CITY OF HAYSVILLE

Agenda

December 14, 2015

CALL TO ORDER

ROLL CALL

INVOCATION BY:

PLEDGE OF ALLEGIANCE

SPECIAL ORDER OF BUSINESS

A. Presentation of Service Awards

PRESENTATION AND APPROVAL OF MINUTES

A. Minutes of November 23rd, 2015

ITEM #1 CITIZENS TO BE HEARD

ITEM #2 APPROVAL OF LICENSES AND BONDS

A. Refuse Haulers License Renewal – Waste Management, 4330 W. 31st St. S. Wichita, 67215

ITEM #3 INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, 14-205, L. 2015, ch. 88, SEC. 7, AND L. 2015, ch. 88, SEC. 71 (CODIFIED K.S.A. 12-104a) AND CERTAIN PORTIONS OF 14-308, RELATING TO THE ELECTION, SELECTION, AND APPOINTMENT OF CITY OFFICIALS AND OFFICERS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCES 11, 11A, 17, 20, 20A, AND 22.

B. A RESOLUTION PROVIDING THAT THE COMMUNITY OF HAYSVILLE URGES ITS CITIZENS TO JOIN THIS EFFORT AND HEREBY DECLARES THIS CITY TO BE AN OFFICIAL ENTRANT IN THE PRIDE PROGRAM FOR THE YEAR OF 2016.

ITEM #4 NOTICES AND COMMUNICATIONS

A. Governing Body Announcements

ITEM #5 OLD BUSINESS

ITEM #6 OTHER BUSINESS

A. Consideration of Proposed Code Changes for 2016

B. Consideration of the Build Haysville Program for 2016

C. Results of Appraisal of Current HAC

D. Consideration of Truck Purchase

E. Consideration of Scoreboard Purchase

ITEM #7 DEPARTMENT REPORTS

A. Administrative Services – Will Black

B. City Clerk – Janie Cox

C. Police – Jeff Whitfield

D. Public Works – Randy Dorner

E. Recreation – Georgie Carter

ITEM #8 APPOINTMENTS

ITEM #9 OFF AGENDA CITIZENS TO BE HEARD

ITEM #10 EXECUTIVE SESSION

ITEM #11 BILLS TO BE PAID

A. Bills to be Paid for the First Half of December

ITEM #12 CONSENT AGENDA

ITEM #13 COUNCIL ITEMS

A. Council Concerns

ITEM #14 ADJOURNMENT

Council Meeting **Regular** **November 23, 2015**

The Regular Council Meeting was called to order by Mayor Bruce Armstrong at 7:01 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was taken by Recording Secretary Ginger Cullen: Kessler here, Kanaga here, B. Rardin here, Ewert here, J. Rardin here, Crum here, Thompson here. Councilperson Dan Benner was not present.

Invocation was given by Pastor David Vetter of West Haysville Baptist Church.

Mayor Bruce Armstrong led everyone present in the Pledge of Allegiance.

Under Presentation and Approval of Minutes, Mayor Bruce Armstrong presented for approval the Minutes of November 9th, 2015. Mayor Armstrong advised that in regards to the Cereal Malt Beverage License Renewal, the address for Kwik Shop should have been 7150 S. Meridian, not 750 S. Meridian.

Motion by Kanaga – Second by B. Rardin
Mr. Mayor, I move that we approve the minutes from November 9th with the correction.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

Under Citizens to be Heard, Mayor Bruce Armstrong advised the Sedgwick County Fire Department was not present but could be heard if they were to arrive later.

Under Approval of Licenses and Bonds, Mayor Bruce Armstrong presented Cereal Malt Beverage License Renewal for Parker Oil Co. Mini Stop at 7200 S. Broadway.

Motion by Crum – Second by B. Rardin
I make a motion that we approve the Cereal Malt Beverage License Renewal for Parker Oil Mini Stop at 7200 S. Broadway.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

Under Approval of Licenses and Bonds, Mayor Bruce Armstrong presented Drinking Establishment License for Mi Casa Restaurant at 111 N. Main. Mayor Armstrong advised this was a new license, as Mi Casa was under new ownership.

Motion by Kessler – Second by B. Rardin
Mayor and Council, I make a motion that we approve the Drinking Establishment License for Mi Casa Restaurant at 111 N. Main.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

There were no Ordinances or Resolutions.

Under Notices and Communications, Mayor Bruce Armstrong called for Governing Body Announcements. Councilperson Steve Crum advised hours at the library would be changing effective December 1st. Crum also advised winter sports at Campus were under way and participation was up. He also stated he was very pleased with the VFW's Veteran's Day Ceremony and encouraged citizens to attend in the future. Councilperson Pat Ewert reviewed details of the Village Christmas Celebration on December 5th and encouraged citizens to attend.

Under Notices and Communications, Mayor Bruce Armstrong presented an Email from Cox Communications Regarding the Go All Digital Update.

There was no Old Business.

Under Other Business, Mayor Bruce Armstrong presented Presentation of Design of New Activity Center. Mayor Armstrong opened the floor for discussion after explaining details of the layout. Mayor Armstrong and Recreation Director Georgie answered questions from Council.

Under Other Business, Mayor Bruce Armstrong presented Presentation of Design of Entryway Signs and Locations. Mayor Armstrong advised the design would match the theme throughout the city and is more affordable than quotes received for monument signs. Councilperson Steve Crum asked why Meridian did not have a larger sign. Mayor Armstrong advised it was not considered a high traffic area and that the location of easements prevented larger signs from being installed on north Meridian.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Conditional Use Permit for 524 Sarah Lane. Planning and Community Relations Coordinator Zach McHatton reviewed details of the permit and was available to answer questions from Council.

Motion by Kessler – Second by Crum
I make a motion that we approve the Conditional Use Permit for 524 Sarah Lane.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Agreement with Municipal Services Bureau. Chief Administrative Officer Will Black advised his memo contained all pertinent information. Mayor Armstrong advised this is the collection agency the city uses for court and other collection needs in the city.

Motion by Kessler – Second by B. Rardin
I make a motion that we approve the Agreement with Municipal Services Bureau.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Purchase of Park Equipment. Recreation Director Georgie Carter reviewed details of the request and advised the city received a grant to help pay for this park equipment. Councilperson Steve Crum asked if drainage would have to be addressed when the new equipment was installed at Riggs Park. Carter advised drainage would need to be addressed but that it would be addressed at a later date.

Motion by Kessler – Second by B. Rardin
I make a motion on the purchase of park equipment as presented for $25,132.55.
Kanaga yea, B. Rardin yea, Ewert yea, Kessler yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

Mayor Bruce Armstrong asked for Department Reports.

Chief Administrative Officer Will Black introduced Economic Development Director James Oltman who showed the most recent Haysville Forward, Inc. commercial, which highlighted Village Christmas. Oltman advised it would run until the event and would then be changed to say Merry Christmas, rather than advertising Village Christmas. Oltman then answered questions from Council.

City Clerk Janie Cox advised city offices would be closed on November 26th and 27th in observance of Thanksgiving

Police Chief Jeff Whitfield stated the visiting officer was Master Police Officer Darren Robertson.

Public Works Director Randy Dorner advised Public Works would be closed on November 26th and 27th in observance of Thanksgiving, but Public Works would have staff on duty and on call. He also advised Christmas lights and holiday wreaths are being installed around town and should be completed this week. Dorner stated Public Works was prepared for ice and snow.

Recreation Director Georgie Carter stated the center would be closed on November 26th, but would be open from 7:00 a.m. to 2:00 p.m. on the 27th.

There were no Appointments.

There were no Off Agenda Citizens to be Heard.

There was no Executive Session.

Under Bills to be Paid, Mayor Bruce Armstrong presented the Bills to be Paid for the Last Half of November.

Motion by Ewert – Second by B. Rardin
I'd like to make a motion that we pay the last half of November bills.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

There was nothing under the Consent Agenda.

Under Council Items, Mayor Bruce Armstrong asked for Council Concerns. Councilperson Steve Crum advised the wreaths being installed around town looked great. He stated there were poles and yellow construction tape up around Riggs Park and asked for an update on earthquake insurance.

Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Kessler – Second by Ewert
Mayor and Council, I make a motion that we adjourn tonight's meeting.
Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, J. Rardin yea, Crum yea, Thompson yea.
Motion declared carried.

The Regular Council Meeting adjourned at 7:41 p.m.

_____
Janie Cox, City Clerk

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MEMORANDUM

TO: Honorable Mayor Bruce Armstrong; City Council

FROM: Kayla Corby, Administrative Secretary

DATE: 12-14-2015

RE: Refuse Haulers License Renewal

The following business has made application for a Refuse Haulers License:

Waste Management – 4330 W. 31st St. So. Wichita, KS 67215

All requirements have been met and fees have been paid. Approval is recommended.

Sincerely,

Kayla Corby
Administrative Secretary
City of Haysville

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M E M O

TO: The Honorable Bruce Armstrong, Mayor
Haysville City Councilmembers

FROM: Will Black, Chief Administrative Officer

SUBJECT: Charter Ordinance for Election, Selection, and Appointment of City Officials

DATE: December 11, 2015

The following charter ordinance addresses the election, selection, and appointment of City Officials and Officers. The charter ordinance is necessary for compliance with new state law. It repeals other topically-related charter ordinances and brings all election, selection, and appointment language into one charter ordinance. This is before you for your consideration.

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(First published in The Haysville Sun-Times on _____, 2015)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, 14-205, L. 2015, ch. 88, SEC. 7, AND L. 2015, ch. 88, SEC. 71 (CODIFIED K.S.A. 12-104a) AND CERTAIN PORTIONS OF 14-308, RELATING TO THE ELECTION, SELECTION, AND APPOINTMENT OF CITY OFFICIALS AND OFFICERS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCES 11, 11A, 17, 20, 20A, AND 22.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS;

Section 1. PURPOSE OF THIS CHARTER. Pursuant to the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, the City of Haysville, Kansas does hereby elect to exempt itself from and make inapplicable to this city provisions of K.S.A. 14-201, 14-204, L. 2015, ch. 88, SEC. 71 codified as K.S.A. 12-104a, and K.S.A. 14-205, and portions of 14-308 and 12-104a, as hereinafter described, all Acts of the Kansas Legislature regarding municipal administrative procedures, election, and appointment of City Officers which are non-uniform in application, and does hereby repeal all previous Charters upon this subject that have not heretofore been repealed, including Charter Ordinance 11, which was adopted on November 23, 1987, Charter Ordinances 11A adopted on July 26, 2004, Charter Ordinance 17, adopted on December 30, 2003, Charter Ordinance 20, adopted on July 23, 2007, Charter Ordinance 20A, adopted on December 27, 2007, and Charter Ordinance 22, adopted on November 13, 2012.

Section 2. GENERAL ELECTIONS. There shall be elected, on the first Tuesday in April of 2004, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2004, whom shall be elected for a one-time term of three (3) years. Then, there shall be elected, on the first Tuesday in April 2007 and every four years thereafter, one councilmember from each of said wards, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected, on the first Tuesday in April of 2005 and every four (4) years thereafter, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2005, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected on the first Tuesday in April of 2005 and every four (4) years thereafter, the mayor having a term which would otherwise expire in April 2005, who shall be elected thereafter for a term of four (4) years. On and after January 1, 2017, all

primary elections for members of the Governing Body shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the Governing Body shall be held on the Tuesday succeeding the first Monday in November of 2017 and on such date of odd-numbered years thereafter. Any member of the Governing Body whose term was to expire in 2017, shall continue to serve until the second Monday in January of 2018, when newly elected members of the Governing Body shall take office. Any member of the Governing Body whose term was to expire in 2019, shall continue to serve until the second Monday in January of 2020, when newly elected members of the Governing Body shall take office.

Section 3. ELECTION OF COUNCIL MEMBERS. Each ward of the City shall have two council members who shall be chosen by the qualified electors of their respective wards, and no person shall be eligible to the office of council member who is not at the time of his or her election or appointment, an actual resident and qualified voter of the ward for which he or she is elected or appointed. If any council member shall move from the ward from which he or she was elected or appointed, his or her office as council member shall thereby become vacated, and shall be filled by appointment until the next regular election. All references to appointment in this paragraph refer to the process of filling a council seat which has become vacant.

Section 4. VACANCIES. All vacancies shall be filled by appointment by the remaining members of the Governing Body at a regular council meeting within thirty (30) days of said vacancy. Such appointment shall be for the period from and after the date of appointment and until the second Monday in January following the next city general election, when the individual elected to fill the office shall take office. In no event shall the City call for a special election to fill such vacancy.

Section 5. ELECTION TIE. Whenever there shall be a tie in the election of council members, the winner shall be determined by lot by judges of the election of the ward in which it shall happen.

Section 6. PRESIDENT OF COUNCIL. The council shall elect from its membership a President of the Council. The President of the Council shall preside in the temporary absence of the Mayor, but shall retain the authority of the President's council position. The President of the Council shall assume the position of Mayor when any vacancy shall occur in the office of the Mayor by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise. The President of the Council shall become Mayor until the next regular city election, and a vacancy shall occur in the office of the council member becoming mayor. Upon the President of the Council assuming the office of Mayor, the council shall elect from its membership a new President of the Council.

Section 7: OFFICERS, APPOINTMENT. The mayor shall appoint city officers, by and with the consent of the city council, including a municipal judge of the municipal court, a chief of police, chief administrative officer, deputy administrative officer, city clerk/treasurer, public works director, city attorney, and recreation director, and may appoint law enforcement officers and/or any other officers for the City as deemed

necessary. Officers so appointed and confirmed shall hold their offices for a term of one year, provided their work has met the standards and requirements so designated by the mayor, and shall hold their positions until their successors are appointed and qualified, unless removed for cause by action of the city council. The city council may by ordinance abolish any office created by the council whenever deemed expedient, except those specifically named herein. The position(s) and/or duties of the city clerk/treasurer shall be those associated by statute with either a city clerk's position or a city treasurer's position as well as duties set forth by City Ordinance or action of the Governing Body.

Section 8. OFFICERS, QUALIFICATIONS. Except where otherwise specifically required or permitted by ordinance, all elected officers shall be qualified electors of the city. All officers appointed by the mayor to serve after July 12, 2004, shall live within a 15-mile radius of the Haysville City Building within 180 days of appointment, except that the Mayor may appoint as city engineer, municipal judge, city attorney, and law enforcement officers, individuals who reside outside of the 15-mile radius when deemed necessary, including the appointment of such individuals who also serve as municipal judge, city engineer, city attorney, or law enforcement officers of another municipality or public agency. Any officer appointed to serve after July 12, 2004, who was an appointed officer for the City for successive pervious terms or who was employed by the City of Haysville prior to the passage of this Charter, and thereafter was appointed who did not, prior to July 12, 2004, reside within the 15-mile radius of the Haysville City Building, shall be exempt from the residency requirement as set forth in this section. Failure to comply with this ordinance may subject an employee to discipline, up to and including termination for cause.

Section 9. REPEAL. The passage of this Charter repeals Charter Ordinance 11, adopted on November 23, 1987, Charter Ordinance 11A, adopted on July 26, 2004, Charter Ordinance 17, adopted on December 30, 2003, Charter Ordinance 20, adopted on July 23, 2007, Charter Ordinance 20A, adopted on December 27, 2007, and Charter Ordinance 22, adopted on November 13, 2012. Additionally, all parts of regular ordinances in conflict herewith are hereby repealed to that degree that such ordinance(s) may not be construed in conformance with this act of the following terms of construction. All references to the City Clerk as set forth in any regular ordinance shall henceforth be construed to mean the City Clerk/Treasurer or such official's designee. All references to the Director of Governmental Services as set forth in any regular ordinance shall henceforth be construed to mean the Chief Administrative Officer or such official's designee.

Section 10. SAVING CLAUSE. If any phrase, clause, paragraph or section of this Charter Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declared that the Governing Body would have enacted the remaining portions of this Charter Ordinance without such phrase, clause, paragraph or section so held unconstitutional or invalid.

Section 11. EFFECTIVE DATE. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper, and shall take effect

sixty-one days after its final publication, unless a sufficient petition for a referendum is filed in conformance with Article 12, Section 5 of the Constitution of the State of Kansas. If a referendum is held, this ordinance shall become effective on the day after approved by a majority of the electros voting thereon.

Passed by two-thirds vote of the members elect of the Haysville City Council this _____ day of _____, 2015.

Approved by the Mayor this ____ day of _____, 2015.

_____
MAYOR BRUCE ARMSTRONG

ATTEST:

_____
JANIE COX, CITY CLERK

SEAL

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KANSAS PRIDE PROGRAM

2016 Entry Government Resolution

Resolution No. _____

WHEREAS, local municipal government has a responsibility to develop the capacity to undertake a viable community development effort; and

WHEREAS, community development needs and problems can best be determined and solved through a cooperative effort between elected officials and those citizens they represent; and

WHEREAS, the Kansas PRIDE Program, co-administered by the Kansas Department of Commerce and K-State Research and Extension, has been reviewed and found to be a means to improve our community, and

WHEREAS, the Mayor and Council do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the Kansas PRIDE Program.

NOW THEREFORE BE IT RESOLVED, that the community of _____
Haysville, Kansas

urges its citizens to join this effort and hereby declares this city to be an official entrant in the PRIDE Program for the year of 2016 .

PASSED AND APPROVED THIS _____ DAY OF _____ IN THE YEAR OF _____.

Attest:

_____ **OR** _____

City Council Representative Mayor

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M E M O

TO: The Honorable Bruce Armstrong, Mayor
Haysville City Councilmembers

FROM: Will Black, Chief Administrative Officer

SUBJECT: Proposed City Code Updates for 2016

DATE: December 11, 2015

Proposed changes to the City Code are before you for review. A codification ordinance will be presented to Council at the December 29th meeting. Proposed changes are shown in red. Deletions are struck-through and additions are underlined. Please contact me with any questions.

Summary of Proposed Changes

- Chapter 1. Administration
  - 1-105. Amendments: Repeal
    - Simplification of language used when amending the code
  - 1-107. Publication of Ordinances
    - Modification to allow for ordinance summary publication
  - 1-201. General Elections
    - Modification to conform with new state law moving primary elections to August and general elections to November and changing the term expiration to the second Monday in January following general elections
  - 1-203. Vacancies
    - Modification to conform with new state law changing the term expiration to the second Monday in January following general elections
  - 1-204. Filing Deadline
    - Modification to conform with new state law changing the filing deadline to June 1 of the election year and the filing location to the county election office
  - 1-206. Filing Procedures
    - Modification to conform with new state law changing the filing deadline to June 1 of the election year and adjusting to the state requirements for nomination petitions and filing fee
  - 1-406. City Treasurer: Duties of Office
    - Clarification of duties as those being associated with the position of treasurer
  - 1-605. Haysville Historic Committee
    - Allowance for up to two members to be from the area of influence
  - Article 10. City of Haysville, Kansas, Land Bank
    - Inclusion of section adopted by Ordinance No. 1022

- Chapter 2. Animals and Fowl
  - 2-112. Cruelty to or Neglect of Animals
    - Clarification of definitions of food, fresh water, and outdoor shelter
    - Addition of health care requirement
    - Addition of clarification of legal standard used to prosecute this section
  - 2-205. Limitations on Pet Ownership
    - Allowance for more than four pet animals when said pet animals do not exceed one pound and are maintained in an aquarium (fish, small rodents, small reptiles)
- Chapter 4. Building, Construction and Installations
  - 4-103. Permit
    - Addition of penalty for work done without a permit when a permit is required
  - 4-112. Violations and Penalties
    - Clarification of scope of violations and penalties section
  - 4-113. Enforcement
    - Clarification of city staff member who designates the building official to enforce this chapter of the code
    - Clarification that prosecution will conform to the City's general penalty clause
  - 4-209. Suspension; Appeal
    - Clarification of appeal process before governing body
  - 4-212. Violation and Penalty
    - Violations to be prosecuted as stated in section 4-112 of this chapter
  - 4-301. Adoption of the International Residential Code, 2012 Edition
    - Adoption of same version of residential code Sedgwick County is using
  - 4-304. Violations and Penalties
    - Clarification on code referred to
  - 4-305. Penalty Clause Not Exclusive
    - Removing language from when Sedgwick County performed inspections
  - 4-405. Penalty Clause Not Exclusive
    - Removing language from when Sedgwick County performed inspections
  - 4-406. Enforcement
    - Correction of code to show enforcement by City
  - 4-501. Adoption of the NFPA 70, National Electric Code, 2014 Edition
    - Adoption of same version of electric code Sedgwick County is using
  - 4-502. Availability of Copies
    - Clarification of code content
  - 4-504. Violations and Penalties
    - Clarification on code referred to
  - 4-505. Penalty Clause Not Exclusive
    - Removing language from when Sedgwick County performed inspections
  - 4-506. Enforcement
    - Correction of code to show enforcement by City
  - 4-601. Adoption of the Uniform Plumbing Code, 2012 Edition
    - Adoption of same version of plumbing code Sedgwick County is using
  - 4-602. Availability of Copies
    - Clarification of code content

- 4-604. Enforcement
  - Correction of code to show enforcement by City
- 4-606. Penalty Clause Not Exclusive
  - Removing language from when Sedgwick County performed inspections
- 4-701. Applicability of Uniform Code
  - Drain layers to be regulated by Plumbing and Gas Fitting Code
- 4-801. Adoption of the International Mechanical Code, 2012 Edition
  - Adoption of same version of mechanical code Sedgwick County is using
- 4-805. Penalty Clause Not Exclusive
  - Removing language from when Sedgwick County performed inspections
- 4-806. Enforcement
  - Correction of code to show enforcement by City
- 4-1201. Adoption of Wichita-Sedgwick County Unified Building and Trade Code
  - Adjustment to incorporate subsequent amendments to the building and trade code as adopted by Sedgwick County
- 4-1204. Enforcement
  - Correction of code to show enforcement by City
- 4-1206. Penalty Clause Not Exclusive
  - Removing language from when Sedgwick County performed inspections

❖ Chapter 5. Business Regulations and Licenses
- 5-101. Business Registration and Permit to Operate Required
  - Clarification of term of business license
- 5-107. Door-to-Door Sales
  - Correction of reference
- 5-112. Penalty for Nonpayment of Fees
  - Reference to Chapter 17 of the code for penalty
- 5-1302. Permit Required, Exemptions
  - Addition of requirement for door-to-door salespersons to wear an I.D. or uniform identifying the company affiliation and to present a copy of the door-to-door sales permit at the beginning of each sales contact

❖ Chapter 6. Fire Protection
- 6-201. Adoption of the International Fire Code, 2012 Edition
  - Adoption of the same version of fire code Sedgwick County is using

❖ Chapter 7. Health and Welfare
- 7-515. Immediate Hazard
  - Allowance for Mayor or Chief Administrative Officer to deem a structure an immediate hazard and have made safe
    - Action will be brought to Council in report form at the next regular meeting
  - Addition of publication requirement for notice of action
- 7-516. Appeals from Order
  - Adjustment of time frame for appeal to start with decision of the governing body not the service of the order

❖ Chapter 11. Public Offenses
- 11-102. Incorporating Uniform Public Offense Code
  - Annual incorporation of the UPOC

❖ Chapter 12. Public Property
- 12-102. Hours, Opening and Closing, Fees for Usage

        - Adjustment of Skate Park hours to fifteen minutes after sunrise to fifteen minutes prior to sunset
- Chapter 14. Traffic
    - 14-101. Standard Traffic Ordinance Incorporated
        - Annual incorporation of the STO
- Chapter 15. Utilities
    - 15-411. Construction Standards for Septic System Absorption, and Other Private Sewage Facilities
        - Incorporation of Sedgwick County code book
    - 15-412. Operate Private Sewage Facilities at Own Expense
        - Clarification of regulation of private sewage facilities
- Chapter 17. Fee Schedule
    - 17-308. Bicycle Licenses
        - Removed since we no longer issue licenses
    - 17-373. Senior Center Room Rental
        - Adjustment of refundable deposit from fifty to one hundred dollars

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CHAPTER 1. ADMINISTRATION

Article 1.	General Provisions
Article 2.	City Elections
Article 3.	Governing Body
Article 4.	Administrative Officers
Article 5.	Oaths and Bonds
Article 6.	Boards and Committees
Article 7.	Investment of Idle Funds
Article 8.	Open Public Records
Article 9.	Insurance Proceeds
Article 10.	Land Bank

ARTICLE 1.
GENERAL PROVISIONS

1-101. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and may be designated as the Code of the City of Haysville, Kansas, and may be so cited.

