordinance shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the holder of any bond or prospective purchaser or holder of any bond authorized by this ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this ordinance will be sent by the City Clerk to any such bondholder or prospective bondholder.

Section 17. The City agrees that if it shall default in the payment of the principal of or interest on any of its bonds herein authorized as the same shall become due and such default shall continue for a period of thirty (30) days, 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 statutes of the State of Kansas, then, at any time thereafter and while such default shall continue, the holders of twenty-five per cent (25%) in amount of the bonds herein authorized 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 herein authorized 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 said bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said bonds shall have been so declared to be due and payable, all arrears of interest upon all of said outstanding bonds, except interest accrued but not 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 amount of the bonds herein authorized 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 18. The provisions of this ordinance, including the covenants and agreements hereinbefore contained, shall constitute a contract between the City and the holders of the bonds herein authorized and the holder or holders of not less than ten per cent (10%) 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 proceeding at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel the City and its officers, agents and employees, to perform all duties and obligations required by the provisions of said ordinance or by the Constitution and laws of the State of Kansas.

(b) By suit, action or other proceeding 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.

(c) By suit, action or other proceeding 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.

Nothing contained in this ordinance, however, 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 herein authorized.

No remedy conferred hereby upon any holder of the bonds herein authorized is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred hereby. 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 the holder 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 may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to the holders of the bonds, then, and in every such case, the City and the holders of the bonds shall be restored to their former positions and rights and remedies as if no such suit, action or other proceeding had been brought or taken.

Section 19. This ordinance shall take effect and be in full force from and after its passage and publication once in the official City newspaper.

PASSED by the City Council this 26 day of February, 1968.

APPROVED by the Mayor this 26 day of February, 1968.

R. W. Jarvis
Mayor

ATTEST:

Harley Gibson Jr.
City Clerk

72971

ORDINANCE NO. 2050

AN ORDINANCE ESTABLISHING A UTILITIES ADVISORY COMMITTEE PROVIDING FOR THE APPOINTMENT, TERM OF OFFICE, QUALIFICATIONS, DUTIES AND COMPENSATION THEREOF.

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

Section 1. A utilities advisory committee composed of five members is hereby established.

Section 2. Appointment. That said committee shall be appointed by the Mayor and Commissioners of the City of Garnett.

Section 3. Term of Office. That said advisory committee shall be appointed for a term of one year and shall take office as of the first regular meeting in March, 1968. That said committee shall hold regular meetings on the first Monday of each month at such time and place as may be determined by the committee.

Section 4. Qualifications. Each member of said advisory committee shall be a resident of the City of Garnett and may hold any other office unless prohibited by the laws of the State of Kansas.

Section 5. Duties. That said advisory committee shall organize itself and make a detailed study of all utilities systems of the City of Garnett, including the gas, water, electric and sewer systems, for the purpose of determining and recommending the best methods of operation, maintenance and expansion of said systems. That said advisory committee shall study the schedules of rates and shall make recommendations regarding adjustments in the rates schedules.

Section 6. Compensation. That each member of the advisory committee shall be allowed and paid a compensation of \$15.00 per month for service performed as such committee member.

Section 7. This Ordinance shall take effect and be in force from and after its publication in the official city paper.

PASSED and ADOPTED this 11 day of March, 1968.

P. W. Farris
.....
Mayor

Attest:

Harley Gibson
.....
City Clerk

(PUBLISHED IN THE ANDERSON COUNTIAN April 18, 1968)

ORDINANCE NO. 2054

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF \$125,000 PRINCIPAL AMOUNT OF WATERWORKS REVENUE BONDS, SERIES 1968, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF IMPROVING AND ENLARGING THE CITY'S MUNICIPALLY OWNED WATER SYSTEM BY IMPROVING THE WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM AND IMPROVING THE SOURCE OF SUPPLY, PRESCRIBING THE FORM AND DETAILS OF SAID REVENUE BONDS, PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEM FOR THE PURPOSES AUTHORIZED BY LAW INCLUDING PAYING THE COST OF OPERATION, IMPROVEMENT AND MAINTENANCE OF SAID UTILITY, PAYING THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS OF SAID CITY ISSUED AGAINST SAID SYSTEM AND PROVIDING ADEQUATE RESERVE FUNDS, AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 10-1201 to 10-1213 inclusive, and all amendments thereto, the governing body of the City of Garnett, Kansas, heretofore caused to be published in the official City newspaper a notice of the intention of the City to enlarge and improve its municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply.

WHEREAS, within fifteen days after the publication of the notice aforesaid, no written protest was filed with the City Clerk of said City against said improvements and enlargements or against the issuance of said revenue bonds, and the City is now authorized to make such improvements and enlargements, and

WHEREAS, the governing body of said City has caused preliminary plans and specifications for such improvements and an estimate of the cost thereof to be made by the City's consulting engineers, which plans, specifications and estimate have been and hereby are accepted and approved and are now on file in the office of the City Clerk, and

WHEREAS, it appears from said estimate and the governing body of the City hereby finds and determines that the cost of said improvements will be in the sum of \$125,000, and that it is necessary at this time that the City proceed forthwith to issue its Waterworks Revenue Bonds, Series 1968, in the principal amount of \$125,000 for the purpose of paying part of the cost of improving and enlarging the City's municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply as provided in the notice of intention aforesaid,

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

Section 1. That the word "City" as used in this ordinance shall mean the City of Garnett, Kansas. The words "waterworks plant," "water system," "water utility," "waterworks," "system," "utility," and "works" as used in this ordinance shall mean the City's entire waterworks plant and system serving the City, its inhabitants, and others, including all facilities for the treatment, production and acquisition of water, and the distribution and sale thereof, and including all improvements, extensions and enlargements of the City's waterworks system hereafter purchased, constructed, made or acquired by the City. The words "principal underwriters" as used in this ordinance shall mean E. F. Hutton & Co., Inc., of Kansas City, Missouri.

Section 2. That for the purpose of improving and enlarging the City's municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply, there is hereby authorized and directed to be issued a series of Waterworks Revenue Bonds, Series 1968, of the City of Garnett, Kansas, in the principal amount of \$125,000, said bonds being hereinafter sometimes referred to as the "bonds" or the "revenue bonds,"

Section 3. That said series of bonds shall be designated as "Series 1968" and shall consist of 25 bonds, numbered from 1 to 25, inclusive, each in the denomination of \$5,000. Said bonds shall be dated April 1, 1968, and said bonds shall be numbered, shall become due serially on April 1 in each year, and shall bear interest as follows:

<u>Bond Numbers</u>	<u>Principal Amount</u>	<u>Maturity April 1</u>	<u>Annual Rate of Interest</u>
1	\$ 5,000	1969	4 1/4%
2	5,000	1970	4 1/4%
3 - 4	10,000	1971	4 1/4%
5 - 7	15,000	1972	4 1/4%
8 - 10	15,000	1973	4 1/4%
11 - 13	15,000	1974	4 1/4%
14 - 16	15,000	1975	4 1/4%
17 - 19	15,000	1976	4 1/4%
20 - 22	15,000	1977	4 1/2%
23 - 25	15,000	1978	4 1/2%

At the option of the City, bonds numbered 11 to 25, inclusive, may be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on April 1, 1973, or on any interest payment date thereafter at par and accrued interest to date of redemption together with a premium of two and one-half per cent (2 1/2%) of the principal amount of the bonds so redeemed and paid.

If the City shall elect to call for redemption and payment any of said bonds numbered 11 to 25, inclusive, prior to the maturity thereof, the City shall publish once in the official State paper of the State of Kansas, a notice of the intention of the City to call and pay said bonds, the same being described by number, said notice to be published in said paper not less than thirty (30) days nor more than sixty (60) days prior to the date on which said bonds are called for payment. The City shall also give written notice of the intention of the City to redeem and pay said bonds, said notice to be given by United States registered mail addressed to the underwriters and to be mailed not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, 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.

Interest on said bonds at the rates hereinbefore specified shall be payable semiannually on October 1 and April 1 in each year.

Said bonds and interest coupons to be attached thereto as hereinafter provided shall be payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 4. Said bonds and each of them shall be executed for and on behalf of the City by the signatures of the Mayor and City Clerk, with the seal of the City affixed. Interest coupons shall be attached to said bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 5. Each of said bonds and interest coupons attached thereto and the certificates to appear thereon shall be in substantially the following form:

NO. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

WATERWORKS REVENUE BOND
SERIES 1968

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby promises to pay, out of the revenues hereinafter specified, to the bearer, the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of April, 19__, and to pay interest thereon from the date hereof at the rate of _____ per cent (_____ %) per annum, payable semiannually on October 1 and April 1 in each year until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached, bearing the facsimile signatures of the Mayor and City Clerk of said City as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer, in the City of Topeka, Kansas.

(In bonds numbered 11 to 25, inclusive, insert here the redemption paragraph hereinafter set forth.)

THIS BOND is one of an authorized series of 25 bonds of the City of Garnett, Kansas, of like date and tenor, except as to number, interest rate, privilege of redemption and maturity, aggregating the principal amount of \$125,000, numbered from 1 to 25, inclusive, each in the denomination of \$5,000, issued for the purpose of improving and enlarging the City's municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply, by 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. 10-1201 to 10-1213, inclusive, and all amendments thereto and all other provisions of the laws of said State applicable thereto, and this bond and all interest hereon are to be paid by said City of Garnett, Kansas, solely from the revenues derived from the rates, fees or charges collected by said City from the operation of its waterworks system and not from any other fund or source.

This bond and the series of which it is a part have been authorized and issued under the provisions of Ordinance No. 2054 of the City, passed and adopted on April 17, 1968, to which ordinance reference is made for a description of the covenants made by the City with respect to the collection, segregation and application of the revenues of the City's waterworks system, the nature and extent of the security of such bonds, the rights, duties and obligations of the City with respect thereto and the rights of the holders thereof. Under the terms of such ordinance the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as this bond

and the series of which it is a part, provided, however, such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in said ordinance.

THIS BOND has been duly registered in the office of the City Clerk of the City of Garnett, Kansas, and in the office of the State Auditor of Kansas, and this bond and the coupons attached hereto are negotiable.

AND 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 properly 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.

IN WITNESS WHEREOF, the City of Garnett, in the State of Kansas, by its governing body, has caused this bond to be signed by its Mayor and attested by its City Clerk, and its corporate seal to be hereto affixed and the interest coupons hereto attached to be signed by the facsimile signatures of said officers, and this bond to be dated this First day of April, 1968.

Mayor

ATTEST:

City Clerk

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Waterworks Revenue Bond, Series 1968, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

OFFICE OF THE STATE AUDITOR OF KANSAS

I, Clay E. Hedrick, State Auditor of Kansas, 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 and the coupons attached thereto were registered in my office according to law this _____.

WITNESS my hand and official seal.

State Auditor of Kansas

By Director of Post-Audits.

(FORM OF COUPON)

All Coupons for 6 months due October 1 and April 1.

Bonds 1 - 19 \$106.25
20 - 25 112.50

Coupon No.

On the First day of April, the City of Garnett, Kansas, will pay bearer, solely from the revenues derived by said City from the rates, fees or charges collected by said City from the operation of its waterworks system and not from any other fund or source, Dollars and Cents, in lawful money of the United States of America, at the office of the State Treasurer, Topeka, Kansas, being months' interest on its Waterworks Revenue Bond, Series 1968, dated April 1, 1968, No.

(facsimile) Mayor

ATTEST:

(facsimile) City Clerk

Bonds numbered 11 to 25, inclusive, shall contain the following additional text:

At the option of the City of Garnett, Kansas, bonds numbered 11 to 25, inclusive, of the series of which this bond is a part may be redeemed and paid prior to maturity as a whole or in part in inverse numerical order on April 1, 1973, or on any interest payment date thereafter, at par and accrued interest to date of redemption, together with a premium of two and one-half per cent (2 1/2%) of the principal amount of each

such bond so redeemed and paid. If this bond is called for redemption and payment prior to maturity, the City will publish once in the official state paper of the State of Kansas, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption, a notice of the intention of the City to call and pay this bond on a specified date. If this bond be called for redemption and payment as aforesaid, all interest on this bond shall cease from and after the date for which such call is made, provided funds are available for the payment of this bond at the price hereinbefore specified.

Section 6. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the Waterworks Revenue Bonds, Series 1968, of the City herein authorized, and to cause said bonds to be registered as provided by law, and, when duly executed and registered, to deliver said bonds to the purchasers thereof on payment of the purchase price.

The accrued interest on said bonds received on the sale thereof shall be credited to the "Waterworks System Bond and Interest Account for Bonds dated April 1, 1968," hereinafter ordered to be established. The principal amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the treasury of the City, to be known as the "Waterworks System Construction Fund," sometimes hereinafter referred to as the "Construction Fund," and shall be used by said City together with other cash funds on hand for the sole purpose of improving and enlarging the City's municipally owned water system by improving the water treatment plant and distribution system and improving the source of supply, as hereinbefore specified. Withdrawals from said fund shall be made on duly authorized and executed warrant therefor accompanied by a certificate executed by the City Superintendent that such payment is being made for a purpose within the scope of this ordinance and that the amount of such payment represents only the contract price or reasonable value of the property, labor, materials, service or obligation being paid for, or, if such payment is not being made pursuant to an express contract that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment of all costs and expenses incident to the issuance of the bonds herein authorized without a certificate from the City Superintendent. Any surplus in said "Construction Fund" not required to make said improvements and extensions shall be credited to the Waterworks System Bond and Interest Account for Bonds dated April 1, 1968," hereinafter ordered to be established.

Section 7. The \$125,000 principal amount of Waterworks System Revenue Bonds, Series 1968, of the City, dated April 1, 1968, herein authorized, are hereby made a lien on the revenues produced from the waterworks system of the City and the principal of and interest on said bonds shall be payable solely from the revenues derived by said City from the operation of its waterworks system, including all revenues from improvements and enlargements in and to said waterworks system hereafter constructed or acquired, and neither said bonds nor the interest thereon shall be payable in whole or in part out of funds raised by taxation. Such bonds shall not be or constitute a general obligation of the City of Garnett, Kansas, nor shall they constitute indebtedness of said City within the meaning of any Constitutional or statutory limitation.

Section 8. There is hereby created in the treasury of said City a "Waterworks Utility Fund" for the purpose of handling all revenues and expenses of the waterworks system owned and operated by the City and the City covenants and agrees, that so long as any of the bonds herein authorized remain outstanding and unpaid, all of the revenues derived by the City from the operation of its waterworks system, including all revenues from improvements, extensions and enlargements in and to said waterworks system hereafter constructed or acquired by the City, will be paid and deposited in said "Waterworks Utility Fund" and that the monies in said "Waterworks Utility Fund" will be administered and used solely as hereinafter in this ordinance provided and the same will not be mingled with the other funds of the City.

Section 9. There are hereby created and ordered to be established in the treasury of the City four separate accounts, each of which shall be maintained and administered by the City as hereinafter provided so long as any of the bonds herein authorized remain outstanding, to-wit:

- (a) "Waterworks System Bond and Interest Account for Bonds dated April 1, 1968," herein sometimes referred to as the "Bond and Interest Account,"
- (b) "Waterworks System Bond Reserve Account for Bonds dated April 1, 1968", herein sometimes referred to as the "Bond Reserve Account,"
- (c) "Waterworks System Depreciation and Replacement Account for Bonds dated April 1, 1968", herein sometimes referred to as the "Depreciation and Replacement Account," and
- (d) Waterworks System Surplus Account," herein sometimes referred to as the "Surplus Account."

The fund referred to in Section 8 herein shall be maintained by the City in accordance with the provisions of this Ordinance so long as any of the Waterworks Revenue Bonds of the City, dated April 1, 1968, remain outstanding and unpaid. The accounts referred to in paragraphs (a), (b), (c) and (d) of Section 9 herein shall be maintained and administered by the City as hereinafter provided so long as any of the Waterworks Revenue Bonds, Series 1968, of the City herein authorized remain outstanding and unpaid.

Section 10. Monies paid and deposited in the "Waterworks Utility Fund" hereinbefore established shall be administered and disposed of so long as any of the bonds herein authorized are outstanding as follows:

(a) The City, each month, shall pay or make provision for the payment of the reasonable and proper expenses of operating and maintaining the City's waterworks system for the current month and keeping the same in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, and insurance. No monies in the "Waterworks Fund" shall be used for the purpose of extending, enlarging or improving the City's waterworks system.

(b) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining the City's waterworks system for the current month the City shall next

pay or credit from the "Waterworks Utility Fund" into the "Bond and Interest Account" to the extent necessary to meet at the maturity thereof all interest on and principal of the bonds herein authorized, the following sums:

- (i) On the first day of each month beginning as of June 1, 1968 and ending September 1, 1968, such proportionate amounts as may be necessary to pay the interest that will become due on the bonds herein authorized on October 1, 1968; and on October 1, 1968, and continuing on the first day of each month thereafter so long as any of said bonds remain outstanding and unpaid, an amount not less than one-sixth of the amount of interest that will become due on said bonds on the next succeeding interest payment date; and
- (ii) On the first day of each month beginning as of June 1, 1968 and ending March 1, 1969, such proportionate amounts as may be necessary to pay the principal of the bonds herein authorized on April 1, 1969; and on April 1, 1969, and continuing on the first day of each month thereafter, an amount not less than one-twelfth of the principal amount of said bonds that will become due on the next succeeding bond maturity date.

All amounts paid or credited to said "Bond and Interest Account" shall be used and expended by the City for the sole purpose of paying the principal of and interest on the bonds herein authorized, Series 1968, as and when the same become due.

(c) There shall next be paid and credited from the "Waterworks Utility Fund" to the "Waterworks System Bond Reserve Account for Bonds dated April 1, 1968," the sum of Five Hundred Dollars (\$500) each month, beginning July 1, 1968, and continuing on the first day of each month thereafter until there shall have accumulated in said "Bond Reserve Account" the sum of Twenty Thousand Dollars (\$20,000).

As long as monies and investments in said "Bond Reserve Account" shall aggregate not less than Twenty Thousand Dollars (\$20,000), no further payments into said account shall be required, but if at any time or from time to time the City shall be compelled to use and expend any part of said "Bond Reserve Account" for the purpose of paying the principal of or interest on the bonds herein authorized and such use shall reduce the amount of said account below the sum of Twenty Thousand Dollars (\$20,000), then the City after making all payments into the "Bond and Interest Account" at the time required to be made by the City under the provisions of paragraph (b) of this Section, will pay or credit from the "Waterworks Utility Fund" into said "Bond Reserve Account" such sums as may be necessary to maintain said account in the amount of Twenty Thousand Dollars (\$20,000).

Monies in said "Bond Reserve Account" shall be used and expended by the City solely to prevent any default in the payment of the principal of or interest on the bonds herein authorized, Series 1968, if the monies in the "Bond and Interest Account" are insufficient to pay the principal of or interest on said bonds as they become due and if no other funds are available to pay said principal and interest. No part of said

"Bond Reserve Account" shall ever be used or expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Bond Reserve Account" after such call and payment, an amount equal to the principal of all of the bonds herein authorized then outstanding together with all interest that will become due thereon to maturity.

The obligation of the City to make said payments into said "Bond Reserve Account" shall be subordinate to the obligation of the City to pay from the "Waterworks Utility Fund" the principal of and interest on an issue of Waterworks Revenue Bonds, heretofore authorized by the City, and the obligation of the City to pay from the "Waterworks Utility Fund" any waterworks revenue bonds of the City hereafter issued by the City in conformity with the provisions hereinafter contained and standing on a parity with the Waterworks Revenue Bonds, Series 1968, herein authorized.

Monies in the "Waterworks System Bond Reserve Account for Bonds dated April 1, 1968," shall be used to pay and retire the last outstanding bonds herein authorized unless such bonds and all interest thereon be otherwise paid.

(d) There shall next be paid and credited from the "Waterworks Utility Fund" to the "Waterworks Depreciation and Replacement Account for Bonds Dated April 1, 1968," the sum of Ten Thousand Dollars (\$10,000). Monies in said "Depreciation and Replacement Account" shall be used and expended by the City solely to prevent any default in the payment of the principal of or interest on the bonds herein authorized, Series 1968, if the monies in the "Bond and Interest Account" and "Bond Reserve Account" are insufficient to pay the principal of or interest on said bonds as they become due and if no other funds are available to pay said principal and interest and to pay the cost of replacing major parts or portions of said City's waterworks utility which cannot be classified as normal maintenance and paid for from the "Waterworks Utility Fund". No part of said "Depreciation and Replacement Account" shall ever be used or expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Bond Reserve Account" after such call and payment, an amount equal to the principal of all of the bonds herein authorized then outstanding together with all interest that will become due thereon to maturity.

As long as monies and investments in said "Depreciation and Replacement Account" shall aggregate not less than Ten Thousand Dollars (\$10,000) no further payments into said account shall be required but if at any time or from time to time the City shall be compelled to use and expend any part of said "Depreciation and Replacement Account" for the purposes aforesaid and such use shall reduce the amount of said account below the sum of Ten Thousand Dollars (\$10,000) then the City, after making all payments into the accounts required herein by the provisions of paragraphs (a), (b) and (c) of this section, will pay or credit from the "Waterworks Utility Fund" into said "Depreciation and Replacement Account" such sums as may be necessary to maintain said account in the amount of Ten Thousand Dollars (\$10,000).

(e) After all amounts required at the time to be paid or credited from the "Waterworks Utility Fund" into the "Bond and Interest Account" the "Bond Reserve Account" and the "Depreciation and Replacement Account" under the provisions of paragraphs (b), (c) and (d) of this Section shall have been so paid or credited, and if at the time the City shall not be in default in the performance of any covenant or agreement contained in this ordinance, the City, at the close of each fiscal year of the City's waterworks system, after retaining in the "Waterworks Utility Fund" such

amount as the governing body of the City may deem necessary to pay the reasonable and proper expenses of operating and maintaining the City's waterworks system during the next succeeding period of sixty days, shall pay and credit remaining monies then in the "Waterworks Utility Fund" to the "Waterworks System Surplus Account". Monies in said "Surplus Account" may be applied by the governing body of the City to any purpose authorized by the laws of this State.

Section 11. If at any time the revenues derived by the City from the operation of its waterworks system shall be insufficient to make any payment or credit on the date or dates hereinbefore specified; the City shall make good the amount of such deficiency by making payments or credits out of the first available revenues thereafter received by the City from the operation of its waterworks system, such payments and credits being made and applied in the order hereinbefore specified in Section 10 hereof.

Section 12. If at any time the monies in the "Bond and Interest Account", in the "Bond Reserve Account" and the "Depreciation and Replacement Account" are not sufficient to pay the principal of or interest on the bonds herein authorized as and when the same become due, then the amount of such deficiency shall be made up by transfer of monies from the other funds and accounts hereinbefore created in the following order: First, from the "Surplus Account," and second from monies held in the "Waterworks Utility Fund" provided, however, that there shall always remain in the "Waterworks Utility Fund" an amount sufficient to pay the reasonable and proper expenses of operating and maintaining the City's waterworks system during the next succeeding period of thirty days.

Section 13. Any monies held in any fund or account which are not immediately needed for the purposes of such fund or account may be invested by the City in direct obligations of the United States Government, provided, however, that no such investment shall be made for a period extending longer than to the date when the monies invested may be needed for the purpose for which such fund or account was created, no investment of funds credited to the "Bond Reserve Account" shall be made in obligations maturing longer than one year after the date of purchase, and no investment of funds credited to other accounts shall be made in obligations maturing longer than five years after the date of purchase. Cash monies in each of the funds and accounts herein created or established shall be deposited in a bank or banks in Garnett, Kansas, which are members of the Federal Deposit Insurance Corporation and all such bank deposits shall be adequately secured by the banks holding such deposits. All interest on any investments held in any fund or account created by or referred to in this ordinance shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this ordinance, obligations of the United States Government shall be valued at the market value thereof.

Section 14. The City of Garnett, Kansas, covenants with each of the purchasers and owners of any of the Waterworks Revenue Bonds of the City, Series 1968, herein authorized, that so long as any of said bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees and charges for the use of or services rendered by the waterworks system of said City, including improvements, extensions and enlargements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said utility, provide an adequate depreciation fund, pay the principal of and interest on all waterworks revenue bonds issued by the City against said utility, create and maintain reasonable reserve accounts as hereinbefore specified and

maintain an average annual net income as defined hereinafter of at least 125% of the maximum amount required to be paid out of said income in any succeeding fiscal year on account of both principal and interest becoming due with respect to all waterworks revenue obligations of the City outstanding and unpaid.

(b) None of the facilities or services afforded by the waterworks system of the City will be furnished to any user other than the City without a reasonable charge being made therefor. In the event that the net revenues derived by the City from the operation of its waterworks system shall at any time prove insufficient to pay the principal of and interest on the Waterworks Revenue Bonds, Series 1968, of the City herein authorized as and when the same become due, then the City will thereafter pay into the "Waterworks Utility Fund" a fair and reasonable payment in accordance with effective applicable rates, fees and charges for all water or other service furnished the City and its public buildings and the facilities housed therein and any other service rendered by the City's waterworks system to the City or any of its departments, and such payments will continue so long as necessary to prevent any default in the payment of the principal of or interest on the bonds of the City herein authorized, or so long as any default in such payment shall exist.

(c) The City will maintain in good repair and working order the City's waterworks system and will operate the same in an efficient manner and at reasonable cost. In such operation the City will require the prompt payment of accounts and will discontinue waterworks service to any customer delinquent in the payment of his account for a period which shall not exceed sixty (60) days.

(d) At the end of each fiscal year the City will cause the superintendent of its waterworks system or an independent consulting engineer or firm of consulting engineers having a national reputation for skill and experience in the construction and operation of public utilities to make an examination and report on the condition and operation of the City's waterworks system, such report to include recommendations as to any changes in such operation deemed desirable. 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 year. A copy of each such report will be filed in the office of the City Clerk and duplicate copies thereof shall be mailed promptly to the underwriter.

(e) The City will not mortgage, pledge or otherwise encumber its waterworks system or any part thereof or any improvement, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said waterworks system or any material part thereof, provided, however, the City may dispose of any property which has become obsolete, non-productive, or otherwise unusable to the advantage of the City. Any cash proceeds derived from the sale of such property shall be used by the City to improve, extend or enlarge the City's waterworks system.

(f) The City will carry and maintain a reasonable amount of all-risk insurance upon the properties forming a part of its waterworks system in so far as they are of an insurable nature, the amount of such insurance being such amount as would normally be insured by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with all reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then in redeeming or purchasing outstanding waterworks revenue bonds of the City including the bonds herein authorized or other waterworks revenue bonds of the City hereafter issued in accordance with the conditions contained in this ordinance and standing on a parity with the bonds herein authorized, such redemption or purchase being made in accordance with the provisions of this ordinance relating to the redemption or purchase of bonds. The City in operating its waterworks 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 any such policies shall be used in paying the claims on account of which such proceeds were received, provided, however, the City may elect to accept the provisions of the Workmen's Compensation Act of the State of Kansas as authorized by K.S.A. 44-505, and any amendments thereto hereafter enacted and, in such event, may elect to carry its own risk in accordance with the provisions of the statutes of the State of Kansas. The cost of all insurance referred to in this paragraph (f) shall be paid as an operating cost out of the revenues of the City's waterworks system.

(g) 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 properties, business and affairs of the waterworks system of the City. Such accounts shall show the amount of revenue received from said utility, the application of such revenue, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of waterworks utilities. The City will operate its waterworks system on the basis of a fiscal year beginning on JANUARY 1st and ending on DECEMBER 31st. Annually, as soon as possible following the close of each fiscal year, the City will cause an audit to be made by a competent firm of certified public accountants experienced in public utility accounting of the accounts of its waterworks system for the preceding fiscal year. Each such audit, in addition to such matters as may be thought proper by said accountants shall, without limiting the generality of the foregoing, include statements of gross revenues, operational expenditures, and net operational incomes and shall contain an operational balance sheet, a statement of profit and loss, a statement of all bonds called for matured and all interest paid, a statement of the number of customers served, a statement of the amount and character of all insurance carried, and a statement and summary of the accountants' recommendations as to the City's practices and procedures of Waterworks System operations. Within thirty (30) days after the completion of each such audit, said accountants shall file a copy thereof in the office of the City Clerk and shall forward copies of such audit to the underwriter.

If such audit shall disclose that proper provision has not been made for all of the requirements of the law under which the bonds herein authorized are issued, and of this ordinance, the City covenants and agrees that it will promptly proceed to cause to be charged for the services rendered by the City's waterworks system rates which will adequately provide for such requirements.

The City will cause to be prepared and mailed semiannually to the underwriters and to such others as may be designated from time to time by it a semiannual operating report showing the receipts and disbursements of its waterworks system.

(h) The holder of any of the bonds of the City herein authorized shall have the right at all reasonable times to inspect the waterworks system of the City, and all records, accounts and data relating thereto, and any such holder shall be furnished by the City with all such information concerning said utility and the operation thereof which he may reasonably request.

(i) The City will punctually perform all duties and obligations with respect to the operation and maintenance of its waterworks system, including all improvements, extensions and enlargements thereof, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this ordinance.

Section 15. The City of Garnett, Kansas, hereby covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, said City will not issue any additional bonds or other obligations payable out of the revenues of its waterworks system which stand on a parity or equality with the bonds herein authorized unless all of the following conditions are met:

(a) The issuance of additional waterworks revenue bonds shall be authorized or permitted under the laws of the State of Kansas.