(Code 1984)

1-102. DEFINITIONS. The following definitions and rules of construction shall be observed in the construction of this code and of all ordinances unless they are inconsistent with the manifest intent of the governing body or the context clearly requires otherwise. The following words or phrases shall mean:

(a) City: City of Haysville, in Sedgwick County, Kansas.

(b) Computation of Time: The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall be excluded.

(c) County: County of Sedgwick, Kansas.

(d) Delegation of Authority: Whenever a provision appears requiring or authorizing the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

(e) Gender: Words importing the masculine gender include the feminine and neuter.

(f) In the City: Any territory within the corporate limits of the City of Haysville, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the city by law, except as otherwise specified.

(g) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(h) May is permissive.

(i) Number: Words used in the singular include the plural and words used in the plural include the singular.

(j) Oath: Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases, the words "swear" and "sworn" are equivalent to the words "affirm" and affirmed."

(k) Owner: A building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such buildings or land.

(l) Person: A firm, partnership, association or persons, corporation, organization or any other group acting as a unit, as well as an individual.

(m) Property: Real, personal and mixed property.

(n) Real Property: Land, tenements and hereditaments.

(o) Shall and Will are mandatory.

(p) Sidewalk: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(q) Street: Public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

(r) Tenant, Occupant: Applies to building or land, means any person who occupies the whole or part of such building or land, whether alone or with others.

(Code 1984; Code 2003)

1-103. PARENTHETICAL AND REFERENCE MATTER. The matter in parenthesis at the ends of sections is for information only and is not a part of the code. Citations to ordinances indicate only the source and the text may or may not be changed by this code. This code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parenthesis is for information only and is not a part of this code.

(K.S.A. 12-3014, 3015; Code 1984)

1-104. CATCHLINES. The catchlines or headings of the sections of this code are intended as mere words to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

(Code 1984)

~~1-105.~~ AMENDMENTS: REPEAL. Any portion of this code may be amended ~~by specific reference to the section number as follows: "That section of the code of the City of Haysville is hereby amended to read as follows: (The section as amended shall then be set out in full)…" A new section not heretofore existing in the code may be added as follows: "That the code of the City of Haysville is hereby amended by adding a section (or article or chapter) which reads as follows… (the new section shall be set out in full)…" All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) _____ of~~

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1-105. ~~the Code of the City of Haysville is hereby repealed."~~in conformance with State law.
(Code 1984)

1-106. POWERS GENERALLY. All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law.
(Code 1984)

1-107. PUBLICATION OF ORDINANCES. No ordinance, except those appropriating money, shall be in force until it or its summary is published in the official city newspaper by the city clerk in a manner that conforms to State Law. One (1) publication of any such ordinance or summary shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication.
(K.S.A. 12-3007; Code 1984)

1-108. SAME; ORDINANCE BOOK. Following final passage and approval of each ordinance, the city clerk shall enter the same in the ordinance book of the city as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.
(K.S.A. 12-3008; Code 1984)

1-109. EMERGENCY GOVERNMENT. In the event of a catastrophe in which all or a majority of the members of the governing body are fatally injured, the interim governing body shall be composed of the surviving members, the city attorney, the city clerk and a sufficient number of the appointed officials selected in the order of the greatest seniority in office to make up a governing body of the prescribed number.
(Code 1984)

1-110. RESPONSIBILITIES OF PUBLIC OFFICE. City employees, elected and appointed officials hold office for the benefit of the public. By oath of office, they are bound to support the Constitution of the United States and the Constitution of the State of Kansas. By virtue of their positions, they are also bound to uphold and support the laws of the state of Kansas and the ordinance and rules and regulations of the city, and to faithfully discharge the duties of their position, keeping public interest as their primary concern.
(Ord. 684, Sec. 2; Code 2003)

1-111. CONFLICT OF INTEREST. (a) Guidelines are hereby established for city employees, contract employees, appointed officials and elected officials in conducting the business of the city and protecting the trust of the people. The city sets forth those acts or actions that would be considered a breach of the code of ethics, a conflict of interest or action incompatible with the employment or holding of public office. The

proper operation of a democratic government requires that public officials, employees and appointed personnel be responsible to the people. Public office shall not be used for personal gain; decisions and policy shall be conducted through proper governmental channels; government integrity must be upheld to maintain public confidence.

(b) An employee or public official may be deemed to have a "substantial interest" which prohibits the employee or public official from handling or participating in a transaction if any of the following are present within the transaction such as dealing with a relative or a business with whom the employee or public official has a current contract or his or her spouse is employed.

Special or conflict of interest shall be defined as follows:

(1) If an employee or an employee's spouse, public official or public official's spouse, either individually or collectively, has owned within the preceding twelve (12) months a legal or equitable interest exceeding five-thousand dollars ($5,000) or five percent (5%) of any business, whichever is less, the employee or public official has a substantial interest in that business.

(2) If an employee or an employee's spouse, public official or public official's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the public official and spouse or employee and spouse in an aggregate amount of two-thousand dollars ($2,000) from any business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.

(3) If an employee or an employee's spouse, public official or public official's spouse, either individually or collectively, has received in the preceding twelve (12) months, without reasonable and valuable consideration, goods or services having an aggregate value of five hundred dollars ($500) or more from a business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.

(4) If an employee or an employee's spouse, public official or public official's spouse hold the position of officer, director, associate, partner or proprietor, of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the employee or public official has a substantial interest in that business, irrespective of the amount of compensation received by the employee or employee's spouse, public official or public official's spouse.

(5) If an employee or an employee's spouse, public official or public official's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the employee or public official has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the employee or the employee's spouse, public official or public official's spouse, either individually or collectively, received in aggregate of two-thousand dollars ($2,000) or more in the preceding calendar year.

(6) If an employee or employee's spouse, public official or public official's spouse has been offered or promised a job, gift or business investment, a conflict of interest exists.

(Ord. 684; Code 2003)

1-112. BREACH OF ETHICS. Inappropriate Conduct. (a) No city employee shall accept private employment elsewhere when that employment interferes with the proper discharge of official duties or interferes with independent judgment. (b) No city employee or public official shall use any influence derived from being an employee on behalf of any person, business or other entity before any city agency, board, commission, council or municipal court.

(c) No city employee or public official shall request or allow unauthorized and/or personal use of city-owned vehicles, equipment, materials, or property for personal profit.

(d) No city employee or public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) It is not considered to be a violation of the code of ethics if an official or employee has a contract with a person or business of less than five-hundred dollars ($500) or has a loan from a financial institution, or has a commercial retail sales contract, even if the value is over five-hundred dollars ($500).

(f) No city employee or public official shall disclose or reveal any information or discussion which occurs or is disseminated during an executive session permitted to be conducted by the Kansas Open Meetings Act. No city employee or public official shall disclose or reveal any information that may be withheld pursuant to the Kansas Open Records Act unless such disclosure had been approved by the city attorney and authorized by the mayor or the mayor's designee.

(Ord. 684; Code 2003)

1-113. CITY CONTRACT, PARTICIPATION. (a) Employees and public officials may not participate in open bidding for contracts or services if they have any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

(b) No employee or public official shall, in the capacity of such position, make or participate in the making of a contract with any person or business by which the employee or public official is employed by or is under contract to, or in whose business the employee or public official has a substantial interest.

(c) No person or business shall enter into any contract where any city employee or official, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(d) A city employee or official shall not make or participate in the making of a contract if the employee or official abstains from any action in regard to the contract.

(e) Any city employee intending to participate in a bidding process, whether original contractor, sub-contractor or supplier, must first obtain written permission from the employee's department head.

(f) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for any published notice unless the employee or official has specific knowledge of the

process, specifications, budget, engineer's estimates, special requirements or priorities not available to other bidders;

(2) Contracts for property or services for which the price or rate is fixed by law.

(Ord. 684; Code 2003)

1-114. PARTICIPATION IN OTHER MATTERS. If an employee or official has a substantial interest in a not-for-profit organization which is exempt from federal taxation under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code by virtue of holding the position of officer, director, associate, partner or proprietor, the employee or official must disclose this interest if he/she intends to participate in any matter between the city and the organization. This disclosure must be filed with the city clerk before the employee or official act on the matter.

(Ord. 684, Sec. C)

1-115. RESTRICTIONS ON FORMER EMPLOYEES OR OFFICIALS IN MATTERS CONNECTED WITH THEIR FORMER DUTIES. It shall be a breach of ethical standards for any former employee or official to participate in negotiations, proceedings or open bidding for contracts or services if the former employee or official has any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities if that knowledge was derived specifically from said employment or official duties and has not been made available to all interested parties.

(Ord. 684, Sec. D.1)

1-116. RESTRICTIONS OF SELLING TO THE CITY. It shall be a breach of ethical standards for any employee or official to engage in selling or attempting to sell supplies, services, or construction to the city during their employment or term except through open, competitive bidding and the employee or official has no special knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

The term "sell" as used herein means signing a bid, proposal, or contact; or negotiating a contract; contracting any employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consumption of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former employee or official from accepting employment with private industry solely because the former employee's or official's employer is a contractor with the city, nor shall a former employee or official be precluded from serving as a consultant to the city.

This section shall not apply if the former employee or official, before engaging in or attempting to sell, makes a full disclosure to the governing body of the former position and the governing body determines that it is in the best interest of the city to permit the former employee or official to sell or attempt to sell such supplies, services, or construction.

1-117. SANCTIONS. Violations shall be an administrative matter. For violations of the provisions of sections 1-110 and 1-111 the employee shall be terminated. An official who violates said section 1-110 and 1-111 shall be subject to recall or removal from office pursuant to state law. Violations of any section other than section 1-110 or 1-111 may constitute a cause for suspension, termination or other disciplinary action. Violations of any provision may constitute cause to cancel any contract, cease negotiations on any contract and rescind or modify any previous action based on such violations.

(Ord. 684; Code 2003)

1-118. CITY RECORDS. The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 and K.S.A. 12-121 inclusive, which is incorporated by reference herein as if set out in full.

(K.S.A. 12-120; 12-121; Code 1984)

1-119. ALTERING CODE. It shall be unlawful for any person, firm, company, corporation or other entity to change, amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance duly adopted by the governing body.

(Code 1984)

1-120. SCOPE OF APPLICATION. Any person convicted of doing any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this Chapter shall be deemed guilty of a misdemeanor and punished in accordance with section 1-121. Each day any violation of this code continues shall constitute a separate offense.

(Code 1984)

1-121. GENERAL PENALTY. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

(a) A fine of not less than fifty dollars ($50) or more than one-thousand dollars ($1,000); or,

(b) Imprisonment for not more than one hundred eighty (180) days; or

(c) Both such fine and imprisonment not to exceed (a) and (b) above.

(Code 1984; Code 2003)

1-122. SEVERABILITY. If for any reason any chapter, article, section, subsection, sentence, clause, or phrase of this code or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable such decision shall not affect the validity of the remaining portions of this code.

(Code 1984)

ARTICLE 2.
CITY ELECTIONS

1-201. GENERAL ELECTIONS. There shall be elected, on the first Tuesday in April of 2004, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2004, whom shall be elected for a one-time term of three (3) years. Then, there shall be elected, on the first Tuesday in April 2007 and every four years thereafter, one councilmember from each of said wards, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected, on the first Tuesday in April of 2005 and every four (4) years thereafter, one councilmember from each ward to each of the city council positions having terms which would otherwise expire in April 2005, each of whom shall be elected thereafter for a term of four (4) years.

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There shall be elected on the first Tuesday in April of 2005 and every four (4) years thereafter, the mayor having a term which would otherwise expire in April 2005, who shall be elected thereafter for a term of four (4) years.

On and after January 1, 2017, all primary elections for members of the governing body shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body shall be held on the Tuesday succeeding the first Monday in November of 2017 and on such date of odd-numbered years thereafter. Any member of the governing body whose term was to expire in 2017, shall continue to serve until the second Monday in January of 2018, when newly elected members of the governing body shall take office. Any member of the governing body whose term was to expire in 2019, shall continue to serve until the second Monday in January of 2020, when newly elected members of the governing body shall take office.

(C.O. No. 2; C.O. No. 11, C.O. No. 17; K.S.A. 25-21a01(2015))

1-202. ELECTION OF COUNCILMEMBERS. Each ward of the city shall have two (2) council members and shall be chosen by the qualified electors of their respective wards. No person shall be eligible to the office of councilmember who is not at the time of his or her election or appointment, an actual resident and qualified voter of the ward for which he or she is elected or appointed. If any councilmember shall move from the ward from which he or she was elected or appointed, his or her office as council member shall thereby become vacated.

(Code 1984; C.O. No. 11; Code 2003)

1-203. VACANCIES. All vacancies shall be filled by appointment by the remaining members of the governing body at a regular council meeting within thirty (30) days of said vacancy. Such appointment shall be for the period from and after the date of appointment and until the second Monday in January ~~date of the~~following the next

~~April~~ city general election, when the individual elected to fill the office shall take office. ~~On such date, the unexpired term shall be filled by election.~~

(C.O. No. 5A; C.O. No. 11; Code 2003; C.O. ____)

1-204. FILING DEADLINE. ~~F~~The filing deadline for all city elections shall be 12:00 noon of~~n the Tuesday preceding by ten (10) weeks the first Tuesday in April~~ June 1 of the year of the city election, or if such date falls on a Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or holiday. Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing to become a candidate with the county election officer.

(~~K.S.A. 25-2109~~, K.S.A. 25-21a01(2015))

1-205. WITHDRAWAL OF CANDIDACY. No candidate shall be permitted to withdraw his or her candidacy after the filing deadline.

(K.S.A. 25-2106)

1-206. FILING ~~FEE~~PROCEDURES. ~~A filing fee, as set out in Chapter 17, of $10.00 is required for all candidates filing for city elections; or in lieu of a filing fee, by a petition signed by fifty (50) qualified electors of the city or by a number of such qualified electors of the city equal to not less than one percent (1%) of the ballots cast and counted at the last general city election, whichever is less.~~ Any person who meets the qualifications for the office sought may become a candidate for municipal office by one of the two following methods:

(1) They shall have had filed in their behalf, not later than 12 noon, June 1, of the year of such election, or if such date falls on Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions signed by that percentage of voters as provided for in K.S.A. 25-205(b); or

(2) They shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by a $20.00 filing fee as required by State law. Such declaration shall be prescribed by the secretary of state.

(K.S.A. 25-2110; K.S.A. 25-2110(a); Code 2003)

1-207. ELECTION; WHO CONDUCTS. City elections shall be conducted by the Sedgwick County Election Commissioner.

(K.S.A. 25-2110; K.S.A. 25-2110(a); Code 2003)

1-208. NON-PARTISAN ELECTIONS. City elections shall be non-partisan. Laws applicable to the elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of this article.

(Code 1984)

1-209. ELECTION TIE. Whenever there shall be a tie in the election of council members, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen.

(C.O. No. 5A; C.O. No. 11; Code 2003)

1-210. WARDS. (a) The governing body of the city pursuant to the authority granted to it under K.S.A. 14-103, hereby designates the following wards for the city.

Ward I – Ward I shall encompass the quadrant of the city that is north of the center of Grand Avenue (71st Street South) extending north to the city limits and west of the center of North Main Street (Seneca), (including Campus High School) extending to the western edge of the city limits.

Ward II – Ward II shall encompass the quadrant of the city that is north of the center of Grand Avenue (71st Street South) extending north to the northernmost city limits, and east of the center of North Main Street (Seneca), (including the Suncrest Addition) extending to the easternmost edge of the city limits.

Ward III – Ward III shall encompass the quadrant of the city that is south of the center of Grand Avenue (71st Street South) extending to the southernmost city limits and east of the center of German Avenue to the easternmost edge of the city limits.

Ward IV – Ward IV shall encompass the quadrant of the city that is south of the center of Grand Avenue (71st Street South) extending to the southernmost city limits and west of the center of German Avenue to the westernmost edge of the city limits.

(K.S.A. 14-103; Ord. 510; Code 2003)

ARTICLE 3.
GOVERNING BODY

1-301. GOVERNING BODY DEFINED. The term "governing body" as used in this code shall be defined to include the mayor and members of the council of the city.

(K.S.A. 12-104; Code 1971; Sec. 1-102; C.O. No. 2, 5A; Code 2003)

1-302. POWERS GENERALLY. All powers conferred upon cities of the second class by the constitution and laws of the state of Kansas shall be exercised by the governing body subject to such limitations as may be prescribed by law that are uniformly applicable to all cities. All executive and administrative authority shall be vested in the mayor and council of the city as the governing body of the city.

(K.S.A. 12-103; Kansas Constitution, Article 12, Section 5; Code 1971; Sec. 1-103; Code 2003)

1-303. ORDINANCE POWERS. The governing body shall have the care, management and control of the city and its finances and shall have the power to enact, ordain, alter, modify, or repeal any and all ordinances. The governing body shall ordain such ordinances in conformity with Article 12, Section 5 of the Kansas Constitution, and this article.

(Code 1971; Sec. 1-104)

1-304. MEETINGS. The governing body shall have regular meetings on the second and fourth Monday of each month at 7:00 p.m. and additional meetings at any time of the year at any other time deemed proper. When the date fixed for a regular meeting shall fall on any legal holiday, or a day observed as a holiday in the city, the regular meeting shall convene on the next regular or business day thereafter that is not observed as a legal holiday, or as ordered by the governing body at any previous meeting, regular or special.

(K.S.A. 14-111; Ord. 357)

1-305. SPECIAL MEETINGS. Any special meeting may be called by the mayor on written request of not less than three (3) members of the council addressed to the mayor, specifying the object and purpose of the meeting, which request must be read at the meeting and entered at length on the journal. The call of the mayor for any such meeting shall be issued in such manner as may be required by the rules of the council. Attendance by any member of the governing body at a special meeting thereof shall constitute a waiver of any right or privilege such member may have to challenge any purported or actual non-compliance with the provisions of this section, unless such appearance is limited solely to express formal objection to the call.

(Ord. 1971; Sec. 1-106; Code 1984; Code 2003)

1-306. MAYOR; POWERS AND DUTIES. The mayor shall preside at all meetings of the city council, and shall have a vote when the council is equally divided and as may otherwise be provided by law and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all applicable laws are complied with.

(C.O. No. 8; K.S.A. 14-301; Code 2003)

1-307. MAYOR; SALARY. A salary in the amount of $750.00 per month is hereby established for the mayor of the city. The mayor's salary shall be payable the first day of each calendar month. Salary pursuant to Chapter 17 of this code.

(Ord. 560; Ord. 603; Code 1984; Code 2003; Code 2007)

1-308. COUNCILMEMBERS; SALARY. A salary in the amount of $100.00 per month is hereby established for members of the city council. The council members' salary shall be payable the first day of each calendar month. Pursuant to Chapter 17.

(Ord. 564; Code 1984; Code 2003; Code 2007)

1-309. PRESIDENT OF COUNCIL. The council shall elect from its membership a president of the council. The president of the council shall preside in the absence of

the mayor and when any vacancy shall occur in the office of the mayor by death, resignation, removal from office, refusal to qualify, or otherwise, the president of the council shall become mayor until the next regular city election and a vacancy shall occur in the office of the councilmember becoming mayor. Thereupon, the council shall elect from its membership a new president of the council.

(Code 1971, Sec. 1-108; C.O. No. 11; Code 2003)

1-310. ORDINANCES: CONSIDERATION; PASSAGE. All ordinances of the city shall be considered at a public meeting of the governing body, except as otherwise provided by law. The vote on any ordinance shall be by "yeas" and "nays" which shall be entered on the journal by the city clerk. No ordinance shall be valid unless a majority of all members elect of the city council shall vote in favor thereof: PROVIDED, that where the number of favorable votes is one (1) less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.

(K.S.A. 12-3001: 3002; Code 1971, Sec. 1-109)

1-311. ORDINANCES: APPROVAL; VETO; PASSAGE OVER VETO. The mayor shall have the power to sign or veto any ordinance passed by the council: PROVIDED, that on those ordinances in which the mayor casts the deciding vote and appropriation ordinances, he or she shall have no veto and he or she shall sign such ordinance if he or she is present at the meeting and if the mayor refuses or neglects to sign or is not present at the meeting, they shall take effect without the mayor's signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of ¾ of the whole number of council members elect notwithstanding the veto: PROVIDED FURTHER, that if the mayor does not sign his or her approval of the ordinance or return the same with his or her veto stating his or her objection in writing on or before the next regular meeting of the council, the ordinance shall take effect without the mayor's signature, such fact to be endorsed in the ordinance book: PROVIDED FURTHER, that the president of the council or acting president of the council shall have no power to sign or veto any ordinance.

(K.S.A. 12-3003; Code 1971; Section 1-110; Code 2003)

1-312. ORDINANCES: STATEMENT AFTER LAST SECTION. After the last section of each ordinance there shall be a statement substantially as follows: "Passed by the council this _____ day of _____, 20___." followed by "(Approved) (Signed) by the mayor" with the signature of the mayor; or "Passed over the mayor's veto." or "The mayor not having approved the ordinance on or before the next regular meeting, took effect without the mayor's signature"; or in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto.

(K.S.A. 12-3003; Code 1971; Sec. 1-111; Code 2003)

1-313. ORDINANCES: SUBJECT; TITLE; AMENDMENTS; ORDAINING CLAUSE. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the

amending ordinance shall contain the entire section or sections as amended and the section or sections amended shall be repealed. The style of the ordaining clause of all ordinances shall be "Be it Ordained by the Governing Body of the City of Haysville."

(K.S.A. 12-3004; 3005; Code 1971; Sec. 1-112)

1-314. RULES AND ORDER OF BUSINESS. The following rules shall be and the same are hereby established for the mayor and council members of this city.

Rule 1. Once called to order by the chairperson, being the mayor, and in his or her absence, by the president of the governing body, and in the absence of both, by the clerk, the clerk shall call roll, note the absentees, and announce whether a quorum be present. Upon the appearance of a quorum, the governing body shall proceed to business which shall be conducted according to the written agenda.

Rule 2. The chairperson shall preserve order and decorum and shall decide questions of order subject to an appeal to the governing body.

Rule 3. Every member previous to his or her speaking shall address himself or herself to the chairperson and shall not proceed until he or she has been recognized by the chair. He or she shall indulge in no personalities and confine his or her remarks to the matter under debate.

Rule 4. Every motion made and seconded and after discussion of the motion and prior to voting on the motion, the motion will be stated by the chairperson or by the clerk, and may be withdrawn before decision or amendment, or any disposition has been made, or a vote thereon had.

Rule 5. All resolutions must be in writing.

Rule 6. When a question is put before the chairperson, every member present shall vote unless a conflict exists with any one (1) or more members. Upon the final passage of all ordinances, yeas and nays shall be recorded in the minutes.

Rule 7. All committees shall be appointed by the chairperson, unless expressly ordered otherwise by the governing body.

Rule 8. The standing committees shall consist of not more than two (2) members appointed annually by the mayor, and the first person named on the committee shall be chairperson thereof.

Rule 9. It shall be the duty of the committees to act promptly and faithfully in all matters referred to them, and to make their report at the next meeting of the governing body.

Rule 10. Upon introduction of an ordinance by the city staff and reasonable discussion thereof, amendments made, if any, the question shall be "Shall the ordinance pass?" PROVIDED FURTHER, that upon a request of one (1) or more council members present, the entire ordinance shall be read publicly by the clerk before the vote on the passage of the ordinance is taken.

Rule 11. After an ordinance shall have passed, such ordinance shall be signed by the mayor, or in his or her absence, by the president of council, and deposited with the clerk who shall file and record the same and secure its publication as required by law.