(b) The average annual net income derived by the City from the operation of its waterworks system, such net income being defined as the gross income less only the reasonable expenses of operation, maintenance and repair of such utility but before any other payments or charges, for the fiscal year next preceding the issuance of additional bonds, shall have been equal to at least one hundred twenty-five per cent (125%) of the maximum amount required to be paid out of said income in any succeeding fiscal year on account of both principal and interest becoming due with respect to all waterworks revenue obligations of the City, including the additional revenue bonds proposed to be issued.

(c) The City shall not be in default in making any payments at the time required to be made by it into the respective accounts created or established by this ordinance.

Additional waterworks revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the bonds herein authorized and shall enjoy complete equality of lien on and claim against the revenues of the City's waterworks system with the bonds herein authorized and the City may make equal provision for paying said bonds and the interest thereon out of the "Waterworks Utility Fund" and may likewise provide for the creation of a reasonable bond reserve account for the payment of such additional bonds and the interest thereon out of monies in said "Waterworks Utility Fund."

Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional waterworks system revenue bonds or other revenue obligations for the purpose of reconstructing, altering, repairing, improving, extending or enlarging the City's waterworks utility and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the City's waterworks system, provided that such additional revenue bonds or obligations shall be junior and subordinate to the bonds herein authorized so that if at any time the City shall be in default in paying either interest on or principal of the bonds herein authorized 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 other revenue obligations out of monies in the "Waterworks Fund."

Section 16. The provisions of the bonds authorized by this ordinance and the provisions of this ordinance may be modified or amended at any time by the City with the written consent of the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds herein authorized at the time outstanding; provided, however, that no such modification or amendment shall permit or be construed as permitting (a) the extension of the maturity of the principal of any of the bonds issued hereunder, or the extension of the maturity of any interest on any bonds issued hereunder, or (b) a reduction in the principal amount of any bonds or the rate of interest thereon, or (c) a reduction in the aggregate principal amount of bonds the consent of the holders of

which is required for any such amendment or modification. Any provision of the bonds or of this ordinance may, however, be modified or amended in any respect with the written consent of the holders of all of the bonds then outstanding. Every amendment or modification of a provision of the bonds or of this ordinance to which the written consent of the bondholders is given as above provided shall be expressed in an ordinance of the City amending or supplementing the provisions of this ordinance and shall be deemed to be a part of this ordinance. It shall not be necessary to note on any of the outstanding bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this ordinance shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the holder of any bond or prospective purchaser or holder of any bond authorized by this ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this ordinance will be sent by the City Clerk to any such bondholder or prospective bondholder.

Section 17. The City agrees that if it shall default in the payment of the principal of or interest on any of its bonds herein authorized as the same shall become due and such default shall continue for a period of thirty (30) days, 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 statutes of the State of Kansas, then, at any time thereafter and while such default shall continue, the holders of twenty-five per cent (25%) in amount of the bonds herein authorized 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 herein authorized 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 said bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said bonds shall have been so declared to be due and payable, all arrears of interest upon all of said outstanding bonds, except interest accrued but not 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 amount of the bonds herein authorized 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 18. The provisions of this ordinance, including the covenants and agreements hereinbefore contained, shall constitute a contract between the City and the holders of the bonds herein authorized and the holder or holders of not less than ten per cent (10%) 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 proceeding at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel the City and its officers, agents and employees, to perform all duties and obligations required by the provisions of said ordinance or by the Constitution and laws of the State of Kansas.

(b) By suit, action or other proceeding 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.

(c) By suit, action or other proceeding 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.

Nothing contained in this ordinance, however, 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 herein authorized.

No remedy conferred hereby upon any holder of the bonds herein authorized is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred hereby. 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 the holder 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 may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to the holders of the bonds, then, and in every such case, the City and the holders of the bonds shall be restored to their former positions and rights and remedies as if no such suit, action or other proceeding had been brought or taken.

Section 19. This ordinance shall take effect and be in full force from and after its passage and publication once in the official City newspaper.

PASSED by the City Council this _____ day of _____, 1968

APPROVED by the Mayor this _____ day of _____, 1968.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2056

AN ORDINANCE CREATING A SEWER TAXING DISTRICT AND DESIGNATION OF SEWER TAXING DISTRICT.

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

Section 1: All of the following described real estate, to-wit:

All of Block One (1), Farris Addition to the City of Garnett;

Also, commencing at a point 26 rods, 2 links, more or less, South of the Northeast corner of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), the same being the point of intersection of the South line of Fifty Street in the City of Garnett and the East line of said quarter section, thence South 140 feet, West $3\frac{1}{4}$ rods, North 140 feet, East $3\frac{1}{4}$ rods to beginning, excepting highway on the East and thereof, all in the City of Garnett, Anderson County, Kansas;

is hereby created as and designated as Sewer District No. 18.

Section 2: The above designated territory shall constitute a Sewer Taxing District as provided by law.

Section 3: This ordinance shall take effect and be in force from and after its publication in the Anderson Countian according to law.

PASSED and ADOPTED this 29th day of April, 1968.

R. M. Farris

.....
Mayor

Attest:

Harley Gibson
.....
City Clerk

(SEAL)

ORDINANCE NO. 2058

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF SEWERS IN DISTRICT NO. 18.

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

Section 1: That a sewer system be constructed in Sewer District No. 18 in the City of Garnett, Kansas.

Section 2: That sewers be constructed according to the plans and specifications therefor which have heretofore been prepared by the City Engineer and are now on file with the City Clerk, and which are hereby approved, ratified and adopted.

Section 3: This ordinance shall take effect and be in force from and after its publication in the Anderson Countian.

PASSED and ADOPTED this 13 day of May, 1968.


.....
Mayor

Attest:


.....
City Clerk

(SEAL)

ORDINANCE NO. 2061

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF SEWERS IN DISTRICT NO. 18.

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

Section 1: That a sewer system be constructed in Sewer District No. 18 in the City of Garnett, Kansas.

Section 2: That sewers be constructed according to the plans and specifications therefor which have heretofore been prepared by the City Engineer and are now on file with the City Clerk, and which are hereby approved, ratified and adopted.

Section 3: This ordinance shall take effect and be in force from and after its publication in the Anderson Countian.

PASSED and ADOPTED this 10 day of JUNE, 1968.

R. W. Jarvis
.....
Mayor

Attest:

Harley Sebald
.....
City Clerk

(SEAL)

ORDINANCE NO. 2064

AN ORDINANCE ESTABLISHING THE HOURS OF CLOSING FOR JULY 27, 1968, FOR PLACES LICENSED TO SELL CEREAL MALT BEVERAGES IN THE CITY OF GARNETT, KANSAS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

Section 1: No cereal malt beverages may be sold after five o'clock P. M. on July 27, 1968, within the City of Garnett.

Section 2: Any person violating the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than \$300.00, or by imprisonment for not more than 100 days, or by both such fine and imprisonment.

Section 3: The Governing Body of the City of Garnett declare that an emergency exists, and that this ordinance shall take effect and be in force from and after its publication in the official city paper.

PASSED and APPROVED this 22nd day of July, 1968.

R. W. Farris

.....
R. W. Farris,
Mayor

Attest:

Harley Gibson, Jr.
.....
Harley Gibson, Jr.,
City Clerk.

(SEAL)

ORDINANCE NO. 2068

AN ORDINANCE AUTHORIZING AND DIRECTING THE CALLING OF A SPECIAL ELECTION IN THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY, IN ACCORDANCE WITH THE KANSAS STATUTES ANNOTATED, CHAPTER 12, SECTION 1019, THE PROPOSITION OF ABANDONING THE CITY MANAGER FORM OF GOVERNMENT, AND TO ACCEPT THE MAYOR AND COUNCILMAN FORM OF GOVERNMENT LAW.

WHEREAS, the Governing Body of the City of Garnett, Kansas, has received a petition which has been duly filed with the City Clerk of said City, petitioning said City Governing Body to call a special election to vote on the proposition of abandoning the City Manager form of Government and become a city under the general law governing cities of like population under the Mayor and Councilman form of government; and,

WHEREAS, said petition having been properly signed by at least twenty-five per cent of the total number of legally qualified electors of such city voting at the last preceding regular city election, praying for such election; and,

WHEREAS, said Governing Body, at a special meeting on the 31st day of July, 1968, examined said petition and found said petition to be sufficient; and,

WHEREAS, Section 12-1019 K. S. A. requires that said proposition be submitted to the qualified electors of said City.

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

Section 1. That the Governing Body of the City of Garnett, Kansas, is hereby authorized and directed to call a special election for the purpose of submitting to the qualified electors of the City of Garnett, Anderson County, Kansas, the following proposition:

"Shall the City of Garnett, Anderson County, Kansas, abandon its organization under Chapter 86 of the Session Laws of 1917, and any acts amendatory thereto, and become a city under the General Law governing cities of like population under the Mayor and Councilman form of government."

Section 2. That said election shall be held on the 20th day of August, 1968, and the polling places at said election shall be the usual places of holding elections in said City, to-wit:

- First WardUnited Brethren Fellowship Hall;
- Second Ward Christian Church;
- Third WardCity Hall;
- Fourth WardCourthouse Basement.

Section 3. That the ballot to be used in said election shall be in substantially the following form:

OFFICIAL CITY BALLOT

SPECIAL ELECTION

CITY OF GARNETT, ANDERSON COUNTY, KANSAS

August 30, 1968

Shall the following be adopted?

Shall the City of Garnett, Anderson County, Kansas, abandon its organization under Chapter 86 of the Session Laws of 1917, and any acts amendatory thereto, and become a city under the General Laws governing cities of like population under the Mayor and Councilman form of government:

YES.
NO

To vote in favor of the proposition, make a cross (X) mark in the square after the word "Yes".

To vote against the proposition, make a cross (X) mark in the square after the word "No".

Section 4. Notice of said election shall be published according to law in the Anderson Countian, a newspaper of general circulation of the City of Garnett, Kansas, at least once each week for two weeks next preceding the date of said election, the first publication being not later than August 22, 1968, and the last publication not later than August 29, 1968.

Section 5. All qualified electors residing in the City of Garnett shall be entitled to vote at said election. The County Election Officer and the City Clerk are hereby authorized and directed to prepare and cause to be printed ballots substantially in the form heretofore provided, and also, to procure the necessary tally sheets and poll books for use at said election, and said election shall be held in all respects according to the rules and regulations provided by law for holding elections in said City.

Section 6. This Ordinance shall be published in the Anderson Countian, a newspaper published by the Garnett Publishing Company of Garnett, Kansas, and shall take effect from and after its publication, as provided by law.

PASSED and APPROVED this 12th day of August, 1968.

..... *R. W. Farris*
Mayor

Attest:

..... *Harley Gibson*
City Clerk

(SEAL)

ORDINANCE NO. 2069

AN ORDINANCE REGULATING TRAFFIC UPON HIGHWAYS OF THE CITY OF GARNETT, KANSAS, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," PREPARED AND PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES, EDITION OF 1968, SUCH INCORPORATION BEING AUTHORIZED BY SECTIONS 12-3009 TO AND INCLUDING 12-3012 K. S. A. AND REPEALING ORDINANCE NUMBERED 1944 OF THE CITY OF GARNETT, KANSAS.

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

Section 1. Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for purpose of regulating traffic upon the highways of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 1968, prepared and published in book form by "The League of Kansas Municipalities," Topeka, Kansas. Not less than three (3) copies of said standard ordinance shall be marked or stamped "Official Copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, police judge and all administrative departments of the City charged with the enforcement of any such ordinance shall be supplied at the cost of the City, such number of official copies of any such standard ordinance or model code similarly marked, deleted and changed as may be deemed expedient.

Section 2. General Penalties. Every person convicted of a violation of any of the provisions of this ordinance shall, for first conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00), or by imprisonment for not more than twenty (20) days, or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction, such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment; provided, the penalties prescribed in the Standard Traffic Ordinance incorporated by reference by Section 1 shall prevail as to violation of its provision.

Section 3. Repeal. Ordinance No. 1944 of the ordinances of the City of Garnett, Kansas, is hereby repealed.

Section 4. Effective Date. This ordinance shall take effect and be in force from and after its publication in the Anderson Countian.

PASSED by the Commission the 26th day of August, 1968.

APPROVED and signed by the Mayor this 26th day of August, 1968.

.....
R. W. Farris
.....
Mayor

Attest:

.....
Harley L. ...
.....
City Clerk

ORDINANCE NO. 2073

AN ORDINANCE ESTABLISHING CLASSIFICATION OF USERS OF GAS SERVICE FURNISHED BY THE CITY OF GARNETT, KANSAS, TO ITS CONSUMERS, AND ESTABLISHING MONTHLY RATES, THE VARIOUS CLASSIFICATIONS OF USERS, REPEALING ORDINANCE NO. 1961 AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Classification of users. Users of gas furnished by the City of Garnett, Kansas, are hereby classified and defined as follows:

A. Residential and Commercial Users. Residential and commercial users are hereby defined as consumers using gas service at the place of abode of the user, or at his place of business, or otherwise, not meeting the requirements of any other classification established hereby.

B. Industrial Users. Industrial users are hereby defined as consumers who are principally or primarily engaged in the manufacture or processing of raw materials into finished or semi-finished articles, or engaged in fabrication of materials.

Section 2. Monthly Rates. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its consumers.

A. Residential and Commercial Rates. For the first Two Thousand (2,000) cubic feet, or any fraction thereof, One Dollar and Thirty Cents (\$1.30) minimum; for all gas used in excess of Two Thousand (2,000) cubic feet Sixty-five Cents (.65¢) per Thousand (1,000) cubic feet.

b. Industrial Rates. For industrial users, there shall be established a base use, which shall be determined by averaging the use of gas by such use during the months of June, July, August and September of each year. For such base amount, the industrial user shall pay Fifty cents (.50¢) per thousand (1,000) cubic feet (base) and
Fifty-five cents (.55¢) per thousand (1,000) cubic feet (excess) for all gas used in excess of said base. Upon determination of the base use for year, the new base so determined shall be applied to the billing due November after the base use has been determined, and shall apply for a twelve (12) months period until a new base shall be determined.

Section 3. That part of Ordinance No. 1961 and all other ordinances in conflict herewith are hereby repealed.


Section 4. That this Ordinance shall take effect and be in force from and after its publication in The Anderson Countian.

PASSED and APPROVED this 14 day of October, 1968.



.....
R. W. Farris,
Mayor.

Attest:


.....
Harley Gibson, Jr.,
City Clerk.

(SEAL)

ORDINANCE NO. 2074

AN ORDINANCE REGULATING PARKING UPON NORTH OAK STREET IN THE CITY OF GARNETT, KANSAS.

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

Section 1. Limited Parking on North Oak Street. It shall be unlawful to park or stand any vehicle on the East side of Oak Street between First Avenue and Park Road in the City of Garnett, Kansas.

Section 2. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 3. Penalty. Any person violating the provisions of this Ordinance or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder shall be guilty of a misdemeanor. Every person convicted of violating the provisions of this Ordinance shall be punished by a fine of not more than \$ 50⁰⁰.

Section 4. Conflicts. Any Ordinances in conflict herewith are repealed.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official City paper according to law.

PASSED and APPROVED this 14th day of October, 1968.

Richard W. Farris

.....
Richard W. Farris,
Mayor.

Attest:

Harley Gibson, Jr.
.....
Harley Gibson, Jr.,
City Clerk.

(SEAL)

ORDINANCE NO. 2075

AN ORDINANCE AUTHORIZING THE INVESTMENT OF CERTAIN TEMPORARILY IDLE MONIES OF THE CITY OF GARNETT, KANSAS:

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

Section 1. Authority to invest: Temporarily idle monies of the City of Garnett, not currently needed, may, in accordance with the procedure hereafter prescribed be invested in : (a) direct obligations of United States Government which mature within one year from date of purchase and which are guaranteed as to principal by the United States Government; or (b) temporary notes of the City of Garnett, issued pursuant to KSA 10-123 as amended; or (c) bank time certificates of deposits which are protected by the Federal Deposit Insurance Corporation; or (d) insured Savings & Loan Association accounts; or (e) no fund warrants of the City; or (f) general obligation bonds of the city; or (g) adequately secured bank time deposit, open account. The provisions of this ordinance shall not apply to any fund of the City, the investment of which is expressly authorized or limited or prohibited by statutes of the State of Kansas.

Section 2. Bank time deposit, open account: The term "bank time deposit, open account" as used in this ordinance means, a city bank account which is a bank deposit, other than a time certificate of deposit, with respect to which there is in force a written contract between the City and the designated bank which provides that neither the whole or any part of such deposit may be withdrawn, by check or otherwise, prior to (1) the date of maturity, which shall not be less than thirty (30) days after the date of the deposit, or (2) the expiration of the period of notice given by the City in writing not less than thirty (30) days in advance of withdrawal.

Section 3. Procedure and restrictions: The City Manager shall periodically report to the governing body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the City Manager shall provide for an investment program which shall so limit the amount invested and schedule the maturities of investment so that the City at all times have sufficient monies available on demand deposit to insure prompt payment of all city obligations. The governing body shall determine by Resolution the amount, method and term of any investment and the type of investment made, subject to the provision of this ordinance.

Section 4. Custody and safekeeping: Securities purchased pursuant to this ordinance shall be under the joint care of the City Clerk, City Treasurer and City Manager and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the City in a bank or trust company. Securities in original or receipt form held in the custody of a bank or trust company, shall be held in the name of the City, and their redemption, transfer or withdrawal shall be permitted only upon the written instruction of at least two such city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officers in a safety deposit box in the name of the City in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of at least two such officers.

Section 5. Sale or transfer: If, in order to maintain sufficient monies on demand deposit in any fund, as provided in Section 3 of this ordinance, it becomes necessary to transfer or sell any securities of such funds, any two or more of the officers specified in Section 4 may transfer said securities to any other fund or funds in which there are temporarily idle monies, or shall sell such securities and for such purpose they shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the City. Any such transfers or sales shall be reported in writing to the governing body at its next regular meeting

Section 6. Earnings and records: The interest or other earnings from investments made pursuant to this ordinance shall be credited pro rata to the fund or funds from which the investments were made and shall be used, insofar as possible, to relieve the ad valorem tax levies of the City. The City Manager shall maintain a complete and detailed record at all times of all investments made pursuant to this ordinance.

Section 7. Ordinance 1892 adopted December 24, 1962, is hereby repealed.

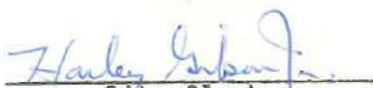
Section 8. This Ordinance shall be in full force and effect from and after its publication in the official City newspaper according to law.

PASSED and APPROVED this 14 day of October 1968.



Mayor

Attest:



City Clerk

ORDINANCE No. 2077

AN ORDINANCE ESTABLISHING UTILITY SERVICE CONNECTION FEES
FOR ALL MUNICIPAL UTILITIES.

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

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

- 3/4 inch connection.....95% of actual cost.
- 1 inch connection.....80% of actual cost.
- 1-1/2 inch connection.....70% of actual cost.
- 2 inch connection.....50% of actual cost.
- Above 2 inch connection.....50% of actual cost.

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

- Single Phase service, 100 AMP.....95% of actual cost.
- Single Phase service, 200 AMP.....95% of actual cost.
- Three Phase service, 100 AMP.....95% of actual cost.
- Three Phase service, 200 AMP.....80% of actual cost.
- Three Phase service, 400 AMP.....70% of actual cost.
- Three Phase service, 600 AMP,
(Four wire).....60% of actual cost.
- Three Phase service, 800 AMP,
(four wire).....50% of actual cost.
- All larger connections.....50% of actual cost.

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

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

SECTION 4. CONFLICTS: All ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the official newspaper of said City.

PASSED and APPROVED this 11 day of November, 1968.


.....
Mayor

ATTEST:


.....
City Clerk

(SEAL)

AN ORDINANCE ESTABLISHING A DEPARTMENT OF PARKS AND RECREATION, A PARKS AND RECREATION ADVISORY COMMISSION AND ABOLISHING THE EXISTING PARK BOARD AND THE EXISTING RECREATION COMMISSION.

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

SECTION 1. Department of Parks and Recreation: A Department of Parks and Recreation is hereby created for the purpose of administering and maintaining the public parks of the City, and for the purpose of administering the public recreation program for the City.

SECTION 2. Director of Parks and Recreation: The Department of Parks and Recreation shall be under the direction of a Director of Parks and Recreation who shall be appointed by the City Manager and who shall serve at his pleasure.

SECTION 3. Parks and Recreation Advisory Commission: There is hereby created a Parks and Recreation Advisory Commission. The Commission shall consist of five members, four of whom shall be appointed by the governing body of the City, and the fifth member shall be appointed by the other four.

SECTION 4. Term of Office: The terms of all members of the Parks and Recreation Advisory Commission shall begin on January 1, 1969 and shall hold office until the expiration of their respective terms, which shall expire as follows: One on January 1, 1970; one on January 1, 1971; one on January 1, 1972; and one on January 1, 1973. The commission appointed member shall serve until January 1, 1973. Upon the expiration of the terms of the members of said commission, new members shall be selected in the same manner as the member he is succeeding and each member shall hold office for a term of four years. Vacancies shall be filled in the same manner as the original appointment and the person appointed to fill said vacancy shall serve for the unexpired term.

SECTION 5. Duties of Advisory Commission: The Parks and Recreation Advisory Commission shall have the duty of advising the Department and the City Commission on all matters pertaining to park development, recreation programs, and park and recreation policies. The Commission shall also recommend suitable rules and regulations for the use of the parks and the conduct of the recreation program, and to develop cooperative arrangements between the City and other agencies of government using the parks and the recreation facilities and equipment.

SECTION 6. Organization of Advisory Commission: The Parks and Recreation Advisory Commission shall, upon appointment, meet and organize and elect a chairman or presiding officer^{and} and a secretary and such^{other} officers as may be deemed necessary. Officers shall hold office for terms of one year. Thereafter, officers shall be elected annually.

SECTION 7. Conflicts. Ordinance 1932 adopted August 10, 1954, and Ordinance 1164 adopted January 11, 1935, and all other ordinances in conflict herewith are hereby repealed.

SECTION 8. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the official newspaper of said City.

PASSED and APPROVED this 11 day of November, 1968.


.....
Mayor

ATTEST:


.....
City Clerk.

ORDINANCE NO. 2080

AN ORDINANCE REGULATING PARKING UPON WEST SIXTH STREET BETWEEN OAK STREET AND MAPLE STREET IN THE CITY OF GARNETT, KANSAS.

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

Section 1. No Parking. It shall be unlawful to park or stand any vehicle on the South side of Sixth Street between Oak Street and Maple Street and on the North side of Sixth Street from a point at the curb line due South of the Southeast corner of Lot 20 in Block 54 in the City of Garnett, East to Oak Street.

Section 2. Limited Parking. Parallel parking shall be permitted on the North side of Sixth Street from a point on the curb line due South of the Southeast corner of Lot 20 in Block 54 to Maple Street; provided however, that parking on the North side of Sixth Street between Oak Street and Walnut Street, where it is permitted, shall be limited to FIFTEEN minutes.

Section 3. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 4. Penalty. Any person violating the provision of this Ordinance, or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder, shall be guilty of a misdemeanor. Every person convicted of violating the provisions of this Ordinance shall be punished by a fine of not more than \$ 50⁰⁰.


Section 5. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 25th day of November, 1968.


.....
Richard W. Farris,
Mayor.

Attest:


.....
Harley Gibson, Jr.
City Clerk

(SEAL)

ORDINANCE NO. 2080

AN ORDINANCE REGULATING PARKING UPON WEST SIXTH STREET BETWEEN OAK STREET AND MAPLE STREET IN THE CITY OF GARNETT, KANSAS.

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

Section 1. No Parking. It shall be unlawful to park or stand any vehicle on the South side of Sixth Street between Oak Street and Maple Street and on the North side of Sixth Street from a point at the curb line due South of the Southeast corner of Lot 20 in Block 54 in the City of Garnett, East to Oak Street.

Section 2. Limited Parking. Parallel parking shall be permitted on the North side of Sixth Street from a point on the curb line due South of the Southeast corner of Lot 20 in Block 54 to Maple Street; provided however, that parking on the North side of Sixth Street between Oak Street and Walnut Street, where it is permitted, shall be limited to FIFTEEN minutes.

Section 3. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 4. Penalty. Any person violating the provision of this Ordinance, or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder, shall be guilty of a misdemeanor. Every person convicted of violating the provisions of this Ordinance shall be punished by a fine of not more than \$ 50⁰⁰.

Section 5. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 25th day of November, 1968.

Richard W. Farris
.....
Richard W. Farris,
Mayor.

Attest:

Harley Gibson, Jr.
.....
Harley Gibson, Jr.
City Clerk

(SEAL)

AN ORDINANCE ADDING CERTAIN TERRITORY TO AND ENLARGING THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The owners of a tract of land lying contiguous to the corporate limits of the City of Garnett, Kansas, have platted said lands into lots and blocks and have dedicated thereon streets and utility easements, designating said tract as MAGGIO ADDITION; and,

WHEREAS, Said owners have petitioned the Governing Body of the City of Garnett to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas.

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

Section 1. That Maggio Addition, having been subdivided into lots and blocks by the owners thereof, the same being adjacent and contiguous to the present corporate limits of the City of Garnett, Kansas, and pursuant to a petition by the owners of said tract to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas, it is hereby ordered that the following described real estate situated in Anderson County, Kansas, be and the same is hereby added to the corporate limits of the City of Garnett, Kansas, to-wit:

Beginning at the Southwest corner of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), Anderson County, Kansas, thence North 2590 feet, thence East 1320 feet, thence South approximately 2130 feet to the North right-of-way line of the Missouri Pacific Railroad, thence Southeasterly along said railroad right-of-way 1060 feet, thence North 23 degrees 30 minutes East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet to place of beginning;

Section 2. That this Ordinance shall take effect and be in full force as provided by law upon its publication in the official city paper.'

PASSED and ADOPTED this 23 day of December, 1968.

.....
R. W. Farris
.....
Mayor

Attest:

.....
Harley Gibson Jr.
.....
City Clerk

(SEAL)

ORDINANCE NO. 2083

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

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1968; and,

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

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

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

Commencing at the Southwest corner of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Thirty-one (31), Township Twenty (20), Range Twenty (20), Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast corner of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), thence North on said section line 1176 feet, thence West 720 feet, thence South 1176 feet to the South line of said section Twenty-five (25), thence West 1920 feet to the Southwest corner of the Southeast Quarter (SE/4) OF Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), thence North 2,020 feet, West 485 feet, North 620 feet, East 485 feet, North 2640 feet to the Northwest corner of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19); thence East on said section line 2640 feet, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to North line of Section Thirty (30), thence East on section ^{line} 1060 feet to the Southeast corner of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Nineteen (19), Township Twenty (20), Range Twenty (20); thence North 662 feet; thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad; thence Southeasterly along said West line of said railroad right-of-way to the point where said line intersects the North line of Section Thirty (30), Township Twenty

(20), Range Twenty (20); thence East on said section line to the Northeast corner of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of said Section Thirty (30), Township Twenty (20), Range Twenty (20); thence South 1320 feet to the North line of Block Three (3) in the City of Garnett, the same being the Southeast corner of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20), Range Twenty (20); thence East on said line to a point 660 feet West of the Southeast corner of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20), Range Twenty (20); thence North 1320 feet; thence East 660 feet to the Northwest corner of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20); thence North 240 feet, thence East 230 feet, thence South 240 feet; thence East 1090 feet to the Northeast corner of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20); thence East 1320 feet, thence South 2130 feet to North line of Missouri Pacific Railroad right-of-way, thence Southeasterly 1060 feet, thence North 23 degrees 30 minutes, East 118 feet, thence North 152 feet; thence West 545 feet; thence South 430 feet; thence West 225 feet, thence North 1270 feet to the Southeast corner of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20); thence West 1320 feet to the Northeast corner of the South Half (S/2) of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20), Range Twenty (20); thence South along the East line of said Section Thirty (30), 2643.74 feet to the Southeast corner of the North Half (N/2) of the Southeast Quarter (SE/4) of Section Thirty (30), Township Twenty (20), Range Twenty (20); thence West on the South section line of the North Half (N/2) of the Southeast Quarter (SE/4) of said Section Thirty (30) to a point 40 feet West of the Southwest corner of Lot Twelve (12), Block Seventy-eight (78), City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast corner of Lot One (1), Block Seventy-seven (77), City of Garnett; thence West

to the Southwest corner of the North Half (N/2) of the Southeast Quarter (SE/4) of Section Thirty (30), Township Twenty (20), Range Twenty (20); thence South 2652.04 feet to the Southeast corner of the North Half (N/2) of the Northwest Quarter (NW/4) of Section Thirty-one (31), Township Twenty (20), Range Twenty (20); thence West along the South line of the North Half (N/2) of the Northwest Quarter (NW/4) of Section Thirty-one (31), Township Twenty (20), Range Twenty (20), 2602 feet to the Southwest corner of the North Half (N/2) of the Northwest Quarter (NW/4) of Section Thirty-one (31); to the place of beginning, all in Anderson County, Kansas.

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

PASSED and APPROVED this 23 day of December, 1968.