Rule 12. When an ordinance shall be returned by the mayor to the governing body with his or her objections thereto, the objections shall be entered at large upon the journal, and the governing body shall proceed to reconsider the ordinance, upon which reconsideration, the question shall be: "Shall the ordinance pass, the mayor's

objections thereto notwithstanding?" If ¾ of the whole governing body shall vote for the ordinance, it shall be endorsed by the president as having passed by the governing body over the mayor's veto, and should the mayor neglect or refuse to sign any ordinance and return the same with his or her objections in writing at the next regular council meeting of the governing body, the same shall become a law without the mayor's signature.

Rule 13. A motion to adjourn for executive session shall be seconded, state those to be included, and state the time not to exceed. All remarks and proceedings in executive sessions shall be kept in strict confidence among participants of the session except as announced by the mayor in open council.

Rule 14. The chief of police, or his or her designee, shall attend all the meetings of the governing body and preserve order in the room.

Rule 15. It shall require a majority of the members elect to confirm any nominations made by the mayor, but when the governing body is evenly divided, the mayor shall cast the deciding vote.

Rule 16. In all points not covered by these rules, the governing body shall be governed in its procedure by Robert's Rules of Order.

(Code 1971; Sec. 1-113; Ord. 386; Ord. 531; Ord. 746; Code 2003)

1-315. MOTIONS, RESOLUTIONS; PASSAGE. Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the council. A majority of the council members elect shall constitute a quorum.

(Code 1971; Sec. 1-114; Code 2003)

ARTICLE 4.
ADMINISTRATIVE OFFICERS

1-401. OFFICERS, APPOINTMENT. The mayor shall appoint city officers, by and with the consent of the city council, including a municipal judge of the municipal court, a chief of police, chief administrative officer, deputy administrative officer, city clerk/treasurer, public works director, city attorney, recreation director, and may appoint law enforcement officers and/or any other officers for the City as deemed necessary. Officers so appointed and confirmed shall hold their offices for a term of one year, provided their work has met the standards and requirements so designated by the mayor, and shall hold their positions until their successors are appointed and qualified, unless removed for cause by action of the city council. The city council may by ordinance abolish any office created by the council whenever deemed expedient except those specifically named herein. The position(s)and/or duties of the city clerk/treasurer shall be those associated by statute with either a city clerk's position or a city treasurer's position as well as duties set forth by City Ordinance or action of the Governing Body.

(C.O. 8A, Sec. 11; C.O. No. 11; Code 2003; C.O. 11-A; C.O. 20A; Code 2008; C.O. ~~2012~~22)

1-402. OFFICERS, QUALIFICATIONS. Except where otherwise specifically required or permitted by ordinance, all elected officers shall be qualified electors of the city. All officers appointed by the mayor to serve after July 12, 2004, shall live within a fifteen (15) mile radius of the Haysville city building within one hundred eighty days (180) days of appointment except that the mayor may appoint as city engineer, municipal judge, city attorney and law enforcement officers individuals who reside outside of the fifteen (15) mile radius when deemed necessary, including the appointment of such individuals who also serve as municipal judge or law enforcement officers of another municipality or public agency. Any officer appointed to serve after July 12, 2004, who was an appointed officer of the city for successive previous terms or who was employed by the city of Haysville prior to the passage of this section and thereafter was appointed who did not, prior to July 12, 2004, reside within the fifteen (15) mile radius of the Haysville city building, shall be exempt from the residency requirement as set forth in this section. Failure to comply with this ordinance may subject an employee to discipline, up to and including termination for cause.

(C.O. No. 11; Code 2003; C.O. 11-A)

1-403. SAME; ORDERS AND REPORTS. The mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make report to the governing body in writing touching any subject or matter he or she may require pertaining to his or her office.

(C.O. 8; Code 2003)

1-404. SERVICE CHARGE, INSUFFICIENT FUND CHECKS. A service charge as set out in Chapter 17 shall attach to the collection of "insufficient fund," "account closed," "stop payment," checks given to the city for payment of any services, goods, merchandise or otherwise.

(Code 1971, Sec. 1-204; Ord. 221-A; Ord. 608; Code 2003, Code 2004)

1-405. UNCLAIMED CHECKS. The city clerk may void an unclaimed check other than a certified check whenever such check remains unclaimed or uncashed more than six (6) months following its date of issuance by the city.

(Code 1984; Code 2003)

1-406. CITY TREASURER: DUTIES OF OFFICE. The official appointed by the Mayor to be responsible for the duties of the City Treasurer for the city, regardless of such official's title, shall have the following duties associated with the position of treasurer:

(a) Receive and safely keep all moneys belonging to the city coming to him or her by virtue of his or her office, giving his or her receipt therefore. For all moneys received by him or her from any other source than the city clerk, he or she shall give duplicate receipts causing one (1) of them to be filed with the city clerk, and shall keep a copy thereof in his or her own office;

(b) Keep proper records and accounts of all moneys received and disbursed by him or her from any source and funds in behalf of the city specifying the time of receipt and disbursements, from whom received and to whom disbursed on account of the city;

(c) Publish or cause to be published a quarterly financial statement of the city in the manner and style required by K.S.A. 12-1608;

(d) Deposit all funds of the city coming into his or her hands in his or her official capacity or responsibility in a depository bank or banks within the city, and only after the same has been designated by the governing body and after the depository bank shall have given security in those instances when a depository of public moneys must give security. All such deposits shall be made in the treasurer's name and in his or her official title as treasurer of the city; and

(e) Pay out funds of the city upon warrants (or warrant checks) properly signed by the mayor, attested by the city clerk and countersigned by the city treasurer. He or she shall cancel all warrants as soon as paid, and in canceling paid warrants, shall write across the face of such warrant the work "Paid" in red ink and sign the same. In case a combination warrant check is used and such warrant is stamped by a depository bank of the city, the endorsement of the treasurer shall not be required.

(K.S.A. 9-1401; 1403, 10-801:809, 10-1118, 12-1608; K.S.A. 9-1402; Code 1971, Sec. 1-205; Code 2003)

1-407. MUNICIPAL JUDGE; DUTIES. It shall be the duty of the municipal judge to hear matters pertaining to the conduct of his or her office pursuant to the laws of the state of Kansas. The municipal judge shall be paid a sum to be established by ordinance of the city.

(Ord. 260; Code 2003)

1-408. APPOINTIVE OFFICERS; GENERAL DUTIES. The foregoing provisions of this article shall not be construed to limit the duties of the city officers therein named and they shall have additional duties as may be required by the governing body for the general operation and maintenance of the city water and sewage plants, maintenance of city streets, alleys and public grounds. The governing body may create other city offices as the city may require hereafter and may abolish any office herein established which shall not have been created by the laws of the state of Kansas applicable uniformly to all cities. The same person may be appointed to any one (1) or more appointive offices, except the same person shall not be appointed to incompatible offices.

(Code 1971, Sec. 1-212)

ARTICLE 5.
OATHS AND BONDS

1-501. OFFICERS' OATH. All officers of the city, whether elected or appointed, either under the laws of the state of Kansas or ordinances of the city shall, before entering

upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

> "I do solemnly swear that I will support the Constitution of the United States and the laws of the State of Kansas, and the laws and ordinances of the City of Haysville, Kansas and the rules and regulations of the _____ Department and will well and faithfully discharge the duties of the office of _____ to the best of my ability. So help me God.
> (K.S.A. 25-2120, 54-106; Code 1971, Sec. 1-301; Code 2003)

1-502. OATHS FILED. All officers and employees required by section 1-501 to take and subscribe or sign an oath or affirmation shall be supplied the forms for such purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the oath or affirmation shall be filed by the city clerk.
(Code 1971, Sec. 1-302)

1-503. BONDS REQUIRED. City department heads and any employee responsible for handling money or city property or equipment shall each, before entering upon the duties of office, give a good and sufficient surety company bond or personal bond to the city, which shall be approved by the governing body
(Code 1971, Sec. 1-303; Code 1984; Code 2003)

1-504. CONDITION OF BONDS. The bonds required in section 1-503 shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and the ordinances of the city, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer or employee by virtue of his or her office.
(Code 1971, Sec. 1-304; Code 2003)

1-505. APPROVAL OF BONDS. All bonds given to the city shall be approved as to their form by the city's legal counsel and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the state of Kansas.
(Code 1971, Sec. 1-305; Code 2003)

ARTICLE 6.
BOARDS AND COMMITTEES

1-601. PARK BOARD. (a) The Park Board is hereby established as provided and authorized by the terms and provisions of K.S.A. 14-537, and designated as responsible for all trees on City owned property in conformance with the requirements of the Tree City USA standards, and shall be composed of five (5) members, one (1) of whom shall be the Mayor or councilmember appointed by the Mayor to serve as ex-officio chairperson of such Board. The other four (4) members shall be resident taxpayers of the city who shall be appointed by the Mayor with the consent and approval of the council members of the city. Any reference to City Parks and Community Forestry Board within any chapter of this Municipal Code or otherwise within local ordinance or regulation shall be understood to refer to this Park Board.

(b) No member of the Park Board shall be related by blood or marriage to the mayor, to any member of the council or to any officer of the city government. The members of the Board shall serve without compensation.

(c) Upon creation of the Board, two members of the Board shall be appointed for an initial term of one year, and two members shall be appointed for an initial term of two years. Thereafter, all appointments shall be for two year terms, and all members shall be eligible for reappointment(s) at the discretion of the Mayor.

(d) In the event of death, resignation or other disqualification of any members of the Park Board, his or her successor shall be appointed by the mayor by and with the consent and approval of the council members of the city and such appointment shall be for the unexpired term only. The members of the Park Board may be removed from office in the same manner as are other appointive officers.

(e) The Board shall meet at least once each month and shall make its recommendations to the city council in writing at least six days prior to the next regularly scheduled city council meeting.

(f) The Park Board shall make an annual report of all its proceedings and of the condition of the parks of this city to the governing body during the month of January each year; provided, that any procedural rules and regulations established by the Board shall be subject to review and modification by the city council. A majority of the five members shall constitute a quorum for the transaction of business.

(g) Duties of the Park Board. The Board shall:

1. Develop a list of goals and objectives, to include needs and usage of the existing parks and open space; needs for additional park grounds; the size and types of park grounds to be considered; development of short and long range capital improvements required to develop current and proposed park grounds; and essential environmental concerns for the community and the surrounding planning and growth area;
2. Study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, replacement, maintenance, and removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented annually to the governing body, and upon their acceptance and approval, shall constitute the official comprehensive tree plan for the city;

3. Develop programs and review existing programs to encourage the usage of city parks and open space. When feasible, such programs should provide for joint use of land with other governmental entities to include the USD 261;
4. Develop initiatives to enhance the image of the community, both at the neighborhood level and city-wide, through beautification and preservation projects to include landscaping, tree planting, decorative lighting, and measures to reduce traffic, noise, sight and other types of pollution;
5. Develop and maintain a list of recommended tree species for planting on anywhere within the city. Such list shall be available to residents of the city upon request to aid in the selection of trees for private properties. The list shall be updated annually by the Board to reflect new developments or species which have favorable characteristics for inclusion in the community forest; and
6. Plan for and carry out an annual Arbor Day Observance and Proclamation.

(Code 1971, Sec. 1-401; K.S.A. 14-537; K.S.A. 12-1301 to K.S.A. 12-1306; Code 2003; Ord. 975; Code 2015)

1-602. LIBRARY BOARD. (a) There is hereby created a city library board which shall be composed of seven (7) members as provided and authorized by the terms and provisions of K.S.A. 12-1222 who shall be residents of the city.

(b) Vacancies occasioned by removal from the city, resignation, or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two (2) consecutive four (4) year terms to the board shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. Members shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

(Code 1984, K.S.A. 12-2222; Code 2003)

1-603. SENIOR CITIZEN ADVISORY BOARD. The governing body deems it necessary, for the quality of life of the senior citizens of the city, to establish a board which shall be known as the Haysville Senior Citizens Advisory Board. This board shall consist of nine (9) members who shall hold their office for an indefinite period of time.

(a) The mayor shall appoint members of the board as follows:

(1) One (1) member shall be appointed from the governing body;

(2) One (1) member shall be appointed from the Haysville Ministerial Alliance;

(3) One (1) member shall be appointed from the business community within the city;

(4) Six (6) members shall be appointed at large from the community, three (3) of whom shall be citizens 55 years of age or older, and one (1) shall be an employee of U.S.D. 261. All appointments shall be subject to the approval of the governing body.

(b) The duties and responsibilities of the board shall be to:

(1) Make recommendations to the governing body concerning the affairs of the senior citizens center;

(2) Report to the governing body from time to time concerning the quality of life of the senior citizens within the city; and

(3) Make recommendations to the governing body on issues relating to the health, safety and welfare of senior citizens.

(Ord. 546; Code 2003)

1-604. RESERVED

1-605. HAYSVILLE HISTORIC COMMITTEE. There is created and established a commission to be known as the "Haysville Historic Committee" of the City of Haysville. The Haysville Historic Committee will hereafter be called the "Haysville Historic Committee."

(a) Purpose.

The duties of the Haysville Historic Committee are to advise the city council on historic resources and to safeguard the architectural and cultural heritage of the community through the preservation of historic resources, historic landmarks and historic districts. The Haysville Historic Committee may carry out these duties through the identification, nomination and designation, and documentation of historic resources; development and implementation of a historic preservation plan; administration of ordinances governing the designation, alteration and removal of historic resources; assistance with educational and incentive programs, economic development and tourism, and coordination of public and private historic preservation activities, and to specifically carry out the duties set forth within Section 418 of the City of Haysville, Zoning Regulations regarding "HD-O" Original Town Historic Overlay District.

(b) Members. The Haysville Historic Committee shall be composed of (11) eleven members of which (6-8) six to eight general members shall be residents from within the corporate limits or property owners of the City of Haysville, Kansas, and up to (2) two may be from the City's Zoning Area of Influence, all of whom shall be appointed by the Mayor with consent of the City Council. The remaining three positions shall consist of the planning commission chair, or his or her designee from the planning commission; the park board chair, or his or her designee from the park board; and the mayor, or his or her designee from the Governing Body. It shall be irrelevant for purposes of this section only whether the persons occupying these three identified positions are Haysville residents, or from the Haysville Zoning Area of Influence. The Haysville Historic Committee membership shall be comprised of people who have a demonstrated interest in historic preservation through their community and/or professional involvements. The members of the commission should be drawn from such backgrounds as architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, neighborhood and community development, geography, real estate, law, finance, building trades or related areas.

(c) Terms. The term of office of all general members of the Committee shall be for three (3) years excepting the first committee which shall consist of two (2) members serving for one (1) year, three (3) members serving for two (2) years and three (3) members serving for three (3) years. The positions on the committee reserved for the planning commission chair, the park board chair, and the mayor shall remain with the individual appointed or elected to such position, or their designee, for the term of such individual's appointment or election. All general members shall be eligible for reappointment(s) at the discretion of the Mayor. Upon expiration of a term, the position shall remain vacant until a successor is appointed.

(d) Duties and Authority. The Haysville Historic Committee shall have the following duties and authority:

(1) The Haysville Historic Committee shall familiarize itself with the historic resources within the community and those which may be eligible for designation as historic resources, historic landmarks or historic districts and shall administer the identification, documentation and designation of such historic landmarks and historic districts, and shall present verification of significance to the city planning department, and the city council.

(2) The Haysville Historic Committee, using the criteria identified herein, shall determine whether certain buildings, structures, land areas, and interiors (only for historic landmarks and with owner consent) should be designated as historic landmarks or historic districts.

(3) The Haysville Historic Committee shall administer certificate of appropriateness review according to design criteria as defined to determine whether to grant or deny approval of proposed undertakings.

(4) The Haysville Historic Committee shall review and comment on projects which may be determined to pose a threat to an archaeological site as designated by the Kansas State Historical Office.

(5) The Haysville Historic Committee may apply for or suggest sources of funds for preservation and restoration activities for acquisition, to include federal, state, municipal, private and foundation sources.

(6) The Haysville Historic Committee may implement incentive programs for preservation.

(7) If the Haysville Historic Committee finds that certain historic resources cannot be preserved without acquisition, the Haysville Historic Committee may recommend to the city council that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds or facilities available for preservation or restoration.

(8) The Haysville Historic Committee shall annually review the status of designated historic resources, historic landmarks and historic districts and include in the Haysville Historic Committee minutes a report of such review.

(9) The Haysville Historic Committee shall make and adopt a historic preservation plan and review and update the plan as needed. The plan may include a list of historic resources which may not have attained the status of a historic landmark or as historic district. Twenty (20) days prior to a historic resource listing determination by the Haysville Historic Committee, the following procedures shall be initiated and administered by the preservation staff:

a. Property owners of those sites and structures which are being considered for nomination as historic resources shall be notified of a pending decision to list their property as historic resources.
b. Property owners of nominated historic resources shall be provided the opportunity to "agree," or "not agree" with the inclusion of their property in the listing.
c. If the owner agrees to the historic resource listing, notice of the "historic resource" listing of a property shall be filed with the register of deeds and recorded as an official notice subject to subsequent property owners. If the owner does not agree to the "historic resource" listing, the property shall not be listed as a "historic resource."

(10) The Haysville Historic Committee may implement a receivership program for conservation easement donations for the purpose of historic preservation. Such easements shall be held by the city and monitored by the Haysville Historic Committee.

(11) The Haysville Historic Committee may recommend programs and legislation to the city council to encourage historic preservation.

(12) The Haysville Historic Committee, upon request of the property owner, may assist in the preparation of national and/or state register nominations.

(13) The Haysville Historic Committee, upon request of the property owner, may render advice and guidance with respect to any proposed work on a historic resource.

(14) The Haysville Historic Committee shall work with and advise the Park Board regarding any modifications to the Historic District in its capacity as a public park space, including the use of the space for events and activities.

(e) The Historic Committee shall adopt and operate in compliance with established bylaws, which may be updated from time to time, in accordance with the procedures set forth within such bylaws.
(Code 2015)

ARTICLE 7.
INVESTMENT OF IDLE FUNDS

1-701. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city, not currently needed may, in accordance with the procedure hereafter described be invested in:

(a) Temporary notes of the city or no-fund warrants issued by the city;

(b) Time deposits, open accounts or certificates of deposit with maturities of not more than two (2) years: savings and loan associations which have main or branch offices located in the city. If no main or branch office of a bank, savings and loan association or savings bank is located in the city, then in banks, savings and loan associations and savings banks, which have main or branch offices in Sedgwick County.

(c) Repurchase agreements with banks, savings and loan associations and savings banks, which have main or branch offices located in the city, for direct obligations of, or obligations that are insured as to principal and interest by the United Sates government or any agency thereof. If no main or branch office of a bank, savings and loan association or savings bank is located in the city or if no such bank, savings and loan association or savings bank having a main or branch office located in the city is willing to enter into such an agreement at an interest rate equal to or greater than the investment rate as defined in subsection (g) of K.S.A. 12-1675a, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in Sedgwick County or; if no bank, savings and loan association or savings bank, having main or branch office in Sedgwick County is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, then the repurchase agreements may be entered into with banks, savings and loan associations or savings bank.

(d) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding two (2) years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-1254, and amendments thereto;

(K.S.A. 12-1675, 1675(a); Code 1984; Code 2003)

1-702. PROCEDURE AND RESTRICTIONS. The finance director shall periodically report to the governing body as to the amount of moneys 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 finance director shall provide for an investment program which shall so limit the amounts invested and schedule the maturities of investments so that the city will at all times have sufficient moneys available on demand deposit to assure prompt payment of all city obligations.

(Code 1971, Sec. 1-502; Code 1984; Code 2003)

1-703. CUSTODY AND SAFEKEEPING. Securities purchased pursuant to this article shall be under the joint care of the city clerk, finance director and city treasurer 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, or in the city vault. Securities in original or receipt form held in the custody of a bank or trust company, or in the city vault, 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 (2) 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 or supervision of at least two (2) such officers, who have access joint control of said safety deposit box, or in the city vault.

(Code 1971, Sec. 1-503; Code 1984; Code 2003)

1-704. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in section 1-702, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers specified in section 1-703 may transfer said securities to any other fund or funds in which there are temporarily idle moneys 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 in the next monthly financial report.

(Code 1971, Sec. 1-504; Code 1984; Code 2003)

1-705. EARNINGS AND RECORDS. The interest or other earnings from investments made pursuant to this article shall be credited pro rata to the fund or funds unless otherwise specified in bond indentures or statutory requirements from which the investments were made and shall be used, insofar as possible, to relieve the said valorem tax levies of the city. The finance director shall maintain a complete and detailed record at all times of all investments made pursuant to this article.

(Code 1971, Sec. 1-505; Code 1984; Code 2003)

1-706. RATIFICATION. Ratification of prior investments made by the city of idle funds prior to the date of passage of this code shall be controlled by the terms of this article and the finance director shall forthwith, upon the adoption of this code, provide in writing to the governing body a current status of such invested funds.

(Code 1971, Sec. 1-506; Code 1984; Code 2003)

ARTICLE 8.
OPEN PUBLIC RECORDS

1-801. STATEMENT OF PURPOSE REVIEW. It is the purpose of this article to establish reasonable fees and charges for the provisions of access to or copies of open public records in the possession of the city to avoid the necessity of using general public funds of the city to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the governing body such changes as may be necessary to secure this purpose. Fees may be changed by vote of the governing body.
(Ord. 792; Code 2003)

1-802. INSPECTION FEE. A reasonable charge, as set out in Chapter 17, may be assessed for the inspection of public records and may be determined by the time involved in producing the records. Charges may be based on the salary, plus benefits, of the employee who provides access to the records.
(Ord. 792)

1-803. COPYING FEE. (a) A reasonable fee per page, as set out in Chapter 17, may be charged for photocopying records in addition to the hourly rate plus benefits of the employee making the copies.
(b) For copying cassette tapes, video tapes or compact discs, or any other media readily available to the city, the requester may be charged for all materials used plus staff time required to reproduce the public record.
(Ord. 792)

1-804. PREPAYMENT OF FEES. A record custodian may demand pre-payment of the fees for producing/reproducing public records.
(Ord. 792)

1-805. PAYMENT. All fees charged under this article shall be paid to the city.
(Ord. 792; Code 2003)

ARTICLE 9.
INSURANCE PROCEEDS

1-901. CITY'S AUTHORIZATION. The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., and amendments thereto, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion or

windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(Ord. 804, Code 2003)

1-902. CREATING A LIEN; CITY'S FAVOR. The governing body of the city hereby creates a lien in favor of the city on the proceeds of any policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or structure under all policies is in excess of seventy-five percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy or any other charge imposed upon real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that is remained undischarged for at least one (1) year prior to the filing of a proof of loss.

(Ord. 804; Code 2003)

1-903. TRANSFER OF PROCEEDS. (a) Prior to final settlement on any claim covered by section 1-902, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.

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

(Ord. 804; Code 2003)

1-904. FINAL SETTLEMENT. (a) When final settlement on any claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent of the face value of the policy covering any building or other structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the public works director or his/her designee has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or structure, and the amount of the final settlement agreed to or arrived at between the insurance

company or companies and the insured or insureds, whereupon the director of finance shall contact the named insured or insureds, by required mail, notify them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(Ord. 804; Code 2003)

1-905. FIRE INSURANCE PROCEEDS FUND. The director of finance is authorized and shall create a fund to be known as the "fire insurance proceeds fund." All moneys received by the director of finance as provided by this article shall be placed in said fund and deposited in an interest-bearing account.

(Ord. 804; Code 2003)

1-906. RECEIPT OF MONEY. (a) Upon receipt of moneys as provided by this article, the director of finance shall immediately notify the public works director or his/her designee of said receipt, and transmit all documentation received from the insurance company or companies to him or her.

(b) Within twenty (20) days of the receipt of said moneys, the public works director or his/her designee shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., and amendments thereto.

(c) Prior to the expiration of the twenty (20) days established by subsection (b) of this section, the public works director or his/her designee shall notify the director of finance whether he or she intends to initiate proceedings under K.S.A. 12-1750 et. seq., and amendments thereto.

(d) If the public works director or his/her designee has determined that proceeds under K.S.A. 12-750 et seq. and amendments thereto, shall be initiated, he or she will do so immediately but not later than thirty (30) days after the receipt of the moneys by the director of finance.

(e) Upon notification of the director of finance by the public works director or his/her designee that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., and amendments thereto, the director of finance shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communications from the insurance company or companies. Such return shall be accompanied within thirty (30) days of the receipt of the moneys from the insurance company or companies.

(Ord 804; Code 2003)

1-907. MONEY IN EXCESS. If the public works director or his/her designee has proceeded under the provisions of K.S.A. 12-1750 et seq., and amendments thereto, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(Ord. 804; Code 2003)

1-908. NECESSARY TO ACT UNDER THE PROVISIONS OF THIS ARTICLE. If the public works director or his/her designee, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under

K.S.A. 12-1756 and amendments thereto, any proceeds received by the director of finance under the authority of section 1-904(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756, and amendments thereto. The public works director or his/her designee shall be responsible for notifying the director of finance of the amount of these expenses incurred by the city. Upon reimbursement from the insurance proceeds, the director of finance shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the director of finance under section 1-904(a), he or she shall publish a new lien as authorized by K.S.A. 12-1756, and amendments thereto, in an amount equal to such excess expenses incurred.

(Ord. 804; Code 2003)

1-909. EXCEPTIONS. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under his or her insurance policy.

(Ord. 804; Code 2003)

1-910. INSURERS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.

(Ord. 804; Code 2003)

ARTICLE 10.
CITY OF HAYSVILLE, KANSAS, LAND BANK

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1-1001. Purpose. The purpose of creating the City of Haysville, Kansas, Land Bank is to implement the authority granted through K.S.A. 12-5901 et seq., to establish or dissolve a City Land Bank. The City Land Bank will be a quasi-governmental entity with the primary responsibility and authority for acquiring, maintaining and selling abandoned, foreclosed, or similarly distressed property to help achieve the elimination of blight, the enhancement of neighborhood viability and stability, the creation of opportunities for affordable and mixed income home ownership and rental, maintenance of property values throughout the City, conformance with the goals of the City's Comprehensive Plan, and the encouragement of economic development. The Land Bank is intended to assist in the elimination of barriers to returning properties to productive use, and to help facilitate the strategic conveyance of property.

1-1002. Definitions. As used in this Article:

A. "City" means the City of Haysville, Kansas, unless otherwise specifically stated.

B. "Board" means the Board of Trustees of the City Land Bank.

C. "Bank" means the City of Haysville, Kansas, Land Bank.

D. "Governing body" means the Governing Body of the City.

1-1003. Land Bank Board of Trustees; Appointment, Terms and Dissolution.

A. There is hereby established a Land Bank Board of Trustees. The Board shall be composed of the entire membership of the Governing Body of the City, ex officio, who shall be the voting members, and one additional member appointed by the Mayor who shall be a non-voting member and who shall be a City staff member.

B. The term of office of each voting member of the Board of Trustees shall be coterminous with that member's term of office on the Governing Body of the City. The non-voting member of the Board of Trustees shall serve at the pleasure of the City Governing Body.

C. The Bank may be dissolved by ordinance of the Governing Body. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

D. The Board of Trustees may adopt by-laws to govern procedures regarding any matter properly under the control of the Land Bank and not governed by the provisions set forth within this Article.

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1-1004. Land Bank Board of Trustees; Powers and Duties.

A. To sue and be sued.

B. To enter into contracts.

C. To appoint and remove staff and provide for the compensation thereof.

D. To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and any personal property, subject to the provisions of this Article and state law. Any property acquired by the City, Sedgwick County or any other city or taxing subdivision within Sedgwick County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Article or state law. The transfer of any property pursuant to this Subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.

E. The fee simple title to any real estate which is sold to Sedgwick County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

F. To rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank.

G. The Board shall assume possession and control of any property acquired by it under this Article or state law and shall hold and administer such property. In the administration of property, the Board shall:

1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;

2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;

3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;

4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

5. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and

6. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.

H. To exercise any other power which may be delegated to the Bank by the Governing Body, by Ordinance, Resolution, or regular motion.

I. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank, this Article and state law.

J. The Board may establish separate neighborhood or City advisory committees consisting of persons living or owning property within the City, Sedgwick County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board providing otherwise, each advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

1-1005. Land Bank Board; Organization.

A. The Board officers shall consist of : 1) a chairperson who shall be the Mayor, 2) a vice-chairperson who shall be the President of the Council, and 3) a treasurer who shall be the non-voting appointee. Each officer shall be appointed annually, but may serve in such office for less than one year as the term of office of the chairman and vice-chairperson shall be coterminous with that member's term as Mayor or President of the Council of the Governing Body of the City. The treasurer shall be removed from membership of the Land Bank if no longer serving as a member of City Staff. The treasurer shall be bonded in such amounts as the Governing Body may require.

B. The Board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

C. The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 754317 et seq., and amendments thereto.

D. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.

E. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

F. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

1-1006. Land Bank; Operational Requirements.

The Land Bank shall be subject to the following requirements:

A. The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A.10-1101 et seq., and amendments thereto.

B. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration

C. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

D. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto.

E. Any moneys of the Bank which are not immediately required for the purposes of the Bank, such requirements including but not limited to paying debt associated with the acquisition of such land, shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.

F. The Bank shall make an annual report to the Governing Body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official City newspaper on or before January 31 of each year.

G. The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto.

H. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.

I. The sale of any real property by the Board, under the provisions of this Article or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.

J. The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

K. Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.

L. Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this Article and state law, the Sedgwick County Treasurer shall be notified by the Board to remove from the tax rolls all taxes,

assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.

M. Property held by the Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank. The Bank and the City may enter into any such Agreements regarding collection of special assessments which are lawful.

N. The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the Bank and the Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the Sedgwick County Treasurer as of the effective date of the abatement.

O. Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property, or to pay off any debt associated with the acquisition of the property by either the City or the Bank.

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CHAPTER II. ANIMALS AND FOWL

Article 1. General Provisions
Article 2. Dogs and Other Animals
Article 3. Dangerous Dogs
Article 4. Miscellaneous

ARTICLE 1.
GENERAL PROVISIONS

2-101. DEFINITIONS. For the purpose of this chapter, the following words and phrases shall mean:

(a) Abandon: Includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) Animal: Any live vertebrate creature, domestic or wild.

(c) Animal Control Officer: Any person empowered by the city to enforce, or aid in the enforcement of this chapter.

(d) Animal Shelter: Haysville animal shelter, which is hereby designated by the city as the facility for the boarding and disposition of any animal impounded under the provisions of this chapter, or any city ordinance or law of the state of Kansas.

(e) Attack: any violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including, but not limited to, charging, cornering, chasing, or circling a person.

(f) Bite: any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(g) Cat: Any member of the species felis catus, regardless of sex.

(h) Common Areas of Condominiums, Townhouses and Apartment Buildings: Includes, but is not limited to the yards, grounds, garden areas, play area, clubhouses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses or apartment building complexes.

(i) Control of a Dog or any other animal: To physically restrain by means of an appropriate pen, or by a chain or leash held by a responsible person who possesses sufficient strength for physical control of the animal.

(j) Direct Control of a Dog: To physically restrain a dog by a substantial chain or leash by a responsible person who is 18 years of age or older and possesses sufficient strength for physical control of the animal.

(k) Dog: Any member of the species canis familiaris, regardless of sex. Such term shall not include hybrid breeds of dogs which have been bred to a wild animal.

(l) Guard Dog: Any dog placed within an enclosure for the protection of persons or the property by attacking or threatening to attack any person found within the enclosure patrolled by such dog.

(m) Harbor: The act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care.

(n) Harborer: See Owner, Keeper, Harborer.

(o) Humane Traps: Box-type, live type, which do not cause bodily harm to the animal intended to be captured or any animal or person coming in contact with such trap.

(p) Inhumane treatment: any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from the weather; any treatment such as overloading, overworking, tormenting; beating, mutilating, teasing or other abnormal treatment; or causing or allowing the animal to fight with any other animal.

(q) Keeper: See Owner, Keeper, Harborer.

(r) Livestock: Includes, but not limited to, cattle, horses, swine goats, sheep or other animals, commonly regarded as farm animals. Animals kept as house pets, such as pygmy goats or pot belly pigs, shall not be declared livestock if the animal resides on the property in living conditions commonly associated with the manner of maintaining a pet animal.

(s) Microchip: a passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system.

(t) Mistreatment: Includes every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

(u) Neglect: Includes the failure to provide food, water, protection from the elements, opportunity for exercise or for other normal, usual and proper care for an animal's health and well being.

(v) Neighbor: any person residing within 200 from the outermost property line of the property where a domestic animal is owned, kept or harbored.

(w) Nuisance Animal: means any repeated acts of an animal that irritates, perturbs or damages rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. Such actions include, but are not limited to:

1. Damage to public or private property including, but not limited to: breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner;
2. Rips any trash bag or tips any solid waste collection container which spills or scatters trash, debris, refuse or waste.
3. Repeatedly defecates upon any public place or upon premises not owned or controlled by the animal's owner, keeper or harborer, provided that this definition shall not apply where such waste is immediately removed and properly disposed of by the owner of such animal.
4. Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.
5. Causes a condition which endangers public health or safety.

(x) Owner, keeper or harborer: any person who possesses, harbors, keeps, feeds, shelters, maintains, offers refuge or asylum to any animal, or who professes to keeping, owning or harboring of such animal. In addition, any person who signs a receipt as owner,

keeper or harborer for the return of an animal from any shelter or animal holding facility, shall be presumed to be the owner, keeper or harborer of the animal. A parent or legal guardian shall be deemed to be an owner, keeper or harborer of animals owned, kept or harbored upon their premises by minor children who are less than 18 years of age. Such term shall also include any person who exercises control over or is in possession of any such animal. The term "Owner" when used in this Chapter shall be construed to include "Keepers" and "Harborers."

(y) Person: any individual, firm, association, joint stock company, syndicate, partnership, corporation, other state franchised business entity such as a professional association, limited liability company, or limited liability partnership, or other organization of any kind.

(z) Pet Animal: Includes dogs, cats, rodents, birds, reptiles, pot belly pigs, pygmy goats and any other species of animal which is sold or retained as a household pet, but does not include skunks, and other species of the wild, exotic or carnivorous animals that may be further restricted in this chapter.

(aa) Picket: Means attaching a leash, rope, chain, lead, or other similar apparatus or device to the body of an animal and another object for the purpose of confining the animal or limiting the movement of the animal.

(bb) Rabbits, Poultry and Domestic Fowl: Includes; rabbits, pigeons, chickens, chicks, ducks, geese, turkeys, doves, squabs and all similar domestic fowl other than pet animals.

(cc) Running at Large: An animal off the premises of its owner, keeper or harborer and not effectively controlled and restrained by means of a leash, cord, or chain not exceeding ten (10) feet in length. For the purposes of this definition, "the premises of its owner, keeper, or harborer" shall not include common areas of the grounds of a condominium, townhouse or apartment, and unrestrained animals upon those areas shall be deemed to be running at large. The phrase "effectively controlled and restrained" does not exclude extendable leashes that are maintained at ten (10) feet of length or less. It shall be a question of fact whether an individual, due to age, ability, or attention was able to effectively control and restrain an animal by means of a leash, cord, or chain of any length.

(dd) Vicious Propensity: A known tendency or disposition to approach any individual or domestic animal in an attitude of attack when there is no provocation. The tendency or disposition may be shown by previous documented acts of "attack" or "bite" as defined above.

(ee) Wild Animals: Includes all species of animals which exist in their natural unconfined state and the majority of such species are not domesticated.

(Code 1984; Ord. 851; Ord. 860; Code 2015)

2-102. RUNNING AT LARGE. (a) It shall be unlawful for the owner, harborer or person of any animal other than a cat or cats to permit the same to run at large.

(b) Any owner of any animal, other than cats, found running at large within the corporate limits of the city shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the owner shall not be elements of this offense. The animal control officer may seize, impound and cause to be destroyed any such animal, pursuant to the provisions of K.S.A. 47-1701, et seq., and amendments thereto. The animal control officer

may cause any such impounded animal to be returned to its rightful owner upon the payment of a service charge, a boarding fee for days spent in confinement at the shelter prior to return of the animal, and citations for the animal for running at large, and all other applicable citations for violation of this code.

(c) Any animal injured or found to be ill on public property while running at large shall be removed by an animal control or police officer who shall, if necessary, place such animal or animals in the custody of a doctor of veterinary medicine duly licensed by the state of Kansas for treatment of injury or illness, and the owner of any such animal or animals shall be liable for veterinary, impound or related expenses.

(d) The owner of an injured animal taken to a veterinarian by the animal control officer or a police officer is responsible for payment of charges for veterinary services related thereto. The owner shall reimburse the city for all expenditures the city may pay for veterinary services rendered to or on behalf of the owner's animal under this section, and the costs and fees may be ordered as restitution associated with any citation issued under this section.

(e) If any animal dies while running at large on public property, the owner shall be liable for disposal fees established by the animal shelter in addition to penalties for violation of this section as set out in the schedule of fees.

(Code 1984; Ord. 851; Code 2008)

2-102A. AGGRESSIVE ANIMAL OR DOG AT LARGE DEFINED; PENALTIES.

(a) An "aggressive dog at large" includes any dog that without provocation, exhibits aggression toward, attacks, or bites either 1) a person or 2) another domestic animal, while such aggressive animal or dog is running at large as that language is set forth in 2-101(r). Aggression or combativeness implies an actual threatening act as judged by a reasonable person, and may include physical harm or emotional harm, when a human being is in reasonable apprehension of immediate bodily harm to themselves, or their minor child. It is not necessary that a human victim be attacked, bitten, or scratched by the aggressive animal at large. A victim animal's harm must be physical.

(b) Any person found guilty of owning an/any animal that commits an act as described in subsection (a) above shall be fined a minimum of $100.00 and a maximum of $500.00 for the first offense within a twelve (12) month period; a minimum of $250.00 and a maximum of $1,000.00 for a second or subsequent offense within a twelve (12) month period, or by imprisonment, for not more than 10 days, or by both such fine and imprisonment. The Municipal Judge shall have no discretion to suspend payment of the minimum fine associated with this offense, but may suspend the term of imprisonment. The fine shall be in addition to any applicable court costs or impoundment fees. The impoundment facility shall not release an animal to an owner until the owner has paid the assessed fine and impoundment fees (accruing daily) in full and complied with all other terms of the adjudication.

(c) Following a conviction for a violation of this section involving a physical injury to either a domestic animal or a human being caused by a dog, the Chief of Police must follow the provisions of Article 2-301 et seq. of this Code regarding determination of the animal's status as "dangerous." Prior to any other type of animal found to have committed an act as described under section (a) being released to the owner, keeper, or harborer, the

municipal court judge may determine to hold the animal pending a review by the Chief of Police on the status of the animal as "dangerous" under the standards set forth in Article 2-301 et seq as applicable.

(d) Victims of an aggressive animal at large may submit veterinarian bills, medical bills, or any other bills detailing damages associated with the animal attack for possible court ordered restitution in the Haysville Municipal Court as determined by the court. Restitution shall not be ordered for emotional harms.

(e) Any other type of animal, owned or harbored within this City, may be impounded by the City pursuant to provisions of the nuisance code (e.g., see 7-401(g) or (i)). Any such impounded animal shall be turned over to an animal shelter or veterinarian for appropriate disposal if within seventy-two (72) hours of such animal's impoundment 1) the animal is not claimed by the owner/harborer, 2) all fees paid in association with the impoundment, and 3) such nuisance situation corrected. (Code 2008)

2-102B. HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT-LARGE.

It shall be a separate offense for any person to receive two (2) or more citations for violation of Section 2-102A within a thirty-six month consecutive period. Such person shall be cited as a habitual violator. Violation of this section may be found when a single individual has been adjudicated guilty of a violation of section 2-102A regardless of the number of animals involved in such violations. Any person found guilty of a violation of this Section shall be fined a minimum of $500.00 and a maximum of $1,000.00 for each habitual violator citation. The Municipal Judge shall have no discretion to suspend the minimum fine or any portion thereof. A person cited for violation of this Section shall be required to appear in municipal court. In addition thereto, the Municipal Judge shall have the authority to sentence the individual to up to six (6) months in jail. It shall be a defense to an alleged violation of this Section for the defendant to have been adjudged not guilty of a charge of 2-102A, or that the charge was dismissed without a finding of, or admission of, guilt.

(Code 2008)

2-103. PROHIBITED ANIMALS. (a) The keeping, pasturing, housing, corralling, or maintaining within the city limits of any swine or other livestock is hereby declared to be a nuisance and is prohibited. Persons or entities keeping, pasturing, housing, corralling, or maintaining within the city limits any swine or other livestock on the effective date of this section may continue to do so provided that:

(1) The property is maintained in a manner that complies with the provisions of Chapters 2 and 7 of this code; and

(2) The number of animals does not increase and the type of animal being kept does not change; and

(3) When the keeping, pasturing, housing, corralling or maintaining of swine or livestock discontinues for a period of ninety (90) consecutive days or more, or the property upon which such keeping, pasturing, housing, corralling, or maintaining occurred is sold, the use of the property must thereafter comply with the provisions of this section.

(4) . Animals kept as house pets, such as pygmy goats or pot belly pigs, shall not be declared livestock if the animal resides on the property in living conditions commonly associated with the manner of maintaining a pet animal.

(b) The harboring, keeping, or maintaining within the city, except by a circus or sideshow duly licensed to conduct business within the city, of any nonhuman primate, poison reptile, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, coyote, wolf, skunk or bear or any hybrid of any of the aforementioned (whether or not domesticated) is hereby declared to be a nuisance and is prohibited. PROVIDED HOWEVER, it shall not be unlawful for any person to harbor a Rhesus Macaque primate. Any such Rhesus Macaque primate must be kept indoors at all times.

(c) The keeping, harboring or maintaining within the city of any animal, which by any sound or cry, causing of offensive odors, or the dangerous nature thereof shall disturb the peace, safety or comfort of any neighborhood, or interfere with any person in the reasonable and comfortable enjoyment of life or property, is hereby declared to be a nuisance and is prohibited.

(Code 1984; Ord. 702; Ord. 851; Code 2015)

2-104. HORSES. Horses are hereby prohibited on public sidewalks or in public parks except:

(a) In parking areas;

(b) In areas designated by special permits issued by the city; or

(c) In parades sponsored by or authorized by the city of Haysville.

(Code 1984; Ord. 851)

2-105. KEEPING LIVESTOCK; DISTANCE FROM HOUSES. (a) No person shall house, keep, harbor, or maintain any livestock for more than one (1) hour, within a twenty-four (24) hour time period, within one hundred (100) feet of a residence in use by or occupied by any human. This section shall not preclude the riding of horses upon any equestrian trail established and maintained by a governmental agency or on a public street in accordance with this chapter.

(b) The construction or occupancy of a new dwelling within one hundred (100) feet of a permanent structure, other than fences and corrals, in which a horse had been continuously kept for a period of more than six (6) consecutive months prior to such construction or occupation shall not require the removal of such permanent structure nor prevent the continued maintenance of a horse or horses there.

(c) No person shall keep any rabbits, poultry or domestic fowl, within thirty-five (35) feet of any residence or dwelling, other than the residence of the person keeping or maintaining such rabbits, poultry or fowl. Dwelling shall not include any school, hospital or similar institution.

(d) The construction or occupation of a new dwelling within thirty-five (35) feet of any location in or upon which rabbits, poultry, or domestic fowl have been continuously or customarily kept for a period of six (6) consecutive months prior to such construction or occupation of such dwelling shall not require the removal of such rabbits, poultry or domestic fowl from such location.

(Code 1984; Ord. 851)

2-106. SAME; CLEANLINESS OF PREMISES REQUIRED. It is hereby declared to be a nuisance and shall be unlawful for any person to maintain on any premises owned, occupied, or controlled by such person in the city, any chicken coop, rabbit hutch, corral, yard, kennel, stable, cow shed, horse shed, or horse picket line in a foul, offensive, noxious, or filthy condition.

(Code 1984, Ord. 851)

2-107. DISPOSITION OF WILD ANIMALS RUNNING AT LARGE. Animal control and police officers are hereby authorized to apprehend any wild animals that may be at large within the city and causing a public nuisance. Such wild animals may be impounded, released in wild areas outside the city or destroyed as such officers in their discretion shall determine, subject to applicable laws.

(Code 1984; Ord. 851)

2-108. DANGEROUS ANIMALS PROHIBITED. (a) It shall be unlawful for any person to bring an animal or animals within the city that have previously been declared vicious, dangerous, or any similar status, by any other jurisdiction. Impoundment of animals who are the subject of any citation for violation of this section shall be at the discretion of any animal control or police officer. Any such animal which presents a clear and present danger to the public health and safety shall be immediately impounded or destroyed by an animal control or police officer.

(b) Impoundment: When the animal control officer has probable cause to believe that an animal poses a danger to the community, the animal control officer shall impound such animal.

(c) Immediate Destruction: Nothing in this Chapter or Article shall prevent or be construed to prevent animal control or police officers, or any law enforcement officer, from taking whatever action is reasonably necessary, including, but not limited to, immediate destruction of any animal declared to have a vicious, dangerous, or similar status, without notice to the owner, to protect themselves or any other person from injury or danger.

(d) The Municipal Judge shall have the authority to sentence the person adjudicated guilty of this Section to serve up to a maximum of six (6) months in jail and to pay a fine not to exceed $1,000.00.

(Code 1984; Ord. 851; Code2008)

2-109. CONFINEMENT OF ANIMALS IN HEAT. Any unspayed female animal in the state of estrus, commonly known as "heat," shall be confined during such state in a house, building or secure enclosure so constructed that no other animal or animals may gain voluntary access to such animal except for purposes of planned breeding. Any animal in the state of estrus and not confined as required by this section, or any such animal that creates a neighborhood nuisance, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter and all expenses incurred by the city as a result of such removal shall be paid by the owner. Owners of such animal(s) removed to the animal shelter shall be charged at the rate as may be established from time to time by the animal

shelter. Failure to comply with an order of the animal control officer with the respect to the confinement of animals in the state of estrus shall be a violation of this article and the animal shall be impounded pursuant to this chapter.

(Ord. 851)

2-110. RESERVED.

(Code 1984; Ord. 851)

2-111. DESTRUCTION, INJURY TO PROPERTY. (a) It shall be unlawful for any person to permit an animal, with or without the actual knowledge of such person or such animal's owner, harborer, or keeper, to destroy or damage or injure any property in which another person has an interest without such person's authorization. Any animal permitted to engage in the activities prohibited by this section may be impounded as provided in section 2-211 and the owner, custodian, or keeper or such animal shall be subject to the provisions of section 2-211.

(b) Any animal, running at large and found causing destruction, damage or injury to property as described in section 2-111(a) or found running at large and creating a nuisance upon such property, may be humanely restrained by the owner or occupant of such property or by such owner's or occupant's agent, for a reasonable time, during which time such owner, occupant or agent shall (1) notify animal control of his or her possession of the animal and request the impoundment of the animal; or (2) notify the owner or keeper of his or her possession of the animal and release the animal to the owner or keeper, or (3) release the animal. Impoundment of the animal by the animal control officer will be at the officer's discretion and subject to the provisions of section 2-211.

(Code 1984; Ord. 851)

2-112. CRUELTY TO OR NEGLECT OF ANIMALS. It shall be unlawful for any person to: (a) Commit or cause to be committed any intentional act of cruelty, abandonment, harassment, or torture to any animal or to intentionally cause any animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of an animal shall not be a defense to such acts or to a violation of this section.

(b) Neglect or refuse to supply an animal with necessary and adequate care, food, drink, air, light, space, shelter, and protection from the elements as may be necessary for health and well-being of such animal.

(1) Food. ~~Food provided to animals shall be wholesome, free from contamination and of sufficient quantity and nutritive value to maintain the good health of animals~~. Food provided to animals shall be wholesome foodstuffs suitable for the animal, which is provided at suitable intervals, in a sanitary manner, in quantities sufficient to maintain good health of the animal considering its type, age and condition.