R. W. Jarvis

.....
Mayor

Attest:

Hubert Gibson

.....
City Clerk

(SEAL)

ORDINANCE NO. 2085

AN ORDINANCE REGULATING PARKING AT THE INTERSECTION OF NORTH MAPLE STREET AND PARK ROAD IN THE CITY OF GARNETT, KANSAS.

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

Section 1. No Parking. It shall be unlawful to park or stand any vehicle within 150 feet of the intersecting lines of North Maple Street and Park Road in the City of Garnett. That this Ordinance does not apply to the North side of Park Road West of the intersection or the West side of U. S. Highway 59 North of the intersection.

Section 2. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 3. Penalty. Any person violating the provisions of this Ordinance or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder shall be guilty of a misdemeanor. Every person violating the provisions of this Ordinance shall be punished by a fine of not more than \$50.00.

Section 4. Conflicts. Any Ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 13th day of January, 1969.

Richard W. Farris
.....
Richard W. Farris,
Mayor.

Attest:

Harley Gibson, Jr.
.....
Harley Gibson, Jr.,
City Clerk.

(SEAL)

Date On			CONSUMER'S NAME	Moved to Acct. No.	Date Off			Date On		
Water	Elec.	Gas			Water	Elec.	Gas	Water	Elec.	Gas

WEG-26-The World Co., Lawrence, Kans.

Date	WATER			ELECTRIC			Meter Reading
	Meter Reading	Units Used	Charge	Meter Reading	Units Used	Charge	
			<i>Unpaid Bill</i>	<i>Deposits</i>	<i>Customer Credit</i>	<i>Total after Dep + Credit applied</i>	
Allen, Mrs J.C. Cafe	9-30-58		102.49	1700	2892	55.57	
Armstrong, Mr R.C.	8-53		12.34	-		12.34	
Ashburn, Bill	11-53		17.59	-		17.59	
Ashburn, Dean	4-62		29.65	1300		16.65	
Barker, Leonard	10-11-67		31.21	2750	292		
Beckner Plumbing Etc	8-12-65		20.85	1300		7.85	
Bishop, County	5-11-63		16.27	-	1254	3.73	
Boyce, Gerald	11-16-66		33.55	2750		6.05	
Brown, Mrs Curry	2 ^{mo} 3-4-67		53.50	2750		26.00	
Burton, Richard D.	10-59		15.68	-		15.68	
Bryant, Richard	7-61		7.73	-	583	1.90	
Camp, Carl	8-24-60		20.72	1300		7.72	
Campbell, W.W.	12-56		24.02	-		24.02	
Campbell, W.W.	1-57		34.17	1300		2.17	
Carry, Albert	2-6-67		75.16	2750		47.66	
Cassel, Paul	3-1-64		46.16	2750		18.66	
Cassel, Mrs W ^m	3-54		17.65		232	15.33	
Chapman, Donald	3-56		39.11	-		39.11	
Christensen, Des.	2-53		19.67	-		19.67	
Clark, Raymond M.	2 ^{mo} 2-3-60		50.63	1300		37.63	
Cordell, Lyle	2 ^{mo} 4-5-62		56.56	-		56.56	
Cornwell, J.B.	11-22-65		16.29	1300		3.29	
Cramer, Bill	-58		18.53	1300		5.53	
Curst, Eugene	7-10-66		25.22		385	2.37	
Egypt, Val	-58		18.47	1300		5.47	
Egypt, Val	-59		29.00	1300		16.00	
Evans, J.C.	10-59		22.82	1300		9.82	
Fair Bldg Stadium	1-53		4.23	-		4.23	
Farris, Hugh	2-60		210.43	-		210.43	

Date On			CONSUMER'S NAME	Moved to Acct. No.	Date Off			Date On		
Water	Elec.	Gas			Water	Elec.	Gas	Water	Elec.	Gas

WEG-26 - The World Co., Lawrence, Kans.

Date	WATER			ELECTRIC			Meter Reading
	Meter Reading	Units Used	Charge	Meter Reading	Units Used	Charge	
			<i>Unpaid Bills</i>				
				<i>Deposits</i>			
					<i>Customers Cash Credit</i>		
					<i>Total of the Deposits Credit</i>		
Fisher, Howard	59		4648	1300		3348	
Foltz, Paul	63		13634	1300		12334	
Yauckins, Com L.	58		3966	1300	151	2515	
Yauckins, Coma L.	59		3569	-		3569	
Yancey, W. N.	58		3145	1300		1845	
Graybill, Chas	1-30-67		6903	2750		4153	
Gregory, R. C.	2-54		2105			2105	
Hamagan, J. W.	^{2 mo} 3-4 61		2311	1300		1011	
Harris, Robert	1-62		4556	2750		1806	
Harris, Otis	7-54		176	-		176	
Heuberger, L. R.	5-29-66		7422	2750		4738	
Hill, Le Roy	58		6973	1300		1673	
Hill, Le Roy	59		3269			3269	
Hodges, J. D.	^{2 mo} 3-4 58		5038	1300		3738	
Hoss, Floyd	3-62		2956			2956	
Hunkle, R. E.	5-61		3076	1300		1776	
Holmes, W. H.	4-12-66		5179	1750		3438	
Husett, Erason	^{2 mo} 5-6 58		2370	1300		1070	
Hull, James	^{2 mo} 2-3 61		5203	-		5203	
Johnson, Ray	58		1559	1300		259	
Jones, Thomas	9-63		2166	1300		866	
Johnson, Hubert	4-55		780	-	23	757	
Kratzberg, Nick	4-62		3116	2750		366	
Lankard, Don	6-27-67		2495	1300		1195	
Lindsay, Joseph	5-12-67		1693	-	1062	631	
Madder, James	12-22-66		2532	2750		-	2
Mahan, Edwin	6-55		1008	1300		-	2
Martin, Beverly	12-66		2211	2750		-	5
Martin, Ray	11-66		3490	1300		2190	

Date On	CONSUMER'S NAME			Moved to Acct. No.	Date Off			Date On		
	Water	Elec.	Gas		Water	Elec.	Gas	Water	Elec.	Gas

WEG-26 - The World Co., Lawrence, Kans.

Date	WATER			ELECTRIC				Meter Reading
	Meter Reading	Units Used	Charge	Meter Reading	Units Used	Charge	Meter Reading	
				<i>Wagner Bills Deposits</i>				
				<i>Customers in Total after Cash Credit Dep. & Credit</i>				
Mays, Clarence	7	58	1622			1622		
Mills, Ralph	5	54	2175			2175		
Mines, Danny	2	64	2941		1194	1742		
Millman, Flora	12	59	6958			6958		
Morgan, Wayne	5-13	67	3097	2750		347		
Morris, Wanda	2 mo. 455	56	2624			2624		
Morrisson, Victor	2 mo. 353	60	6361			6361		
Marrow, Neil	3	60	1375			1375		
Mueen, Jack	2	53	1531			1531		
McLain, L. E.	3	58	1251			1251		
Meyer, Oscar	4	59	681			681		
McIntosh, Geo C Jr		66	6714	2750		3964		
Miskal, E. J.	10	54	877			877		
Parker, Frank Lafe	6	53	3562			3562		
Phillippe, Jack		66	1027		188	839		
Pickel, Jack		66	218		782		5	
Pittman, Kristine		66	2413		708	2505		
Pratt, Emery	2 mo 182	63	7175	2750		4435		
Reddick, Jack	10-18	67	1474		1244	230		
Reed, Ira	11	63	2891	2750	88	103		
Riley, William	10	60	1824			1824		
Roberts, Anna	2	62	2020			2020		
Roberts, Merwin	2 mo 9510	60	2807			2807		
Robertson, Evelyn		66	2249		967	1282		
Rodman, Cecil	2 mo 384	59	4747			4747		
Shambler, Ray	4	55	3931			3931		
Simpson, Harold	4	58	3185			3185		
Skinner, Larry		65	3900		1406	2494		
Slinhard, Ernest	2	59	7025			7025		

Date On			CONSUMER'S NAME	Moved to Acct. No.	Date Off			Date On		
Water	Elec.	Gas			Water	Elec.	Gas	Water	Elec.	Gas

WEG-26—The World Co., Lawrence, Kans.

Date	WATER			ELECTRIC			Meter Reading
	Meter Reading	Units Used	Charge	Meter Reading	Units Used	Charge	
			<i>Unpaid Bill</i>	<i>Deposits</i>	<i>Cash Credit</i>	<i>Total after Dep & Credit</i>	
<i>Smith, E. J.</i>	<i>2^{mo} 9 10</i>	<i>60</i>	<i>2642</i>			<i>2642</i>	
<i>Smyley Radio & TV</i>	<i>9-10</i>	<i>56</i>	<i>1713</i>	<i>-</i>		<i>1713</i>	
<i>Stein, R. E.</i>	<i>2^{mo} 9 10</i>	<i>55</i>	<i>2204</i>	<i>-</i>		<i>2204</i>	
<i>Spring, H. F.</i>	<i>2^{mo} 5 6</i>	<i>57</i>	<i>3677</i>	<i>1300</i>		<i>2377</i>	
<i>Tate, Donald</i>	<i>4-</i>	<i>56</i>	<i>1915</i>	<i>-</i>		<i>1915</i>	
<i>The Top Zealand Co.</i>	<i>6-</i>	<i>58</i>	<i>12550</i>	<i>1300</i>		<i>11250</i>	
<i>Tingley, Chas</i>	<i>2^{mo} 8 9</i>	<i>60</i>	<i>4091</i>	<i>1300</i>		<i>2791</i>	
<i>Thomas, Ben</i>	<i>10-</i>	<i>59</i>	<i>939</i>			<i>939</i>	
<i>Turley, Edison</i>	<i>2^{mo} 3 4</i>	<i>60</i>	<i>3299</i>	<i>-</i>		<i>3299</i>	
<i>Tush, Geo.</i>	<i>4-</i>	<i>54</i>	<i>1982</i>	<i>-</i>		<i>1982</i>	
<i>Van Horn, Raymond</i>	<i>8-</i>	<i>55</i>	<i>619</i>	<i>-</i>		<i>619</i>	
<i>Vermillion, W. L.</i>	<i>3-</i>	<i>53</i>	<i>1778</i>	<i>-</i>		<i>1778</i>	
<i>Wallace, Albert</i>	<i>12-</i>	<i>62</i>	<i>8168</i>	<i>2750</i>		<i>5418</i>	
<i>Weiland, Leslie</i>	<i>9-</i>	<i>55</i>	<i>1374</i>	<i>-</i>		<i>1374</i>	
<i>Wells, Cafe</i>	<i>6-</i>	<i>51</i>	<i>9469</i>	<i>1800</i>		<i>7669</i>	
<i>Wells, Miss W^{ms}</i>	<i>1-</i>	<i>54</i>	<i>4530</i>	<i>-</i>		<i>4530</i>	
<i>Wells, Chester</i>	<i>1^{mo} 2^{mo}</i>	<i>53 62</i>	<i>6363</i>	<i>2750</i>		<i>3613</i>	
<i>Willard, Bess</i>	<i>12-</i>	<i>53</i>	<i>1703</i>	<i>-</i>		<i>1703</i>	
<i>Wilson, Harvey</i>	<i>2^{mo} 3 4</i>	<i>63</i>	<i>5743</i>	<i>1300</i>		<i>4443</i>	
			<i>3751.54</i>	<i>88500</i>	<i>13706</i>	<i>275076</i>	
						<i>88500</i>	
						<i>13706</i>	
						<i>377282</i>	
						<i>- 2128</i>	
						<i>3751.54</i>	
			<i>Totals</i>	<i>3751.54</i>	<i>88500</i>	<i>13706</i>	<i>275076</i>

ORDINANCE NO. 2089

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE THE CONSTRUCTION OF SANITARY SEWERS IN SEWER DISTRICT NO. 18 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, under proceedings duly and regularly had for the construction of sanitary sewers in the City of Garnett, designated as Sewer District Number Eighteen, said sewers are now being constructed; and,

WHEREAS, the City has no funds to finance such improvement until bonds are issued; and,

WHEREAS, pursuant to Section 10-123 of the General Statutes of Kansas, 1961 Supplement, proper and full authority is conferred on the City of Garnett, to issue its Temporary Notes for the purpose of financing the construction of said sanitary sewers,

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

Section 1: That, for the purpose of providing funds to pay for the cost of construction of sanitary sewers in the City of Garnett, designated as Sewer District No. 18, as authorized by Ordinance No. 2058, until bonds can be issued therefor, the Mayor and the City Clerk be and they are hereby authorized to issue a Temporary Note of the City of Garnett, not to exceed \$ 4055.20, the note of which issue shall be numbered, bearing interest at the rate of five (5) per cent, maturing the 31st day of December, 1969, but which shall be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said note shall be issued as shown by the approved estimates on file.

Section 2: That said notes shall be signed by the Mayor or Acting Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, shall be registered as provided by law.

Section 3: That said temporary notes shall contain recitals and be in the form and style as provided by the Statutes of the State of Kansas.

Section 4: That said City is Authorized under Section 12-617 and 12-618 of the General Statutes of Kansas of 1949 as amended by Ordinance No. 2058 of said City to make said improvements.

Section 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in the Anderson Countian.

PASSED and APPROVED this 27th day of January, 1969.

Richard W. Farris

Richard W. Farris,
Mayor.

Attest:

Harley Gibson, Jr.

Harley Gibson, Jr.,
City Clerk.

(SEAL)

ORDINANCE NO. 2091

AN ORDINANCE ADOPTING A FORM OF A CITY SEAL FOR THE CITY OF GARNETT, KANSAS.

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

Section 1. That the following is hereby adopted as the official seal of the City of Garnett, Kansas, to-wit:



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

PASSED and APPROVED this 24th day of February, 1969.

R. W. Farris

.....
R. W. Farris,
Mayor.

Attest:

Mrs Madeline Sutton
.....

Madeline Sutton,
Acting City Clerk

(SEAL)

ORDINANCE NO. 2092

AN ORDINANCE MAKING TRANSFER OF CITY FUNDS.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GARNETT, KANSAS:

Section 1. That there is hereby authorized the transfer of \$25,000 in City funds from the Kansas State Bank of Garnett to the Garnett State Bank of Garnett.

Section 2. That this Ordinance shall take effect and be in force from and after its passage.

PASSED and APPROVED this 24th day of February, 1969.

R. W. Farris

.....
R. W. Farris
Mayor

Attest:

Madeline Sutton

.....
Madeline Sutton
Acting City Clerk

(SEAL)

Ordinance No. 2096

AN ORDINANCE AMENDING CHAPTER 4, SECTION 9-4-1 THROUGH 9-4-2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT BY ESTABLISHING PROCEDURES REQUIRING THE REMOVAL OF WEEDS AND RUBBISH AND ESTABLISHING A PROCESS FOR ABATEMENT THEREOF.

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

Section 1. Sections 9-4-1 and 9-4-2 of Chapter 4 of the Municipal Code of the City of Garnett are hereby amended to read as follows:

Section 9-4-1 Definitions

A. Weeds. The term weeds is hereby defined as any annual or perennial herbaceous plant of volunteer growth, not cultivated or useful for human food or enjoyment such as rag weed, thistles of all kinds, cocklebur, poison ivy, wild mustard, pig weed, tumble weed, milk weed, dandelions, and so forth; any plant that, when in blossom, gives off an unpleasant or obnoxious odor or pollen irritating to human tissue and any plant growth that may conceal rubbish, debris or filthy deposits or constitutes a fire hazard when dry, and grass that is more than eight inches in height, rank growth or volunteer growth of bushes or brush that may conceal rubbish, debris or filthy deposits or constitute a fire hazard when dry, or any plant that causes or adds its influence on bringing on hay fever, or other similar or noxious plants.

B. Rubbish. The term rubbish is defined as any unsightly materials, waste products, refuse, debris, pipe, trash, or waste lumber deposit, left, piled or scattered that may become a breeding place for insects, rodents or varmints that may give off unpleasant odor or create a health or fire hazard where located.

Section 9-4-2 Growth to height over eight inches prohibited.

It shall be unlawful for any owner, and any leasee or occupant, and any agent, servant, representative or employee of any such owner, leasee or occupant, having control of any real estate to allow or maintain on such real estate any such rubbish or growth of weeds to a height of over eight inches. Weeds allowed to grow contrary to this section and any rubbish on said real estate are hereby declared to be a nuisance.

Section 9-4-3 Same - Failure of owner, etc, to cut.

A. In all cases where the owner and the persons who so control such real estate in which there are such growths of weeds, or rubbish, shall fail to cut or remove same or cause same to be removed after ten days notice in writing mailed to the owner at his last known address ascertainable by the City, notifying same to cut such weeds, and remove said rubbish, then the City Manager may cause the same to be cut and the rubbish removed and the entire expense thereof chargeable to both the person who owns and the one who controls such real estate, in addition to the penalty prescribed by section 9-4-5 of this charter. The ten days above referred to shall begin from date of such mailing. In the event the owner cannot be found or ascertained, the City Clerk shall cause the official notice to be published in the official newspaper and the time of such notice shall be for a period of ten (10) days.

B. Any person, liable hereunder for payment of the foregoing expenses shall pay the full amount of said charge within ten days after date of mailing statement to owner at his last known address, or said charge shall be delinquent. Failure to pay the charge within the time specified, shall thereafter subject the violator to a penalty of 10% of the unpaid balance of said delinquent charge, of \$10, whichever is greater which shall be collected as part of said delinquent charge.

C. Charges for removal of weeds or rubbish from private property when performed by the City shall be charged at the rate of \$10.00 per hour for time involved with a minimum charge of \$25 per lot.

D. Weeds when cut down must be removed from the lot or disposed of in such a manner as not to create a nuisance or hazard.

Section 9-4-4. Costs assessed to the property.

In the event that said weed removal expenses remain for more than ten days after said service is performed and expenses incurred by the City, said unpaid charges plus 10% penalty shall be assessed and charged against the lot or parcel of ground by the City Clerk and the same shall be placed on the tax rolls of the County against said lot or parcel of ground and shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid, as provided by law.

Section 9-4-5 Penalty.

Any person violating the provisions of this chapter shall be fined not less than \$10 nor more than \$300; each day in which premises remain in violation shall be deemed to constitute a separate offense and the owner or person in control of said premises upon conviction of violating said ordinance shall be subject to a like fine for each offense, provided, that the offender shall in every case under this chapter be notified by the appropriate officer of the City as provided in this chapter to remove or abate any such nuisance, and be allowed a reasonable time to be affixed by such officer and such notice, according to the nature of such nuisance, to so remove and abate the same and upon so doing within the time affixed by such officer, the offender shall not be subject to the fine aforesaid, unless the commission of such nuisance was willful or resulted in actual damage to the person or property or corporation.

Section 2. Conflicts

Any Ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after its publication in the official city paper, according to law.

PASSED and APPROVED this 12th day of May, 1969.



R. W. Farris
Mayor

Attest:



R. K. Larison
City Clerk

Ordinance No. 2099

AN ORDINANCE AMENDING CHAPTER FOUR, TITLE IV, SECTION 4-4-7 AND 4-4-8 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT BY ESTABLISHING A DELINQUENCY DATE AND CHARGES, TURN-OFF DATE, AND TURN-ON CHARGES FOR THE MUNICIPAL UTILITIES, AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

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

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

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

All utility service charges, to include electric, water, gas and sewer service, shall be due and payable at the Office of the City Clerk on the first day of the calendar month following the last day of the use month for which the charge is due and payable, and same shall become delinquent on the twelfth day of that calendar month. If said utility charges are not paid before the twelfth day of that month, there shall be added a penalty of ten percent (10%) of the unpaid amount of said delinquent charge, which shall be collected as part of said delinquent charge.

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

In case of the failure of any person to pay the electric, water, gas or sewerage charge against any building, structure or premises owned or occupied by him, or in his possession, charge or control, the utilities on such premises shall be shut off by the 20th day of the month due and shall not be turned on until all utility bills and claims by the City shall have been paid in full including the charge of five dollars (\$5.00) for turning on the utilities on all such premises.

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

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

Section 2. Conflicts.

Any Ordinances in conflict herewith are hereby repealed.

Section 3. Effective date.


This Ordinance shall take effect and be in force from and after its publication in the official city paper, according to law.

PASSED and APPROVED this 12th day of May, 1969.



R. W. Farris,
Mayor

Attest:



R. K. Larison
City Clerk

ORDINANCE No. 2100

AN ORDINANCE REGULATING PARKING ON A PART OF OAK STREET BETWEEN THIRD AVENUE AND FOURTH AVENUE IN THE CITY OF GARNETT, KANSAS, AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Limited Parking. Parallel parking not to exceed fifteen minutes shall be permitted on the West side of Oak Street between Third Avenue and the alley between Third Avenue and Fourth Avenue in the City of Garnett, Kansas. Angle parking not to exceed fifteen minutes shall be permitted on the East side of Oak Street from the driveway on the South side of the Post Office building to Third Avenue in the City of Garnett, Kansas.

Section 2. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 3. Penalty. Any person violating the provisions of this Ordinance, or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder, shall be guilty of a misdemeanor. Every person convicted of violating the provisions of this Ordinance shall be punished by a fine of not more than \$50.00.

Section 4. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official paper according to law.

PASSED And APPROVED this 12th day of May, 1969.

R.W. Farris

.....
R.W. Farris, Mayor

ATTEST:

R.K. Larison
.....
R. K. Larison, City Clerk.

ORDINANCE NO. 2107

AN ORDINANCE ESTABLISHING THE HOURS OF CLOSING FOR JULY 26, 1969, FOR PLACES LICENSED TO SELL CEREAL MALT BEVERAGES IN THE CITY OF GARNETT, KANSAS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

Section 1: No cereal malt beverages may be sold after five o'clock P. M. on July 26, 1969, within the City of Garnett.

Section 2: Any person violating the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than \$300.00, or by imprisonment for not more than 100 days, or by both such fine and imprisonment.

Section 3: The Governing Body of the City of Garnett declares that an emergency exists, and that this ordinance shall take effect and be in force from and after its publication in the official city paper.

PASSED and APPROVED this 14th day of July, 1969.

R. W. Farris

.....
R. W. Farris
Mayor

Attest:

R. K. Larison

.....
R. K. Larison
City Clerk

(SEAL)

ORDINANCE NO. 2111

AN ORDINANCE ADDING CERTAIN TERRITORY TO AND ENLARGING THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, the owners of a tract lying contiguous to the corporate limits of the City of Garnett, Kansas, have platted said lands into lots and blocks and have dedicated thereon streets and utility easements designating said tract as WESTGATE II ADDITION; and,

WHEREAS, said owners have petitioned the Governing Body of the City of Garnett to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas.

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

Section 1. That Westgate II Addition having been subdivided into lots and blocks by the owners thereof, the same being adjacent and contiguous to the present corporate limits of the City of Garnett, Kansas, and pursuant to a petition by the owners of said tract to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas, it is hereby ordered that the following described real estate situated in Anderson County, Kansas, be and the same is hereby added to the corporate limits of the City of Garnett, Kansas, to-wit:

Beginning at the Southeast corner of the Northwest Quarter (NW/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), thence North 874 feet to the Southeast corner of Westgate Addition, thence West 455 feet to the Southwest corner of Westgate Addition, thence South 874 feet, thence East 455 feet to place of beginning.

Section 2. That this Ordinance shall take effect and be in full force as provided by law upon its publication in the official city paper.

PASSED and ADOPTED this 15th day of September, 1969.

R. W. Farris

.....
R. W. Farris,
Mayor.

ATTEST:

R. K. Larison
.....
R. K. Larison,
City Clerk.

(SEAL)

ORDINANCE NO. 2114

AN ORDINANCE REGULATING PARKING AT THE INTERSECTION OF MAPLE STREET AND FOURTH AVENUE AND EACH WAY THEREFROM, AND ON THE EAST SIDE OF MAPLE STREET, SOUTH OF THE INTERSECTION OF MAPLE STREET AND PARK ROAD, ALL IN THE CITY OF GARNETT, KANSAS.

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

Section 1. No Parking. It shall be unlawful to park or stand any vehicle on either side of Fourth Avenue and Maple Street and within 150 feet of the intersection of the said Fourth Avenue and Maple Street in the City of Garnett.

Section 2. No Parking. It shall be unlawful to park or stand any vehicle on the East side of Maple Street within 400 feet of the intersection of Maple Street with Park Road and to the South of said intersection, in the City of Garnett, Kansas.

Section 3. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 4. Penalty. Any person violating the provisions of this Ordinance or any rule or regulation contained herein or made by the Governing Body of the City of Garnett hereunder shall be guilty of a misdemeanor and upon conviction of violation thereof shall be punished by a fine of not more than \$50.00.

Section 5. Conflicts. Any Ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 27th day of OCTOBER, 1969.

R. W. Farris
.....
R. W. Farris, Mayor

ATTEST:
R. K. Larison
.....
R. K. Larison, City Clerk.

(SEAL)

ORDINANCE NO. 2116

AN ORDINANCE APPORTIONING THE COST AND EXPENSE OF CONSTRUCTING A SEWER IN SEWER DISTRICT NO. 18 IN THE CITY OF GARNETT, KANSAS, AND LEVYING ASSESSMENT UPON AND AGAINST THE SEVERAL LOTS AND TRACTS OF LAND CONTAINED IN SAID DISTRICT TO PAY SUCH COST AND EXPENSE.

WHEREAS, the total cost of the construction of sewers, as provided for in Ordinances No. 2056 and 2061, being for Sewer District No. 18 in the City of Garnett, Kansas, has been ascertained; and,

WHEREAS, the cost to be paid for such assessment against the lots and tracts of land within said district has been ascertained to be \$4,859.02; and,

WHEREAS, the amount against each lot and tract of land liable by law to be assessed for the cost of such improvement has been made by three disinterested parties and has been equalized, approved and apportioned by the Governing Body of the City of Garnett at a meeting called and held for that purpose, and the portion and cost of the expenses of such work and improvement especially assessed upon said lots and tracts of land has been ascertained and determined to be the same as set out in the preceding paragraph; now therefore,

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

Section 1. That, for the purpose of paying the costs and expenses of constructing sanitary sewers in Sewer District No. 18, as defined and described in Ordinances No. 2056 and 2061 and to provide funds for payment of the bonds necessary and required to be issued by said City, covering that portion of the installments to be paid by installments, there is hereby apportioned and assessed against the several lots and tracts of land within said sewer district No. 18, liable for the cost and expense of the construction of said sewers, the sum set opposite each lot or tract of land respectively.

The said lots and tracts of land are described and assessed as follows, to-wit:

<u>Lot No.</u>	<u>Assessment</u>
FARRIS ADDITION	
13, 14, & W 30 ft. of 15	\$ 556.76
E 10 ft. of 15, all of 16 & W 5 ft. of 17.	278.38
E 35 ft. of 17 & W/2 of 18	278.38
E/2 of 18, all of 19	303.69
20 & W/2 of 21	303.69
E/2 of 21 & all of 22.	303.69
23 & 24.	404.92

UNPLATTED TRACT

Tract 1: Commencing at a point 26 rods, 2 links, more or less, South of the NE corner of the SE/4 of Sec. 25, Twp. 20, Rng. 19, the same being the point of intersection of the S line of 5th St. in the City of Garnett and the E line of said Quarter Section, thence S 140 ft., W 34 rds. N 140 ft., E 34 rods to beg., excepting hwy. on E end thereof, all in the City of Garnett, Anderson County, Kansas, 2,429.31

Section 2. That the owner of any such lot or tract of land above described may, at any time within thirty (30) days after the publication and taking effect of this ordinance, pay the sum hereby apportioned and assessed against such lot or tract of land, and shall not thereafter be further liable for the cost and expense of constructing said improvements under this assessment.

Section 3: That, unless said assessment is paid within the time provided in Section 2 of this ordinance, said sum so apportioned and assessed against such lot or tract of land, respectively, shall be collected in ten equal annual installments, the first one of which installments shall, together with the interest on the whole amount, be certified by the City Clerk of the said City of Garnett, Kansas, to the County Clerk of Anderson County, Kansas, and entered on the tax roll for the year 1970 and collected as other taxes, and one installment shall, with one year's interest on the amount remaining due, be so certified and entered on the tax rolls for each year thereafter for nine (9) consecutive years.

The several amounts so apportioned and assessed and placed on the tax rolls shall bear interest at the rate fixed in the bonds to be issued for said improvement, which assessment, with interest added on the full amount still due, shall be certified at the time of certifying other taxes to the County Clerk of Anderson County, Kansas, and the City Clerk of said City is hereby directed to make extensions each year of the amount so assessed for the year with interest on the unpaid installments for one year and to certify the same to the County Clerk of Anderson County, Kansas, in the same manner and at the same time prescribed by law for certifying other taxes to be collected as other taxes are collected.

Section 4. This Ordinance shall take effect and be in force from and after its publication once in the Anderson Countian.

PASSED and APPROVED the 10 day of NOVEMBER, 1969.

R. M. Farris

.....
Mayor

Attest:

R. K. Larison

.....
City Clerk

(SEAL)

ORDINANCE NO. 2117

AN ORDINANCE ADDING CERTAIN TERRITORY TO AND ENLARGING THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The owners of a tract of land lying contiguous to the corporate limits of the City of Garnett, Kansas, have platted said lands into lots and blocks and have dedicated thereon streets and utility easements, designating said tract as KNAUSS ADDITION; and,

WHEREAS, Said owners have petitioned the Governing Body of the City of Garnett to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas.

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

Section 1. That Knauss Addition, having been subdivided into lots and blocks by the owners thereof, the same being adjacent and contiguous to the present corporate limits of the City of Garnett, Kansas, and pursuant to a petition by the owners of said tract to attach said tract to and incorporate the same within the City Limits of the City of Garnett, Kansas, it is hereby ordered that the following described real estate situated in Anderson County, Kansas, be and the same is hereby added to the corporate limits of the City of Garnett, Kansas, to-wit:

Commencing at the Southwest corner of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), Anderson County, Kansas, thence running East 18.67 rods, thence North 69.10 rods, thence West 18.67 rods, thence South 69.10 rods to the place of beginning.

Section 2. That this Ordinance shall take effect and be in full force as provided by law upon its publication in the official city paper.

PASSED and ADOPTED this 24th day of November, 1969.

R. W. Farris
.....
Mayor

ATTEST:
R. K. Lawson
.....
City Clerk

(SEAL)

ORDINANCE NO. 2118

AN ORDINANCE DEFINING CRIMINAL TRESPASS, PROVIDING FOR NOTICE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

SECTION I. Criminal Trespass.

Whoever enters upon the land, or into any structure or vehicle of another or any part thereof; or any land, structure or vehicle or any part thereof, owned by any public governmental unit including any state, county or municipal body or any school district, all as may be located within the corporate limits of the City of Garnett, Kansas, after receiving, prior to such entry, notice from the owner or occupant, or any person having lawful control thereof that such entry is forbidden, or remains upon or within such property after receiving notice from the owner or occupant or any person having lawful control thereof to depart, shall be guilty of criminal trespass.

SECTION II. Notice.

A person has received notice from the owner or occupant or any person having lawful control thereof within the meaning of Section I of this Ordinance if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry is conspicuously posted or exhibited in a manner reasonably likely to come to the attention of intruders.

SECTION III. Penalty.

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed \$100.00 or imprisoned in the City Jail for not more than 90 days, or both such fine and imprisonment.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Garnett, this 24 day of NOVEMBER, 1969.

ATTEST: R.W. Jarvis
Mayor

R.K. Jarvis
City Clerk

(First Published _____)

ORDINANCE NO. 2119

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO LOITER ON OR ABOUT THE PREMISES OF ANY PUBLIC OR PRIVATE SCHOOL OR INSTITUTION.

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

SECTION I. Loitering.

It shall be unlawful for any student or any person who is not enrolled in any public or private school, or who has been suspended or dismissed from such public or private school to stay or remain on or about the premises of such public or private school without any lawful purpose.

SECTION II. Penalty.

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished according to Chapter Three of the official Code of the City of Garnett.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Garnett, this

24 day of NOVEMBER, 1969.

R. W. Jarvis
Mayor

ATTEST:

R. K. Larison
City Clerk

(First Published _____)

ORDINANCE NO. 2120

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO DISRUPT THE NORMAL ACTIVITY OR DISTURB THE PEACE OF ANY PUBLIC LIBRARY, PUBLIC OR PRIVATE SCHOOL OR ANY SCHOOL ASSEMBLY OR ACTIVITY.

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

SECTION I. Disturbance of Peace.

It shall be unlawful for any person to disrupt the normal activity or disturb the peace of any public library or of any public or private school and/or assembly of students for any school activities or athletic events conducted by such public or private school.

SECTION II. Penalty.

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished according to Chapter Three of the official Code of the City of Garnett.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Garnett, this

24 day of NOVEMBER 1969.

R. W. Farris

Mayor

ATTEST:

R. K. Larison

City Clerk

ORDINANCE NO. 2122

AN ORDINANCE ADDING CERTAIN TERRITORY TO AND ENLARGING THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS, AND REPEALING ORDINANCE NO. 2111 OF THE CITY OF GARNETT.

WHEREAS, the owners of a tract lying contiguous to the corporate limits of the City of Garnett, Kansas, have platted said lands into lots and blocks and have dedicated thereon streets and utility easements designating said tract as WESTGATE II ADDITION; and,

WHEREAS, said owners have petitioned the Governing Body of the City of Garnett to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas.

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

Section 1. That Westgate II Addition having been subdivided into lots and blocks by the owners thereof, the same being adjacent and contiguous to the present corporate limits of the City of Garnett, Kansas, and pursuant to a petition by the owners of said tract to attach said tract to and incorporate the same within the city limits of the City of Garnett, Kansas, it is hereby ordered that the following described real estate situated in Anderson County, Kansas, be and the same is hereby added to the corporate limits of the City of Garnett, Kansas, to-wit:

Beginning at the Southeast corner of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), thence North 874 feet to the Southeast corner of Westgate Addition, thence West 455 feet to the Southwest corner of Westgate Addition, thence South 874 feet, thence East 455 feet to place of beginning.

Section 2. That Ordinance No. 2111 of the City of Garnett, Kansas, is hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force as provided by law upon its publication in the official city paper.

PASSED and ADOPTED this 8th day of December, 1969.

.....
R. W. Farris,
Mayor.

ATTEST:

.....
R. K. Larison,
City Clerk.

(SEAL)

ORDINANCE NO. 2123

AN ORDINANCE ESTABLISHING CHARGES FOR CONNECTING, RECONNECTING OR CHANGING UTILITY AND SEWER SERVICE LINE CONNECTIONS.

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

Section 1. Utility Reconnection Charges. When any utility service (gas, electric, water, or sanitary sewer) is reconnected to the same property location, whether or not a different structure is located on the same property, the full, current utility connection fees or permit and inspection fees established by Ordinance shall be charged for reconnection, unless the prior service connection installation needs no modification, alteration, or extension by the City to effect new service. If meters have not been removed and are fully serviceable at time of reconnection, no connection fee shall be charged, but if meter repairs or replacements are required, the full connection fee shall be charged.

Section 2. Changes in Utility Service Connections. Whenever a utility customer requests service connections larger than the existing installation, the new, higher connection fee shall be charged, but the current cost of the meter taken out of service shall be credited against the new connection fees if the meter taken out of service is a fully serviceable, useable meter.

Section 3. Conflicts. Any Ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. The Ordinance shall take effect and be in force from and after its publication in the official city paper, according to law.

PASSED and APPROVED this 8 day of December, 1969.



.....
R. W. Farris,
Mayor.

ATTEST:


.....
R. K. Larison,
City Clerk.

(SEAL)

ORDINANCE NO. 2124

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

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1969; and,

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

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

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

Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast corner of Section 25, Township 20, Range 19, thence North on said section line 1176 feet, thence West 720 feet, thence South 1176 feet to the South line of said Section 25, thence West 1920 feet to the Southwest corner of the Southeast Quarter of said Section 25, thence West 485 feet, thence North 1314 feet, thence East 485 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 25, thence North 3960 feet to the Northwest corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said section line 2640 feet to the Northeast corner of the Northeast Quarter of said Section 25, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to the South line of Section 19, Township 20, Range 20, thence East on said section line 1060 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North 662 feet, thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said

line intersects the South line of said Section 19, thence East along said section line to the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 19, being the same point as the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 30, Township 20, Range 19, thence South 1320 feet to the North line of Block 3 in the City of Garnett, the same being the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 30, thence East on said line 330 feet to the Southeast corner of the West Half of the West Half of the Northwest Quarter of the Northeast Quarter of said Section 30, thence North 1320 feet to the North section line of said Section 30, thence East 71 feet, thence North 400 feet, thence East 170 feet, thence South 240 feet, thence West 70 feet, thence South 160 feet, thence East 819 feet to the Northeast corner of said Section 30, thence North 240 feet, thence East 230 feet, thence South 240 feet, thence East 3730 feet to the Northeast corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way line of the Missouri Pacific Railroad, thence Southeasterly along the North line of said railroad right-of-way 1060 feet, thence North 23 degrees 30 minutes, East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet, thence North 2260 feet to the Southeast corner of the North Half of the North Half of the Northeast Quarter of the Northwest Quarter of said Section 29, thence East 996.1 feet, thence South 165 feet, thence East 323.9 feet, thence South 855 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 29, thence West 1320 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 29, thence South 180 feet, thence East 334 feet, thence South 1148 feet, thence East 334 feet to the Southwest corner of the Northwest Quarter of Section 29, thence South approximately 1355 feet to the Southeast corner of the North Half of the Southeast Quarter of Section 30,

2134

Township 20, Range 20, thence West on the south section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest corner of Lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast corner of Lot 1, Block 77, City of Garnett; thence West to the Southwest corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest corner of the North Half of the Northwest Quarter of Section 31, to the place of beginning, all in Anderson County, Kansas.

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

PASSED and APPROVED this 22nd day of December, 1969.



 R. W. Farris,
 Mayor.

Attest:



 R. K. Larison,
 City Clerk.

(SEAL)

ORDINANCE NO. 2125

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

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

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

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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$213.69, incurred through December 31, 1968, are hereby deleted from the City's accounting records.

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

PASSED and APPROVED this 22nd day of December, 1969.

.....*R. W. Farris*.....
R. W. Farris
Mayor

Attest:
.....*R. K. Larison*.....
R. K. Larison
City Clerk

(SEAL)

UNPAID UTILITY BILLS
January 1, 1968 to December 31, 1968

Bennie Bennett	\$ 11.81
Larry Brown	27.01
Wayne Morgan	3.49
Douglas Niehoff	10.18
George Tilton	2.78
Joe Dykes	7.09
Leslie Hayes	65.97
Mrs. J. W. Caleb	15.79
Ivy Roy	13.54
Joe Goddard	46.75
Dwain Carter	<u>9.28</u>
	\$213.69

ORDINANCE NO. 2128

AN ORDINANCE REPEALING TITLE 4 CHAPTER 4 SECTION 2 (A) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AND ESTABLISHING A NEW RESIDENCE AND COMMERCIAL GAS RATE.

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

Section 1. Repeal of Section. Title 4 Chapter 4 Section 2-(A) of the municipal code of the City of Garnett is hereby repealed.

Section 2. Residence and Commercial Rates. Gas service rates for residence and commercial uses are hereby established as follows:

For the first two thousand (2,000) cubic feet or any fraction thereof One Dollar and Fifty Cents (\$1.50) minimum; for all gas used in excess of two thousand (2,000) cubic feet, Seventy-five Cents (.75¢) per one thousand (1,000) cubic feet.

Section 3. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 12th day of January, 1970.

.....*Mark Taylor*.....
Mayor

Acting

Attest:

.....*R.K. Larison*.....
City Clerk

(SEAL)

ORDINANCE NO. 2129

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 20 TITLE 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AND REPEALING SECTIONS 1-20-4-5-6-7-8-9-10-11 OF SAID CHAPTER 20.

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

Section 1. Classification-Compensation Plan. There is hereby established a classification-compensation plan covering all classified positions in the City service. The classification-compensation plan shall be a major portion of the policies of the City Government, and it shall be adopted and amended by resolution of the City Commission. Both the classification plan and the compensation plan in effect at any given time shall be on file at the office of the City Clerk. All details as to administration of the classification-compensation plan shall be covered in the personnel policies adopted by resolution of the City Commission.

Section 2. Repeal. Sections 1-20-4; 1-20-5; 1-20-6; 1-20-7; 1-20-8; 1-20-9; 1-20-10; and 1-20-11 of Chapter 20 of the Garnett Municipal Code are hereby repealed.

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

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 12th day of January, 1970.

Mary Campbell
.....
Alby Mayor

Attest:

R. K. Larrison
.....
City Clerk

(SEAL)

ORDINANCE NO. 2131

AN ORDINANCE AMENDING ORDINANCE NO. 2073 ESTABLISHING CLASSIFICATION OF USERS OF GAS SERVICE FURNISHED BY THE CITY OF GARNETT, KANSAS, TO ITS CONSUMERS, AND ESTABLISHING MONTHLY RATES THEREFOR.

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

Section 1. Classification of Users. Ordinance No. 2073, Section 1 is hereby amended by the addition of Subsection C, as follows:

C. Large Industrial-Commercial Users. Large Industrial-Commercial Users are hereby defined as consumers whose average monthly demand for gas shall be at least 1,500 Mcf. In addition thereto, each applicant for such rate must apply individually and be approved by the City Commissioners in order to receive this classification.

Section 2. Monthly Rates. Section 2 of Ordinance No. 2073 is hereby amended by Subsection C. Large industrial-commercial rates are hereby established as follows: For the first 2,000 cubic feet or any fraction thereof \$1.30, minimum; for all gas used in excess of 2,000 cubic feet .58¢ per 1,000 cubic feet.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 9th day of February, 1970.



.....
R. W. Farris,
Mayor.

ATTEST:



.....
R. K. Larison,
City Clerk.

(SEAL)

ORDINANCE NO. 2132

AN ORDINANCE REGULATING PARKING ON THE WEST SIDE OF OAK STREET BETWEEN THIRD AVENUE AND FOURTH AVENUE IN THE CITY OF GARNETT, KANSAS, AND REPEALING ORDINANCE NO. 2100 AND ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Limited Parking. Parallel parking not to exceed fifteen minutes shall be permitted on the West side of Oak Street between Third Avenue and Fourth Avenue in the City of Garnett, Kansas. Angle parking not to exceed fifteen minutes shall be permitted on the East side of Oak Street from the driveway on the South side of the Post Office Building to Third Avenue in the City of Garnett, Kansas. That the above provision for limited parking shall apply to the periods from 8:00 o'clock A.M. to 6:00 o'clock P.M. of each day, Mondays through Fridays.

Section 2. Enforcement. It is hereby made the duty of the Police Department of the City of Garnett to enforce the provisions of this Ordinance.

Section 3. Penalty. Any person violating the provisions of this Ordinance, or any rule or regulation contained herein or made by the Governing Body of the City of Garnett, shall be guilty of a misdemeanor. Every person convicted of violating the provisions of this Ordinance shall be punished by a fine of not more than \$50.00.

Section 4. Conflicts. Ordinance No. 2100 and all ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official paper according to law.

PASSED and APPROVED as of the 9th day of February, 1970.

R. W. Farris
.....
R. W. Farris, Mayor

ATTEST:

R. K. Larison
.....
R. K. Larison, City Clerk.

(SEAL)

ORDINANCE NO. 2134.

AN ORDINANCE REPEALING PARAGRAPH B, SECTION 1 AND PARAGRAPH B, SECTION 2 OF ORDINANCE NO. 2073.

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

Section 1. That Paragraph B of Section 1 of Ordinance No. 2073 of the Ordinances of the City of Garnett, Kansas, is hereby repealed.

Section 2. That Paragraph B of Section 2 of Ordinance No. 2073 of the Ordinances of the City of Garnett, Kansas, is hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after its publication in the Anderson Countian, the official newspaper of the City of Garnett.

PASSED and APPROVED this 23rd day of February, 1970.

.....
R. W. Farris,
Mayor.

Attest:

.....
R. K. Larison,
City Clerk.

(SEAL)

ORDINANCE NO. 2138

AN ORDINANCE ESTABLISHING UTILITY TURN-ON POLICIES AND CHARGES FOR THE CITY OF GARNETT, KANSAS

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


Section 1. Utility Turn-On Policy. Any municipal utilities disconnected for the reason of non-payment of bills by the consumer will not be reconnected on Saturdays, Sundays, Holidays or after normal working hours.

Section 2. Connection or Disconnection of Utility Services. Utility services shall not normally be connected or disconnected on Saturdays, Sundays, Holidays or after normal working hours. If such services are requested by the customer, a charge of Three Dollars and Fifty Cents (\$3.50) shall be made during such times.

Section 3. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official city paper according to law.

PASSED and APPROVED this 27th day of April, 1970.


.....
Mayor

Attest:


.....
City Clerk

(SEAL)

ORDINANCE NO. 2139

AN ORDINANCE AMENDING TITLE IV. OF THE CITY CODE OF THE CITY OF GARNETT BY ADDING CHAPTER 8 ESTABLISHING UTILITIES SECURITY DEPOSITS, PROCEDURES AND REFUNDING SAME, INTEREST PAYABLE ON SAME, AMOUNT OF SAID DEPOSITS, AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Title IV of the City Code of the City of Garnett is hereby amended by adding Chapter 8, Sections 4-8-1 through 4-8-7 as follows:

Section 4-8-1. Utilities Security Deposit Required - Purpose.

For the purpose of guaranteeing payment of utility bills, a utilities security deposit shall be required from each customer requiring residential or commercial utility services from the Municipal electric, gas or water systems. Upon discontinuance of service, the City may apply such security deposit to the payment of any accrued bills due the City.

No security deposit shall be required of any industrial customer.

Section 4-8-2. Form of Security Deposit.

The City shall establish and keep a separate account for each customer posting a security deposit, indicating the date the deposit was established, the name of the depositor, and the amount of the deposit.

Section 4-8-3. Amount of Deposits - Property Owners.

The utilities securities deposits for both residential and commercial customers owning the specific property to be provided utility services shall be \$12.50 for electric service, \$12.50 for gas service, and \$10.00 for water service.

Section 4-8-4. Amount of Deposits - Non-Property Owners.

The utilities securities deposits for both residential and commercial customers who do not own the specific property to be provided utility services shall be \$17.50 for electric service, \$17.50 for gas service, and \$10.00 for water service.

Section 4-8-5. Interest Paid on Deposits.

The City shall pay interest at the rate of three percent per annum (3%) on all required security deposits, said

interest shall accrue from the date of original deposit.

Interest, as accrued, shall be credited to each respective account, as of January 1st of each year, and deducted from the utility account owing by the customer.

Section 4-8-6. Refunding of Deposits.

All utilities securities deposits shall be refunded with accrued interest upon termination or discontinuance of service; provided however, that said customer owes no outstanding accounts for such service.

For those customers who have established an eighteen (18) month consecutive period of on-time payments of monthly utility bills, the City may then refund the respective security deposits plus accrued interest. Deposits may be refunded as each customer meets this criteria.

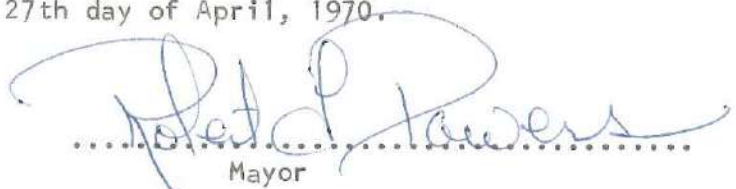
Section 4-8-7. Service Begun Upon Deposit Being Made.

While no utility services will be provided without security deposits being placed with the City, the requested utility services will be commenced on the date that the deposits are made. From the date of origination of services, monthly bills will be rendered each customer for utilities used and/or provided each month, or the minimum bills specified in Chapter 4, Title IV of the City Code for minimum utility services.

Section 2. Conflicts. Any Ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official City paper, according to law.

PASSED and APPROVED this 27th day of April, 1970.


.....
Mayor

Attest:


.....
City Clerk

(SEAL)

Ordinance No. 2142

AN ORDINANCE AMENDING TITLE IX, CHAPTER 5, OF THE CITY CODE OF THE CITY OF GARNETT ESTABLISHING RULES AND REGULATIONS GOVERNING THE USE OF ALL CITY PARKS INCLUDING LAKE GARNETT AND CRYSTAL LAKE AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. Title IX, Chapter 5, of the City Code of the City of Garnett is hereby amended as follows:

Section 9-5-1. Purpose.

The following rules and regulations are adopted for the purpose of governing the use of all City Parks, including Lake Garnett and Crystal Lake.

Section 9-5-2. Injuring Park and Lake property.

The destruction or injury to any sign, guideposts or property of any kind is unlawful. This includes the peeling of bark, carving, and chopping of trees, cutting branches, driving nails digging ground from roots and the removal of trees, shrubs, plants and other injuries.

Section 9-5-3. Firearms.

The use or discharging of firearms is prohibited in the North City Park except in designated areas. The use or discharging of firearms is prohibited in all other parks.

Section 9-5-4. Littering Park and Lake Property.

Throwing of tin cans, bottles, paper, junk or refuse of any kind on the ground or in the Lakes; or the misuse and abuse of seats, tables, and other park equipment is prohibited.

Section 9-5-5. Sanitary uses.

The use of woods as toilets or the use of toilets for bathhouses is prohibited in all parks.

Section 9-5-6. Fires.

Building or starting fires in the open or in any place, except where the proper provisions have been made, or to leave fires burning is prohibited.

Section 9-5-7. Dogs in park.

Dogs in the parks must be tied with a chain, controlled on a leash or kept in cars. They are not allowed to run loose in any park.

Section 9-5-8. Speed limits.

Speed limits for motor vehicles on park roads is thirty (30) miles per hour (30 mph).

Section 9-5-9. Camping.

Camping is permitted in both the North and South City Parks in designated areas only.

Section 9-5-10. Disorderly conduct.

Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by changing clothing in automobiles, park, woods, or any place where persons are not properly sheltered is prohibited.

Section 9-5-11. Bathing; swimming.

Bathing, swimming, or wading in Lake Garnett or Crystal Lake is prohibited.

Section 9-5-12. Hunting.

All City Parks and Lakes are game sanctuaries. Hunting, shooting, trapping, injuring, pursuing or molesting in anyway any bird or animal on or within the Parks is prohibited.

Section 9-5-13. Fishing.

Any person having proper fishing license and persons exempt by law may fish in Lake Garnett or Crystal Lake free of charge.

The Governing Body may further restrict or entirely close any City Lake to fishing at any time, if in its judgement, conditions demand it.

Each person so fishing is limited to 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 or lures attached. Any fishing device or equipment used in City Lakes except as provided in this regulation, is prohibited, declared unlawful and may be seized and confiscated by the park superintendent, any peace officer or game protector.

Any person fishing in any City Lake must have fishing rods or poles in possession, and any fishing rods or poles left set in the bank or attached to anything in such manner that hooks may be taken by fish is unlawful and may be seized and confiscated by the park superintendent, peace officer or game protector.

No trot lines, set lines, float, bank or limb lines are permitted.

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. All undersized are to be immediately returned to the water unrestrained.

Ten (10) fish of all species, but not including bullheads, bluegill, crappie, green sunfish, carp and gar, are permitted as a daily legal creel limit; however, the catch must not include more than six (6) catfish, bullheads excepted, or ten (10) bass, or more than ten (10) in the aggregate of both species.

Section 9-5-13. Fishing. (Continued)

The regulations of the State Forestry, Fish and Game Commission of Kansas as to the size of fish or daily creel limit lawfully taken shall not be superceded by this Chapter.

Bullfrog hunting is permitted in all City Parks so long as it is done in compliance with all regulations of the State Forestry, Fish and Game Commission of Kansas. The daily bag limit is eight (8) and a valid fishing license is required for each person to take, catch or kill bullfrogs, unless otherwise exempt from licensing.

Fishing in, wading, or molesting the North Park rearing pond in any way is prohibited.

Section 9-5-14. Boating.

Boating, canoeing, and motor boats shall be permitted to be operated on Lake Garnett at all times, so long as the speed of the boat shall be restricted to trolling speed and so long as the owner-operator has procured an annual permit from the City. Rowboats without motors only shall be permitted on Crystal Lake.

All boats with motors, including electric motors, shall be required to pay a \$2.50 annual fee to procure their annual boating permit; no permit fee shall be required of boats without motors, even though the annual permit shall be required of all boats, canoes, or other vessels used on waters in City Lakes.

Section 9-5-15. Boating regulations.

The pilot or operator of any boat or vessel used on City Lakes shall have aboard one (1) life preserver, buoyant vest, ring buoy or buoyant cushion, of the type approved by the United States Coast Guard, in good and serviceable condition for each person on board.

All other regulations and laws governing boat operations that shall be adopted by the Kansas Forestry, Fish and Game Commission shall be adhered to in all boating operations on City Lakes.

Section 9-5-16. Speed boats; water skiing:

Use of Lake Garnett for boating at any speeds in excess of trolling speed shall be restricted to residents of Anderson County. In addition, membership in the Garnett Boat Club shall be required of all persons boating at speeds in excess of trolling speed. All speed boating and water skiing on Lake Garnett shall be under the supervision of the Garnett Boat Club and all members are required to adhere to all regulations that the Boat Club might adopt from time-to-time in addition to the regulations herein.

Speed boating and water skiing shall be permitted on Lake Garnett each Wednesday and Sunday, and the first and third Saturdays, from twelve o'clock (12:00) noon to sunset, beginning April 1 and ending December 1 of each year. Speed boating and water skiing shall also be permitted between twelve o'clock (12:00) noon and sunset on July 4 and Labor Day of each year.

Section 9-5-16. Speed boats; water skiing. (Continued)

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 buoies. In addition, no speed boating or water skiing shall be permitted on Lake Garnett during the annual fish spawning period as may be designated by the resident game protector on said Lake during the period April 1 to June 1 of each year.

Any person who exercises the privilege of water skiing or attempting to water ski shall do so at his own risk, and shall comply with all rules for safety for water skiing. Any person water skiing or attempting to water ski on Lake Garnett shall, before entering the water for such purpose, attach to his body in a proper manner a sufficient life perserver or life jacket.

Anyone operating a boat pulling water skiers shall do so at a proper speed and shall observe all the rules of safety for the protection of the skier and shall observe all rules of courtesy towards other persons using the Lake for any proper purpose.

Section 9-5-17. Operating boat at operator's risk.

Anyone operating the motor boat on any City Lake shall do so at his own risk and shall comply with all the rules for safety in the operation of said boat.

Section 9-5-18. Penalties.

Any person violating the provisions of this section, shall upon conviction, be deemed guilty of a misdemeanor and subject to the penalty provisions of the City Code.

Section 2. Repeal. Section 9-5-1 through 9-5-17 of Chapter 5, Title IX, and Sections 9-11-1 through 9-11-3 of Chapter 11, Title IX of the Garnett City Code are hereby repealed.

Section 3. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official City newspaper according to law.

PASSED and APPROVED this 8th day of June, 1970.


MAYOR

Attest:


CITY CLERK

PARKLANE
ADD.

Parklane, OK.

ANNEXATION ORDINANCE
ORDINANCE NO. 2144

An ordinance annexing certain land to the City of Garnett in conformity with the provisions of K.S.A. 12-520 (1967).

Be it ordained by the governing body of the City of Garnett:

SECTION 1. The following described land, to-wit:

The West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty (30), Township Twenty (20), Range Twenty (20), Anderson County, Kansas;

meeting one or more of the classifications prescribed by K.S.A. 12-520 (1967) is hereby annexed and made a part of the City of Garnett.

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

Passed by the Commission this 22 day of June, 1970.

Pat J. Powers
Mayor

A T T E S T:

B. S. Swan
City Clerk

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

ORDINANCE NO. 2148

AN ORDINANCE AMENDING TITLE II, CHAPTER 6, OF THE CITY CODE OF THE CITY OF GARNETT, PROVIDING FOR TERMS OF OFFICE, COMPENSATION, ORGANIZATION, AND EXPENSES OF THE UTILITIES ADVISORY COMMITTEE AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH

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

Section 1. Title II, Chapter 6 of the City Code of the City of Garnett is hereby amended as follows:

Section 2-6-3. Term of Office: The terms of all members of the Utilities Advisory Committee shall begin on July 1, 1970, and they shall hold office until the expiration of their respective terms, which shall expire as follows: two (2) on June 30, 1971, and three (3) on June 30, 1972.

Upon expiration of the terms of said committee, new members shall be appointed in the same manner as the member he is succeeding and each member shall hold office for a term of two (2) years. Vacancies shall be filled in the same manner as the original appointment and the person appointed to fill said vacancy shall serve for the unexpired term.

Section 2-6-6. Compensation: Members of the Utilities Advisory Committee shall serve without compensation.

Section 2-6-7. Organization of Committee: Said committee shall organize itself and elect a chairman or presiding officer and a secretary and such other officers as may be deemed necessary. Officers shall hold office for terms of one year.

Section 2-6-8. Meetings: Said committee shall meet at the intervals and frequencies determined by the members, and/or at the call of the chairman.


Section 2-6-9. Expenses: In the conduct of its business as outlined in the City Code, no expenditures shall be made as a committee, either individually or collectively, without prior approval of the City Commission.

Section 2. Repeal. Section 2-6-3 and 2-6-6 of Chapter 6, Title II of the Garnett City Code are hereby repealed.

Section 3. Conflicts. Any ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper, according to law.

PASSED AND APPROVED this 27th day of JULY, 1970.



Robert C. Powers
Mayor

Attest:



R. G. Doran
City Clerk

AN ORDINANCE AMENDING TITLE IX, CHAPTER SEVEN OF THE CITY CODE OF THE CITY OF GARNETT RELATING TO THE ADMINISTRATION OF THE CITY CEMETERY, ESTABLISHING REGULATIONS PERTAINING THERETO, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

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

Section 9-7-1. Definitions. The following terms, which are commonly used throughout the text of this ordinance, are hereby defined as follows:

- (A) Cemetery. The term cemetery is hereby defined to include a burial park for earth interments, or community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one hereof.
- (B) Plot. The term plot shall apply to a space of sufficient size to accomodate one adult interment approximately four by ten feet.
- (C) Lot. The term lot shall apply to numbered divisions as shown on the record plat which consists of one or more plots.
- (D) Interment. The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial.
- (E) Memorial. The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place.
- (F) Monument. The term monument shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
- (G) Marker. The term marker means a memorial flush with the ground.
- (H) Lot Marker. The term lot marker means a concrete post used by the cemetery to locate corner of the lot or plot.

Section 9-7-2. Name of City-owned cemetery. The City of Garnett, Kansas, owns and operates one municipal cemetery, located northeast of the City in Section 20, Range 20, Township 20, Anderson County. The name of this cemetery shall be the Garnett Municipal Cemetery.