(2) Fresh Water. Pet owners/harborers must provide ~~A~~adequate fresh water ~~shall~~ to all animals owned or harbored, and must monitor that fresh water is and remains ~~be~~ available to all such animals at all times, regardless of weather conditions.

(3) Outdoor Shelter. ~~Shelter affording protection from the elements and designed to prevent discomfort~~ All animals kept outdoors shall have unobstructed access to a structurally sound, properly ventilated, sanitary and weatherproof shelter, suitable for the species of animal using such shelter, and appropriate to the condition and age of the animal. Such shelter must provide unobstructed access to shade from direct sunlight and precipitation, and provide protection from exposure to inclement weather conditions. ~~shall be provided for all animals kept outdoors~~.

(4) Health Care. *Adequate health care* means the provision to an animal of all immunizations and preventive care required to maintain good health; space adequate to allow the animal to rest and exercise sufficient to maintain good health; and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

(c) Without proper prior legal authorization, intentionally poison any domesticated animal or distribute or set out poison in any manner with the intent to poison such animal.

(d) Cause, instigate or encourage any animal to fight with another or to maintain any place where animals are permitted to fight for exhibition, for wager, or for sport.

(e) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and interior temperature to prevent the suffering, disability, or death of such animal.

(f) Prosecution of any part of this Section shall be based upon the legal standard of objective reasonableness.

(Code 1984; Ord. 851)

2-113. VEHICULAR ACCIDENTS INVOLVING ANIMALS. Any operator of a motor vehicle which strikes any pet animal shall immediately stop and report such event to the owner of such animal, or in the event that the owner cannot be ascertained and located, to the animal control officer or any police officer. The report required by this section shall include any information concerning the condition, injury or death of any animal involved.

(Code 1984; Ord. 851)

2-114. DEATH OF ANIMAL. All dead animals shall be disposed of by the owner or keeper thereof, within twenty-four (24) hours of such animal's death, by burial, incineration in a facility approved by the animal control officer, by rendering or by other lawful means approved by the animal control officer. No dead animal shall be dumped or left on any public or private property. (Code 1984; Ord. 851)

2-115. VIOLATIONS. Unless otherwise provided herein, any violation of this Chapter shall be punished in accordance with the General Penalty Provisions set forth in Chapter 1 of this Code.

(Code 2010)

2-116. ENFORCEMENT. Animal Control Officers and all members of the Police Department shall have the authority to sign complaints and serve notices to appear before

the Municipal Court upon any person when the Animal Control Officer or Police Officer has probable cause to believe such person has or is violating a section of this Code. Such officer shall have the authority to issue, suspend or revoke licenses and permits as provided for by this Article.

2-117. SUMMONS AND COMPLAINTS. Every summons and complaint charging a violation or violations of this article signed by a citizen complainant shall state the name of the defendant, the code section number or numbers alleged to have been violated, the general type of the offense to which each section or ordinance relates, the date and place of each alleged violation and that the defendant is required to appear to answer the charges on a date and at a time and place designated in the complaint or summons. The complaint or summons shall be signed by the person alleging the violation.

ARTICLE 2.
DOGS AND OTHER ANIMALS

2-201. DOG REGISTRATION AND RABIES VACCINATION REQUIRED.

(a) All owners, harborers, or keepers of dogs of at least six (6) months in age which are kept, maintained or harbored within the city shall register the ownership of each such dog with the city. Such registration shall be done on an annual basis and all registration fees shall be paid as established by Chapter 17 of this code. It shall be unlawful for any such owner, harborer, or keeper to fail to register as required by this section, to fail to maintain current registration for each such dog or to fail to register such dog no later than thirty (30) days following the date upon which such dog was acquired or brought into the city. The failure to register within the time limits established by this section shall result in the assessment of the penalty fee established by Chapter 17 of this code and such fee shall be in addition to, and not in lieu of, the registration fees required by this section and any fines or penalties that may be assessed for violations of this article.

(b) There shall be collected by the city, pursuant to the means specified in this section and in the amounts established by Chapter 17 of this code, an annual registration fee for each neutered male dog, each spayed female dog, or a fee for each unneutered male dog or unsprayed female dog.

(c) The owner of any dog registered as a service dog for the disabled, which is trained to aid disabled persons, or which performs law enforcement or security functions for a government entity shall not be subject to the annual registration fees established herein, but shall remain subject to all other provisions of this article.

(d) The city may authorize any doctor of veterinary medicine holding a valid license to practice issued by the state of Kansas and who vaccinates dogs owned, kept or harbored within the city against rabies to collect, at the time of such vaccination, the payment required by this section. Any veterinarian who collects such fee shall certify the payment thereof by affixing the designation "PAID" to the forms described herein which shall be provided by the city, together with a stamp for affixing said designation. Fees collected by authorized veterinarians shall be forwarded to the city clerk within five (5) days after the last day of each month in which fees are collected. In lieu of tendering payment of such fees to an authorized veterinarian, owners of dogs may tender such fees to the city clerk, together with the forms prescribed by this section which shall have been completed by an authorized veterinarian and to which such veterinarian has affixed the designation "UNPAID" by use of a stamp provided by the city.

(e) A tag of durable material shall be issued to the owner of any dog vaccinated for rabies and which is subject to the annual license fee requirements of this article and for which such fees have been paid. Such tags shall also be issued to the owner of any animal expressly excepted from the fee requirement by any provision of this Chapter.. Any owner to whom such tags are issued shall thereafter cause such tags to be attached to a suitable collar or harness which shall bear an identification number unique to the tag and animal.

(f) The city shall provide to veterinarians authorized to collect the fees required by this section forms upon which the veterinarians shall record vaccinated animals' descriptions; the name, address and telephone number of the animal's owner; rabies vaccination date; number of the tag required by subsection (e) of this section; the name of

the vaccinating veterinarian of such veterinarian's clinic or hospital; the vaccinated animal's registration number; and whether such animal has been spayed or neutered. Such forms shall constitute, from and after payment of the fees required by this section, a license and certification of the rabies vaccination required herein.

(Code 1984; Ord. 146-L; 146-N; 146-M; Code 2003; Code 2004; Ord. 851; Ord. 860, Ord. 865)

2-202 RABIES CONTROL, IMMUNIZATION AND CONFINEMENT. (a) All dogs exceeding six (6) months in age and kept, maintained, or harbored within the city shall be inoculated by a licensed veterinarian against rabies no less frequently than once per year, or such veterinarian shall certify that it is injurious to the dog's health to receive such vaccination due to its age or health. An owner acquiring a dog shall have such dog inoculated against rabies within thirty (30) days after acquiring such animal or within thirty (30) days after such animal reaches six (6) months of age, whichever occurs last, and shall obtain a rabies vaccination tag in accordance with this article. Any person moving into the city from a location outside the city shall comply with this section no later than thirty (30) days after having moved to the city.

(b) All owners of dogs kept, harbored or maintained within the city shall maintain upon each such animal they own a collar or harness to which its rabies tag shall be attached.

(c) It is unlawful for any person to harbor any dog which has not been vaccinated for rabies as provided by this article or which cannot be identified as having a current vaccination against rabies.

(d) No person shall affix to the collar or harness of any dog, or permit to remain so affixed, a tag evidencing inoculation for any other dog.

(e) The owner of any domesticated animal other than a rodent, rabbit, fowl, or reptile that has bitten any person or animal so as to cause an abrasion of the skin shall immediately report such bite to the animal control officer or police officer. The officer to whom such report is made shall consult with a licensed veterinarian or the county health department and shall thereafter direct the confinement of such animal for a period, which shall not be less than ten (10) consecutive days, as deemed warranted by the consulting veterinarian or county health department. Such confinement may be on the premises of the owner if deemed by the animal control officer, but must be within the city. If confinement does not occur on the premises of the owner, confinement shall be at the animal shelter or in a veterinary hospital of the owner's choice. Any confinement shall be at the owner's expense. In case an animal whose owner cannot be located, such confinement shall be at the animal shelter.

(f) The owner of any animal reported to have inflicted a bite on any person shall, on demand of the animal control officer or a police officer, produce the animal for examination and confinement, as prescribed by this section. The owner of any such animal who refuses to produce it shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and such owner is keeping or harboring the animal and willfully refuses to produce the animal upon demand. Such person shall be taken before a judge of the municipal court, who may order the immediate production of the animal. If the owner of any animal shall willfully or knowingly hide or refuse to produce such animal, each day of such refusal constitute a separate violation of this article. It shall

be unlawful to destroy or remove any such animal from the city before it can be properly confined pursuant to this article.

(g) Every physician or healthcare provider who treats a person for animal bites shall report such treatment to the animal control officer. Such reports shall include the identity and address of any person so treated, and information regarding the animal suspected of having inflicted the bite and the owner thereof.

(h) All owners, harborers, or keepers of dogs who present, or cause to be presented, any such animal to a veterinarian for vaccination against rabies shall notify such veterinarian if the animal is under confinement or subject to confinement pursuant to this article, or has bitten any person within the ten (10) calendar days immediately preceding such presentation. Whenever under any circumstance a licensed veterinarian shall determine that any animal is rabid, such veterinarian shall immediately report the diagnosis to the county health department. Such report shall include, but is not limited to, the animal's description and, if known, it's location, the identity and address of such animal's owner, and the identity and address of any person believed to have been in contact with such animal. In the event any animal confined pursuant to this article shall die, the animal control officer, Chief of Police, or a designee, shall immediately cause a pathological examination and a search of the inoculation records of such animal to occur, arrange to receive a complete report of the results of such examination and search, and report the same to the county health department, together with any information concerning the identity and address of any person believed to have had contact with such animal.

(i) Animals known or believed to have been bitten or exposed to a rabid animal shall be immediately confined by the animal control officer or any law enforcement officer and shall thereafter be destroyed or released upon proof of immunization and booster injection given by a licensed veterinarian at the expense of the owner of such animal. The owner of any animal so released shall be required to keep the animal under quarantine for a period of six (6) months or such other period as may deemed necessary by the Chief of Police in consultation with a licensed veterinarian.

(Code 1984; Ord. 851; Code 2008)

2-203. TRAINED GUARD DOGS. No guard dog shall be placed, kept or maintained at any location within the city for the protection of persons or property unless:

(a) Such guard dog is under the complete control of its handler at all times, or such dog is confined to an enclosed area sufficient in design and construction to ensure such dog shall not escape; provided that any such dog placed, kept or maintained in a residential area shall be confined within a six (6) foot high fence with an enclosed top which is separated from any property line fence, and such enclosure has been approved by the Chief of Police, animal control officer, or designee; and

(b) Warning signs shall be conspicuously posted indicating the presence of guard dogs and such signs shall plainly identify a telephone number by which to contact at all times a person or entity responsible for controlling such guard dogs.

(Code 1984; Ord. 851)

2-204. DOG FECES. When any dog defecates upon any property not belonging to its owner or keeper, including common areas of condominiums, townhouses or apartments, it

shall be the duty of the owner or keeper of such dog to promptly remove and dispose of such feces.

(Code 1984, Ord. 851)

2-205. LIMITATIONS ON PET OWNERSHIP. Subject to the provisions of 2-206 of this Code, no person, entity, or household shall harbor more than a total of four (4) pet animals, including dogs, cats, pot belly pigs, and/or pygmy goats. This provision shall not apply to animals maintained in an aquarium, that do not exceed one (1) lb., in accordance with humane maintenance of such pets, including fish, small rodents, and small reptiles.

(Code 2015)

2-206. KENNEL LICENSES. (a) No person, entity or household shall own or harbor more than four (4) dogs individually exceeding six (6) months of age; more than four (4) cats individually exceeding six (6) months of age; in any combination, more than a total of four (4) dogs and cats individually exceeding six (6) months of age; or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having first obtained a kennel license from the city clerk.

(b) Kennel licenses shall be renewed annually. No kennel license shall be issued until an inspection certificate has been completed by the animal control officer certifying approval of the kennel license and compliance with all applicable laws, the code enforcement officer has issued a certificate verifying that the kennel for which the license is sought is not violating zoning laws of the city, and the annual kennel license fee established by Chapter 17 of this code has been paid. The city clerk shall issue renewals of kennel licenses from and after the initial issuance of such license to a licensee and upon such licensee's application to renew a kennel license if the kennel location has not changed, the clerk has not received any protest or information alleging that the kennel is in violation of any applicable law or that it is operated or maintained in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel; the animal control officer finds, after inspection, that the kennel is in compliance with all applicable law; the code enforcement officer finds that the kennel does not violate any zoning code provision; and the annual kennel license fee established by Chapter 17 of this code has been paid. In the event the clerk receives such protest or information with respect to any licensed kennel, the animal control officer determines after inspection that the kennel is not in compliance with all applicable laws, or the code enforcement officer determines the kennel is in violation of any zoning code provision, no renewal of such license shall be made unless the governing body finds, after notice and public hearing, that such kennel is operated or maintained in compliance with all applicable laws and does not pose a detriment to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel.

(c) The animal control officer, the code enforcement officer, or any police officer shall have the right to inspect any premises licensed under this section at any time. Nothing shall prevent their entry onto private property for the purpose of making such inspection and all applicants for kennel licenses shall be deemed to have consented to such entry and inspection by virtue of, and from and after the time of, making application to the city for such license. In the event such entry for the purpose of making an inspection authorized

by this section is denied to the animal control officer, code enforcement officer or any police officer, the officer or officers so denied may apply to a court of competent jurisdiction for an order authorizing entry for the purposes of enforcing or administering this section including, but not limited to, inspection of such premises.

(d) The governing body may suspend or revoke a kennel license if, following notice and public hearing, it find that the licensed kennel:

(1) is maintained in violation of any applicable law of the State of Kansas, or of the City;

(2) is maintained so as to constitute a public nuisance; or,

(3) is detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee established by Chapter 17 shall be payable in addition to, and not in lieu of, any and all licenses fees otherwise required under this article.

(f) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital or clinic.

(Code 1984; Ord. 796; Code 2003; Ord. 851)

2-207. PICKET OR TETHERING OF DOGS. (a) No person, entity or household shall continuously picket a dog for more than one (1) continuous hour, except that picketing of the same dog may resume after a hiatus of three (3) consecutive hours, for up to three (3) hours total time on picket per day.

(b) For the purpose of picketing a dog, a chain, leash, rope or tether shall be at least ten (10) feet in length, but shall not be of a length to allow the dog to come within two feet of any property line.

(c) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to picket a dog shall not weigh more than 1/8th of the animal's body weight or due to weight, inhibit the free movement of the animal within the area picketed.

(d) Dogs shall be picketed in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles.

(e) It is unlawful to attach chains or other tether restraint implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal.

(Ord. 851)

2-208. ANIMAL CONTROL OFFICER. (a) The animal control officer shall have the duty and power to enforce all sections of this chapter.

(b) It shall be the duty of the animal control officer, Chief of Police, or designee, to keep or cause to be kept records of the impoundment and disposition of all impounded animals and of animal bites reported to such officer.

(c) Law enforcement is also authorized to enforce this Chapter.

(Code 1984; Code 2003; Ord. 851)

2-209. INTERFERENCE. No person shall willfully hinder, obstruct or otherwise interfere with any city official, city employee, or employee of the Sedgwick County Health Department in the discharge of his or her duties under this chapter.

(Code 1984, Ord. 851)

2-210. TRAPPING OF ANIMALS. (a) The owner or occupant of any property within the city upon which any animal is running at large or creating a nuisance may request the placement, by any animal control or police officer, of a humane trap or traps on such property for the purpose of capturing such animal. Thereafter, any animal control or police officer may place such traps if, at and within their discretion, the deem trapping to be necessary for the general health, welfare and safety of any person or persons.
(b) Animal control or police officers are authorized and empowered to use any tranquilizer gun, firearm, humane trap, or other suitable device to subdue, capture or destroy any animal that, at and within their discretion, they determine constitutes a danger to itself or to the general health, welfare and safety of any person or persons.
(c) It shall be unlawful for any person or entity to set or cause to be set within the city any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing any wild or domesticated animal.
(Code 1984; Ord. 851)

2-211. IMPOUNDMENT. (a) Any animal deemed by an animal control or police officer to be in violation of any provision of this code or other applicable law may be taken into custody and humanely impounded by such officer. No animal may be destroyed during the first seventy-two (72) consecutive hours of such impoundment unless a licensed veterinarian determines that the destruction is necessary by virtue of serious injury, illness, disease or suffering. The owner of any impounded animal may be charged impound fees and food fees established by Chapter 17 of this code together with any other costs associated with impound including, but not limited to, costs to the city for veterinary care, and all such fees and costs shall be paid to the city before an animal is released to the owner from impound.
(b) The animal control officer or animal shelter shall take reasonable steps to identify the owner of any animal impounded pursuant to this article and shall notify such owner as soon as may be practical after impoundment.
(c) No animal impounded pursuant to the provisions of this article shall be released until its owner has paid all fees and charges due and arising from such impoundment, including, but not limited to, impoundment, boarding and veterinary costs and fees.
(d) Any animal remaining impounded after seventy-two (72) consecutive hours of impoundment and which the owner thereof has failed to claim and make release arrangements, including the payment of all costs and fees provided for by this article, may be disposed of as determined by theChief of Police, or designee. Any such disposal shall be accomplished in compliance with all applicable laws. Disposal by euthanasia shall be accomplished in a humane manner. Any owner who fails to claim an impounded animal after it has been confined for seventy-two (72) consecutive hours shall not, by virtue of such failure, be released from liability for the payment of all fees and costs provided for by this article including, but not limited to, costs and fees arising from the disposal by euthanasia of such animal.
(Code 1984; Ord. 781; Code 2003; Ord. 851)

2-212. BREAKING POUND. It shall be unlawful for any person other than a duly authorized enforcement officer to break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an officer of this city any animal taken up by such officer pursuant to the provisions of this article, or to in any manner interfere with or hinder such officer in catching or taking up any animal.
(Code 1984; Sec. 2-117; Ord. 851)

2-213 BARKING DOGS. (a) It shall be unlawful for the owner, possessor or keeper of any dog to permit such dog, by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance.

(b) Either the animal control officer of a law enforcement officer may issue a citation for violation of subsection (a) above upon receiving two complaints within two weeks for excessive barking by the same dog, or upon receiving one complaint and personally observing such excessive barking.

(c) Complainants shall sign a written complaint noting the date and time of the barking, the length of the barking episode(s), the animal believed/known to be barking, and any additional relevant information concerning the excessive barking.

(d) Animals who are found to bark excessively following teasing or harassment by neighbors shall not be found to have violated this section.

(Code 1984, Ord. 851; Code 2008)

2-214 VIOLATIONS. Unless otherwise provided, any violation of this Chapter shall be punished in accordance with the General Penalty Provisions set forth in Chapter 1 of this Code.
(Code 2010)

ARTICLE 3.
DANGEROUS DOGS

2-301. DANGEROUS DOG DESIGNATION; DISPOSITION; APPEAL.

(a) The Animal Control Officer, Chief of Police, or their designee, may declare a dog to be dangerous based on:

(1) The nature of any attack committed or wound inflicted by the animal;

(2) The past history and seriousness of any attacks or wounds inflicted by the animal;

(3) The potential propensity of the animal to inflict wounds or engage in aggressive or menacing behavior in the future;

(4) The conditions under which the animal is kept and maintained which could contribute to, encourage, or facilitate aggressive behavior, such as, but not limited to, allowing the animal to run at large, tethering in excess of legal limits as defined in this chapter, physical property conditions, presence of young children, the elderly, or infirm within or residing near the home, any past violations of this chapter, and/or failing to provide proper care, food, shelter, or water.

(b) If the Animal Control Officer, Chief of Police, or their designee determines that the animal is dangerous, he or she will determine an appropriate disposition based on the known facts and consistent with the provisions of this Chapter. The Animal Control Officer, Chief of Police, or their designee may impound the dog and shall notify the owner/harborer of such determination 1) by personal service at the person's usual place of abode by leaving a copy of the notice with some person of suitable age and discretion residing therein, or 2) by certified mail addressed to the owner's last known address, or addressed to the location where the dog is maintained/harbored. Service by certified mail, shall request return receipt, with instructions to the delivering postal employee to show to whom delivered, the date of delivery, and address where delivered. Service of process by certified mail shall be considered obtained upon the delivery of the certified mail envelope. If the certified mail envelope is returned with an endorsement showing refusal of delivery, or failure to serve the letter for any reason, the Animal Control Officer, Chief of Police, or their designee or designee shall send a copy of the notice to the defendant by ordinary, first class mail. This first class mailing shall be evidenced by a certificate of mailing. Service shall be considered obtained upon the mailing of this additional notice by first class mail. The owner of a dog declared dangerous may request an administrative review of the determination by filing a written request with the Animal Control Officer, Chief of Police, or their designee within ten days of receipt of such notification.

(c) The Chief of Police or designee will conduct a hearing within ten days of receipt of the owner's request for an administrative review of the decision to declare such dog a dangerous dog. At such hearing, testimony may be offered by the owner/harborer of the dog, Animal Control Officer or law enforcement officer, victims of any bite or attack, neighbors or other affected persons, and veterinarians concerning the vicious propensity of the dog. In making a determination, the Chief of Police or designee shall consider the factors listed in subsections (1) through (4) above. It shall be an affirmative defense that at the time of a bite, attack, or threatening behavior:

(1) The dog was actively being used by a Law Enforcement Official for legitimate law enforcement purposes; or

(2) The threat, injury, or damage was sustained by a person:

(i) Who was committing, at the time, a criminal trespass or other wrongful act upon the premises lawfully occupied by the owner/harborer of the dog; or

(ii) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(iii) Who was committing or attempting to commit a crime; or

(3) The dog was responding to pain or injury.

(c) If the Chief of Police or designee determines that the dog is dangerous, he or she shall determine an appropriate disposition based on the facts determined at the hearing and the provisions of this chapter, and will notify the owner in writing of the outcome of the hearing within five business days. The owner may appeal the hearing outcome as provided for in subsection (d) below. During the appeal process, the owner, keeper or harborer of such animal shall be responsible for the cost of keeping such animal in the animal shelter. The owner, keeper or harborer of such animal must file a renewable, non-refundable, cash

or performance bond with the animal shelter where the animal is being held, within the ten day appeal period, in an amount equal to the cost of care and treatment of the animal for all days in which the animal has been held and for 30 subsequent days. Said cash or performance bond shall be renewable for an additional 30 days and each successive 30 days the animal is held by Animal Control during the pendency of the appeal. Payment of said renewal shall be within five days of the running of the previous 30 day period. If said cash or performance bond, or its renewal, is not tendered to the City within the time specified above, then the City, through its animal control agency, shall have immediate ownership of such animal and the Animal Control Officer, Chief of Police, or their designee shall determine the disposition of such animal. Absent such appeal, the Animal Control Officer, Chief of Police, or their designee may pick up and cause the animal to be destroyed, or in lieu of such destruction he or she may permit the confinement of the animal in a manner and location that he or she deems humane and appropriate, including turning the animal over to another animal control agency.

(d) APPEALS FROM ORDER. Any person affected or aggrieved by an order issued by the Chief of Police under the authority of this Article may, within five (5) days following service of the order, file a notice of appeal with the City Clerk, requesting an administrative review by the governing body. Such administrative review shall occur at the next regularly scheduled meeting of the Governing Body. The Governing Body, including the Mayor, shall determine, by a majority vote of the members present, whether to uphold the decision of the Chief of Police, or may reverse or affirm partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as, in their determination, should be made and that decision shall have all powers of the order from which the appeal is taken. Such decision shall be the final administrative decision, and is subject to applicable appeal through the Sedgwick County District Court.

2-302. DANGEROUS DOG—FAILURE TO CONFINE—DESTRUCTION AND DEFENSES.