Section 9-7-3. Administration-City Clerk's duties. The City Clerk shall have the custody and keeping of the original and official cemetery records of lots, conveyances, and owners and interments in the municipal cemetery and shall keep an official plat of the cemetery in his office. He shall collect and account for cemetery funds from the sale of lots or receipts from other sources and shall issue all cemetery deeds and permits as authorized by law or ordinance.

Section 9-7-4. Administration-Appointment of Sexton; duties.

The City Manager shall appoint a cemetery sexton who shall have charge of the cemetery grounds and all operations thereof. He shall, at the expense of the City, maintain the same, including fences, gates, grounds, parking, streets and all other parts thereof in good condition and take such means as may be necessary to protect it from fire and depreciation of any kind. He shall cause all persons within the cemetery to observe the rules and regulations pertaining to conduct therein and the care and adornment of cemetery lots. He shall open any grave upon a permit therefor from the City Clerk, close all graves and make such reports and keep such records as may be required. The sexton shall keep adequate records of all cemetery lots and is further designated as a regular police officer charged with the enforcement of all laws, ordinances and rules of the municipal cemetery.

Section 9-7-5. Conditions of lot purchases. All lots shall be sold subject to these rules and regulations and those hereafter adopted, and the certificate of title shall so state. No lots shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. Interment of the remains of any person other than the owner of the lot or a member of the owner's immediate family shall be permitted only after written consent by the owner, owners, or authorized agent has been filed with the cemetery sexton. In the cases where the owner is a minor, the guardian or authorized agent, thereof, shall give such consent upon proof of authority to act. No mortgage or other encumbrance shall be given on any lot.

Section 9-7-6. Purchase procedure. The purchase of a lot shall be evidenced by the issuance of a cemetery certificate describing the lot and stating the purchase price. Upon the presentation to the City Clerk of the purchase money, there shall be issued to the purchaser a certificate of such purchase, under the seal of the City, which certificate shall be signed by the Mayor and witnessed by the City Clerk. Such certificate so signed as aforesaid, shall convey the estate and such record of lot ownership may be filed with the County Register of Deeds. No lot or lots shall be used as a burial place until the full purchase price has been paid and the purchaser shall have received a receipt therefor.

Section 9-7-7. Resale of cemetery lots. For the purpose of preventing profiteering in dealing in cemetery burial lots, it is hereby declared to be necessary that certain restrictions be placed upon the resale of said lots. No person shall have the right to sale or otherwise dispose of any burial lot or lots, which are acquired in the City-owned cemetery, to any persons, firm or corporation except his or her surviving spouse, children, grandchildren, daughter-in-law, son-in-law, parents, grandparents, brother, sister, uncle or aunt without first offering said burial lot or lots to the City of Garnett, Kansas at the same price at which price said lot or lots were first acquired from the said City. Said City of Garnett shall have the right to purchase said lot or lots at the price for which said lot or lots were originally sold and shall have within thirty (30) days after said lot or lots are offered to said City either to purchase said lot or lots or to reject the same.

Section 9-7-8. Cemetery Lots Purchase Price. The purchase price for single plots within the Fourth Addition to the Municipal Cemetery shall be \$50.00; and the purchase price for a complete cemetery lot consisting of four plots shall be \$180.00.

The purchase price for single plots at all other locations in the municipal cemetery shall be \$35.00, and the complete lot price shall be \$125.00.

Multiple plot purchases at any location in any quantity less than a complete lot shall be at the single plot price.

Section 9-7-9. Establishment of regular perpetual care fund. There is hereby authorized and established a regular perpetual care fund, to be known as the cemetery trust fund, and the City is authorized to accept funds from individuals to be placed in this trust fund to be used for the upkeep of burial lots. Such money is to be invested in securities and the income thereof shall be applied to the perpetual care and upkeep of such lots as the owners/contributors may direct, or otherwise shall be applied to the perpetual care of all lots or pieces of ground sold for burial purposes in the municipal cemetery.

Section 9-7-10. Burial permit required. It shall be unlawful for any person or any agent for any person to bury or attempt to bury their dead in the municipal cemetery without a permit therefor, issued by the local registrar of vital statistics, as provided by law. If death occurs in Garnett, a death certificate shall be required in lieu of the State burial permit. The regular state burial permit or death certificate shall be presented to the City Clerk at least twenty-four (24) hours before time of interment. If such permit is not delivered as above stated, the City may make an extra charge for any overtime labor necessary.

Section 9-7-11. Cemetery Service Charges. The following fees and charges shall be made for cemetery services in the municipal cemetery:

Burial Charges:

Standard interment - adult	\$55.00
Child interment (18 months through 11 years)	\$22.00
Baby interment (under 18 months)	\$12.00
Charges in addition to above for interment made on Saturdays, Sundays and legal holidays and after normal working hours	\$18.00
Ashes interment (cremated remains)	\$15.00

Section 9-7-12. Funeral Director's Responsibilities for Burial Fees. All funeral directors who have charge of interments in the municipal cemetery shall receive and accept the responsibility for payment of such interment charges as may be made by the governing body unless such funeral directors state, in writing, to the City Clerk at least twenty-four (24) hours before time of interment, that they will not be responsible for such interment charges. All interment charges shall be paid in advance before grave is opened.

Section 9-7-13. Monuments. 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 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 concrete base and the top of the base shall be level with the ground and shall be at least four inches wider than the stone. Monuments or markers shall not be set by the City but shall be set under the supervision of the sexton. Temporary grave markers are allowed in the cemetery for a period not to exceed six (6) months.

Section 9-7-14. Maintenance, regular care. General maintenance of all lots in the municipal cemetery, at no cost to the lot owners, shall be known as regular care and shall include the maintenance of a responsible stand of grass, raking and cleaning, filling settled graves and reasonable attention to any planting thereon which are in accordance with the rules and regulations governing the cemetery. The City has a responsibility to attend to each grave with equal care.

Section 9-7-15. Cemetery fund. The City Clerk shall receive and deposit in the general operating fund of the City of Garnett all monies derived from the cemetery of said City by the sale of lots or service charges, with the same to be disbursed only after appropriation duly made and warrants therefore duly issued.

Section 9-7-16. Regulations.

(a) It shall be unlawful for any person or persons to mar or injure or destroy any trees, grass, shubbery, walks, streets, monuments or other property in or about the cemetery grounds or break open any gates or fences around or in the same.

(b) The regularly designated entrance gate shall be the sole and only means of entering and leaving the municipal cemetery. It shall be unlawful for any person or persons to trespass on the property of the municipal cemetery.

(c) The regular enforced city traffic regulations shall be enforced in the municipal cemetery except that the speed limits shall not exceed fifteen (15) miles per hour.

(d) The placing of cut flowers or plastic flowers over individual graves shall be permitted; however, the City shall not be responsible for the care of such flowers or the containers that they are placed in. Further, the City shall remove, without notice, all artificial and cut flowers when their appearance becomes unsightly or not in harmony with the overall appearance of the cemetery.

(e) No fence or curb of any kind around any lot or plot shall be permitted. Hedges and other plantings may be located on cemetery lots but they shall not be allowed to grow to a height in excess of three (3) feet or a width of two (2) feet. Should any plantings at any time exceed these dimensions, the City reserves the right to trim, without notice, the plantings to within these dimensions or to remove if the plantings or hedges are unsightly or in any other manner not in harmony with the overall appearance of the cemetery.

(f) The officers of the municipal cemetery hereafter accept no obligation for the regular care of any lot or piece of ground in the municipal cemetery surrounded by a hedge, planting, coping or any other obstruction which by its nature segregates such lot or piece of ground from the regular operation of machinery used in the care of the municipal cemetery.

(g) It shall be unlawful for any person or persons to enter or be upon the ground of the municipal cemetery with firearms of any description in their possession; provided that the provisions of this subsection shall not apply to officers of the law, ~~or~~ to members of the armed forces of the United States in the discharge of their duties, ~~or~~ firing squads or Veteran's organizations.

(h) Children under the age of fourteen (14) years are hereby prohibited from the municipal cemetery, except when accompanied by adults responsible for their conduct.

(i) It shall be unlawful for any person or any agent for any person to move or attempt to move any body interred in the municipal cemetery without first applying to the City Clerk for permission to do so.

(j) All burials in the municipal cemetery shall be made in graves excavated to a depth of at least five (5) feet. Exceptions shall be made in cases of graves of the age twelve (12) months and under, and for ashes when such graves may be excavated to a depth of not less than four and one-half (4 1/2) feet. No parts of the burial container (box or vault) shall extend above the surface of the ground, provided that interments may be made in lawfully constructed mausoleums by special permit of the governing body.

(k) No elevated mounds shall be built over graves and no lots shall be filled above the grade established by the City.

(l) Any other types of structures, ornaments, plantings, embellishments and other decorations that are not in harmony with the overall development of the cemetery, or of a type that they may intensify maintenance problems are subject to removal if, in the judgement of the cemetery sexton, they are not in harmony with the development of the cemetery or they intensify maintenance problems.

Section 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 a permit therefore from the State Board of Health, and second, a permit from the City Clerk upon proper application and payment of the deposit required by this ordinance. The application and permit shall set forth 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.

(b) The fee for reopening a grave and removing a body therefrom shall be the actual cost to the City for the work done plus an amount equal to ten percent (10%) of said actual cost. The applicant for such permit shall, before the same is issued, pay a deposit to the City Clerk equal to twice the regular burial permit fee to assure full payment of the permit fee herein provided.

(c) The reopening of such grave and removal of such body shall be under the supervision of the sexton who, upon completion of the work, shall cause a return of the permit to the City Clerk with a statement of the charges incurred in accordance with the provisions of this ordinance, and the City Clerk shall return any unused portion of the deposit to the applicant: Provided, that in case the actual cost (plus 10%) to the City in opening such grave and removing such body therefrom is in excess of said deposit, the applicant shall pay the City Clerk the additional amount in excess of said deposit, the applicant shall pay the City Clerk the additional amount in excess of the deposit.

(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 9-7-18. Financial responsibility of City for property damage.
The City shall not be financially responsible for any damage to lots and structures or objects thereon or for flowers or articles removed from any lot or grave.

Section 9-7-19. Penalty. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars (\$100).


Section II. Ordinance repealed. Chapter VII, Chapter 9 of the Code of the City of Garnett, Kansas and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section III. Effective date of ordinance. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City paper.

PASSED AND APPROVED this 10th day of AUGUST, 1970.


Robert L. Powers
Mayor

Attest:


R. G. Doran
City Clerk

ANNEXATION ORDINANCE

ORDINANCE NO. 2153

An ordinance annexing certain land (airport) to the City of Garnett, Kansas in conformity with the provisions of Section 12-520 K.S.A., 1969 Supplement.

Be it ordained by the governing body of the City of Garnett, Kansas:

SECTION 1. The following described land, situated in Anderson County, Kansas, to-wit:

The Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the east side of said 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 ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning.

East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 29, Township 20, Range 20, except a tract of 2 acres, more or less, described as follows: Beginning at a point 375 feet West of the Northeast Corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 29, thence South 330 feet, thence West to a point intersecting the west line of said East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 29, thence North 330 feet, thence East to place of beginning.


The Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the Southeast Corner of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West $53\frac{1}{2}$ rods, thence South 15 rods, thence East $53\frac{1}{2}$ rods to point of beginning;

that said land, meeting one or more of the classifications for annexation prescribed by law, is hereby annexed and made a part of the City of Garnett, Kansas.

SECTION 2. That said ordinance shall take effect and be in force

from and after its publication in the official city newspaper.

Passed by the Commission the 14 day of September, 1970.



Mayor

A T T E S T:



City Clerk

Anderson County Resolution
City of Garnett Ordinance No. 2156

AN AGREEMENT ESTABLISHING AN ANDERSON COUNTY REGIONAL PLANNING COMMISSION TO EXERCISE JOINT PLANNING FOR ANDERSON COUNTY, KANSAS AND THE CITY OF GARNETT, DESIGNATING THE QUALIFICATIONS AND MANNER OF APPOINTMENT OF THE MEMBERS, THE POWERS AND DUTIES OF THE COMMISSION AND PROVIDING FOR THE SHARING OF THE EXPENSE OF OPERATION.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ANDERSON COUNTY, KANSAS; AND

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

Section 1. Name. There is hereby created the Anderson County Regional Planning Commission.

Section 2. Planning Region Jurisdiction. All territory in Anderson County, Kansas and in the City of Garnett, in the State of Kansas, is hereby designated as the regional planning area.

Section 3. Membership, Qualifications and Terms of Members. The Anderson County Regional Planning Commission shall consist of seven (7) members, five (5) duly appointed by the Anderson County Board of Commissioners; and two (2) from the City of Garnett and duly appointed by the governing body of the City of Garnett. Any member of the Anderson County Regional Planning Commission may reside in the city limits of any incorporated city in Anderson County, Kansas. A majority of the members of said Anderson County Regional Planning Commission shall hold no other public office except appointed membership on a city or other planning board. All members shall be appointed for a term of three (3) years except that of the first members appointed, one of the city appointees and one of the county appointees shall be appointed for a term of three (3) years, and one of the city appointees and two of the county appointees shall be appointed for a term of two (2) years, the remaining two county appointees shall be appointed for one (1) year. The respective governing bodies by common consent shall determine which appointees shall be appointed to serve the one, two and three year terms. All Commission members shall continue to hold office until their successors are duly appointed and qualified. Vacancies occurring during any term shall be filled by the authority first making the appointment, for the remainder of the unexpired term.

Section 4. Compensation. All members of the Commission shall serve without compensation, but they may be reimbursed for expenses actually incurred in the performance of their duties.

Section 5. Removal from the Planning Commission. A member of the Commission shall not be removed during his term of office except for cause and after hearing held before the governing body by whom he was appointed, or in case of disqualification by moving out of the County of Anderson, or by moving out of the area represented on the planning commission.

Section 6. Officers. The Commission shall elect a chairman and a vice-chairman, from among its members, who shall serve for terms of one year with reelection privileges. A secretary, who shall not be a member of the commission, but may be an officer, or employee of the county or of the City of Garnett, shall be appointed to keep records and the minutes of Commission proceedings and budget records.

Section 7. Rules. The Commission shall adopt bylaws, including rules for the transaction of Commission business, which shall include but not be limited to:

- (a) Each member of the Commission shall have one vote including the Chairman and Vice-Chairman. A majority vote of the entire Commission is required for a valid recommendation.
- (b) Subcommittees may be formed for the purpose of investigating the various areas of the planning programs in Anderson County, and reports to the whole Planning Commission made.
- (c) Four (4) members shall constitute a quorum for conducting business at any meeting of the Commission.
- (d) Meetings shall be held regularly, at least once per month on a date determined by the Commission. Special meetings may be called by the Chairman, or the Vice-Chairman in the absence of the Chairman, upon at least twenty-four (24) hour notice, by mail, telephone, or other acceptable communications. All meetings of the Commission shall be open to the public.

Section 8. Function, Duties and Powers. The Anderson County Regional Planning Commission shall have the powers and duties as prescribed by law.

- (a) In the exercise of its general functions, duties, and other powers, the Commission:
 - 1. Shall prepare and recommend to the Board of County Commissioners of Anderson County, Kansas and the governing

body of the City of Garnett, its regional plan or functional segment thereof, that may include, but not be limited to, recommendations for the coordinated use of land, recommended development of parks and recreational areas, schools and public institutions, public buildings, public utilities and public works, financial planning including capital improvement programs, coordinated land use and subdivision procedures and regulations, program for the elimination of blighted areas, including housing codes, building, plumbing, and electrical codes, and the procedures for enforcement.

2. Such Regional Planning Commission shall, in the interest of economy and efficiency and in the interest of uniform standards and procedures, wholly assume the duties and functions that are provided by law to the cities and counties in Kansas, in connection with the preparation, recommendation, implementation and administration of local plans and planning programs of the Anderson County Regional Plan.
 3. Such Regional Planning Commission may employ such staff and/or professional consultants, as it may require, subject to approved budgetary requirements and limitations hereinafter provided.
 4. The Anderson County Regional Planning Commission is hereby authorized to apply for, receive, and expend federal funds and to enter into contracts with the United States Government to perform and carry out its duties and functions and further to provide planning assistance to the municipalities named herein within the limitations of the budget hereinafter provided.
- (b) In the exercise of its fiscal functions, duties, and powers the commission:
1. Shall prepare an annual budget which shall be timely submitted to the Board of County Commissioners of Anderson County and the City Commission of the City of Garnett each year for approval.

2. Shall have authority to make expenditures upon vouchers executed by the proper officials of the planning commission from funds appropriated; such funds to be held by the Kansas State Bank, of Garnett, Kansas, who is hereby designated as the fiscal agent of the Anderson County Planning Commission. The County-Treasurer shall make disbursements upon receipt of valid vouchers. All funds including federal grants, other gifts and donations will be held for the planning commission by the county-treasurer and disbursed for the planning commission by the treasurer.
3. Shall have authority to purchase property and materials for the use of said Regional Planning Commission and to issue vouchers in payment therefore as herein provided.
4. Shall have authority to accept, receive, and expend funds, grants, and services from the United States Government or its agencies and instrumentalities and from state and local governments.
5. Shall have the authority to accept, receive and expend funds, grants, and services from private persons or organizations, including business or no-profit organizations.
6. Shall deposit any monies received as gifts, donations, or grants from public or private sources for planning purposes, with the fiscal agent to be available for expenditure by the Regional Planning Commission by warrants upon such monies to be drawn only upon vouchers signed by the chairman or vice-chairman and secretary of the Regional Planning Commission.
7. Shall operate within the budget approved by the Board of Commissioners of Anderson County and the City Commission of Garnett.

Section 9. Payment of Costs of Expenses. The costs and expenses of establishing a Regional Planning Commission in Anderson County, and the preparation of the various plans and implementation procedures shall be defrayed by the County of Anderson and the City of Garnett in the following proportion:

Both the County of Anderson and the City of Garnett shall assume that portion of the total expenses in the same ratio as each governmental unit population is to the total population of the Regional Planning Area. The population of each governmental unit shall be that established by the County Clerk each year.

Section 10. Separability. If any one or more of the provisions of this agreement is declared unconstitutional or contrary to law, the validity of the remainder of the agreement shall not be affected thereby.

Section 11. Effective Date. This agreement shall become effective upon its separate adoption or passage by the county and cities aforesaid and the publication thereof all as provided by law.

Passed, approved, and adopted by the Board of County Commissioners of Anderson County, Kansas, this 9th day of Nov., 1970

THE BOARD OF COUNTY COMMISSIONERS OF ANDERSON COUNTY, KANSAS

By: Felix Teter
Chairman

ATTEST: (seal)

Marion Spangler
County Clerk

Passed by the council of the City of Garnett, Kansas and approved by the Mayor this 9th day of NOVEMBER, 1970.

THE CITY OF GARNETT, KANSAS

[Signature]
Mayor

ATTEST: (seal)

[Signature]
City Clerk

ORDINANCE NO. 2157

AN ORDINANCE AMENDING TITLE II, CHAPTER SEVEN OF THE CITY CODE OF THE CITY OF GARNETT, PROVIDING FOR THE ESTABLISHMENT OF AN AIRPORT ADVISORY BOARD, TERMS OF OFFICE, COMPENSATION, AND ORGANIZATION AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

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

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

Section 2-7-1. Establishment. An Airport Advisory Board for the City is hereby created for the purpose of studying, planning and recommending to the City Commission regarding all aspects of municipal airport construction, development, maintenance and operations. The Board shall have no legislative or administrative powers but limited to advisory functions.

Section 2-7-2. Composition. The Airport Advisory Board shall consist of five (5) members, all of whom shall be appointed by the governing body of the City.

Section 2-7-3. Terms of Office. The terms of members shall be two years, beginning January 1, 1971, except that for the first term two members shall serve until January 1, 1973 and the remaining three members shall serve until January 1, 1974. Thereafter new members shall be appointed in the same manner as the member he is succeeding and each member shall hold office for a term of two years. Vacancies shall be filled in the same manner as the original appointment and the person appointed to fill said vacancy shall serve for the unexpired term.

Section 2-7-4. Qualifications. Each member of said Advisory Board shall be a resident of the City and may hold any other office unless prohibited by the laws of the State of Kansas.

Section 2-7-5. Compensation. Members of the Airport Advisory Board shall serve without compensation.


Section 2-7-6. Organization. Said Board shall organize itself and elect a chairman or presiding officer and a secretary and such other officers as may be deemed necessary. Officers shall hold office for terms of one year.

Section 2-7-7. Meetings. Said Board shall meet at the intervals and frequencies determined by the members, and/or at the call of the Chairman.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City paper.

PASSED and APPROVED this 9th day of November, 1970.



Robert L. Powers
Mayor

Attest:



R. G. Doran
City Clerk

(SEAL)

ORDINANCE NO. 2161

AN ORDINANCE CREATING AND ESTABLISHING A POLICE CADET CORPS AND PROVIDING FOR MEMBERSHIP, QUALIFICATION, AND OPERATION OF THE SAME

WHEREAS, It has been determined that young adults are interested in learning more about the laws of the United States, the State of Kansas, and city ordinances, and that such interest is deserving of recognition and will be helpful to young adults and will improve the public relations of the Garnett City Police Department.

NOW, THEREFORE, Be it ordained by the governing body of the City of Garnett, Kansas:

Section 1. Created; purpose.

It is hereby deemed necessary and in the public interest to provide young adults of the city, with the opportunity to become better acquainted with the laws of the United States, State of Kansas, and the ordinances of the city, through study and observation of the members of the Garnett Police Department in the daily performance of their respective law enforcement duties. In order to effectuate the purposes herein stated, there is hereby created and established an association to be known as the Garnett Police Cadet Corps hereinafter referred to as "Police Cadet Corps".

Section 2. Membership; qualifications, oath.

Membership in the corps shall be limited to boys living in the Garnett Community and who shall not be less than fifteen (15) nor more than eighteen (18) years of age. Each member of the corps shall subscribe to an oath or affirmation to support the Constitutions of both the United States of America and of the State of Kansas and to further support the laws of the United States, State of Kansas, and the ordinances of the City of Garnett, Kansas. Members shall possess such other qualifications as may be determined and posted in writing by the Chief of Police.

Section 3. Establishment and operation; application for membership; expenditure of public funds prohibited.

The chief of police of the city shall have direct supervision and responsibility in the establishment and operation of the corps. No.

public monies shall be used directly in the support and maintenance of said corps. The chief of police shall prepare a form of application to be executed by all prospective members and their parents or guardians. The applications shall provide for the release and indemnity of the city, its governing body, the chief of police and such other officers of the Garnett Police Department for any injuries or damages sustained by members of the corps while carrying out or participating in corps activities. The chief of police shall develop a table or organization and initiate a program for the training and advancement of corps members in accordance with the purposes stated in Section 1.

Section 4. Police functions of corps members.

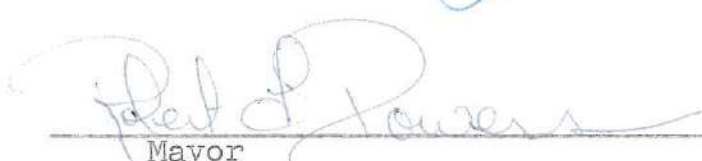
Members of the corps are authorized as a part of their training to engage in the following police functions:

- (1) To assist police officers in the performance of police administrative duties at the Garnett Police Department.
- (2) To accompany and observe police officers in the performance of their official law enforcement duties.

Corps members shall not make arrests, nor take into custody person or persons accused or alleged to have violated the ordinance of the city, nor in assisting a law enforcement officer of the city, in the making of such arrest or taking into custody of such person.

Section 5. This Ordinance shall take effect and be in force from and after its passage and publication in the official paper of the City of Garnett, Kansas

Passed and approved this 25 day of January, 1971.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2162

AN ORDINANCE AUTHORIZING THE ISSUANCE OF RENEWAL TEMPORARY BOND NOTES IN THE AMOUNT OF \$ _____ OF THE CITY OF GARNETT, KANSAS, TO FINANCE THE CONSTRUCTION OF SANITARY SEWERS IN SEWER DISTRICT NO. 18 OF SAID CITY.

WHEREAS, the Governing Body of the City of Garnett, Kansas has completed the construction of improvements for and in Sewer District No. 18 of said city, pursuant to proceedings duly and regularly had for the construction of sanitary sewers in said City; and

WHEREAS, Temporary Note No. 1 of said City, issued in the amount of \$4,055.20, and maturing on the 31st day of December, 1969, remains unpaid; and

WHEREAS, the Governing Body has received and considered the report of the City Attorney of said City to the effect that litigation concerning the payment for improvements in and for Sewer District No. 18 is imminent and threatened, and has thereupon found and determined that the issuance of bonds for the payment of said improvements is improvident and effectively prevented.

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

SECTION 1. The Governing Body is hereby authorized to redeem and cancel Temporary Note No. 1 upon resolution, and to pay said Note together with accrued interest upon the issuance of Renewal Temporary Bond Note No. 2 as hereinafter provided for.

SECTION 2. For the purpose of providing funds to pay for the cost of construction of sanitary sewers in the City of Garnett, designated as Sewer District No. 18, as authorized by Ordinance No. 2058, until bonds can be issued therefor, the Mayor and City Clerk be and they hereby are authorized to issue a Renewal Temporary Bond Note, designated as No. 2, and issued in an

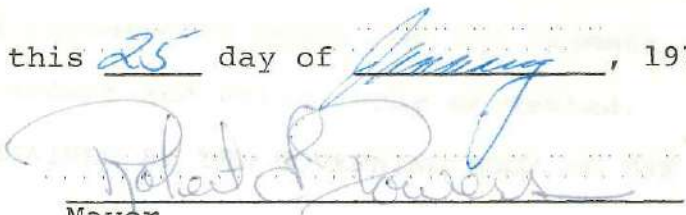
amount not to exceed the balance of the unpaid assessments currently funded by Temporary Note No. 1 as the Governing Body shall by resolution determine upon the redemption and cancellation of Temporary Note No. 1. Said resolution shall further provide the rate of interest and date of maturity for said Renewal Temporary Bond Note No. 2, and said Note shall be redeemable and cancellable at the time permanent bonds are issued in lieu thereof.

SECTION 3. Said Note shall be signed by the Mayor or Acting 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 provided by law.

SECTION 4. Said Note shall contain the usual and customary recitals and be in the form and style provided by the Statutes of the State of Kansas; and specifically as provided by K.S.A. 10-123 (1970 Supp.).

SECTION 5. This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian.

PASSED and APPROVED this 25 day of January, 1971.



Mayor

ATTEST:



City Clerk

(Seal)

ORDINANCE NO. 2166

AN ORDINANCE AMENDING TITLE IX OF THE CITY CODE OF THE CITY OF GARNETT BY ADDING SECTIONS 9-13-1 THROUGH 9-13-8 PROVIDING FOR THE APPROVAL OF ONE OR MORE POLE LEASE AGREEMENTS, GRANTING USE OF PUBLIC WAYS TO THE LICENSORS, REQUIRING SAFE INSTALLATIONS, PROHIBITING UNAUTHORIZED CONNECTIONS, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. Title IX of the City Code of the City of Garnett is hereby amended by the addition of the following sections:

Section 9-13-1. Approval of Pole Lease Agreements. The right, authority and privilege is hereby granted to the governing body of the City of Garnett to approve and to execute any and all utility pole lease agreements considered appropriate, covering poles owned or controlled by said City. Said pole lease agreements may, but shall not be limited to firms, corporations, partnerships and individuals providing telephone and telegraph services or community antennae television service and closed-circuit electronic services on subscription basis.

Section 9-13-2. Right to Provide Services Granted. There is hereby granted the non-exclusive right, authority, and power to establish, construct, acquire, maintain and operate telephone and telegraph and community antennae television and closed-circuit electronic service from such system to the inhabitants of the City and its environs upon approval and execution of the appropriate utility pole lease agreement with the City.

Section 9-13-3. Use of Public Ways Granted. Upon approval and execution of the appropriate utility pole lease agreement with the City, any firm, corporation, partnership or individual providing telephone and telegraph and/or community antennae and closed-circuit electronic services is hereby granted the right to enter and construct, erect, locate, re-locate, repair and re-build its towers, poles, cables, amplifier, conduits, and other facilities and equipment owned, leased, or otherwise used by the firm in, on, under, along, over and across the streets, alleys, avenues, parkways, lanes, bridges, and other public places of the City.

Section 9-13-4. Changes Required by Public Improvements. If, by reason of traffic conditions, public safety, street vacation, freeway or street construction, any of the facilities and equipment herein granted use of public ways must be temporarily disconnected, relocated, further protected or supported, it shall be accomplished as quickly as possible by the owners of said equipment and facilities entirely at their own expense. Should the requested changes not be completed within 30 days of request made by proper City officials, the City may cause such work to be done and the owners required to reimburse the City for all expenses incident thereto.

Section 9-13-5. Power of City to Require Removal. The City shall have the power at any time to order and require removal or modification of any towers, poles, wires, cables, manholes, conduit or other structure that is dangerous to life or property, and in the event the owner, after notice, fails to remove, modify or abate the same at his own expense, the City shall so remove, modify or abate said dangerous situation.

Section 9-13-6. Unauthorized Connections. It shall be unlawful for any person, firm, or corporation to make any unauthorized connection whether physically, electrically, inductively or otherwise, with any part of any system authorized hereunder for the purpose of enabling himself or others to take or receive any telephone or telegraph communications, any television signal, radio signal, picture program or sound, without the authorization or payment to the owner of said system.

Section 9-13-7. Subject to Laws of. At all times during the life of any agreement granted hereunder, the Licensee holder shall be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter by Resolution or Ordinance provide. The construction, operation and maintenance of any and all systems shall be in full compliance with all applicable rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the City, the State of Kansas and the United States Government, as well as in full compliance with the National Electronic Code as from time-to-time amended and revised.


Section 9-13-8. Penalties. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties outlined in Title I, Chapter 3, of the City Code.

Section II. Ordinance Repealed. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section III. Effective Date of Ordinance. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City paper.

PASSED and APPROVED this 29 day of March, 1971.

CITY OF GARNETT, KANSAS

By: 
Robert L. Powers, Mayor

Attest:


R. G. Doran, City Clerk

(S E A L)

(Published in The Anderson Countian, Thursday, June 3, 1971)

ORDINANCE NO. 2172

AN ORDINANCE AUTHORIZING NOTICE TO BE GIVEN OF THE INTENTION OF THE CITY OF GARNETT, KANSAS TO EXTEND, ENLARGE AND IMPROVE ITS MUNICIPALLY OWNED ELECTRIC UTILITY.

WHEREAS, the governing body of the City of Garnett, Kansas has found and determined that it is necessary to extend, enlarge and improve its municipally owned electric utility by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanical and electrical work connected therewith.

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

Section 1. That it is hereby found and determined that the municipally owned electric utility of the City of Garnett, Kansas should be extended, enlarged and improved by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanical and electrical work connected therewith.

Section 2. That the total cost of the extension, enlargement and improvement of said utility shall not exceed \$490,000 which shall be paid for by the issuance of revenue bonds not exceeding said amount as authorized by K.S.A. 10-1210. That the City Clerk is hereby directed to give notice in the official city newspaper of the intention of the governing body to make such extension, enlargement and improvement of said City's municipally owned electric utility in accordance with the requirements of said statute.


Section 3. That this ordinance shall take effect and be in full force and effect from and after its passage by the Board of Commissioners of said City and its publication in the official City newspaper.

Passed by the Board of Commissioners and signed by the Mayor this 1st day of June, 1971.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2174

AN ORDINANCE REGULATING THE SALE AND USE OF EXPLOSIVES AND FIREWORKS IN THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE SAFETY AND PROTECTION OF PERSONS AND PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATION OF THE SAME AND REPEALING ORDINANCE NO. 1990 (MAY 23, 1966)

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

Section 1. It shall be unlawful for any person or persons in the City of Garnett, Kansas, to expose for sale, offer for sale, or sell any blank cartridge, firecracker, torpedo, skyrocket, or other fireworks or explosives at retail before the 27th day of June, 1971, and after the 5th day of July, 1971, and on the same dates of each year thereafter, except as hereinafter provided.

Section 2. It shall be unlawful for any person or persons to sell or offer for sale any blank cartridges, torpedoes, skyrockets, or other fireworks or explosives at retail at any time, except when the same are sold from an established place of business. The sale or offer for sale of any of the items described herein from temporary stands located on parking areas, in residential areas, or in any other place, other than an established place of business, is prohibited.

Section 3. It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded in the City of Garnett, Kansas, any of the fireworks or explosives mentioned in Section 1 of this Ordinance, except on the days said fireworks may be sold at retail.

Section 4. It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded in the City of Garnett, Kansas, any of the fireworks or explosives mentioned in Section 1 of this Ordinance, at any time, within One Thousand Feet of any hospital, sanitarium or infirmary; into or under a car or vehicle, whether moving or standing still; from any car or vehicle, whether moving or standing still; or within One Hundred Feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

Section 5. It shall be unlawful for any person or persons to sell or to explode such fireworks items as M-80's, cherry bombs, bulldog salutes, skyrockets, tubular salutes, repeating bombs, aerial bombs, torpedoes, metal propelled items, and similar items as declared to be illegal in the State of Kansas or any rules and regulations promulgated by the State Fire Marshal.

Section 6. Nothing in this Ordinance shall be construed to prohibit the sale or use of blank powder, dynamite, or other explosives, for industrial purposes, or the sale and use of loaded cartridges and other ammunition for firearms not prohibited by other ordinances; and provided further that the City Commission may grant permission to any responsible person, persons, or committee for patriotic displays of fireworks on the 4th of July, or such other occasion as they may deem proper, with proper safeguard as to fire protection.

Section 7. Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and shall be punished as provided for in Title I, Ch. 3, Section 1, of the City Code of the City of Garnett, Kansas.

Section 8. Ordinance No. 1990, dated May 23, 1966, of the City of Garnett, Kansas, is hereby repealed.

Section 9. This Ordinance shall take effect and be in force from and after its passage by the Governing Body of the City of Garnett, Kansas, and publication in the official City paper.

PASSED and APPROVED this 16th day of June, 1971.



Mayor

Attest:



City Clerk

(PUBLISHED IN THE ANDERSON COUNTIAN August 17, 1971)

ORDINANCE NO. 2177

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF \$490,000 PRINCIPAL AMOUNT OF ELECTRIC LIGHT PLANT AND SYSTEM REVENUE BONDS, SERIES OF 1971, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF EXTENDING, ENLARGING AND IMPROVING THE CITY'S MUNICIPALLY OWNED ELECTRIC UTILITY BY PURCHASING A NEW GENERATING UNIT AND AUXILIARIES, CONSTRUCTING A BUILDING FOR SAID GENERATING UNIT AND PROVIDING ADDITIONAL IMPROVEMENTS INCLUDING THE NECESSARY MECHANICS AND ELECTRIC WORK CONNECTED THEREWITH, PRESCRIBING THE FORM AND DETAILS OF SAID REVENUE BONDS, PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEM FOR THE PURPOSES AUTHORIZED BY LAW INCLUDING PAYING THE COST OF OPERATION, IMPROVEMENT AND MAINTENANCE OF SAID UTILITY; PAYING THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS OF SAID CITY ISSUED AGAINST SAID SYSTEM AND PROVIDING ADEQUATE RESERVE FUNDS, AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 10-1201 to 10-1212, inclusive, and all amendments thereto, the governing body of the City of Garnett, Kansas, heretofore caused to be published in the official City newspaper a notice of the intention of the City to extend, enlarge and improve its municipally owned electric utility by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanics and electric work connected therewith, and

WHEREAS, within fifteen days after the publication of the notice aforesaid, no written protest was filed with the City Clerk of said City against said extensions, enlargements and improvements or against the issuance of said revenue bonds, and the City is now authorized to make such extensions, enlargements and improvements, and

WHEREAS, the governing body of said City has caused preliminary plans and specifications for such improvements and an estimate of the cost thereof to be made by the City's consulting engineers, which plans, specifications and estimate have been and hereby are accepted and approved and are now on file in the office of the City Clerk, and

WHEREAS, it appears from said estimate and the governing body of the City hereby finds and determines that the cost of said improvements will be in the sum of \$490,000 and that it is necessary at this time that the City proceed forthwith to issue its Electric Light Plant and System Revenue Bonds, Series of 1971, in the principal amount of \$490,000 for the purpose of paying part of the cost of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanics and electrical work connected therewith as provided in the notice of intention aforesaid,

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

Section 1. That the word "City" as used in this ordinance shall mean the City of Garnett, Kansas. The words "generating plant," "electric system," "electric utility," "electric works," "system," "utility," and "works" as used in this ordinance shall mean the City's entire electric plant and system serving the City, its inhabitants, and others, including all facilities for the generation, production and acquisition of electric energy, and the distribution and sale thereof, and including all improvements, extensions and enlargements of the City's electric system hereafter purchased, constructed, made or acquired by the City. The words "principal underwriters" as used in this ordinance shall mean E. F. Hutton & Co., Inc., of Kansas City, Missouri.

Section 2. That for the purpose of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanics and electrical work connected therewith, there is hereby authorized and directed to be issued a series of Electric Light Plant and System Revenue Bonds, Series of 1971, of the City of Garnett, Kansas, in the principal amount of \$490,000, said bonds being hereinafter sometimes referred to as the "bonds" or the "revenue bonds."

Section 3. That said series of bonds shall be designated as "Series of 1971" and shall consist of 98 bonds, numbered from 1 to 98, inclusive, each in the denomination of \$5,000. Said bonds shall be dated August 1, 1971, and said bonds shall be numbered, shall become due serially on August 1 in each year, and shall bear interest as follows:

<u>Bond Numbers</u>	<u>Principal Amount</u>	<u>Maturity August 1</u>	<u>Annual Rate of Interest</u>
1 - 8	\$40,000	1974	4 1/2%
9 - 16	40,000	1975	4 1/2%
17 - 25	45,000	1976	4 1/2%
26 - 38	65,000	1977	4 1/2%
39 - 52	70,000	1978	4 1/2%
53 - 66	70,000	1979	4.3%
67 - 82	80,000	1980	4.4%
83 - 98	80,000	1981	4 1/2%

At the option of the City, bonds numbered 67 to 98, inclusive, may be called for redemption and payment prior to their maturity as a whole or in part in inverse numerical order on August 1, 1979, or on any interest payment date thereafter at par and accrued interest to date of redemption together with a premium of two per cent (2%) of the principal amount of the bonds so redeemed and paid.

If the City shall elect to call for redemption and payment any of said bonds numbered 67 to 98, inclusive, prior to the maturity thereof, the City shall publish once in the official state paper of the State of Kansas, a notice of the intention of the City to call and pay said bonds, the same being described by number, said notice to be published in said paper not less than thirty (30) days nor more than sixty (60) days prior to the date on which said bonds are called for payment. The City shall also give written notice of the intention of the City to redeem and pay said bonds, said notice to be given by United States registered mail addressed to the underwriters and to be

mailed not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, 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.

Interest on said bonds at the rates hereinbefore specified shall be payable semiannually on February 1 and August 1 in each year.

Said bonds and interest coupons to be attached thereto as hereinafter provided shall be payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 4. Said bonds and each of them shall be executed for and on behalf of the City by the signatures of the Mayor and City Clerk, with the seal of the City affixed. Interest coupons shall be attached to said bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 5. Each of said bonds and interest coupons attached thereto and the certificates to appear thereon shall be in substantially the following form:

No. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

ELECTRIC LIGHT PLANT AND
SYSTEM REVENUE BOND
SERIES OF 1971

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby promises to pay, out of the revenues hereinafter specified, to the bearer, the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of August, 19__, and to pay interest thereon from the date hereof at the rate of _____ per cent (____%) per annum, payable semiannually on February 1 and August 1 in each year until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached, bearing the facsimile signatures of the Mayor and City Clerk of said City as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer, in the City of Topeka, Kansas.

(In bonds numbered 67 to 98, inclusive, insert here the redemption paragraph hereinafter set forth.)

THIS BOND is one of an authorized series of 98 bonds of the City of Garnett, Kansas, of like date and tenor, except as to number, interest rate, privilege of redemption, and maturity, aggregating the principal amount of \$490,000, numbered from 1 to 98, inclusive, each in the denomination of \$5,000, issued for the purpose of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including the necessary mechanics and electrical work connected therewith, by 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. 10-1201 to 10-1212, inclusive, and all amendments thereto and all other provisions of the laws of said State applicable thereto, and this bond and all interest hereon are to be paid by said City of Garnett, Kansas, solely from the revenues derived from the rates, fees or charges collected by said City from the operation of its electric system and not from any other fund or source. The series of revenue bonds of which this bond is a part is junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds of the City, dated March 1, 1961, now outstanding in the principal amount of \$131,000, becoming due serially on March 1, 1972 to 1976, inclusive, and said series of revenue bonds of which this bond is a part stands on a parity with respect to the payment of principal and interest and in all other respects with a series of Electric Light Plant and System Revenue Bonds, Series of 1968, dated March 1, 1968, in the original principal amount of \$175,000, of which \$85,000 principal amount remains outstanding.

This bond and the series of which it is a part have been authorized and issued under the provisions of Ordinance No. 2177 of the City, passed and adopted on August 9, 1971, to which ordinance reference is made for a description of the covenants made by the City with respect to the collection, segregation and application of the revenues of the City's electric system, the nature and extent of the security of such bonds, the rights, duties and obligations of the City with respect thereto and the rights of the holders thereof. Under the terms of such ordinance the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as this bond and the series of which it is a part, provided, however, such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in said ordinance.

THIS BOND has been duly registered in the office of the City Clerk of the City of Garnett, Kansas, and in the office of the State Auditor of Kansas, and this bond and the coupons attached hereto are negotiable.

AND 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 properly 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.

IN WITNESS WHEREOF, the City of Garnett, in the State of Kansas, by its governing body, has caused this bond to be signed by its Mayor and attested by its City Clerk, and its corporate

seal to be hereto affixed and the interest coupons hereto attached to be signed by the facsimile signatures of said officers, and this bond to be dated this First day of August, 1971.

Mayor

ATTEST:

City Clerk

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Electric Light Plant and System Revenue Bond, Series of 1971, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

OFFICE OF THE STATE AUDITOR OF KANSAS

I, Clay E. Hedrick, State Auditor of Kansas, 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 and the coupons attached thereto were registered in my office according to law this _____.

WITNESS my hand and official seal.

State Auditor of Kansas

By _____
Assistant State Auditor

(FORM OF COUPON)

All Coupons for 6
months due February
1 and September 1.

Bonds	1 - 52	\$112.50
	53 - 66	107.50
	67 - 82	110.00
	83 - 98	112.50

Coupon No. _____

February,)
 On the First day of August, 19__,)
 the City of Garnett, Kansas will pay bearer,)
 solely from the revenues derived by said)
 City from the rates, fees or charges col-)
 lected by said City from the operation of)
 its electric system and not from any other)
 fund or source, _____ Dollars)
 and _____ Cents, in lawful)
 money of the United States of America, at)
 the office of the State Treasurer, Topeka,)
 Kansas, being six months' interest on its)
 Electric Light Plant and System Revenue)
 Bond, Series of 1971, dated August 1, 1971,)
 No. _____.

February 1,
August 1, 19__.

City of Garnett,
Kansas

(facsimile)

Mayor

\$ _____

ATTEST:

(facsimile)

Mayor

Bonds numbered 67 to 98, inclusive, shall contain the follow-
ing additional text:

At the option of the City of Garnett, Kansas, bonds numbered 67 to 98, inclusive, of the series of which this bond is a part may be redeemed and paid prior to maturity as a whole or in part in inverse numerical order on August 1, 1979 or on any interest payment date thereafter, at par and accrued interest to date of redemption, together with a premium of two per cent (2%) of the principal amount of each such bond so redeemed and paid. If this bond is called for redemption and payment prior to maturity, the City will publish once in the official state paper of the State of Kansas, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption,

a notice of the intention of the City to call and pay this bond on a specified date. If this bond be called for redemption and payment as aforesaid, all interest on this bond shall cease from and after the date on which such call is made, provided funds are available for the payment of this bond at the price hereinbefore specified.

Section 6. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the Electric Light Plant and System Revenue Bonds, Series of 1971, of the City herein authorized, and to cause said bonds to be registered as provided by law, and, when duly executed and registered, to deliver said bonds to the purchasers thereof on payment of the purchase price.

The accrued interest on said bonds received on the sale thereof shall be credited to the "Electric System Bond and Interest Account for Bonds dated August 1, 1971," hereinafter ordered to be established. The principal amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the treasury of the City, to be known as the "Electric System Construction Fund," sometimes hereinafter referred to as the "Construction Fund," and shall be used by said City together with other cash funds on hand for the sole purpose of extending, enlarging and improving the City's municipally owned electric utilities by purchasing a new generating unit and auxiliaries, constructing a building for said generating unit and providing additional improvements including necessary mechanics and electric work connected therewith, as hereinbefore specified. Withdrawals from said fund shall be made on duly authorized and executed warrant therefor accompanied by a certificate executed by the City Superintendent that such payment is being made for a purpose within the scope of this ordinance and that the amount of such payment represents only the contract price or reasonable value of the property, labor, materials, service or obligation being paid for, or, if such payment is not being made pursuant to an express contract that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment of all costs and expenses incident to the issuance of the bonds herein authorized without a certificate from the City Superintendent. Any surplus in said "Construction Fund" not required to make said improvements and extensions shall be credited to the "Electric System Bond and Interest Account for Bonds dated August 1, 1971," hereinafter ordered to be established.

Section 7. The \$490,000 principal amount of Electric Light Plant and System Revenue Bonds, Series of 1971, of the City, dated August 1, 1971, herein authorized, are hereby made a lien on the revenues produced from the electric system of the City and the principal of and interest on said bonds shall be payable solely from the revenues derived by said City from the operation of its electric system, including all revenues from improvements, extensions and enlargements in and to said electric system hereafter constructed or acquired, and neither said bonds nor the interest thereon shall be payable in whole or in part out of funds raised by taxation. Said bonds shall not be or constitute a general obligation of the City of Garnett, Kansas, nor shall they constitute indebtedness of said City within the meaning of any Constitutional or statutory limitation. Said series of bonds shall be junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds of the City, dated March 1, 1961, now outstanding in the principal amount of \$131,000, becoming due serially

on March 1, 1972 to 1976, inclusive, and said series of bonds shall stand on a parity with respect to the payment of principal and interest and in all other respects with a series of Electric Light Plant and System Revenue Bonds, Series of 1968, dated March 1, 1968, in the original principal amount of \$175,000, of which \$85,000 principal amount remains outstanding.

Section 8. The "Electric Utility Fund" created by Ordinance No. 1841 of the City, passed February 13, 1961, which said ordinance authorized the issuance of \$280,000 principal amount of Electric Light Plant and System Revenue Bonds of said City dated March 1, 1961, of which \$131,000 principal amount of bonds remain outstanding, for the purpose of handling all revenues and expenses of the electric system owned and operated by the City shall continue and the City covenants and agrees, that so long as any of the bonds herein authorized remain outstanding and unpaid, all of the revenues derived by the City from the operation of its electric system, including all revenues from improvements, extensions, and enlargements in and to said electric system hereafter constructed or acquired by the City, will be paid and deposited in said "Electric Utility Fund" and that the monies in said "Electric Utility Fund" will be administered and used solely as hereinafter in this ordinance provided and the same will not be mingled with the other funds of the City.

Section 9. The creation and establishment by said Ordinance No. 1841 of the "Electric Utility Fund" and by Ordinance No. 1841 of the additional separate Bond Reserve Fund be, and the same is hereby ratified and confirmed. Likewise, the creation and establishment by Ordinance No. 2048 of the additional separate Bond and Interest Account, Bond Reserve Account and Surplus Account be, and the same are hereby ratified and confirmed. In addition to the funds aforesaid, there are hereby created and ordered to be established in the treasury of the City two separate accounts, each of which shall be maintained and administered by the City as hereinafter provided so long as any of the bonds herein authorized remain outstanding, to-wit:

- (a) "Electric System Bond and Interest Account for Bonds dated August 1, 1971" herein sometimes referred to as the "Bond and Interest Account,"
- (b) "Electric System Bond Reserve Account for Bonds dated August 1, 1971", herein sometimes referred to as the "Bond Reserve Account," and

The fund referred to in Section 8 herein shall be maintained by the City in accordance with the provisions of Ordinance No. 1841 so long as any of the Electric Light Plant and System Revenue Bonds, Series of 1971, of the City, dated August 1, 1971, remain outstanding and unpaid. Likewise, the accounts referred to in Section 9 herein shall be maintained by the City in accordance with the provisions of said Ordinance No. 2048 so long as any of the revenue bonds authorized herein remain outstanding and unpaid. The accounts referred to in paragraphs (a) and (b) of Section 9 herein shall be maintained and administered by the City as hereinafter provided so long as any of the Electric Light Plant and System Revenue Bonds, Series of 1971, of the City herein authorized remain outstanding and unpaid.

Section 10. Monies paid and deposited in the "Electric Utility Fund" hereinbefore ratified established shall be administered and disposed of so long as any of the bonds herein authorized are outstanding as follows:

(a) The City, each month, shall pay or make provision for the payment of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month and keeping the same in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, and insurance. No monies in the "Electric Fund" shall be used for the purpose of extending or enlarging the City's electric system.

(b) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month the City shall next pay or credit from the "Electric Utility Fund" into the "Bond and Interest Account" to the extent necessary to meet at the maturity thereof all interest on and principal of the bonds herein authorized, the following sums:

(i) On the first day of each month beginning as of August 1, 1971 and ending January 1, 1972, such proportionate amounts as may be necessary to pay the interest that will become due on the bonds herein authorized on February 1, 1972, and on February 1, 1972, and continuing on the first day of each month thereafter so long as any of said bonds remain outstanding and unpaid, an amount not less than one-sixth of the amount of interest that will become due on said bonds on the next succeeding interest payment date; and

(ii) On the first day of each month beginning as of August 1, 1971 and ending July 1, 1974, such proportionate amounts as may be necessary to pay the principal of the bonds herein authorized on August 1, 1974; and on August 1, 1974, and continuing on the first day of each month thereafter, an amount not less than one-twelfth of the principal amount of said bonds that will become due on the next succeeding bond maturity date.

All amounts paid or credited to said "Bond and Interest Account" shall be used and expended by the City for the sole purpose of paying the principal of and interest on the bonds herein authorized, Series of 1971, as and when the same become due.

(c) There shall next be paid and credited from the "Electric Utility Fund" to the "Electric System Bond Reserve Account for Bonds dated August 1, 1971," the sum of Five Hundred Dollars (\$500) each month, beginning August 1, 1971, and continuing on the first day of each month thereafter until August 1, 1976 whereupon such monthly payment and credit shall be increased to \$1,000, beginning on said date and continuing on the first day of each month thereafter until there shall have accumulated in said "Bond Reserve Account" the sum of Sixty Thousand Dollars (\$60,000).

As long as monies and investments in said "Bond Reserve Account" shall aggregate not less than Sixty Thousand Dollars (\$60,000), no further payments into said account shall be required, but if at any time or from time to time the City shall be compelled to use and expend any part of said "Bond Reserve Account" for the purpose of paying the principal of or interest on the bonds herein authorized and such use shall reduce the amount of said account below the sum of Sixty Thousand Dollars (\$60,000), then the City after making all payments into the "Bond and Interest Account" at the time required to be made by the City under the provisions of paragraph (c) of this Section, will pay or credit from the "Electric Utility Fund" into said "Bond Reserve Account" such sums as may be necessary to maintain said account in the amount of Sixty Thousand Dollars (\$60,000).

Monies in said "Bond Reserve Account" shall be used and expended by the City solely to prevent any default in the payment of the principal of or interest on the bonds herein authorized, Series of 1971, if the monies in the "Bond and Interest Account" are insufficient to pay the principal of or interest on said bonds as they become due and if no other funds are available to pay said principal and interest. No part of said "Bond Reserve Account" shall ever be used or expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Bond Reserve Account" after such call and payment, an amount equal to the principal of all of the bonds herein authorized then outstanding together with all interest that will become due thereon to maturity.

The obligation of the City to make said payments into said "Bond Reserve Account" shall be subordinate to the obligation of the City to pay from the "Electric Utility Fund" the principal of and interest on an issue of Electric Light Plant and System Revenue Bonds, dated March 1, 1961, heretofore authorized by the City, and to the obligation of the City to pay from the "Electric Utility Fund" the principal of and interest on any electric system revenue bonds of the City hereafter issued by the City in conformity with the provisions hereinafter contained and standing on a parity with the Electric Light Plant and System Revenue Bonds, Series of 1971, herein authorized.

Monies in the "Electric System Bond Reserve Account" for Bonds dated March 1, 1971, shall be used to pay and retire the last outstanding bonds herein authorized unless such bonds and all interest thereon be otherwise paid.

(d) After all amounts required at the time to be paid or credited from the "Electric Utility Fund" into the "Bond and Interest Account", and the "Bond Reserve Account" under the provisions of paragraphs (b) and (c) of this Section shall have been so paid or credited, and if at the time the City shall not be in default in the performance of any covenant or agreement contained in this ordinance, the City, at the close of each fiscal year of the City's electric system, after retaining in the "Electric Utility Fund" such amount as the governing body of the City may deem necessary to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of sixty days, shall pay and credit remaining monies then in the "Electric Utility Fund" to the "Electric System Surplus Account." Monies in said "Surplus Account" may be applied by the governing body of the City to any purpose authorized by the laws of this State.

Section 11. If at any time the revenues derived by the City from the operation of its electric system shall be insufficient to make any payment or credit on the date or dates hereinbefore specified, the City shall make good the amount of such deficiency by making payments or credits out of the first available revenues thereafter received by the City from the operation of its electric system, such payments and credits being made and applied in the order hereinbefore specified in Section 10 hereof.

Section 12. If at any time the monies in the "Bond and Interest Account" and in the "Bond Reserve Account" are not sufficient to pay the principal of or interest on the bonds herein authorized as and when the same become due, then the amount of such deficiency shall be made up by transfer of monies from the other funds and accounts hereinbefore created in the following order: First, from the "Surplus Account," and second from monies held in the "Electric Utility Fund" provided, however, that there shall always remain in the "Electric Utility Fund" an amount sufficient to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of thirty days.

Section 13. Any monies held in any fund or account which are not immediately needed for the purposes of such fund or account may be invested by the City in direct obligations of the United States Government, provided, however, that no such investment shall be made for a period extending longer than to the date when the monies invested may be needed for the purpose for which such fund or account was created, and no investment shall be made in obligations maturing longer than five years after the date of purchase. Cash monies in each of the funds and accounts herein created or established shall be deposited in a bank or banks in Garnett, Kansas, which are members of the Federal Deposit Insurance Corporation and all such bank deposits shall be adequately secured by the banks holding such deposits. All interest on any investments held in any fund or account created by or referred to in this ordinance shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this ordinance, obligations of the United States Government shall be valued at the market value thereof.

Section 14. The City of Garnett, Kansas, covenants with each of the purchasers and owners of any of the Electric Light Plant and System Revenue Bonds of the City, Series of 1971, herein authorized, that so long as any of said bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees and charges for the use of or services rendered by the electric system of said City, including improvements, extensions and enlargements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said utility, provide an adequate depreciation fund, pay the principal of and interest on all electric system revenue bonds issued by the City against said utility and create and maintain reasonable reserve accounts as hereinbefore specified.

(b) None of the facilities or services afforded by the electric system of the City will be furnished to any user without a reasonable charge being made therefor. The City will pay monthly into the "Electric Utility Fund" for the electric energy or other

service furnished the City for operating any city owned sewer lift stations in accordance with effective applicable rates, fees and charges. In the event that the net revenues derived by the City from the operation of its electric system shall at any time prove insufficient to pay the principal of and interest on the Electric Light Plant and System Revenue Bonds, Series of 1971, of the City herein authorized as and when the same become due, then the City will thereafter pay into the "Electric Utility Fund" a fair and reasonable payment in accordance with effective applicable rates, fees and charges for all electric energy or other service furnished the City for lighting the City's streets and its public buildings and the facilities housed therein and any other service rendered by the City's electric system to the City or any of its departments, and such payments will continue so long as necessary to prevent any default in the payment of the principal of or interest on the bonds of the City herein authorized, or so long as any default in such payment shall exist.

(c) The City will maintain in good repair and working order the City's electric system and will operate the same in an efficient manner and at reasonable cost. In such operation the City will require the prompt payment of accounts and will discontinue electric service to any customer delinquent in the payment of his account for a period which shall not exceed sixty (60) days.

(d) At the end of each fiscal year the City will cause the superintendent of its electric system or an independent consulting engineer or firm of consulting engineers having a national reputation for skill and experience in the construction and operation of public utilities to make an examination and report on the condition and operation of the City's electric system, such report to include recommendations as to any changes in such operation deemed desirable. 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 year. A copy of each such report will be filed in the office of the City Clerk and duplicate copies thereof shall be mailed promptly to the underwriter.

(e) The City will not mortgage, pledge or otherwise encumber its electric system or any part thereof or any improvement, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said electric system or any material part thereof, provided, however, the City may dispose of any property which has become obsolete, non-productive, or otherwise unusable to the advantage of the City. Any cash proceeds derived from the sale of such property shall be used by the City to improve, extend or enlarge the City's electric system.

(f) The City will carry and maintain a reasonable amount of all-risk insurance upon the properties forming a part of its electric system insofar as they are of an insurable nature, the amount of such insurance being such amount as would normally be insured by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with all reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then in redeeming or purchasing outstanding electric system revenue bonds of the City including the bonds herein authorized or other electric system revenue bonds of the City hereafter issued in accordance with the conditions contained in this ordinance and standing on a parity with the bonds herein authorized, such redemption

or purchase being made in accordance with the provisions of this ordinance relating to the redemption or purchase of bonds. The City in operating its electric 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 any such policies shall be used in paying the claims on account of which such proceeds were received, provided, however, the City may elect to accept the provisions of the Workmen's Compensation Act of the State of Kansas as authorized by K.S.A. 44-505, and any amendments thereto hereafter enacted and, in such event, may elect to carry its own risk in accordance with the provisions of the statutes of the State of Kansas. The cost of all insurance referred to in this paragraph (f) shall be paid as an operating cost out of the revenues of the City's electric system.