(a) It is unlawful for an owner, keeper or harborer of a dog designated to be a "dangerous dog" to permit the dog to be outside an approved or secure enclosure unless the dog is restrained by a substantial chain or leash and under physical restraint by a responsible person who is 18 years of age or older and possesses sufficient strength for physical control of the animal for the purpose of transportation to and from a veterinarian for medical treatment. In such event, the dangerous dog shall be securely muzzled and restrained with a chain or leash not exceeding four feet in length, and shall be under the direct control and supervision of the owner, keeper or harborer of the dangerous dog. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(b) Secure or approved enclosures required under this section must be approved by the Animal Control Officer, Chief of Police, or their designee and be adequately lighted and kept in a clean and sanitary condition.

(c) The owner, keeper or harborer shall allow the access to the property where the dangerous animal is being harbored to facilitate inspections and insure compliance for the

duration of the life of the animal. Failure to allow access shall be prima facie evidence of a violation of this section.

(d) The owner, keeper or harborer of any dog that has been determined to be dangerous shall be required to have the animal surgically sterilized by a licensed veterinarian within thirty days of the dangerous animal determination, at his or her own expense. For any animal required to be surgically sterilized, the Chief of Police or designee shall collect payment for and issue a spay/neuter voucher at the time of the animal's redemption, and the owner, keeper or harborer shall provide documentation of the sterilization upon completion. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

(e) Any owner, keeper or harborer failing to provide documentation of the sterilization procedure as required by this section shall be deemed guilty of a misdemeanor, and shall be required to immediately surrender such animal to the Chief of Police or designee.

(f) The owner, keeper or harborer of any dog that has been determined to be dangerous shall be required to have a microchip, traceable to the dangerous dog and the current owner, inserted into the dog and copies of documentation of said procedure available for review by the Animal Control Officer, Chief of Police, or their designee. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

Any owner, keeper or harborer of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(g) It is unlawful for anyone having prior felony convictions defined in Articles 34, 35, 36, and 43 of Chapter 21, and Article 41 of Chapter 65 of the Kansas Statutes Annotated to possess, harbor, own or reside on any premises with a dangerous dog.

(h) It shall be unlawful for any person to:

(1) Harbor, keep or maintain a dangerous dog on property not owned by such person without the written consent of the land owner; or

(2) Sell, barter or give away to another person a dog which has been deemed dangerous; or

(3) Own, keep or harbor more than one dog which has been declared dangerous by this Article.

(i) Should a previously determined dangerous dog be found running at large in violation of this Article, attack or inflict injury upon any person, the Judge of the Municipal Court shall, in addition to any other penalty provided in this Chapter, order the dog destroyed. Provided, however, the Judge of the Municipal Court may, at his or her discretion, consider whether the attack or injury was sustained by a person who, at the time, was committing a criminal trespass or other wrongful act upon the premises of the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, aroused, or assaulted the dog or was committing or attempting to commit a crime.

2-303. SIGNS REQUIRED. Upon determination by the Animal Control Officer, Chief of Police, or their designee, the owner of a dangerous dog shall display in a prominent place at the entrance to his or her premises a clearly visible warning sign indicating there is a dangerous dog on the premises. A similar sign is required to be posted on the secure enclosure in which the animal is harbored.

2-304. REGISTRATION AND INSURANCE.

(a) The owner, keeper or person harboring a dangerous dog shall annually register the dangerous dog with the City of Haysville on such forms as designated by the Chief of Police or designee, and shall have a microchip, traceable to the current owner of the dog, inserted into the dog. The owner, keeper or harborer shall complete an application and shall pay a $100.00 annual registration fee to the City of Haysville and shall pay all costs associated with the microchip procedure. If the dog's owner had a valid dog license, such owner shall not receive a refund of the licensing fees paid for the altering or micro chipping of the dog. Upon the renewal of the license, the amount will be changed to reflect the altering and micro chipping of the dog.

The owner, keeper or person harboring a dangerous dog shall notify the City of Haysville in writing a minimum of seven days prior to any change in the address of the owner, keeper or person harboring the dog or the location of the dangerous dog. Any owner, keeper or harborer of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

(b) The owner, keeper or person harboring a dangerous dog required to be registered under this section shall be required to maintain liability insurance in the amount of $100,000.00 dollars for such dog against the potential injury or damage liabilities and hazards associated with the ownership or possession of such dog. The owner or person harboring a dangerous dog shall file with the City of Haysville a certificate of insurance reflecting the required minimum insurance. Any owner, keeper or harborer of a dangerous dog who fails to comply with this provision shall be deemed guilty of a misdemeanor.

ARTICLE 4.
MISCELLANEOUS

2-401. CONFLICT WITH OTHER PROVISIONS. Nothing in this chapter shall be construed so as to prohibit the passage of zoning regulations affecting this chapter. All provisions contained within this chapter are subject to any additional rights of prohibitions provided for in any city of Haysville zoning ordinance, including zoning ordinances with protective overlays.

(Ord. 851)

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CHAPTER IV. BUILDING, CONSTRUCTION AND INSTALLATIONS

Article 1. General Regulations/Supplements
Article 2. Inspections by City Officials
Article 3. Residential Construction
Article 4. Commercial Buildings
Article 5. Electrical Code
Article 6. Plumbing and Gas Fitting Code
Article 7. Drain Layers
Article 8. Mechanical Code
Article 9. Private Swimming Pools
Article 10. Sprinkler Systems
Article 11. Fences, Hedges, Bushes, Shrubbery, and Foliage
Article 12. Wichita-Sedgwick County Unified Building Code.

ARTICLE 1.
GENERAL REGULATIONS/SUPPLEMENTS

4-101. BUILDING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein in the city except in accordance with this article, and all other applicable codes and ordinances of this City relating to such buildings or structures.

4-101A. Site Address, Premises Identification. Approved numbers or addresses shall be provided for all new residential and commercial buildings.

(a.) Residential Buildings. Address shall be mounted or installed on the principal structure with numbers or letters, 3" minimum in height. Such numbers or letters shall be visible from the street or right-of-way which gives the property its address. Such numbers or letters shall be of contrasting color from the structure.

(b.) Commercial and Industrial Buildings. Address shall be mounted or installed on the principal structure with numbers or letters 6" minimum in height. Such numbers or letter shall be visible from the street or right-of-way which gives the property its address. Such number or letter shall be of a contrasting color from the structure.

(Code 1971, Sec. 4-101; Code 2012)

4-102 LICENSES. All contractors and tradesmen shall provide proof to the City of both a current and valid Metropolitan Area Building and Construction Department [hereinafter "MABCD" or "Metropolitan Area Building and Construction Department"] Contractor's License and a City of Haysville Contractor's License prior to being issued a permit to design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment within the City.

(a). License of City of Haysville. City of Haysville licenses for all trades and construction for building, mechanical, electrical, plumbing and manufactured housing

installation shall be issued exclusively through City.

(b). License of Metropolitan Area Building and Construction Department. Metropolitan Area Building and Construction Department licenses for all trades and construction for building, mechanical, electrical, plumbing and manufactured housing installation shall be issued exclusively through MABCD.
(Code 2011)

4-103. PERMIT.

(a). City of Haysville Permit: Prior to any person, firm or corporation designing, constructing, erecting, remodeling, altering, demolishing, locating, relocating or removing any building or structure, or placing or installing service equipment within the City of Haysville, a permit to do such work shall be obtained from the City. Such permit shall be issued through the Department of Public Works.

(b). In the event a contractor does not complete work for which a valid permit has been issued and such individual no longer holds a valid contract for the work, a second permit must be obtained by a contractor to complete the balance of the work. A fee shall be charged for the second permit that is ten percent of the original permit fee, but in no case less than the minimum fee for a building permit. Building permits are nontransferable.

(c). In those areas of the city having a high ground water table, which areas are not served by an approved water course or storm sewer for surface water disposal, building permit applications require a special approval by the building official. The application, in addition to providing the information required on the standard application form, shall indicate the lowest floor elevation of the proposed building, whether groundwater may be required to be pumped as a matter of waterproofing below-grade structure and, if so, the manner of water disposal. Topographic and groundwater elevations for reference purposes are shown on the most current Hydrogeologic Map of Sedgwick County, Kansas, prepared by the State Geological Survey of Kansas.

(d), Expiration. Every permit issued by the City under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days, or one hundred eighty days have expired since an inspection was requested and such inspection was approved by the building official. Provided, that the building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected and may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. No refund shall be paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.
~~(Code 2011)~~

(e). Whenever any work for which a permit is required by this Code has commenced without

first obtaining said permit, an administrative penalty equal to the amount of the permit fee, as determined by the Code Official, shall be collected in addition to the permit fee. Such administrative penalty shall be paid prior to issuance of any permit for construction upon these premises.

4-104. **SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL AND MANUFACTURED HOUSING INSTALLATION CODES.**

Section 112, Board of Appeals associated with City of Haysville Inspections.

In order to hear and decide appeals of decisions, determinations, or orders of the City's inspector(s) relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building inspector shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

The owner of any permitted project, the construction of which has been rejected by the City's building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the City's board of appeals, to have such order reviewed. The decision of the board can be appealed to the governing body for review and the decision of the governing body shall be final when the matter shall have been heard by it.
(Code 2011)

4-105. RESERVED.
(Code 2011)

4-106. PERMIT FEES. The schedule of permit fees shall be those set forth in the approved schedule of fees as incorporated into Chapter 17 of the Haysville Municipal Code.
(Code 2003)

4-107. DEFINITIONS. Definitions of terms used in this Article shall be as follows:

(a) Agricultural Building: A structure designed and constructed to house hay, grain, poultry, livestock, or other horticulture products and for farm storage of farming implements. Such structure or structures shall not be a place for human habitation or place of employment where agriculture products are processed, treated or packaged; nor shall it be a building or structure for use by the public.

(b) Contractors: A contractor, within the meaning of this chapter, is any person who

undertakes with or for another to build, construct, alter, repair, add to, wreck or move any building or structure, or any portion thereof, within the city, for which a permit is required under this article, for a fixed price, fee, percentage or other compensation other than wages, or who advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to, wreck or move any building or structure or any portion thereof; or who builds, constructs, alters, adds to, wrecks or moves any building or structure, either on his or her own or other property, for the purpose of speculation.

(c) A One and/or Two Family Dwelling is a structure having one (1) or two (2), but not more than two (2), units providing independent living facilities, (for one or more persons constituting a family,) including permanent provisions for living, sleeping, eating, cooking and sanitation. A family is an individual of two (2) or more persons related by blood, marriage or law, or a group of not more than four (4) persons (excluding servants), who need not be related, living together in a dwelling unit.

(d) Commercial Building. A commercial building is a building in which is conducted a business, trade or profession and is not used primarily for residential purposes.

(Ord. 379, Sec.5; Code 2003)

4-108. CONTRACTORS, CONTRACTOR'S LICENSES, FEES, INSURANCE. Every Licensed Contractor who has obtained a license as set forth in this Code shall have and maintain an established place of business at a definite address and with his/her registered company name and license number displayed as it appears on his/her license. Licensed Contractors operating out of their home must conform to the requirements set forth in the Zoning Code.

(a) Contractor's licenses and fees for the city shall be as follows:

(b) Classification: Fees.

(1) Contractor's License Class A shall be issued for a construction project with a value more than $30,000 and the fee shall be as set out in Chapter 17.

(2) Contractor's License Class B shall be issued for a construction project valued at $30,000 or below and the fee shall be as set out in Chapter 17.

(3) Contractor's License Class C shall be issued for roofing and siding construction projects and the fee shall be as set out in Chapter 17.

(4) Contractor's License Class D shall be issued for fencing construction projects and the fee shall be as set out in Chapter 17.

(c) All contractors are to maintain a policy of general liability insurance covering the activities of the contractor, and the contractor's employees, while engaged in contracting within the City. Such insurance policy shall be written with an insurance company licensed to do business in the State of Kansas and shall have minimum limits of coverage of three hundred thousand dollars per occurrence.

(d) In addition, every contractor shall procure and maintain worker's compensation insurance as required by Kansas law and automobile liability insurance as required by Kansas law.

(e) All such insurance requirements shall conform to the insurance requirements of the MABCD, and all contractors who lose their license to contract as issued by the

MABCD shall immediately have all City issued licenses revoked.
(Ord. 75, Code 1984; Code 2003; Code 2015)

4-109. FEE SCHEDULE. There is hereby established a fee schedule for contractors performing work within the city, such contractor fees are as set out in Chapter 17 of this Code. License fees will not be pro-rated. Licenses will expire January 1st of each year.
(Ord. 644; Ord. 644-A; Code 2003)

4-110. PAYMENTS. All fees, permits, licenses, etc., referred to in this article shall be paid and/or registered at the Office of the City Clerk.
(Code 1971, Sec. 4-107; Code 2003)

4-111. ADVERTISING. (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor within the City unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license issued hereunder.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.
(Ord. 713; Code 2003)

4-112. VIOLATIONS AND PENALTIES. (a) Any person who shall violate the provisions of this c~~ode~~hapter or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of an unclassified misdemeanor and shall be punished by a fine of not more than five-hundred dollars ($500.00) for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) Penalty Clause not Exclusive. The Imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and specific authority for such is hereby granted to take

any action or imposing any penalty allowed by state law or this code, or this article.
(Code 1971, Sec. 4-324; Code 1984; Code 2003, Ord. 881)

4-113. ENFORCEMENT. Enforcement of this ~~article~~ chapter within the boundaries of the city shall be by the building official(s) designated by the ~~city~~Director of Public Works, ~~unless otherwise designated by interlocal agreement,~~ and jurisdiction for prosecution of any violations of this code shall be in the Haysville municipal court~~, unless otherwise designated by interlocal agreement~~, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.
(Ord. 881)

4-114. LIABILITY. Requirements of this article shall not be construed as imposing on the city, its officers, agents or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Ord. 881)

4-115. SEVERABILITY. If any part or parts of this article shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this article.
(Ord. 881)

ARTICLE 2.
INSPECTIONS BY CITY OFFICIALS

4-201. BUILDING INSPECTOR: AUTHORITY AND APPEALS. The duties for the building inspector shall be as follows:

(a) The building inspector is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her, and may apply to a court of competent jurisdiction for an order granting such entry in the event ~~it~~entry is denied. It shall be the duty of the building inspector to inspect all construction done in the city for which a permit is required. The building inspector shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.

(b) The building inspector shall keep a record of inspections made by him or her and in connection therewith a record of his or her orders of all buildings being erected, altered, or repaired with regard to construction therein to see that all construction work conforms to the building regulation of the city. He or she shall have power to reject any construction if the same is not done in accordance with such regulations. The building inspector shall be authorized to enter upon premises for all such purposes to perform a duty imposed upon him or her. The owner of any building, the construction of which has been rejected by the building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals, as established by the

International Building Code, 2006 Edition, to have such order reviewed and the decision of the board can be appealed to the governing body for review and the decision of the governing body shall be final when the matter shall have been heard by it.

(Code 1984; Code 2003, Ord. 881)

4-202. RE-INSPECTION/NON-BUSINESS HOURS FEE. All inspection work required herein to be performed by any officer or employee of the city after the initial inspection or requested for other than normal business work hours, shall be charged at the rate set out in Chapter 17. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the general operating fund of the city.

(Code 1984; Code 2003)

4-203. CERTIFICATE: RENEWAL. All contractors' certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk.

(Ord. 686; Code 2003)

4-204. INSURANCE REQUIREMENTS. It shall be unlawful for any contractor to conduct business within the city, unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is covered with liability insurance in the minimum amount of $500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city, without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license and certificate.

(Ord. 713; Code 2003)

4-205. LICENSE: CONTRACTOR. Any person engaging in or desiring to engage in the business of construction in the city shall before obtaining any permit or transacting any business, procure a license from the city. The fee for such license shall be as set out in the Chapter 17. The license shall be renewable annually on January 1. No license shall be transferred from one person to another. Fees shall be paid to the city clerk.

A contractor's license may be issued to any person, firm, co-partnership or corporation. A separate license shall be issued for each place of business conducted.

(Ord. 395, Secs. 1:2, Code 1984; Code 2003)

4-206. LICENSE REQUIREMENT; HOMEOWNER EXEMPTION. (a) A contractor's license is not required by an individual for the city to issue a building permit for the individual to build, construct, alter, repair, or add to a residential house which is owned and occupied by the individual applying for the building permit. Only two (2) permits per year will be allowed under this exemption.

(b) New residence - No contractor's license is required to build a new residential home provided that the individual building the residential home will be the owner and

occupant of the home after completion. This exception does not change the duty to procure all other applicable licenses, permits and inspections associated with modification to, or construction of, a residential structure. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

(c) Twelve (12) months must have elapsed from the date of completion of a new residential home as provided for in subsection (b) before an additional permit for building a new residential home, as provided for in subsection (b) will be issued to the same individual or such individual's spouse. No permit will be issued pursuant to this subsection to family affiliated entities attempting to use this subsection to avoid the contractor's license requirement to build homes for eventual resale.

(Ord. 75; Code 1984)

4-207. BASEMENTS. Any builder or property owner in any subdivision or recorded platted area having a minimum pad elevation within the city limits is hereby required to obtain a certificate from a licensed surveyor after basement walls or foundation are poured and prior to any further construction on said land. Such licensed surveyor shall certify that the lowest opening is at or above the minimum pad elevation designated for the particular lot or parcel of ground.

(Ord. 727, Code 2003)

4-208. SUSPENSION. The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any contractor and the license of any contractor for any one of the following reasons:

(a) Abandonment of any contract without legal cause;

(b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation purpose, or the failure, neglect or refusal to use such funds or property for the performance of completion of such contract;

(c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate or license;

(d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;

(e) Fraudulent use of his or her license to obtain permits for another;

(f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;

(g) Unreasonable delay in the performance or the fulfilling of any contract;

(h) Failure, neglect or refusal to comply with any lawful order of the building inspector;

(i) Failure, neglect or refusal to comply with all the state, local and city laws relating to construction work or repair;

(j) Loss of any other similar certificate within any other jurisdiction for any of the above described acts within such other jurisdiction.

(Code 1971, Sec. 4-320, Code 1984; Code 2003)

4-209. SUSPENSION; APPEAL. Should any contractor feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in this article; or should any contractor feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-207, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of the next regular meeting of the governing body, the appellant shall be given the opportunity~~ for a full hearing~~to state the reasons that such contractor believes that the action against his/her license was without merit. The governing body may in its discretion reverse, modify or a~~ffor~~mend, the existing cancellation and recall, or suspension. Should there be no appeal as provided herein the existing cancellation and recall, or suspension shall be final and not appealable.

(Code 1971, Sec.4-321; Code 2003)

4-210. ADVERTISING. (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city, or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

4-211. FEES: GENERAL OPERATING FUND. All fees, permits and licenses required by this article shall be paid to the city clerk and shall be credited to the general operating fund of the city.

(Code 1971, Sec. 4-323; Code 2003)

4-212. VIOLATION AND PENALTY. Any person who shall within the city engage in or work in violation of any provision of this article~~ upon conviction shall be punished by a~~

~~fine in accordance with the provisions in section 1-121 of this code. Each day or portion thereof during which any violation is committed or continued shall constitute a separate offense~~ may be prosecuted as set forth in 4-112 of this Chapter.~~.~~

(Code 1971, Sec. 4-324; Code 1984; Code 2003)

ARTICLE 3.
RESIDENTIAL CONSTRUCTION

4-301. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 20~~06~~12 EDITION, AS THE ONE AND TWO FAMILY DWELLING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Residential Code, for One and Two Family Dwellings, 20~~06~~12 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of ~~November, 21, 2012~~May 20, 2015, ~~adopting The Wichita-Sedgwick County Unified Building and Trade Code,~~ (Res. No. 1~~75~~06-201~~2~~5), to be made effective J~~anuary~~uly 1, 201~~3~~5, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and such Resolution is incorporated by reference herein. Any reference to the International Building Code shall be understood to be a reference to the Commercial Building Code. Any reference to the International Residential Code and all amendments, shall hereafter, including those amendments provided for within Article 12, ~~shall~~ be understood to ~~be known as~~~~in~~ reference ~~to~~ the Residential Building Code of the City of Haysville, Kansas, as described herein.

(K.S.A. 12-3009; Ord. 581; Ord. 419, Sec.3; Code 1984; Code 2003, Ord. 887, Code 2011)

4-302. AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, as described within section 4-301 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

(Code 2011)

4-303. RESERVED.

4-304. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this ~~code~~the Residential Building Code as adopted by this Article or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113 et seq. of the International Residential Code as amended herein, and/or Section 4-112 of this Chapter, such prosecution to be within the Municipal Court of the City of Haysville, Kansas. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair, remove, or correct any violation, and pay all costs associated therewith. (Code 2011)

4-305. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-306. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the~~ City~~Director of Public Works~~, or which may be through Metropolitan Area Building and Construction Department Court if designated through separate interlocal agreement~~. ~~In the absence of any interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.
(Code 2011)

4-307. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-308. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

4-309 WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE. Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to the Residential Building Code are found in Article 2, Section 4 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

4-310 CITY PROVISIONS ADDITIONAL TO OR SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE. . The following provisions are supplemental to and additional to the Residential Building Code as adopted by the City of Haysville. These provisions shall supplement the associated provisions and shall be inspected.

Section R105.2 of the International Residential Code shall be amended as follows: R105.2 *Work exempt from permit:* Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures classified as Group S or U occupancies, with a floor area exceeding 100 square feet shall be inspected by City.

2. All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.

15. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

Section R105.3.1.2 of the International Residential Code shall be amended as follows: R105.3.1.2: All water and wastewater systems constructed or installed within the City are subject to the provisions of Chapter 15 of the Code of the City of Haysville, Kansas, including mandatory connection to the City of Haysville water and sewer systems, and mandatory participation in stormwater management.

Section R109.3.3 of the International Residential Code shall be amended as follows: R109.3.3: Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

Section AG105.2 of the International Residential Code shall be amended as follows: AG105.2: Outdoor swimming pool. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

ARTICLE 4.
COMMERCIAL BUILDINGS

4-401. ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2006 EDITION, AS THE COMMERCIAL BUILDING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2006 Edition, as the Commercial Building Code, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as contained in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, (Res. No. 175-2012) to be made effective January 1, 2013, including all fee schedules unless otherwise set forth within chapter 17 of this Code, and such document is incorporated by reference herein. This International Building Code and all amendments as adopted within Article 4 and Article 12 of the Haysville Municipal Code shall hereafter be known as the Commercial Building Code of the City of Haysville, Kansas.

4-402. RESERVED.

4-403. AVAILABILITY OF COPIES.

One copy of said code, along with the amendments set forth in that Sedgwick County Resolution as identified within 4-401 above, including a copy of the amendments described therein, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-404. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113.4 et seq. of the International Building Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

4-405. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, the Code of this City, or this Article.

(Code 2011)

4-406. ENFORCEMENT.

~~Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Metropolitan Area Building and Construction Department Court through separate interlocal agreement. In the absence of any such interlocal agreement, prosecution of any violations of this code shall be in the Haysville Municipal Court.~~ Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works~~, or which may be through Metropolitan Area Building and Construction Department Court if designated through interlocal agreement~~. ~~In the absence of any interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.
(Code 2011)

4-407. LIABILITY.
Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-408. SEVERABILITY.
If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

4-409. WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE. Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to this Article are found in Article 2, Section 2 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

4-410. CITY PROVISIONS ADDITIONAL TO OR SUPPLEMENTAL TO THE STANDARD PROVISIONS OF THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.

The following provisions are supplemental to and additional to the **Commercial Building Code** as adopted by the City of Haysville. These provisions shall supplement the associated provisions.

Section 101.4.1 of the International Building Code, is amended to read as follow: *101.4.1 Electrical.* The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alternations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 101.4.2 of the International Building Code, is amended to read as follows: *101.4.2 Gas.* The provisions of Article 3 of this Code shall apply to the installation of gas piping

from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 101.4.3 of the International Building Code, is amended to read as follows: *101.4.3 Mechanical.* The provisions of Article 5 of this Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

Section 101.4.4 of the International Building Code, is amended to read as follows: *101.4.4 Plumbing.* The provisions of Article 3 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures and appurtenances, and where connected to water or sewage system and all aspects of a medical gas system.

Section 105.2 of the International Building Code, is amended to read as follows: 105.2 Work exempt from permit. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures classified as Group S or U occupancies, with a floor area exceeding 100 square feet but not exceeding 200 square feet shall be inspected by City.

2. All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.

3. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

Section 109.3.3 of the International Building Code, is amended to read as follows: 109.3.3 Floodplain Inspections. Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

ARTICLE 5.
ELECTRICAL CODE

4-501. ADOPTION OF THE NFPA 70, NATIONAL ELECTRICAL CODE, 201~~1~~4 EDITION, AS THE ELECTRICAL CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

~~There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the National Electrical Code, 2011 Edition, including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2011, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c); Section 210.12; Section 210.52(c)(1); Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section 185 Draft 11/14/12 334.10; Section 334.12(a)(1) Exception; Section 334.40(b); Section 334.80; Section 406.4(e); Section 406.8(b)(1) and (2); 410.64; Section 430.22(G)(1); Section 430.22(G)(2); Section 514.11; Section 590.4(D); Section 590.6(B)(2); Section 600.3; and Section 680.8 of such publication, all as set forth and described and amended within that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, (Res. No. 175-2012), to be made effective January 1, 2013, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and including all amendments as provided for within Article 12 of this Chapter, and providing for penalties and prosecution for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefore; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements. This Code and all amendments shall hereafter be known as the Electric Code of the City of Haysville, Kansas.~~

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the National Electrical Code, 2014 Edition, including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2014, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c)(1); Section 210.12; Section 210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 334.80; 410.64; Section 430.22(G)(1); Section

430.22(G)(2); Section 514.11(A); Section 590.4(D); Section 590.6(B)(2); and Section 680.8; of such publication. Said N.F.P.A. No. 70-2014, was adopted by the National Fire Protection Association at its 2013 June Technical Session and approved as an American National Standard on August 21, 2013, all as set forth and described and amended within that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of December, 2014, (Res. No. 159-2014), including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and including all amendments as provided for within Resolution No. 159-2014 as subsequently incorporated into the Unified Building and Trade Code as adopted within Article 12 of this Chapter, and providing for penalties and prosecution for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefore; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements. This Code and all amendments shall hereafter be known as the Electric Code of the City of Haysville, Kansas.

4-502. AVAILABILITY OF COPIES.

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-501 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-503. AMENDMENTS.

This Code is to be applied as set forth in Sec. 4.2.010 through, and including, Sec. 4.4.050 of the Wichita-Sedgwick County Unified Building and Trade Code, including all fee schedules unless otherwise set forth within Chapter 17 of this Code,, and such Resolution is incorporated by reference herein.

4-504. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 80.23 et seq. of the NFPA 70, National Electrical Code, 2008 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement) as amended, and Section 4-112 above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.
(Code 2011)

4-505. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-506. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City~~, and prosecution of violations may be through Metropolitan Area Building and Construction Department Court through separate interlocal agreement~~. ~~In the absence of such interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.
(Code 2011)

4-507. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-508. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

ARTICLE 6.
PLUMBING AND GAS FITTING CODE

4-601. ADOPTION OF THE UNIFORM PLUMBING CODE, 20~~06~~12 EDITION, AS THE PLUMBING CODE, WITH CERTAIN ADDITIONS AND DELETIONS.

~~The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2006 Edition, including the Appendixes and Installation Standards thereto, and including the Uniform Plumbing Code's latest edition of Table 14-1, excluding Table No. 1-1: Plumbing Permit Fees, Part II of Chapter 7: Building Sewers, Sections 609.4, 908.0, 1014.0, 1015.0, Appendix F, Appendix L 6.0, Appendix L 7.0, and in lieu of Appendix K, Chapter 23 of the Sedgwick County Code, entitled Sewers and Sewage Disposal, shall apply, and all such amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The~~

~~Wichita-Sedgwick County Unified Building and Trade Code, to be made effective January 1, 2013, including all fee schedules unless otherwise set forth within Chapter 17 of this Code,, are hereby adopted and by reference incorporated herein and made a part of this Code as though set forth at length herein, and shall be referred to herein as the "Plumbing Code" or the "standard code." This Code and all amendments shall hereafter be known as the Plumbing and Gas Fitting Code of the City of Haysville.~~

The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2012 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 1401-1, excluding Sections 102.1, 102.2, 102.3, 102.3.1, Table No. 103.4: Plumbing Permit Fees, 422.1, 422.1.1,422.2, 422.3, 422.4, 422.4.1, 422.5, Part II of Chapter 7: Building Sewers, Sections 609.4, 807.4, 1014.0, 1015.0, 1210.1.5 Appendix F, Appendix H, Appendix L 6.0, Appendix L 7.0, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, including all amendments as set forth in Resolution No. 159-2014, of the Board of County Commissioners of Sedgwick County, Kansas, as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter. In lieu of Appendix H, Chapter ~~23~~15 of the ~~Sedgwick County~~ Haysville Municipal Code, entitled ~~Sewers and Sewage Disposal~~Utilities, shall apply. This Code and all amendments shall hereafter be known as the Plumbing and Gas Fitting Code of the City of Haysville.

4-602. AVAILABILITY OF COPIES.

~~One copy of said code along with the amendments set forth in that Sedgwick County Resolution as identified within 4-601 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. Official publication of amendments is by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-3009, et seq.~~ One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-601 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-603. RESERVED.

4-604. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works ~~City, and prosecution of violations may be through Metropolitan Area Building and Construction Department Court through separate interlocal agreement~~. ~~In the absence of such interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of

this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-605. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.
(Code 2011)

4-606. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-607. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-608. SEVERABILITY.

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

ARTICLE 7.
DRAIN LAYERS

4-701. APPLICABILITY OF UNIFORM CODE. The~~ Uniform Plumbing Code, 2000 Edition~~Plumbing and Gas Fitting Code, incorporated in Article ~~4~~6 of this chapter and ~~the~~all water, sewer, and wastewater regulations established in Chapter ~~13~~ 15of the Haysville Municipal Code shall be applicable to drain layers in the city.
(Code 1984; Ord. 651; Code 2003)

4-702. BOARD OF APPEALS; DRAIN LAYERS. In order to hear and decide appeals of orders, the decisions or determinations made by the building official relative to the

application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

(Code 2003)

4-703. DRAIN LAYER INSPECTOR: AUTHORITY AND APPEALS. The duties for the drain layer inspector shall be as follows:

(a) There shall be designated a qualified officer or employee to be the drain layer inspector of the city for the purpose of this article. It shall be the duty of the drain layer inspector to inspect all drain laying done in the city for which a permit is required. He or she shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.

(b) The drain layer inspector shall keep a record of inspections made by him or her and in connection therewith a record of orders of approval or disapproval of any drain laying work. He or she shall inspect all buildings being erected, altered, or repaired with regard to drain laying therein to see that all drain laying work conforms to the plumbing regulations of the city. The inspector shall have power to reject any drain laying if the same is not done in accordance with such regulations. He or she shall be authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her and to make application to a court of competent jurisdiction for an order authorizing such entry if it shall be denied. The owner of any building, the drain laying of which has been rejected by the inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals to have such order reviewed and the decision of that board can be appealed to the governing body for review. The decision of the governing body shall be final when the matter shall have been heard by it.

(Code 1971, Sec. 4-408; Code 1984; Code 2003)

4-704. INSPECTIONS. All inspection work required herein to be performed by any officer or employee of the city shall be charged at the rate established by the governing body. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the city general operating fund. ~~Reinspection~~Re-inspection fees are as set out in Chapter 17.

(Code 1984; Code 2003)

4-705. ~~REINSPECTION~~RE-INSPECTION/NON-BUSINESS HOURS; FEE. The drain laying inspector shall make a thorough ~~reinspection~~re-inspection of all drain laying

whenever deemed advisable, within or on any building or premises within the city. When drain laying is found to be in a dangerous and unsafe condition and in noncompliance with this article, the person, firm, entity or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such drain laying in compliance with this article within the time specified in the notice. Upon failure to comply with the written notice, the drain laying inspector is hereby authorized to notify the utility company supplying water to such building or premises, to cease service and to hold such service off until instructed by the drain laying inspector that service may be restored. ~~Reinspection~~Re-inspection fees are as set out in Chapter 17.

(Code 1971, Sec. 4-215; Code 2003)

4-706. APPRENTICE DRAIN LAYERS. Apprentice drain layers shall be permitted to work when accompanied by and are under the control and supervision of a master or journeyman drain layer.

(Code 1984; Code 2003)

4-707. CERTIFICATE; RENEWAL. All drain layer certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk. Applicants for certificates not renewed within sixty (60) days must show proof of block certification before certificate is renewed. The fee shall be as set out in Chapter 17.

(Ord. 686; Code 2007)

4-708. INSURANCE REQUIREMENT. It shall be unlawful for any drain layer contractor to conduct business within the city unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is covered with liability insurance in the minimum amount of $500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30) days advanced written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, company, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license.

(Code 1984; Code 2003)

4-709. LICENSE: DRAIN LAYER. Any person engaging in or desiring to engage in the business of laying any private sewer or drain to be connected with the city sewer or private sewer in the city, or the repairing or relaying of any existing private sewer or drain in the city shall before obtaining any permit or transacting any business, procure a license from the city. A master drain layer certificate issued by a city of a larger class and in good standing shall be recognized by the city of Haysville. The license shall be renewable annually on January 1 by applying to the city clerk. No license shall be transferred from one person to another. Fees shall be paid to the city clerk. License or certificate fees shall be as stated in the approved schedule of fees. The fees shall be as

set out in Chapter 17.

A drain layer's license may be issued to any person, firm, copartnership, corporation or other entity in which at least one (1) active member or officer has been qualified as and has a master drain layer's certificate. A separate license shall be issued for each place where business is conducted.

(Ord. 395, Secs. 1:2; Code 1984; Code 2003; Code 2007)

4-710. SUSPENSION. The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any master or journeyman drain layer and the license of any master drain layer for any one of the following reasons:

(a) Abandonment of any contract without legal cause;

(b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;

(c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate;

(d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;

(e) Fraudulent use of his or her license to obtain permits for another;

(f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;

(g) Unreasonable delay in the performance or the fulfilling of any contract;

(h) Failure, neglect or refusal to comply with any lawful order of the drain layer inspector;

(i) Failure, neglect or refusal to comply with all state, local and city laws relating to drain laying work

(j) Cancellation, recall, or suspension of a comparable certificate or license issued by another jurisdiction for any of the above described acts.

(Code 1971, Sec.4-320; Code 1984; Code 2003)

4-711. SUSPENSION; APPEAL. Should any master or journeyman drain layer feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in section 4-710 hereof; or should any master drain layer feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-710, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of that meeting of the governing body, the appellant shall be given the opportunity for a full hearing. The governing body may in this section reverse, modify or affirm the existing cancellation and recall, or suspension.

Should there be no appeal as provided herein the existing cancellation and recall, or

suspension shall be final and not appealable.

(Code 1971, Sec. 4-321; Code 1984; Code 2003)

4-712. ADVERTISING. (a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a drain layer contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid plumbing contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a drain layer contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

4-713. FEES: GENERAL OPERATING FUND. All fees, permits, licenses, etc. required by this article shall be paid to the city clerk and shall be credited to the city general operating fund.

(Code 1971, Sec. 4-323; Code 1984; Code 2003)

4-714. PENALTY. Any person who shall within the city limits engage in or work at the trade of drain laying in violation of any provision of this article shall be fined in accordance with the general penalty provisions of section 1-121 of this code. Each day the violation is committed or continued shall constitute a separate offense.

(Code 1984; Code 2003)

ARTICLE 8.
MECHANICAL CODE

4-801. ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 20~~06~~12 EDITION.

~~There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical~~

~~Code, 2006~~12 ~~Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, excluding appendix B, and sections 301.2, 301.3, 501.3.1.1, 802.8, and 1101.10, as such Mechanical Code was adopted and amended by that Resolution # 106-2015 of the Board of County Commissioners of Sedgwick County, Kansas, of May 20, 2015 of November, 21, 2012, adopting **and set forth within** T~~the ~~Wichita-Sedgwick County Unified Building and Trade Code, to be made effective January 1, 2013, including all fee schedules unless otherwise set forth within Chapter 17 of this Code,, and such document is incorporated by reference herein. This Standard Code and all Amendments as set forth herein and within the aforementioned Resolution of the Sedgwick County Board of Commissioners shall henceforth be the Mechanical Code of the City of Haysville~~.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, 2012 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, excluding appendix B, and sections 301.2, 301.3, 501.3.1.1, 802.8, and 1101.10, as such Mechanical Code was adopted and amended by Resolution # 106-2015 of the Board of County Commissioners of Sedgwick County, Kansas, of May 20, 2015, and such is hereby incorporated herein and made a part of this Code as though set forth at length herein, all as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter, including all fee schedules unless otherwise set forth within Chapter 17 of this Code. This Standard Code and all Amendments as set forth herein and within the aforementioned Resolution of the Sedgwick County Board of Commissioners, as subsequently incorporated into the Unified Building and Trade Code shall henceforth be known as the Mechanical Code of the City of Haysville.

4-802. AVAILABILITY OF COPIES.

One copy of said code along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-801 above, have been and are now filed in the office of the City Clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-803. AMENDMENTS.

Section 101.2 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas equipment, fuel gas fired appliances and gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Exception: Detached one- and two- family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with the 2006 International Residential Code. Official publication of amendments shall be by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-3009, et seq.

4-804. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 108 et seq. of the International Mechanical Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.
(Code 2011)

4-805. PENALTY CLAUSE NOT EXCLUSIVE.
The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-806. ENFORCEMENT.
Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works~~ City, and prosecution of violations may be through Metropolitan Area Building and Construction Department Court through separate interlocal agreement~~. ~~In the absence of such interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-807. LIABILITY.
Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-808. SEVERABILITY.
If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.
(Code 2011)

ARTICLE 9.
PRIVATE SWIMMING POOLS

4-901. DEFINITIONS. For the purpose for this article, certain terms are herewith defined as follows:

(a) Private: Shall mean not open to the public, not publicly owned, or not otherwise regulated by the state of Kansas, either by statute, rule or regulation, or by the city.

(b) Swimming Pool shall mean any artificially constructed, permanent or portable

pool capable of being used for swimming or bathing, having depth of two (2) feet or more at any point.

(Ord. 437, Sec.1; Code 2004)

4-902. PERMIT REQUIRED. It shall be unlawful to construct or establish a private swimming pool without having obtained a permit therefore in the manner hereinafter specified. The fee shall be as set out in Chapter 17.

(Ord. 437, Sec. 2; Code 2003; Code 2007)

4-903. APPLICATION FOR PERMIT; PLANS REQUIRED; APPROVAL. Application for construction on and maintenance of a private swimming pool shall be made to the building inspector by the owner of the property or by the contractor who is to construct the swimming pool. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall also show the location, height and type of all existing fences or walls on the boundary line to the property, together with the type and height of such fencing or enclosure as may be required in this article. No permit for a private swimming pool shall be issued by the building inspector until the required plans, specifications and plot plans have been approved by the health office and such approval has been properly certified on the plans.

(Ord. 437, Sec. 3; Code 2003)

4-904. MATERIAL TO BE WATERPROOF; EASILY CLEANED. All materials used in the construction of a private swimming pool shall be waterproof and easily cleaned.

(Ord. 437, Sec.4; Code 2003)

4-905. CONSTRUCTION AND DESIGN GENERALLY. Construction and design of private swimming pools shall be such that they may be maintained and operated in compliance with existing health codes and regulations at all times.

(Ord. 437, Sec. 5; Code 2003)

4-906. RECIRCULATION, FILTRATION SYSTEMS REQUIRED. All private swimming pools shall be equipped with recirculation and filtration systems of such type and size as is deemed adequate by the health officer.

(Ord. 437, Sec. 6; Code 2003)

4-907. MAINTENANCE GENERALLY. The owner of every private swimming pool shall be responsible for maintaining the pool in good, sanitary condition, shall operate and maintain the pool in compliance with existing health codes and regulations, and shall prevent breaks in the pool or water from the pool overflowing onto adjacent public or private property.

(Ord. 437, Sec. 7; Code 2003)

4-908. SOURCE OF WATER SUPPLY. No source of water other than that secured from the city water distribution system or private well shall be used in private residential swimming pools. Water shall not be taken directly from any fire hydrant without special

permission from the Metropolitan Area Building and Construction Department Fire Chief and the public works director of the city.

(Ord. 437, Sec. 8; Code 2003)

4-909. BACKFLOW PROTECTION REQUIRED. All water inlet pipes shall be equipped with backflow protection.

(Ord. 437, Sec. 9; Code 2003)

4-910. DISCHARGE SYSTEM. All private swimming pools hereafter constructed within the city shall be provided with a nonpermanent drainage or connection or system to either a street or other drainage area, which shall be approved by the building inspector. In no way shall the term "other drainage area" be construed to mean a sanitary sewer.

(Ord. 437, Sec. 10; Code 2003)

4-911. COMPLIANCE WITH PLUMBING CODE. All pipings, drains and water purification equipment shall be installed in accordance with the provisions of the plumbing code of the city.

(Ord. 437, Sec.11; Code 2003)

4-912. LIGHTING. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner as to be a nuisance or annoyance to the neighborhood property.

(Ord. 437, Sec. 12; Code 2003)

4-913. COMPLIANCE WITH ELECTRICAL CODE. All electrical installations provided or installed in conjunction with private swimming pools shall be installed in conformance with the electrical code of the city.

(Ord. 437, Sec. 13; Code 2003)

4-914. LOCATION OF CURRENT CARRYING CONDUCTORS. Open current carrying conductors and service cables shall not pass over a swimming pool or within eighteen (18) feet of the edge of the pool, diving platform, observation stands or anchored rafts. Underground service shall have a minimum clearance of five (5) feet from any part of a swimming pool.

(Ord. 437, Sec. 14; Code 2003)

4-915. GROUNDING OF METAL FENCES, RAILING. All metal fences, enclosures or railing near or adjacent to private residential swimming pools which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(Ord. 437 Sec. 15; Code 2003)

4-916. LOCATION OF POOLS. Outside or open air private swimming pools shall be located not less than ten (10) feet from the side or rear property line and not less than fifteen (15) feet from the property line on the street side of the corner lots. No pool shall

be located closer than twenty (20) feet to the principal building on an adjoining lot nor closer than sixty (60) feet to the front property line.

(Ord. 437, Sec. 16; Code 2003)

4-917. ENCLOSURE OF POOLS. Every private swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not readily climbed or broached by children. Except for gate and dwelling door openings, no pool enclosure shall have any opening that will allow a four (4) inch sphere to pass through. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily accessible for children to open except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Approved enclosures for private swimming pools are:

(a) Solid masonry fencing.

(b) Solid wood fencing with all cross beams or members on the inside.

(c) Chain link

(d) Ornamental iron.

(e) Any other type determined to meet the requirements of this section. This determination to be made by the board of appeals, as established by the Existing Building Code, as adopted by the city of Haysville, with the recommendation of the building inspector.

(Ord. 437, Sec. 17; Code 2003, Ord. 877)

4-918. SAFETY EQUIPMENT REQUIRED. Each pool shall be furnished with safety equipment as required by the State Board of Health.

(Ord. 437, Sec. 18; Code 2003)

4-919. EXISTING POOLS. When it is deemed necessary by the building inspector or the health officer, the owner of any pool which existed prior to the effective date of this article shall make such alterations or changes as are necessary to remove any nuisance or hazard which might cause injury or harm to the public or to the person or persons that use it. The owner shall be allowed twenty (20) days from the date of written notification to begin required changes and shall show complete compliance on or before sixty (60) days.

(Ord. 437, Sec. 19; Code 2003)

4-920. PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than twenty-five dollars ($25) for each offense. Each day that a violation is continued shall constitute a separate offense.

(Ord. 437, Sec. 20; Code 2003)

ARTICLE 10.
UNDERGROUND SPRINKLER SYSTEMS

4-1001. PERMIT REQUIRED. It is unlawful to excavate, construct, or install an underground sprinkler (irrigation) system on public right-of-way located within the city and owned by or under control of the state of Kansas or any agency thereof without first obtaining a permit from the city.

(Ord. 687; Code 2003)

4-1002. APPLICATION FOR SPRINKLER PERMIT. (a) An application for a sprinkler permit shall be made on a form provided by the city and shall be accompanied by a drawing, plan or photograph of the proposed improvement. The application shall release the city, the Kansas Department of Transportation (KDOT), and any franchise holder of the city from and indemnify each of them against any and all damages which may be caused by reason of installation of such sprinkler system in the public right-of-way.

(b) Construction of such sprinkler systems shall comply with all applicable city codes and standards and with any other requirements prescribed by the city.

(c) No permit for any sprinkler system in any public right-of-way located along Broadway (U.S. Highway 81) shall be issued hereunder unless the application therefore is first reviewed and approved by the Kansas Department of Transportation. Any such application shall, when made by the owner of commercial or industrial property, be accompanied by a certificate of insurance naming the City of Haysville and the Kansas Department of Transportation as additional insured's.

(d) Each permit issued hereunder shall specify the location by address and shall authorize excavation, installation, and operation of the system in conformity with the approved plan, subject at all times to inspection by the city to determine compliance with city codes, standards and other requirements.

(e) Approval and disapproval of applications for permits hereunder shall be the responsibility of the public works director or his/her duly authorized designee.

(Ord. 687; Code 2003)

4-1003. PERMIT FEES. It shall be unlawful for any person, firm, company, corporation or other entity to do, or cause, or permit to be done, any underground sprinkler installation on any premises in the city without first obtaining a permit from the building inspector and paying fees according to Chapter 17.

(Ord. 687; Code 2003; Code 2007)

4-1004. RIGHT-OF-WAY. It is unlawful for any persons to operate or maintain an underground sprinkler (irrigation) system in any public right-of-way within the city in a manner that creates unsafe conditions for vehicles driving on adjacent streets or highways. If any unsafe condition occurs, the city shall, in addition to other remedies available to it at law or in equity, have authority to:

(a) Order the owner or operator of the system to remove the system from the right-of-way or discontinue operating the system until it is repaired or the unsafe condition eliminated; or

(b) Cause the system to be repaired, removed or disconnected at the owner's/operator's expense when deemed necessary by the city to protect traffic safety or the public water supply.

(Ord. 687; Code 2003)

4-1005. PENALTY. Any person violating the provisions of this section shall be subject to prosecution in the Municipal Court of Haysville and, upon conviction, to the penalties provided under the Public Offense Code.
(Ord. 687; Code 2003)

4-1006. LIABILITY. The city shall not be liable to the owner/operator of any underground (irrigation) sprinkler system for any damage to that portion of such system located on public right-of-way when such damage is caused by or results in whole or in part from construction, reconstruction, repair or maintenance work, performed by city forces.
(Ord. 687; Code 2003)

ARTICLE 11.
FENCES, HEDGES, BUSHES, SHRUBBERY AND FOLIAGE

4-1101. CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF FENCES ON RESIDENTIAL LOTS. No fence located upon a residential lot, as defined in this article, shall be constructed, built, maintained, repaired, or replaced except as provided for by this article.
(Code 1984; Ord. 824; Code 2003)

4-1102 DEFINITIONS. As used in and for purposes of this article, the following terms shall have the meanings prescribed to them by this section.

(a) Residential lot: Shall mean any lot or parcel of real property located within any area zoned as "residential" within the corporate limits of the city.

(b) Corner lot: Shall mean any lot or parcel of real property

(1) Located within any area zoned as "residential" within the corporate limits of the city;

(2) Situated on a controlled or uncontrolled intersection of two (2) streets;

(3) Featuring a yard or similar open area, designated as the "front yard" situated between the principal structure located upon said lot or parcel in the street abutting said yard or open space from which said structure is assigned its street address; and

(4) Featuring another yard or similar open area designated as the "abutting yard" situated between the principal structure and abutting street from which said principal structure does not receive its street address.

(c) Principal Structure: Means a dwelling or place of abode designed for residential purpose and located upon a residential lot.