(g) 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 properties, business and affairs of the electric system of the City. Such accounts shall show the amount of revenue received from said utility, the application of such revenue, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of electric utilities. The City will operate its electric system on the basis of a fiscal year beginning on January 1st and ending on December 31st. Annually, as soon as possible following the close of each fiscal year, the City will cause an audit to be made by a competent firm of certified public accountants experienced in public utility accounting of the accounts of its electric system for the preceding fiscal year. Each such audit, in addition to such matters as may be thought proper by said accountant shall, without limiting the generality of the foregoing, include statements of gross revenues, operational expenditures, and net operational incomes and shall contain an operational balance sheet, a statement of profit and loss, a statement of all bonds called or matured and all interest paid, a statement of the number of customers served, a statement of the amount and character of all insurance carried, and a statement and summary of the accountants' recommendations as to the City's practices and procedures of Electric System operations. Within thirty (30) days after the completion of each such audit, said accountants shall file a copy thereof in the office of the City Clerk and shall forward copies of such audit to the underwriter.

If such audit shall disclose that proper provision has not been made for all of the requirements of the law under which the bonds herein authorized are issued, and of this ordinance, the City covenants and agrees that it will promptly proceed to cause to be charged for the services rendered by the City's electric system rates which will adequately provide for such requirements.

The City will cause to be prepared and mailed semiannually to the underwriters and to such others as may be designated from time to time by it a semiannual operating report showing the receipts and disbursements of its electric system.

(h) The holder of any of the bonds of the City herein authorized shall have the right at all reasonable times to inspect the electric system of the City, and all records, accounts and data relating thereto, and any such holder shall be furnished by the City with all

such information concerning said utility and the operation thereof which he may reasonably request.

(1) The City will punctually perform all duties and obligations with respect to the operation and maintenance of its electric system, including all improvements, extensions and enlargements thereof, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this ordinance.

Section 15. The City of Garnett, Kansas, hereby covenants and agrees that so long as any of the bonds herein authorized remain outstanding and unpaid, said City will not issue any additional bonds or other obligations payable out of the revenues of its electric system which stand on a parity or equality with the bonds herein authorized unless all of the following conditions are met:

(a) The issuance of additional electric system revenue bonds shall be authorized or permitted under the laws of the State of Kansas.

(b) The average annual net income derived by the City from the operation of its electric system, such net income being defined as the gross income less only the reasonable expenses of operation, maintenance and repair of such utility but before any other payments or charges, for the two fiscal years next preceding the issuance of additional bonds, shall have been equal to at least one hundred twenty-five per cent (125%) of the maximum amount required to be paid out of said income in any succeeding fiscal year on account of both principal and interest becoming due with respect to all electric system revenue obligations of the City, including the additional revenue bonds proposed to be issued.

(c) The City shall not be in default in making any payments at the time required to be made by it into the respective accounts created or established by this ordinance.

Additional electric system revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the bonds herein authorized and shall enjoy complete equality of lien on and claim against the revenues of the City's electric system with the bonds herein authorized and the City may make equal provision for paying said bonds and the interest thereon out of the "Electric Utility Fund" and may likewise provide for the creation of a reasonable bond reserve account for the payment of such additional bonds and the interest thereon out of monies in said "Electric Utility Fund."

Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional electric system revenue bonds or other revenue obligations for the purpose of reconstructing, altering, repairing, improving, extending or enlarging the City's electric utility and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the City's electric system, provided that such additional revenue bonds or obligations shall be junior and subordinate to the bonds herein authorized so that if at any time the City shall be in default in paying either interest on or principal of the bonds herein authorized 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 other revenue obligations out of monies in the "Electric Fund."

Section 16. The provisions of the bonds authorized by this ordinance and the provisions of this ordinance may be modified or amended at any time by the City with the written consent of the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds herein authorized at the time outstanding; provided, however, that no such modification or amendment shall permit or be construed as permitting (a) the extension of the maturity of the principal of any of the bonds issued hereunder, or the extension of the maturity of any interest on any bonds issued hereunder, or (b) a reduction in the principal amount of any bonds or the rate of interest thereon, or (c) a reduction in the aggregate principal amount of bonds the consent of the holders of which is required for any such amendment or modification. Any provision of the bonds or of this ordinance may, however, be modified or amended in any respect with the written consent of the holders of all of the bonds then outstanding. Every amendment or modification of a provision of the bonds or of this ordinance to which the written consent of the bondholders is given as above provided shall be expressed in an ordinance of the City amending or supplementing the provisions of this ordinance and shall be deemed to be a part of this ordinance. It shall not be necessary to note on any of the outstanding bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this ordinance shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the holder of any bond or prospective purchaser or holder of any bond authorized by this ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this ordinance will be sent by the City Clerk to any such bondholder or prospective bondholder.

Section 17. The City agrees that if it shall default in the payment of the principal of or interest on any of its bonds herein authorized as the same shall become due and such default shall continue for a period of thirty (30) days, 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 statutes of the State of Kansas, then, at any time thereafter and while such default shall continue, the holders of twenty-five per cent (25%) in amount of the bonds herein authorized 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 herein authorized 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 said bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said bonds shall have been so declared to be due and payable, all arrears of interest upon all of said outstanding bonds, except interest accrued but not 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 amount of the bonds herein authorized 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 18. The provisions of this ordinance, including the covenants and agreements hereinbefore contained, shall constitute a contract between the City and the holders of the bonds herein authorized and the holder or holders of not less than ten per cent (10%) 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 proceeding at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel the City and its officers, agents and employees, to perform all duties and obligations required by the provisions of said ordinance or by the Constitution and laws of the State of Kansas.

(b) By suit, action or other proceeding 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.

(c) By suit, action or other proceeding 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.

Nothing contained in this ordinance, however, 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 herein authorized.

No remedy conferred hereby upon any holder of the bonds herein authorized is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred hereby. 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 the holder 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 may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to the holders of the bonds, then, and in every such case, the City and the holders of the bonds shall be restored to their former positions and rights and remedies as if no such suit, action or other proceeding had been brought or taken.

Section 19. This ordinance shall take effect and be in full force from and after its passage and publication once in the official City newspaper.

1971. PASSED by the City Council this 9th day of August,

APPROVED by the Mayor this 9th day of August, 1971.

151 Robert L. Powers
Mayor

ATTEST:

151 R. G. Doran
City Clerk

ORDINANCE NO. 2178

AN ORDINANCE CREATING AND ESTABLISHING A POLICE RESERVE UNIT IN THE CITY OF GARNETT, KANSAS, PRESCRIBING QUALIFICATIONS FOR MEMBERSHIP AND DEFINING THE POWERS AND DUTIES THEREOF

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

SECTION 1. There is hereby created and established a Police Reserve Unit, the members of which shall be appointed by the Chief of Police with the approval of the City Manager.

SECTION 2. Members of the Police Reserve Unit shall serve on a voluntary basis without pay or compensation.

SECTION 3. The Chief of Police shall be the commanding officer of the Police Reserve Unit and shall have complete control of the recruiting, assigning, training, stationing, and direction of the work of members thereof.

SECTION 4. The Chief of Police shall, with the approval of the City Manager, formulate and prescribe the necessary rules and regulations for the conduct and control of the Police Reserve Unit.

SECTION 5. The members of the Police Reserve Unit shall have police powers only when actually called on active duty by the Chief of Police. The Police Reserve Unit shall be ready at all times to assist the Police Department in periods of emergency, disaster, or any other occasion when additional forces may be necessary or desirable as determined by the Chief of Police.

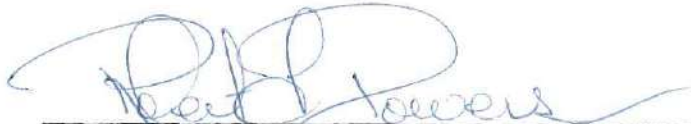
SECTION 6. The City is hereby authorized to expend funds from any legal available source for the operation and expense in the maintenance of the Police Reserve Unit.

SECTION 7. The City shall not be liable for any injuries occurring to members of the Police Reserve Unit, whether said injuries occurred while said members are acting^{as} Police Reserves or while they are off duty.

SECTION 8. The appointment of any member of the Police Reserve Unit may be terminated at any time by the Chief of Police or the City Manager.

SECTION 9. This Ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed by the Commission this 9th day of August, 1971.



Robert L. Powers
Mayor

A T T E S T:



R. G. Doran
City Clerk

ORDINANCE NO. 2179

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" EDITION OF 1971, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS AND REPEALING ORDINANCE NO. 2069.

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

Section 1. INCORPORATION OF STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulation of traffic within the corporate limits of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance For Kansas Cities" Edition of 1971, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. 2179" 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. REPEAL.

Ordinance No. 2069 of the Ordinances of the City of Garnett, Kansas, is hereby repealed.

Section 3. EFFECTIVE DATE.

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

PASSED by the City Commission this 23rd day of August, 1971.

APPROVED and signed by the Mayor this 23rd day of August, 1971.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2180

AN ORDINANCE RELATING TO THE BUSINESS OF COMMERCIAL TREE TRIMMING, TREE PRUNING, AND TREE REMOVAL WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; PROVIDING FOR A LICENSE TO PERFORM SUCH WORK, FOR INSURANCE COVERAGE FOR SUCH WORK, AND PROVIDING PENALTIES FOR VIOLATION OF THE SAME.

WHEREAS, The business of tree trimming, tree cutting, tree pruning, and removal of trees, or parts thereof is inherently dangerous and has not been heretofore regulated by the City of Garnett, Kansas, and there is a need for such regulation to protect both persons and property within said city.

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

Section 1. That no person, firm, association, or corporation shall engage in the business of tree trimming, tree cutting, tree pruning, or tree removal, or parts thereof, within the corporate limits of the City of Garnett, Kansas, without having first obtained a license from the City and complying with the conditions of this ordinance.

Section 2. Before a license shall be granted for tree trimming, tree cutting, tree pruning, or removal of trees, the applicant for such license must file and deposit with the City Clerk a policy or certificate of insurance issued by an insurance company authorized to do business in the State of Kansas, which policy or certificate is to be in the sum of at least \$10,000.00 for injury, damage, or death of persons and in a sum of at least \$10,000.00 for injury or damage to property. Said certificate to be approved by the City Attorney and the City Manager. Said insurance policy or certificate shall cover the applicant, his employees, agents, or servants performing any obligation under the applicant's license. Such policy or certificate shall carry an endorsement providing for actual notice to the City of Garnett, Kansas of any changes thereof. Said insurance policy shall provide that it cannot be cancelled until ten (10) days written notice has been filed with the City Clerk of the City of Garnett, Kansas. Said policy or certificate shall cover all items of damage named herein and shall contain no deductible provisions.


The license provided herein shall be automatically revoked upon the receipt of cancellation of the insurance policy or certificate required herein.

Section 3. The annual license fee for each applicant licensed hereunder shall be Ten Dollars (\$10.00) per year. A license granted hereunder shall be valid for a period of one (1) year after its date of issuance, unless revoked for non-compliance with the conditions of this ordinance.

Section 4. Any person, firm, association, or corporation operating a business of tree trimming, tree pruning, tree cutting, or removal of trees within the City of Garnett, Kansas, without having first obtained a license provided for herein, or shall carry on such business when such license has been revoked, shall, upon conviction thereof, be punished by a fine not to exceed One Hundred Dollars (\$100.00). Each day any violation of this ordinance shall continue shall constitute a separate offense.

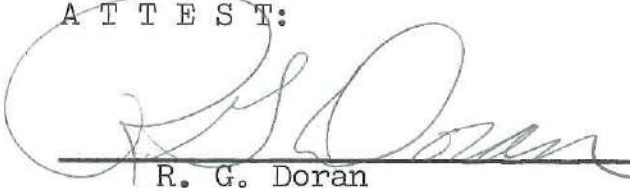
Section 5. This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

Passed by the Commission this 13th day of August, 1971.



Robert L. Powers
Mayor

A T T E S T:



R. G. Doran
City Clerk

ORDINANCE NO. 2185

AN ORDINANCE REPEALING TITLE 4, CHAPTER 4, SECTION 2 OF THE CITY CODE OF GARNETT, KANSAS, AND ESTABLISHING NEW RESIDENCE AND COMMERCIAL, AND LARGE INDUSTRIAL-COMMERCIAL GAS RATES

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

Section 1. REPEAL. Title 4, Chapter 4, Section 2 of the City Code of Garnett, Kansas is hereby repealed.


Section 2. GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its consumers:

(A) Residence and Commercial Rates: Gas service rates for residence and commercial uses are hereby established as follows: For the first two thousand (2,000) cubic feet or any fraction thereof, One Dollar Sixty Cents (\$1.60) minimum; for all gas used in excess of two thousand (2,000) cubic feet, Seventy-eight Cents (78¢) per one thousand (1,000) cubic feet.

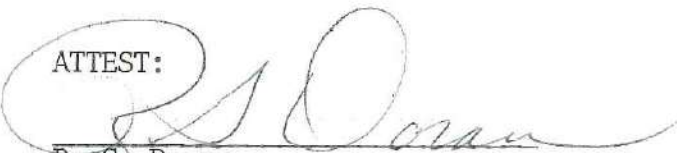
(B) Large Industrial-Commercial Rates: Large industrial-commercial rates are hereby established as follows: For the first two thousand (2,000) cubic feet or any fraction thereof, One Dollar Thirty-five Cents (\$1.35) minimum; for all gas used in excess of two thousand (2,000) cubic feet, Sixty-one Cents (61¢) per one thousand (1,000) cubic feet.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in full force January 1, 1972.

PASSED and APPROVED this 8th day of December, 1971.


Robert L. Powers
Mayor

ATTEST:


R. G. Doran
City Clerk

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

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1971 and,

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

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

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

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

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

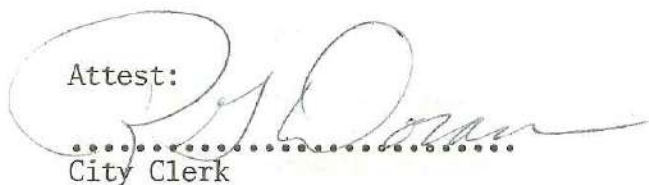
of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest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

more or less, described as follows: Beginning at a point 375 feet West of the Northeast Corner of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half (E1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the Southeast Corner of the Southeast Quarter (SE 1/4) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53 1/2 rods, thence South 15 rods, thence East 53 1/2 rods to point of beginning, all in Anderson County, Kansas.

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

PASSED and APPROVED this 22nd of December, 1971.


.....
Mayor

Attest:

.....
City Clerk

(SEAL)

(Veterinary Hospital add)

ANNEXATION ORDINANCE NO. 2189

OK.

AN ORDINANCE ANNEXING CERTAIN LAND (VETERINARY HOSPITAL ADDITION, GARNETT, 1972) TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF SECTION 12-520 K.S.A. 1971, SUPPLEMENT

Be it ordained by the governing body of the City of Garnett, Kansas:

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

Beginning 889.2 feet west of the Southeast Corner of Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-four (24), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence North 309.3 feet, thence West 180 feet, thence South 309.3 feet, thence East 180 feet or to the place of beginning;

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

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

Passed by the City Commission this 26th day of January, 1972.



Robert L. Powers
Mayor

A T T E S T:



R. G. Doran
City Clerk

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

Thomas Addition

ANNEXATION ORDINANCE NO. 2190

AN ORDINANCE ANNEXING CERTAIN LAND (THOMAS ADDITION) TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF SECTION 12-520 K.S.A. 1971 SUPPLEMENT

Be it ordained by the governing body of the City of Garnett, Kansas:


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

Beginning at a point 707.5 feet North of the Southeast Corner of Section 25, Township 20, Range 19, Anderson County, Kansas, thence West 720 feet, thence North 200 feet, thence East 720 feet, thence South 200 feet to place of beginning;

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


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

Passed by the City Commission this 9th day of February, 1972.



Robert L. Powers
Mayor

A T T E S T:



R. G. Doran
City Clerk

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

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SCHOOL ZONES IN THE CITY OF GARNETT, KANSAS, AND THE REGULATION OF SPEED OF TRAFFIC UPON STREET AND HIGHWAYS IN SAID ZONE; PROVIDING FOR THE ERECTION OF SIGNS AND PROVIDING FOR SPEED LIMITS AT CERTAIN TIMES AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE PROVISIONS OF SAID ORDINANCE.

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

Section 1: That the following streets and highways are hereby designated as school zones:

- (a) Maple Street between the intersection of Sixth Street and Seventh Street;
Sixth Street between the intersection of Maple Street and Vine Street;
Vine Street between the intersection of Seventh Street and Sixth Street.
- (b) Pine Street between the intersection of Second Street and Third Street;
Third Street between the intersection of Pine Street and Cedar Street;
Cedar Street between the intersection of Third Street and Second Street;
Second Street between the intersection of Cedar Street and Pine Street.
- (c) Fourth Avenue between the intersection of Spruce Street and Olive Street;
Olive Street between the intersection of Fourth Avenue and Fifth Street;
Fifth Street between the intersection of Olive Street and Spruce Street;
Spruce Street between the intersection of Fourth Avenue and Fifth Street.
- (d) North Walnut Street between the intersection of Kaw Avenue and Warren Street;
Oak Street between the south entrance of the high school grounds and the north entrance of the high school grounds.


Section 2: No person shall drive any vehicle on a street designated as a school zone at a speed in excess of 20 m.p.h. during the hours of 8:00 a.m. to 4:30 p.m. during the days of Monday through Friday of each week and at any time school is in session in the building located in the above zones.


Section 3: Every person convicted of violation of the provisions of this ordinance shall be punished as provided by Standard Traffic Ordinance adopted by the City of Garnett in Ordinance No. 2179 , Section 155 of said ordinance.

Section 4: Any ordinance in conflict with the provisions of this ordinance or regulating speeds in any of the above described areas is hereby repealed. The Chief of Police and the City Manager are hereby authorized to erect appropriate signs in said areas.

Section 5: This ordinance shall take effect from and after its publication in the official City newspaper.

PASSED this _____ day of February, 1972.


Robert L. Powers, Mayor

Attest:

R. G. Doran, City Clerk

ORDINANCE NO. 2194

AN ORDINANCE AMENDING ORDINANCE NO. 2179 HERETOFORE ADOPTED AUGUST 23, 1971, AND REPEALING ORDINANCE NO. 1573 ADOPTED SEPTEMBER 19, 1949, AND RELEVANT PROVISIONS OF THE CITY CODE OF THE CITY OF GARNETT, KANSAS

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

Section 1: Ordinance No. 2179 and Standard Traffic Ordinance For Kansas Cities, Edition of 1971, is amended in the following manner:

Article 7, Section 35 (b) (3) is amended to read as follows:


"All vehicles thirty (30) miles per hour in any park under the jurisdiction of this city."

Section 2: Ordinance No. 1573 adopted September 19, 1949 and City Code Provisions, Chapter 12, Section 10-12-1 to Section 10-12-3, which reflect the provisions of said Ordinance No. 1573, are hereby repealed.

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


Passed by the City Commission this 22nd day of March, 1972.

Approved and signed by the Mayor this 22nd day of March, 1972.



Robert L. Powers
Mayor

A T T E S T:



R. G. Doran
City Clerk

ORDINANCE NO. 2197

AN ORDINANCE VACATING CERTAIN STREETS ATTEMPTED TO BE ESTABLISHED BY DEDICATION IN KIM ADDITION TO CITY OF GARNETT, KANSAS; PROVIDING FOR RIGHT OF INTERESTED PERSONS TO PROTEST; PROVIDING FOR REVERS-ION OF OWNERSHIP AND POSSESSION OF SAID VACATED STREETS AND RE-CORDING OF SAID ORDINANCE AS A PUBLIC RECORD.

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

Section 1. That the following described real estate, to-wit: Lot 1, Block 1, Lots 1, 8 and 13, Block 2 and Lot 1, Block 3, Kim Addition to the City of Garnett, Kansas be vacated as streets and public ways as the same were purportedly dedicated by an instrument dated January 5, 1972 executed by Earl F. Lizer and Ann Lizer recorded in Office of Register of Deeds, Anderson County, Kansas, Book 3, Miscellaneous Record, page 328.

Section 2. That the attempted and purported dedication of the described real estate as public streets and for public use and ways is rejected and refused by the Governing Body of the City of Garnett, Kansas.

Section 3. That the real estate described in Section 1 hereof shall revert to the record owners, Earl F. Lizer and Ann Lizer.

Section 4. That within a period of 30 days after publication of this ordinance one or more interested persons may file a written protest to said vacation of said streets in the Office of City Clerk of Garnett, Kansas and unless a written protest is filed within said 30 days said ordinance shall become effective.

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

Section 6. This ordinance shall take effect and be in force after publication in the Anderson Countian, the official newspaper of the city of Garnett, Kansas and after the lapse of time as provided in Section 4 hereof.

Passed and approved this 5-24-72 day of May, 1972.



Robert L. Powers
Mayor

ATTESTS:



R. G. Doran
City Clerk

ORDINANCE NO. 2198

AN ORDINANCE RELATING TO AND REGULATING MOBILE HOMES, PARKS AND COMMUNITIES WITHIN THE CITY OF GARNETT, KANSAS, AND APPLYING TO SAID CITY OF GARNETT, KANSAS REGULATIONS AND RESTRICTIONS FOR SAID MOBILE HOMES, PARKS AND COMMUNITIES, PROVIDING FOR THE INTERPRETATION AND ENFORCEMENT OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, PROVIDING FOR PERMITS, AND SAVING TO THE CITY OF GARNETT, KANSAS, ALL RIGHTS AND REMEDIES AS TO ANY AND ALL VIOLATIONS, PROVIDING THAT IF ANY CLAUSE, SENTENCE, SECTION, PARAGRAPH, OR PART OF THIS ORDINANCE SHALL BE HELD INVALID, THAT SUCH INVALIDITY SHALL NOT INVALIDATE THE REMAINDER OF THIS ORDINANCE.

ARTICLE I

FINDING OF PUBLIC NECESSITY.

It is hereby found that in order to protect and promote the public health, morale, convenience, safety and welfare, to preserve the appropriate character of each area, it is necessary to provide for the licensing, regulations, permits and fees for the locations and operation of mobile homes and mobile home communities and mobile home parks within the City of Garnett, Kansas.

ARTICLE II

DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meaning ascribed to them in this section.

Section 1. "Dependent Mobile Home" shall mean a mobile home which does not have a flush toilet and a bath or shower.

Section 2. "Independent Mobile Home" shall mean a mobile home which has a flush toilet and a bath or shower.

Section 3. "Inspector" shall mean the legally designated inspection authority of the city, or his authorized representative.

Section 4. "Licensee" shall mean any person licensed to operate and maintain a mobile home community or mobile home park under the provisions of this Article.

Section 5. "Mobile Home" shall mean all vehicles used, or so constructed as to permit being used as conveyances upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or

sleeping places for one or more persons: Provided, that this definition shall refer and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

Section 6. "Mobile Home Community" shall mean any area, tract, site or plot of land of not less than twenty (20) acres whereupon a minimum of fifteen (15) occupied mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located and maintained, for dwelling purposes only and upon a permanent or semi-permanent basis.

Section 7. "Mobile Home Park" shall mean any park, court, camp, lot or tract or plot of land of not less than five (5) acres whereon one (1) or more occupied mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, whether for or without compensation and shall include all buildings used or intended to be used as a part of the equipment thereof. The term "Mobile Home Park" does not include sales lots on which unoccupied mobile homes, used or new, are parked for the purpose of storage, inspection or sale.

Section 8. "Mobile Home Space" shall mean a plot of ground within a mobile home community or park which is designated for and designated as the location for only one mobile home and not used for any other purpose whatsoever other than the customary accessory uses thereof.

Section 9. "Natural or Artificial Barrier" shall mean any street, river, pond, canal, railroad, levee, embankment or screening by appropriate fence or hedge.

Section 10. "Permittee" shall mean any person to whom a temporary permit is issued to maintain an individual mobile home outside of a licensed mobile home community or park and in accordance with the provisions as hereinafter prescribed.

Section 11. "Person" shall mean any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, permittee, agent, heirs, or assigns.

ARTICLE III

LICENSE AND TEMPORARY PERMIT REQUIRED.

Section 1. It shall be unlawful for any person to establish, maintain, operate or permit to be established, maintained or operated any mobile home community or mobile home park within the corporate limits of the city without first having secured a license therefor.

Section 2. It shall be unlawful for any person to park, place or abandon any mobile home upon any street, alley, highway or other public place or upon any premises or tract of land located within the corporate limits of the city and which is situated outside of a licensed mobile home community or mobile home park without first having secured a temporary permit as herein required.

Section 3. The parking of one visiting mobile home in an accessory private garage building, or in the rear yard of any premises for a period not to exceed thirty (30) days shall be permitted: Provided, That the temporary permit for such shall not be renewed or another permit issued for such mobile home at the same location within the calendar year that such temporary permit was issued.

Section 4. This section shall apply to the following:

(a) Emergency or temporary stopping or parking for twenty-four (24) hours and subject to any other limitations that may be imposed by other ordinances of the city relative to parking.

(b) Unoccupied mobile homes for demonstration and sales purposes only may not be located within any mobile home park or mobile home community.

ARTICLE IV

LICENSE FEES AND TEMPORARY PERMIT FEES.

Section 1. The annual license fee for each mobile home community or mobile home park shall be Ten (\$10.00) and no/hundreths Dollars for each mobile home space contained therein.

Section 2. The cost of a temporary permit for each single mobile home as provided herein shall be Five (\$5.00) and no/hundreths Dollars.

Section 3. All license fees except temporary permit fees, shall be for the calendar year, shall not be prorated, and shall expire on December 31 of each year.

Section 4. Provided, that a mobile home community or mobile home park license may be transferred to another person during the current year of such license upon payment of Ten (\$10.00) and no/hundreths Dollars to the office of the City Clerk.

ARTICLE V

APPLICATION FOR LICENSE AND TEMPORARY PERMIT.

Section 1. Application for a mobile home community or mobile home park license or a temporary permit for an individual mobile home as provided and required in Article III of this Ordinance shall be filed with the office of the City Inspector.

Section 2. The application for an initial mobile home community or a mobile home park license shall be in writing, signed by the owner and shall include the following:

(a) The name and address of the applicant;

(b) The location and legal description of the mobile home community or mobile home park;

(c) A complete set of plans showing conformity with all of the requirements contained in this article, including a plot plan drawn to scale, at not less than one inch equal to one hundred feet, showing the park or camp dimensions, number and location of mobile home spaces, location and width of roadways, sidewalks, off-street parking and easements, the existing topography and a drainage grading plan;

(d) Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service lines, gas service lines and sewer service, constructed or to be constructed within the mobile home community or mobile home park;

(e) Such further information as may be requested by the City Inspector to enable him to determine if the proposed mobile home community or mobile home park will comply with all the requirements of this Ordinance.

Section 3. Before any application as required by this section may be approved for a mobile home community or mobile home park, there must be recommendation from the Planning Commission approving the design and layout of the mobile home community or mobile home park.

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

(b) The location and legal description of the property or area upon which the mobile home is to be parked temporarily;

(c) The dates that the said mobile home will be temporarily parked;

(d) The license number of the mobile home;

(e) Certification by the occupant, owner or tenant that all plumbing fixtures may be sealed by the City Inspector or his representative. In the event that such plumbing is sealed, the owner or occupant of such mobile home shall not permit the such seal to be broken except by the direction of the City Inspector or his representative.

Section 5. All applications for a temporary permit as herein required shall be approved by the City Inspector. Upon certification by the City Inspector that the applicant for a temporary permit is in compliance with the provisions of this Ordinance, the office of the City Clerk shall issue the temporary permit upon payment of the fee as hereinbefore provided.

Section 6. Upon application in writing by a licensee for renewal of a license and after reinspection by the City Inspector of the mobile home community or mobile home park for conformance with the regulations of this article and upon payment of the annual license fee, the City Clerk shall issue a certificate renewing such license for another year.

Section 7. All existing mobile homes or mobile home communities, parks, spaces or areas not meeting the requirements of this Ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this Ordinance and any such nonconforming mobile home community, park, space or

area which is not operated for a period of three (3) months, shall not reopen until the conditions of this Ordinance shall have been complied with.

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

Section 9. Any person whose application for a license has been denied or any person whose license has been revoked, may request and shall be granted a hearing of the matter before the Governing Body of the City of Garnett, upon filing an application for hearing before such body within thirty (30) days following the day on which such notice was received or license denied and the Governing Body of the City of Garnett shall hold such hearing within thirty (30) days after the filing of such application. The filing of such application shall not suspend any order of the City Inspector in denying application for license but shall suspend any order of revocation of said license until the matter has been determined by the Governing Body of the City of Garnett.

ARTICLE VI.

LOCATION.

Section 1. A mobile home community or mobile home park may be located in any district not prohibited by any other regulations or conditions.

ARTICLE VII

MOBILE HOME COMMUNITY.

Section 1. Mobile home spaces shall be provided consisting of a minimum of Twenty-five hundred (2,500) square feet for each space and

which shall be clearly defined and marked.

Section 2. Each mobile home space shall be provided with a paved patio of at least Two hundred (200) square feet and have a storage locker of at least One hundred twenty (120) cubic feet; and there shall be no open storage.

Section 3. There shall be no additions made to mobile homes, except those accessories produced by the manufacturer; provided, that such additions shall not be in conflict with any of the provisions of this Ordinance.

Section 4. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, that with respect to mobile homes parked end to end, the end-to-end clearance may not be less than twenty (20) feet. Mobile homes shall not be located closer than twenty (20) feet from any building within the mobile home community or from any property line bounding the mobile home community. No mobile home shall be located closer than twenty-five (25) feet from the center line of an interior roadway.

Section 5. No mobile home shall have direct access to a public right-of-way and all mobile home spaces shall abut upon a roadway of not less than twenty-four (24) feet in width, surfaced off-street or off-roadway parking lots shall be maintained at a minimum ratio of two (2) car spaces for each mobile home space, and each shall not be less than nine feet by twenty feet, located within fifty (50) feet of the mobile home. All such roadways shall have unobstructed access to a public street or highway; provided, that the sole vehicular access shall not be by an alley and that all dead end roadways shall include adequate vehicular turning space or cul-de-sac with a diameter of not less than eighty (80) feet.

Section 6. All roadways and walks within the mobile home community shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and adequately lighted as per residential street lighting requirements of the City.

Section 7. A park and recreation area shall be provided having a minimum of one hundred twenty five (125) square feet per mobile home space;

Provided, That this requirement may be waived when the mobile home community is adjacent to or within one thousand (1,000) feet of a public park or recreation area. Required clearances and the roadways and off-street parking spaces shall not be considered as recreational space.

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

Section 9. Whenever master television antenna systems are to be installed, the complete plans and specifications for the system must be approved by the City Inspector.

Section 10. Only independent mobile home spaces shall be provided and no service building shall be required: Provided, that if such service building is provided, it shall comply with the regulations hereinafter prescribed for service building.

ARTICLE VIII

MOBILE HOME PARK PLAN.

Section 1. The mobile home park shall conform to the following requirements:

- (a) Same as contained in Section 1 of Article VII;
- (b) Each mobile home space shall be provided with a storage locker of at least one hundred twenty (120) cubic feet and no open storage shall be permitted.
- (c) Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park or from any property line bounding the mobile home park, or closer than twenty-five (25) feet from the center line of an interior roadway.
- (d) No mobile home shall have direct access to a public right-of-way and all mobile home spaces shall have direct access to a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street or highway and the sole vehicular access shall not be by an alley and all dead end driveways shall include adequate vehicular turning space or cul-de-sac.

(e) Off-roadway parking shall be maintained at a ratio of two (2) car spaces for each mobile home space.

(f) All driveways and walkways within the mobile home park shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and lighted at night with electric lamps of not less than 400 watts each, spaced at intervals of not more than two hundred (200) feet, or equivalent illumination as may be supplied by other approved sources.

(g) Same as contained in Section 8 of Article VII.

(h) One or more playgrounds shall be provided which are easily accessible from the mobile homes without encountering traffic hazards.

(i) Whenever a mobile home park adjoins an arterial street or any commercial or industrial establishment, then special protection shall be provided for the park by planting of the setback from such adjoining boundary, to create a landscape buffer consisting of coniferous and deciduous plant material of such density so as to prohibit a sighting of the street or commercial or industrial establishment from the mobile home park when such plantings are fully grown.

Section 2. If independent mobile home spaces only are provided, no service building shall be required. Any mobile home park providing for dependent mobile homes shall have one or more service buildings constructed in accordance with the provisions of the building, plumbing and electrical codes of the city. Such service building shall:

(a) Be located no nearer than twenty (20) feet or more than two hundred (200) feet from any mobile home space.

(b) Be adequately lighted.

(c) Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.

(d) Provided at least one lavatory, water closet and shower for each sex, one laundry tray, one slop water drain and hot and cold water.

(e) Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during times of peak demands.

(f) Have all rooms well ventilated, with all openings effectively screened.

ARTICLE IX

WATER SUPPLY.

Section 1. The water supply shall be connected to the municipal water system and all plumbing shall be constructed and maintained in accordance with the city's plumbing code.

Section 2. Individual water service connections shall be provided for direct use by mobile homes and shall be so constructed that they will not be damaged by the parking of such mobile homes, or as required by the City Inspector.

ARTICLE X

SEWAGE DISPOSAL

Section 1. All plumbing at the mobile home community or mobile home park shall comply with state and local plumbing laws and regulations.

Section 2. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be so constructed that they can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in odor free condition.

Section 3. Sewer lines shall be constructed with the approval of the City Inspector, and in accordance with the plumbing code and in accordance with the recommendation of the City Inspector.

ARTICLE XI

REFUSE DISPOSAL.

The storage, collection and disposal of refuse in the mobile home community and mobile home park shall be in compliance with the refuse ordinance of the city.

ARTICLE XII

ELECTRICITY

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

ARTICLE XIII

FUEL.

Only natural gas or electricity may be used for cooking and heating at individual mobile home spaces: Provided, however, that the installation is connected in accordance with the city's plumbing code.

ARTICLE XIV

FIRE PROTECTION.

Section 1. Each mobile home community and mobile home park shall be subject to the rules and regulations of the city and the fire prevention code.

ARTICLE XV

ENFORCEMENT.

Section 1. Interpretation. All of the requirements of this Ordinance shall be considered as minimum standards.

Section 2. Invalidity of a Part. If any word, phrase, clause, sentence, paragraph, subsection or section of this ordinance be adjudged unconstitutional or void, such adjudication shall not affect the remainder of this ordinance, and it is hereby declared to be the intention of the Governing Body of the City of Garnett that it would have enacted the remainder of this ordinance with such word, phrase, clause, sentence, paragraph, subsection or section omitted.

Section 3. Violations and Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcements of any of the provisions of this Ordinance shall be fined not less than one hundred (\$100.00) and no/hundredths Dollars, nor more than two (\$200.00) hundred Dollars for each offense. Each day that a violation is continued shall constitute a separate offense.

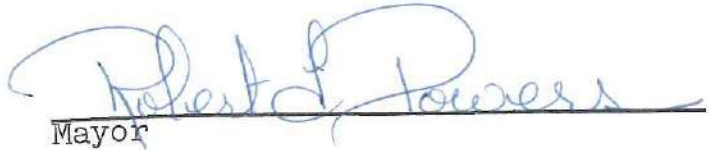
Section 4. Effective Date. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official paper of said City, according to law.

ARTICLE XVI

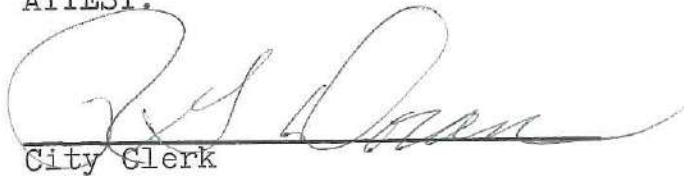
REPEAL

Section 1. Chapter 8, Sections 5-8-1 to 5-8-8, City Code of City of Garnett, Kansas, Ordinance No. 1592 is repealed.

Passed by the unanimous vote of the Governing Body of the City of Garnett, Kansas, this 24 day of May, 1972, and approved by the Mayor of said City this 24 day of May, 1972.


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney

ORDINANCE NO. 2201

AN ORDINANCE ADOPTING BY REFERENCE "MINIMUM STANDARDS FOR MOBILE HOME PARKS AND MOBILE HOME COMMUNITIES AND THE LOCATION OF MOBILE HOMES CODE OF THE CITY OF GARNETT, KANSAS 1972"; REPEALING ORDINANCE NO. 2198 AND ANY AND ALL OTHER SECTIONS IN CONFLICT THEREWITH.

Whereas, the City of Garnett, Kansas, a municipal corporation, has developed a code of Minimum Standards For Mobile Home Parks And Mobile Home Communities And The Location Of Mobile Homes; and the Governing Body of the City of Garnett, Kansas has made the "minimum standards for mobile home parks and mobile home communities and the location of mobile homes code of the City of Garnett, Kansas 1972" available in printed pamphlet form; and Chapter 12, Article 30, Kansas Statutes annotated provides that such a code may be adopted by reference.

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

Section 1. That the "minimum standards for mobile home parks and mobile home communities and the location of mobile homes code of the City of Garnett, Kansas 1972" be and the same is hereby adopted and incorporated as fully as if set forth at length herein and that the provisions therein shall be controlling within the area of jurisdiction of the City of Garnett, Kansas.

Section 2. That there shall be not less than three (3) copies of the "minimum standards for mobile home parks and mobile home communities and the location of mobile homes code of the City of Garnett, Kansas 1972" marked and stamped "Official Copy As Incorporated By Ordinance No. 2201", with all sections or portions thereof intended to be omitted clearly marked to show any such omission and showing the sections, articles, chapters, parts or portions that are incorporated as the case may be and to which shall be attached a copy of the incorporating ordinance filed with the City Clerk to be open for inspection and available to the public at all reasonable business

hours.

Section 3. That Ordinance No. 2198 of the City of Garnett, Kansas be and the same is hereby repealed.

Section 4. That this Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Passed and approved by the Governing Body of the City of Garnett this 14th day of June, 1972.



~~Acting~~ Mayor Pro Tem

ATTEST:



City Clerk

MINIMUM STANDARDS FOR MOBILE HOME PARKS AND
MOBILE HOME COMMUNITIES AND THE LOCATION OF
MOBILE HOMES CODE OF THE CITY OF GARNETT, KANSAS

1972

The provisions embraced within the following articles and sections shall constitute and be known and may be cited as "Minimum Standards For Mobile Home Parks And Mobile Home Communities And The Location Of Mobile Homes Code Of The City Of Garnett, Kansas 1972", and which may hereinafter be referred to as "Ordinance".

ARTICLE I
FINDING OF PUBLIC NECESSITY.

It is hereby found that in order to protect and promote the public health, morale, convenience, safety and welfare, to preserve the appropriate character of each area, it is necessary to provide for the licensing, regulations, permits and fees for the locations and operation of mobile homes and mobile home communities and mobile home parks within the City of Garnett, Kansas.

ARTICLE II
DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meaning ascribed to them in this section.

Section 1. "Dependent Mobile Home" shall mean a mobile home which does not have a flush toilet and a bath or shower.

Section 2. "Independent Mobile Home" shall mean a mobile home which has a flush toilet and a bath or shower.

Section 3. "Inspector" shall mean the legally designated inspection authority of the city, or his authorized representative.

Section 4. "Licensee" shall mean any person licensed to operate and maintain a mobile home community or mobile home park under the provisions of this Article.

Section 5. "Mobile Home" shall mean all vehicles used, or so constructed as to permit being used as conveyances upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habi-

tation, dwellings or sleeping places for one or more persons: Provided, that this definition shall refer and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

Section 6. "Mobile Home Community" shall mean any area, tract, site or plot of land of not less than twenty (20) acres whereupon a minimum of fifteen (15) occupied mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located and maintained, for dwelling purposes only and upon a permanent or semi-permanent basis.

Section 7. "Mobile Home Park" shall mean any park, court, camp, lot or tract or plot of land of not less than five (5) acres whereon one (1) or more occupied mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, whether for or without compensation and shall include all buildings used or intended to be used as a part of the equipment thereof. The term "Mobile Home Park" does not include sales lots on which unoccupied mobile homes, used or new, are parked for the purpose of storage, inspection or sale.

Section 8. "Mobile Home Space" shall mean a plot of ground within a mobile home community or park which is designated for and designated as the location for only one mobile home and not used for any other purpose whatsoever other than the customary accessory uses thereof.

Section 9. "Natural or Artificial Barrier" shall mean any street, river, pond, canal, railroad, levee, embankment or screening by appropriate fence or hedge.

Section 10. "Permittee" shall mean any person to whom a temporary permit is issued to maintain an individual mobile home outside of a licensed mobile home community or park and in accordance with the provisions as hereinafter prescribed.

Section 11. "Person" shall mean any natural individual, firm, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, permittee, agent, heirs, or assigns.

ARTICLE III

LICENSE AND TEMPORARY PERMIT REQUIRED.

Section 1. It shall be unlawful for any person to establish, maintain, operate or permit to be established, maintained or operated any mobile home community or mobile home park within the corporate limits of the city without first having secured a license therefor.

Section 2. It shall be unlawful for any person to park, place or abandon any mobile home upon any street, alley, highway or other public place or upon any premises or tract of land located within the corporate limits of the city and which is situated outside of a licensed mobile home community or mobile home park without first having secured a temporary permit as herein required.

Section 3. The parking of one visiting mobile home in an accessory private garage building, or in the rear yard of any

premises for a period not to exceed thirty (30) days shall be permitted: Provided, That the temporary permit for such shall not be renewed or another permit issued for such mobile home at the same location within the calendar year that such temporary permit was issued.

Section 4. This section shall apply to the following:

(a) Emergency or temporary stopping or parking for twenty-four (24) hours and subject to any other limitations that may be imposed by other ordinances of the city relative to parking.

(b) Unoccupied mobile homes for demonstration and sales purposes only may not be located within any mobile home park or mobile home community.

ARTICLE IV

LICENSE FEES AND TEMPORARY PERMIT FEES.

Section 1. The annual license fee for each mobile home community or mobile home park shall be Ten (\$10.00) and no/hundreths Dollars for each mobile home space contained therein.

Section 2. The cost of a temporary permit for each single mobile home as provided herein shall be Five (\$5.00) and no/hundreths Dollars.

Section 3. All license fees except temporary permit fees, shall be for the calendar year, shall not be prorated, and shall expire on December 31 of each year.

Section 4. Provided, that a mobile home community or mobile home park license may be transferred to another person during the

current year of such license upon payment of Ten (\$10.00) and no/hundreths Dollars to the office of the City Clerk.

ARTICLE V

APPLICATION FOR LICENSE AND TEMPORARY PERMIT.

Section 1. Application for a mobile home community or mobile home park license or a temporary permit for an individual mobile home as provided and required in Article III of this Ordinance shall be filed with the office of the City Inspector.

Section 2. The application for an initial mobile home community or a mobile home park license shall be in writing, signed by the owner and shall include the following:

- (a) The name and address of the applicant;
- (b) The location and legal description of the mobile home community or mobile home park;
- (c) A complete set of plans showing conformity with all of the requirements contained in this article, including a plot plan drawn to scale, at not less than one inch equal to one hundred feet, showing the park or camp dimensions, number and location of mobile home spaces, location and width of roadways, sidewalks, off-street parking and easements, the existing topography and a drainage grading plan;
- (d) Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service lines, gas service lines and sewer service, constructed or to be constructed within the mobile home community or mobile home park;

(e) Such further information as may be requested by the City Inspector to enable him to determine if the proposed mobile home community or mobile home park will comply with all the requirements of this Ordinance.

Section 3. Before any application as required by this section may be approved for a mobile home community or mobile home park, there must be recommendation from the Planning Commission approving the design and layout of the mobile home community or mobile home park. Upon the receipt of the recommendation for such from the Planning Commission, the City Inspector shall then investigate and inspect the application and the proposed plans and specifications. If the plans and specifications for the proposed mobile home community or mobile home park are in compliance with all provisions of this Ordinance and all applicable ordinances and statutes, the City Inspector shall recommend approval of the application. Before a license may be issued there must be a favorable recommendation by a majority of the City Commission of the City.

(a) The location and legal description of the property or area upon which the mobile home is to be parked temporarily;

(b) The dates that the said mobile home will be temporarily parked;

(c) The license number of the mobile home;

(d) Certification by the occupant, owner or tenant that all plumbing fixtures may be sealed by the City Inspector or his representative. In the event that such plumbing is sealed,

the owner or occupant of such mobile home shall not permit the such seal to be broken except by the direction of the City Inspector or his representative.

Section 5. All applications for a temporary permit as herein required shall be approved by the City Inspector. Upon certification by the City Inspector that the applicant for a temporary permit is in compliance with the provisions of this Ordinance, the office of the City Clerk shall issue the temporary permit upon payment of the fee as hereinbefore provided.

Section 6. Upon application in writing by a licensee for renewal of a license and after reinspection by the City Inspector of the mobile home community or mobile home park for conformance with the regulations of this article and upon payment of the annual license fee, the City Clerk shall issue a certificate renewing such license for another year.

Section 7. All existing mobile homes or mobile home communities, parks, spaces or areas not meeting the requirements of this Ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this Ordinance and any such nonconforming mobile home community, park, space or area which is not operated for a period of three (3) months, shall not reopen until the conditions of this Ordinance shall have been complied with.

Section 8. Upon inspection of any mobile home community or mobile home park, the City Inspector finds that conditions or

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

Section 9. Any person whose application for a license has been denied or any person whose license has been revoked, may request and shall be granted a hearing of the matter before the Governing Body of the City of Garnett, upon filing an application for hearing before such body within thirty (30) days following the day on which such notice was received or license denied and the Governing Body of the City of Garnett shall hold such hearing within thirty (30) days after the filing of such application. The filing of such application shall not suspend any order of the City Inspector in denying application for license but shall suspend any order of revocation of said license until the matter has been determined by the Governing Body of the City of Garnett.

~~ARTICLE VI.~~

~~LOCATION.~~

~~Section 1. A mobile home community or mobile home park may be located in any district not prohibited by any other regulations~~

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ARTICLE VII

MOBILE HOME COMMUNITY

Section 1. Mobile home spaces shall be provided consisting of a minimum of Twenty-five hundred (2500) square feet for each space and which shall be clearly defined and marked.

Section 2. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet and have a storage locker of at least one hundred twenty (120) cubic feet; and there shall be no open storage.

Section 3. There shall be no additions made to mobile homes, except those accessories produced by the manufacturer; provided, that such additions shall not be in conflict with any of the provisions of this Ordinance.

Section 4. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, that with respect to mobile homes parked end to end, the end-to-end clearance may not be less than twenty (20) feet. Mobile homes shall not be located closer than twenty (20) feet from any building within the mobile home community or from any property line bounding the mobile home community. No mobile home shall be located closer than twenty-five (25) feet from the center line of an interior roadway.

Section 5. No mobile home shall have direct access to a public right-of-way and all mobile home spaces shall abut upon a roadway of not less than twenty-four (24) feet in width, surfaced off-

street or off-roadway parking lots shall be maintained at a minimum ratio of two (2) car spaces for each mobile home space, and each shall not be less than nine feet by twenty feet, located within fifty (50) feet of the mobile home. All such roadways shall have unobstructed access to a public street or highway; provided, that the sole vehicular access shall not be by an alley and that all dead-end roadways shall include adequate vehicular turning space or cul-de-sac with a diameter of not less than eighty (80) feet.

Section 6. All roadways and walks within the mobile home community shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and adequately lighted as per residential street lighting requirements of the City.

Section 7. A park and recreation area shall be provided having a minimum of one hundred twenty five (125) square feet per mobile home space; provided, that this requirement may be waived when the mobile home community is adjacent to or within one thousand (1,000) feet of a public park or recreation area. Required clearances and the roadways and off-street parking spaces shall not be considered as recreational space.

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

Section 9. Whenever master television antenna systems are to

be installed, the complete plans and specifications for the system must be approved by the City Inspector.

Section 10. Only independent mobile home spaces shall be provided and no service building shall be required: Provided, that if such service building is provided, it shall comply with the regulations hereinafter prescribed for service building.

ARTICLE VIII

MOBILE HOME PARK PLAN.

Section 1. The mobile home park shall conform to the following requirements:

- (a) Same as contained in Section 1 of Article VII.
- (b) Each mobile home space shall be provided with a storage locker of at least one hundred twenty (120) cubic feet and no open storage shall be permitted.
- (c) Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park or from any property line bounding the mobile home park, or closer than twenty-five (25) feet from the center line of an interior roadway.
- (d) No mobile home shall have direct access to a public right-of-way and all mobile home spaces shall have direct access to a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street or

or highway and the sole vehicular access shall not be by an alley and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

(e) Off-roadway parking shall be maintained at a ratio of two (2) car spaces for each mobile home space.

(f) All driveways and walkways within the mobile home park shall be all weather surfaced with concrete, asphalt, asphaltic concrete, or crushed rock, and maintained and lighted at night with electric lamps of not less than 400 watts each, spaced at intervals of not more than two hundred (200) feet, or equivalent illumination as may be supplied by other approved sources.

(g) Same as contained in Section 8 of Article VII.

(h) One or more playgrounds shall be provided which are easily accessible from the mobile homes without encountering traffic hazards.

(i) Whenever a mobile home park adjoins an arterial street or any commercial or industrial establishment, then special protection shall be provided for the park by planting of the setback from such adjoining boundary, to create a landscape buffer consisting of coniferous and deciduous plant material of such density so as to prohibit a sighting of the street or commercial or industrial establishment from the mobile home park when such plantings are fully grown.

Section 2. If independent mobile home spaces only are provided, no service building shall be required. Any mobile home park pro-

viding for dependent mobile homes shall have one or more service buildings constructed in accordance with the provisions of the building, plumbing and electrical codes of the city. Such service building shall:

(a) Be located no nearer than twenty (20) feet or more than two hundred (200) feet from any mobile home space.

(b) Be adequately lighted.

(c) Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.

(d) Provide at least one lavatory, water closet and shower for each sex, one laundry tray, one slop water drain and hot and cold water.

(e) Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.

(f) Have all rooms well ventilated, with all openings effectively screened.

ARTICLE IX

WATER SUPPLY.

Section 1. The water supply shall be connected to the municipal water system and all plumbing shall be constructed and maintained in accordance with the city's plumbing code.

Section 2. Individual water service connections shall be provided for direct use by mobile homes and shall be so constructed that they will not be damaged by the parking of such mobile homes

or as required by the City Inspector.

ARTICLE X

SEWAGE DISPOSAL

Section 1. All plumbing at the mobile home community or mobile home park shall comply with state and local plumbing laws and regulations.

Section 2. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be so constructed that they can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in odor free condition.

Section 3. Sewer lines shall be constructed with the approval of the City Inspector, and in accordance with the plumbing code and in accordance with the recommendation of the City Inspector.

ARTICLE XI

REFUSE DISPOSAL.

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

ARTICLE XII

ELECTRICITY

All electric installations shall comply with the electrical code of the City. Such electrical outlets shall be weather proof.

No power line, including service lines to the mobile home shall be permitted to lie on the surface of the ground. All power lines, shall be underground.

ARTICLE XIII

FUEL.

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

ARTICLE XIV

FIRE PROTECTION.

Section 1. Each mobile home community and mobile home park shall be subject to the rules and regulations of the city and the fire prevention code.

ARTICLE XV

ENFORCEMENT.

Section 1. Interpretation. All of the requirements of this Ordinance shall be considered as minimum standards.

Section 2. Invalidity of a Part. If any word, phrase, clause, sentence, paragraph, subsection or section of this ordinance be adjudged unconstitutional or void, such adjudication shall not affect the remainder of this ordinance, and it is hereby declared to be the intention of the Governing Body of the City of Garnett that it would have enacted the remainder of this ordinance with such word, phrase, clause, sentence, paragraph, subsection or section omitted.

Section 3. Violations and Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcements of any of the provisions of this Ordinance shall be fined not less than one hundred (\$100.00) and no/hundredths Dollars, nor more than two hundred (\$200.00) and no/hundredths Dollars, for each offense. Each day that a violation is continued shall constitute a separate offense.

AN ORDINANCE AMENDING TITLE 4, BUILDING REGULATIONS, CHAPTER 3, PLUMBING CODE OF THE CODE OF THE CITY OF GARNETT, KANSAS AND ORDINANCE NO. 2033 DATED SEPTEMBER 11, 1967 PROVIDING FOR THE USE OF AND THE CONDITIONS UNDER WHICH CERTAIN PLASTIC PIPE AND FITTINGS MAY BE USED IN THE CITY OF GARNETT, KANSAS, BY ADDING SECTION 4-3-3 TO SAID CODE, AND PROVIDING FOR PENALTIES FOR VIOLATION OF SAME.

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

Section 1. Ordinance No. 2033 of the ordinances of the City of Garnett, Kansas, and Title 4, Chapter 3 of the Code of the City of Garnett, Kansas, is hereby amended as provided by this ordinance.

Section 2. 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.

A. 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.

B. All PVC water service lines must have a minimum rated working pressure of 160 P.S.I.

C. All PE water service lines must have a minimum rated working pressure of 160 P.S.I.

Section 3. Installation. All plastic piping shall be laid in a trench having a smooth compacted bottom of soil or sand. The first six inches 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 (30) inches. 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 (5) feet.

Section 4. Penalty. Any owner, agent, architect, plumber or drain layer, superintendent, contractor or other person failing, neglecting or omitting, resisting or refusing to comply with any of the conditions, terms, regulations or requirements of this ordinance shall, upon conviction thereof, be fined in a sum of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense, and each day's failure, neglect and refusal to comply with the conditions of this ordinance shall be deemed a separate and distinct offense.

Section 5. All ordinances and parts of ordinances of said City of Garnett in conflict herewith be and the same are hereby amended.

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

PASSED by the Governing Body of the City of Garnett, this 27th day of September, 1972.

Attest:

City Clerk


MAYOR

ORDINANCE NO. 2207

AN ORDINANCE RELATING TO PUBLIC PARKS, LAKES, AND RECREATION AREAS OF THE CITY OF GARNETT, KANSAS, PROVIDING RULES AND REGULATIONS FOR THEIR USE AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID RULES AND REGULATIONS.

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

SECTION 1. It shall be unlawful for any person to ice skate at Lake Garnett or Crystal Lake.

SECTION 2. It shall be unlawful for any person to operate any vehicle upon any grass area in a city park. All vehicles shall be driven and operated upon the roads, driveways, and parking areas of the city parks.

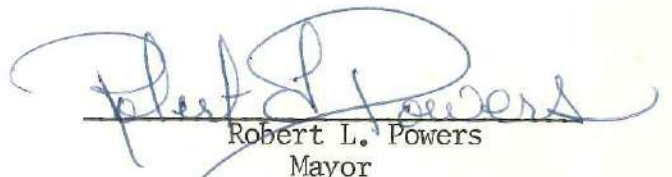
SECTION 3. Camping in any type of mobile camping vehicle, trailer, device, or tent is permitted at Lake Garnett and Crystal Lake only in designated camping areas and only after a camping permit has been obtained. Camping permits may be issued by authorized employees of the City of Garnett, including officers of the Garnett Police Department. A permit fee of \$1.50 per night per camping vehicle, trailer, device or tent shall be paid before the issuance of any camping permit; provided that the permit fee may be waived for the City taxpayer or waived by the City Manager upon the presentation of a special request from any official youth organization of Garnett and the Garnett area. No camping permit shall be issued to any person under eighteen (18) years of age.

SECTION 4. No provision of this ordinance shall apply to any City employee acting in the performance of his duty.

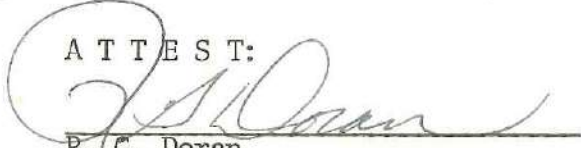
SECTION 5. Any person violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not more than \$100.00.

SECTION 6. This Ordinance shall take effect and be in full force from and after its publication once in the official City newspaper.

PASSED by the Commission this 27th day of September, 1972


Robert L. Powers
Mayor

A T T E S T:


R. G. Doran
City Clerk

ORDINANCE NO. 2210

AN ORDINANCE AMENDING TITLE 4, BUILDING REGULATIONS, CHAPTER 7, UTILITY SERVICE CONNECTION FEES BY ADDING SECTION 4-7-6 PROVIDING FOR THE MOVING OF GAS METERS OUT OF BASEMENTS AND THE CONDITIONS UNDER WHICH THE METER CAN BE SET AT THE CITY RIGHT-OF-WAY OR AT THE FOUNDATION OF THE BUILDING.

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

Section 1. Title 4, Building Regulations, Chapter 7, Utility Service Connection Fees of the City Code of the City of Garnett is hereby amended by the addition of the following section:

Section 4-7-6. Moving of gas meter and gas service line out of basements.

A. Whenever a utility customer requests the moving of the gas meter out of a basement, he shall have the option of having the meter set at the City right-of-way at no cost to the customer or setting the gas meter at the foundation of the house. If the meter is set at the foundation of the house, the utility customer will be required to assume the cost of replacing the service line from the property line to the meter setting. Also, the property owner will assume the cost of a new line, if needed, and the installation of said service line through the plate of the building and connection to the interior plumbing. The latter option requires the customer to obtain a qualified plumbing contractor to install the service line.

Section II. Ordinance Repealed. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section III. Effective Date of Ordinance. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City Paper.

PASSED and APPROVED this _____ day of October, 1972.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2211

AN ORDINANCE REPEALING ORDINANCE NO. 1920, PASSED FEBRUARY 24, 1964 AND INCORPORATED AS A PART OF SECTION 6-1-12 OF THE CITY CODE OF THE CITY OF GARNETT, KANSAS AND PROVIDING FOR AN EFFECTIVE DATE FOR SAID REPEAL.

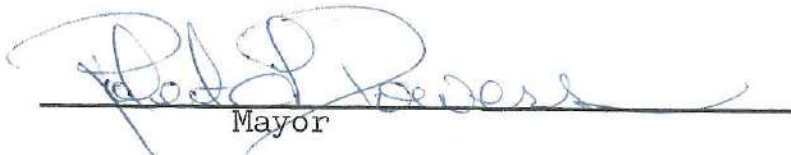
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. All of the provisions incorporated in Ordinance No. 1920, passed February 24, 1964 and incorporated in the last paragraph of Section 6-1-12 of the City Code of the City of Garnett, Kansas is repealed.

Section 2. This ordinance shall take effect and be in force from and after the publication of the same in the official City paper.

Passed by the Commission this 8th day of November, 1972.

A P P R O V E D:



Mayor

A T T E S T:



City Clerk