(d) Controlled Intersection: Shall mean any intersection of two streets, the traffic right-of-way of which is assigned by a stop sign, yield sign, or other traffic sign or signal.

(e) Uncontrolled Intersections: Shall mean any intersection of two (2) streets, the traffic right-of-way of which is not assigned by a stop sign, yield sign, or other traffic sign or signal.

(f) Sight triangle: Shall mean a triangular area bounded on one side (side "a" on the figure 1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, bounded further on adjacent side (side "b" on the attached figure 1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, and bounded further on the final side (side "c" on the attached figure 1) by an unmarked line joining the unmarked line extending from the midpoint of the intersection. The public works director shall determine, upon request, the location of any sight triangle.

(g) Enforcement Officer: For purposes of the article, the term "enforcement officer" shall mean the Public Works Director of the City, and any employee of the city designated by the Public Works Director to enforce the provisions of this article.

(Ord. 824; Code 2003)

4-1103. MAXIMUM HEIGHT OF FENCES. No fence constructed, built, maintained, repaired, or replaced upon a residential lot shall exceed the maximum height established and prescribed by this section.

(a) Fences outside sight triangles. No fence located upon a residential lot and outside the boundaries of the applicable sight triangle shall exceed six (6) feet in height.

(b) Fences encroaching sight triangles. No fence any portion of which is located within the applicable sight triangle shall exceed three (3) feet in height as measured from the highest curb located within the sight triangle to finish height of said fence. The enforcing officer shall verify that any such fence complies with all provisions of this article.

(c) Fences extending into front plane of principal structure; The height of any fence located upon a residential lot which extends beyond the front plane of the principal structure, shall decrease, within a linearly measured distance of no more than eight (8) feet, from a maximum height of six (6) feet to a height of three (3) feet as applied to fence described in section 4-1106(a)(1) of this article, or four (4) feet as applied to the fence described in section 4-1106(a)(2-5) of this article.

(d) Fences extending into any abutting front yard setback may be allowed to be six (6) foot in height, to the property line, as long as there is no obstruction to any street intersection and/or sight triangle as described in this article.

(Ord. 824; Code 2003, Code 2005)

4-1104. ENCROACHMENTS UPON STREET RIGHTS-OF-WAY PROHIBITED. No portion of any fence shall be built upon or otherwise extend onto or encroach upon any street right-of-way.

(Ord. 824; Code 2003)

4-1105. ENCROACHMENTS UPON UTILITY AND OTHER PUBLIC EASEMENTS RESTRICTED; REMOVAL OF ENCROACHMENTS. No fence or portion thereof shall be located in any manner upon or within a utility or other public easement unless there is also located within the length of the fence located upon or within said easement at least one (1) gate of at least eight (8) feet in width. Any such fence or portion of a fence shall also afford working clearance of at least four (4) feet around any utility

appurtenance including, but not limited to, pad mounted transformers, utility boxes or manholes, which may require access by any utility provider or persons or entities acting on their behalf. Not withstanding any other provision of this section, any fence located upon utility or other public easements shall be dismantled or reassembled at the expense of the owner whenever the city or any duly franchised utility under the auspices of the city shall request the fence to be dismantled. In the event an emergency occurs and the owner of such fence cannot be immediately located, the city is hereby authorized to immediately dismantle such fence.

(Ord. 668; Ord. 824; Code 2003)

4-1106. FENCE MATERIALS; CERTAIN FEATURES AND MATERIALS PROHIBITED.

(a) Permitted fencing material. Fences located upon residential lots may be constructed of:

(1) Wood fence boards such that all portions of the fence are completely solid or no more than fifty percent open;

(2) Ornamental iron, except that any decorative tops are subject to the approval of the enforcing officer, and except that no fence constructed of ornamental iron may be less than five (5) feet in height;

(3) Woven wire or chain link;

(4) Nylon, plastic or PVC material, provided such materials are designed for use as fencing, and no open space in fence constructed of such materials exceeds three fourths (3/4) of an inch; or

(5) Masonry materials or concrete poured or placed in such fashion as to meet fence design requirements.

(b) Prohibited features in materials. No fence or portion thereof shall be constructed of metal panels or carry any electrical charge. No fence or portion thereof located on a residential lot shall contain any barbed wire or single barbs.

(Ord. 824; Code 2003)

4-1107. DANGEROUS FENCES PROHIBITED. No fence shall be constructed or maintained, or be designed, in such manner as to present a danger or hazard to any person or animal.

(Ord. 824; Code 2003)

4-1108. APPLICATIONS, SITE PLANS AND PERMITS AND FEES THEREFOR.

(a) Applications and Permits. Any person or entity intending to construct a new fence on a residential lot or to replace twenty five percent (25%) of the total linear feet of any existing fence shall, before commencing said work, make application to the enforcing officer for a permit authorizing the work. Such applications shall be made on forms provided and approved by enforcing officer and shall be accompanied by an application fee as set out in the approved schedule of fees, and no permit shall be issued until said fees are tendered and paid in full. Fees are pursuant to Chapter 17 of this code.

(b) Plans Required. All applications for fence permits shall be accompanied by a detailed site plan, to be completed by the person or entity seeking the permit, upon which

shall be accurately depicted the location of the principal structure, proposed fence, all utilities serving the principal structure or located upon the residential lot, all utility easements located upon the residential lot, all setbacks affecting said lot and all rights-of-way and property lines of said lot.

(c) License Required. Any person or entity the services of which an applicant for a fence permit intends to procure to construct a fence shall hold any current valid trade, professional, business or contractor's license as may be required by provision of the city code of the city or other applicable law unless such person or entity is related by blood to the applicant and will not receive any type of compensation, whether monetary, in-kind, or in the form of goods or services, for said work.

(d) Review and Issuance; Reasons For Denial. The enforcing officer shall receive and review all applications required by this section and shall ensure that all proposed fences comply with the provisions of this article and any other applicable laws. The enforcing officer shall complete said review no later than two (2) full business days following receipt of an application; the computation of said period shall not include the day the application is received. In the event the enforcing officer denies an application, officer shall state in writing and with particularity the reason for said denial..

(Ord. 824; Code 2003; Code 2007)

4-1109. COMPLAINTS; INQUIRY AND INSPECTION. The enforcing officer shall make inquiry and conduct inspections of property or premises upon receiving a written complaint or complaints signed by two or more persons stating a violation of this article exists and describing the same and its location; upon receiving information that a violation of this article may exist from any governmental entity, official, officer or employee; or when it appears to the enforcing officer that conditions constituting a violation exist. The enforcing officer shall, upon making inspection and inquiry, make immediate written report of such officer's findings to the governing body.

(Ord. 824; Code 2003)

4-1110. RIGHT OF ENTRY. The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a violation of this article exists, and to effect any other purpose of this article. The enforcing officer may also make application to any court of competent jurisdiction for an order granting access and/or entry upon any public or private property in the event such access or entry is denied.

(Ord. 824; Code 2003)

4-1111. NOTICE OF VIOLATION. Any person or entity found by the enforcing officer to be in violation of any provision of this article shall be served written notice of such violation. The city clerk shall cause notice to be served by certified mail, return receipt requested, or by personal service or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city by mailing such notice by certified mail, return receipt requested, to the owner's last known address.

(Ord. 824; Code 2003)

4-1112. SAME; CONTENTS. The notice shall describe in writing the conditions constituting a violation of this article. The notice shall also inform the person or entity receiving such notice that: (a) Such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises;

(b) Such person or entity may, within the time specified in the notice and not to exceed the date specified therein within which said removal and abatement is required, request a hearing before the governing body as provided by section 4-1115 of this article.

(c) Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body; and

(d) Failure to remove and abate the violation, or to request a hearing as provided herein, within the time allowed may result in prosecution as provided by section 4-1113 and/or removal and abatement of the violation by the city as provided by section 4-1114 of this article.

(Ord. 824; Code 2003)

4-1113. FAILURE TO COMPLY; PENALTY. Should the person or entity receiving the notice provided for in sections 4-1111 and 4-1112 of this article fail to comply with such notice, or to request a hearing, the enforcing officer may file a complaint in the municipal court of the city against such person or entity alleging a violation of this article. Upon conviction of the violation of this article, such person or entity shall be fined in an amount not to exceed one-hundred dollars ($100) or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or upon which a violation occurs or continues after notice has been served as provided in sections 4-1111 and 4-1112 shall constitute an additional or separate offense.

(Ord. 824; Code 2003)

4-1114. ABATEMENT BY CITY; PROCEDURE. In the event a person or entity to whom notice has been served pursuant to sections 4-1111 and 4-1112 of this article fails to remove or abate the conditions constituting the violation, or to request a hearing before the governing body within the period specified in section 4-1112 of this article, the enforcing officer may seek to abate the alleged violation and such election may be in addition to, or an alternative to, prosecution and shall not preclude prosecution. In the event the enforcing officer makes such election to remove and abate, such officer shall proceed in the manner prescribed by this section, as follows:

(a) The enforcing officer shall present a resolution to the governing body for its consideration and authorizing such officer to abate or cause to have abated the conditions constituting the violation at the end of ten (10) days following passage of the resolution by the governing body. The resolution shall further provide that the costs incurred by the city to remove and abate the violation shall be charged against the lot or parcel upon which the violation was located as provided in section 4-1118 of this article.

(b) In the event the governing body adopts and passes the resolution, the enforcing officer shall cause a copy of said resolution to be served upon the person or entity

violating this article and the owner of said lot or parcel. Service shall be effected by personal service or certified mail, return receipt requested.

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the enforcing officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) Should the person or entity upon which service is attempted refuse to take delivery and return is made to the city indicating such refusal, the city clerk shall send to such person or entity, by first class mail, the notice previously sent and receipt by such person or entity shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(Ord. 824; Code 2003)

4-1115. HEARING. If a hearing is requested in a writing received by the governing body within the time period prescribed by section 4-1112 of this article, the governing body shall conduct a hearing as soon as may be practicable and the person or entity receiving notice shall be advised by the city clerk of the time and place of the hearing at least five (5) days in advance thereof. Failure to make a timely request for a hearing shall constitute a wavier of the person's right to contest to findings of the enforcing officer before the governing body.

(a) On the date fixed for hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the person to whom notice of the violation was issued, and all evidence submitted by the city. Upon hearing such evidence, the governing body shall make findings by resolution. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection a of this section, the governing body determines that a violation exists, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the abatement of the violation shall be commenced, and a statement that if the person upon whom notice of the violation was served fails to commence said removal and abatement within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the violation to be abated. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the person or entity, and owner, in the same manner as provided for in section 4-1111 and 4-1112.

(Ord. 824; Code 2003)

4-1116. AUTHORIZATION TO CONTRACT FOR SERVICES. If the person, entity or owner fails to remove and abate the violation as provided for in this article, and it becomes necessary for the enforcing officer to remove and abate such violation, such officer is hereby authorized to contract for and obtain such services and equipment,

public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.

(Ord. 824; Code 2003)

4-1117. SITE TO BE MADE SAFE. Upon removal and abatement of any violation pursuant to this article or otherwise, the person, entity or owner shall take any and all action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer may proceed to make the site safe.

(Ord. 824; Code 2003)

4-1118. ASSESSMENT, FUNDING AND PAYMENT OF COSTS. (a) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices, and publication of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(b) The city clerk shall, within ten (10) days of the receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the costs to be reported by subsection a of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(c) Should the cost remain unpaid after thirty (30) days of the receipt of the notice by the owner, the city clerk may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of conclusion of the sale.

(d) Should the proceeds of any sale held pursuant to section 4-1118(c) be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs in conformance with State law for extensions of the same on the city tax rolls against the property upon which the structure was located.

(Ord. 824; Code 2003)

4-1119. DISPOSITION OF MONEYS RECEIVED. When and if paid, all moneys received for special assessments levied under the provision of this article shall be credited to the general fund of the city.

(Ord. 824; Code 2003)

4-1120. IMMEDIATE HAZARD. When in the governing body's opinion any fence in violation of this article is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades; causing the property upon which the fence is located to be vacated, or causing the fence to be taken down, repaired, shored or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants, or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded, and the costs shall be assessed, in the same manner as provided in section 4-1111 of this article.
(Ord. 824; Code 2003)

4-1121. NOTICE TO OWNER. Notwithstanding any other provision of this article or of law, any and all notices required by this article shall also be served upon the owner of the premises or property upon which there exists a nuisance.
(Ord. 824)

4-1122. APPLICATION OF ARTICLE TO EXISTING NONCONFORMING FENCES. The provisions of this article shall not apply to any fence existing on the effective date of this article. The provisions of this article shall apply, however, to any such fence in the event any portion of said fence consisting of twenty five percent (25%) or more of the total linear feet of said nonconforming fence is repaired or replaced in any twelve (12) month period.
(Ord. 824; Code 2003)

4-1123. VARIANCES AND EXCEPTIONS. Any person or entity desiring to construct a fence which does not comply with the provisions of this article shall apply in writing, on forms provided by the city, to the board of appeals as established by the city building code. All applications for variances shall clearly state the reason(s) for which the variance is requested. Further, variance requests from the height provisions and restrictions shall further be accompanied by a stamped set of engineering plans that conclusively demonstrate that the proposed construction shall not pose a danger to persons, vehicular traffic, and the public at large and further that the proposed construction is architecturally and structurally sound and safe. In addition, a fee of one-hundred dollars ($100.00) shall accompany applications for variance from the height provisions and restrictions. No variances from height provisions and restrictions shall be granted allowing the height of a fence to exceed eight (8) feet. The application for variance shall be delivered to the city who shall deliver the same to the board of appeals. The board of appeals shall convene a hearing to consider the application as soon as may be practicable, but in no event shall such hearing be scheduled later than ten (10) business days following the city's receipt of the application unless the applicant waives the ten (10) day period and agrees to scheduling a hearing at a later time. Upon convening the

hearing, the board shall consider any evidence the applicant may offer to support the application and any evidence the city may have in support of or opposition to the application. The board may adjourn the hearing from time to time and from place to place as it may deem necessary. No later then ten (10) days following the conclusion of the hearing, the board shall make written findings concerning the application and a written determination thereof.

(Ord. 824; Ord. 824-A; Ord. 824-B; Code 2003)

4-1124. BUSHES, SHRUBBERY, HEDGES; OTHER FOLIAGE. Except where such provisions and restrictions are by their very nature impractical or inapplicable, the provisions and restrictions of this article shall apply with equal force to the height of bushes, shrubbery, hedges and other foliage located within the corporate limits of the city and to the abatement or removal of bushes, shrubbery, hedges and other foliage that do not comply with said provisions and restrictions.

(Ord. 824; Code 2003)

4-1125. SEVERABILITY. In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

(Ord. 824; Code 2003)

4-1126. PENALTY. (a) It shall be unlawful for any person, firm, company, corporation or other entity to erect, construct, use, enlarge, alter, repair, move, convert, demolish, maintain, or grow any fence, bush, shrubbery, hedge or other foliage, or cause or permit the same to be done in violation of the requirements and restrictions in this chapter. Any fence, as described in this article, shall not be constructed prior to the issuance of a permit and submittal of any required documents or site plan.

(b) The fine for such violation shall be a minimum of fifty dollars ($50) or double the permit fee, whichever is greater. The payment of such penalty shall not exempt any person, firm, or corporation from compliance with all other provisions of this code or any other code, nor from any penalty prescribed by law. It shall be the responsibility of the offender to abate the violation as expeditiously as possible.

(Code 1971, Sec. 4-112; Code 1984; Ord. 807; Code 2003)

ARTICLE 12.

ARTICLE 12

WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS ADOPTED BY THAT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, OF NOVEMBER, 21, 2012 ADOPTING SAME, except the following: Article 2, Section 5; Article 2, Section 6; Article 2, Section 8; Article 3, Section A; Article 4, Section A; Article 4,

Section 1; Article 4, Section 5; Article 4, Section 6; Article 4, Section 7; Article 5, Section A; Article 5, Section 1, provisions 5.1.290 through 5.1.390; Article 5, Section 2; and Article 5, Section 3, and all provisions that are described within such Code as only applying within the jurisdiction of the City of Wichita..

4-1201. ADOPTION OF WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE AS ADOPTED BY THAT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, OF NOVEMBER, 21, 2012, WITH CERTAIN ADDITIONS AND DELETIONS.

All such amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, to be made effective January 1, 2013, are hereby adopted as the Wichita-Sedgwick County Unified Building and Trade Code, unless otherwise noted within Chapter 4 of this Code, and all fee schedules included within the Wichita-Sedgwick County Unified Building and Trade Code, unless otherwise set forth within Chapter 17 of this Code, are hereby adopted and by reference incorporated herein and made a part of this Code as though set forth at length herein, and shall be referred to herein as the "amendments" to the above adopted standardized codes. Subsequent amendments to the Unified Building and Trade Code adopted by Resolution of the Board of County Commission~~, as such Resolutions have been recognized within the articles of this Chapter,~~ are hereby incorporated herein. For purposes of application within the City of Haysville, all references within the Wichita-Sedgwick County Unified Building and Trade Code to the Metropolitan Area Building and Construction Department, or the MABCD, as a contact agency/agent, or enforcement agency/agent shall be understood to be referring to the Code Enforcement official designated by the Public Works Director of the City of Haysville.

4-1202. AVAILABILITY OF COPIES.

One copy of said code of amendments as set forth in 4-1301 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. Official publication of amendments is by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-741, et seq., and 12-3009, et seq. as applicable.

4-1203. CITATIONS TO THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING CODE.

For purposes of notice of violation set forth upon citations, the Wichita-Sedgwick County Unified Building and Trade Code shall be cited to the Ordinance Adopting the Haysville Municipal Code and the specific sections included within the Wichita-Sedgwick County Unified Building and Trade Code or to the specific sections set forth within the applicable Standardized Code as set forth within Chapter 4, whichever is applicable.

4-1204. ENFORCEMENT.

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works ~~City, and prosecution of violations~~

~~may be through Metropolitan Area Building and Construction Department Court through separate interlocal agreement~~. ~~If no such interlocal agreement, p~~Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

4-1205. VIOLATIONS AND PENALTIES.

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.
(Code 2011)

4-1206. PENALTY CLAUSE NOT EXCLUSIVE.

The imposition of the penalties herein prescribed shall not preclude the City~~, or its enforcement agent as set forth in Interlocal Agreement,~~ from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.
(Code 2011)

4-1207. LIABILITY.

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Code 2011)

4-1208. SEVERABILITY.

In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

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CHAPTER V. BUSINESS REGULATIONS AND LICENSES

Article 1. Registration; Businesses, Occupations, Professions
Article 2. Poolhalls, Billiard Halls and Amusement Centers
Article 3. Drilling Oil and Gas Wells
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Article 11. Fireworks; Sale and Discharge
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Article 14. Manufactured Homes, Parks, and Licensing
Article 15. Recreational Vehicles, Camps

ARTICLE 1.
REGISTRATION; BUSINESSES, OCCUPATIONS, PROFESSIONS

5-101. BUSINESS REGISTRATION AND PERMIT TO OPERATE REQUIRED. Every person, firm, entity, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and/or maintaining an office, retail, wholesale outlet, fixed site where a specific service is located, or business address or location, shall annually register such business in conformance with this ~~Code~~ Chapter and Chapter 17, including Section 17-312, and shall maintain a valid permit to operate issued by the City of Haysville. An annual registration shall be in force and effect only during the ~~business~~ calendar year for which it was purchased, regardless of the date of such purchase.

(a) It is unlawful for any person, whether as principal, officer, agent, servant, licensee, permit holder, or employee:

(1) To conduct, pursue, carry on or operate within the corporate limits of the city any calling, trade, profession, business or occupation without having first

determined that such business is appropriately registered with the City and has a current valid permit to operate issued by the City pursuant to this Code;

(2) To fail to comply with all of the regulations provided in this title.

(b) A Business Registration and Permit to Operate (Permit) is a document issued annually by the City upon initial approval of an application issued pursuant to this Article, and continued annual compliance with this Article.

5-102. FEES ASSOCIATED WITH BUSINESS REGISTRATION. Every person, firm, entity, profession, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and/or maintaining an office, retail, wholesale outlet, or business address or location, shall pay to the city, a yearly registration fee as set out in the approved schedule of fees. Each business registration and permit to operate shall expire December 31st of each year regardless of when the license was issued. All fees required by this article shall be credited to the general fund of the city and shall be used to defray the expense of administering this article.

5-103. INFORMATION PROVIDED. The application for registration of business and permit to operate shall include furnishing to the City Clerk the following information on an approved form provided by the City Clerk:

(a) Nature of the business;

(b) Location of the business;

(c) Business phone number;

(d) The owner's and/or manager's home address and phone number;

(e) Approximate square footage of floor space in the business;

(f) A listing of any and all types of combustible substances which are used or kept on the premises which might create a special fire fighting problem.

(g) A listing of any and all direct or collateral public health, safety, or welfare concerns which might create a special law enforcement problem, including an unusual increase in the amount of lighting, noise, odor, vehicle traffic, or pedestrian traffic within an area.

(h) The total number of all non-family employees, and the total number of all employees.

(i) A certification by restaurant owners/managers that all employees have current food handlers' certifications issued by the Wichita/Sedgwick County Health Department.

5-104. INSPECTION.

(a) Submission of an application for registration and permit to operate will constitute permission, from applicant or their representatives, for inspection of the premises and/or business site by the director of public works or his or her designee for the express purpose of determining that the applicant has complied with the current incorporated Building Code, National Electrical Code, and all other relevant regulations of the city.

(b) Upon receiving a written application for registration and permit to operate, the City Clerk shall request the Chief of Police to investigate the background of any

person, partnership, corporation, or employee of any such business. The Chief of Police shall also determine whether any such business or service will have a significant effect upon the City's ability to provide law enforcement services. Any business which the Chief of Police determines will overwhelm the City's law enforcement department, either through the actual operations of such business or collateral effects directly associated with such business, will be denied a permit to operate until such business enters into an agreement with the City to underwrite all reasonable law enforcement costs brought about by the operation of such business. Such agreement will be subject to review and approval of the governing body.

(c) Upon receiving a written application for registration and permit to operate, the City Clerk shall request the Zoning Administrator review the premises to determine that the applicant has complied with the Zoning Code, Subdivision Code, Sign Code, Historic Preservation Code, including observance of requirements set forth in conditional use permits issued by the City.

(d) The clerk may request to inspect copies of all employees' food handlers' cards at the time of a restaurant owner/manager's application.

5-105. REGISTRATION CERTIFICATE. The city clerk's office shall issue a non-transferable registration and permit to operate certificate to each business upon confirmation from 1) the Director of Public Works or his or her designee that the applicant is in compliance with existing codes and regulations, 2) the Zoning Administrator or his or her designee that the applicant is in compliance with existing codes and regulations, and 3) the Chief of Police or his or her designee that the applicant is in compliance with existing codes and regulations, has no legal background issues that prohibit operation of such business, and such business will not create an extraordinary impact upon law enforcement services. The holder thereof shall display the same in a conspicuous place in the place of business for which the certificate is issued. Certificates issued for business sites that do not maintain a business office within the City, shall maintain such certificate with regular business records for presentation to City inspectors as required. No business shall commence business operations prior to issuance of a permit.

5-106. TERM OF REGISTRATION. Any permit secured under this Article shall not be transferable. Upon a change of locations within the city, a business shall re-register without payment of the required fee.

5-107. DOOR-TO-DOOR SALES. No person, firm, association, company, corporation or other entity shall engage in making or attempting to make door to door sales in the city without first receiving a permit from the city clerk for "Door to Door" Sales pursuant to Article 1~~2~~3 of this Chapter. If the applicant is also subject to the general business registration requirement set forth in this Article, the fee associated with obtaining the door-to-door sales permit shall be waived. If a business is required to obtain both permits, both permits must be obtained prior to any door-to-door sales occurring within the City. Processing fees as set out in Chapter 17 shall be due and payable at the time the application is submitted to the city clerk.

5-108. APPEALS--LICENSE APPLICATION DENIALS.

Any applicant for a Registration and Permit to Operate Certificate who has been administratively denied the issuance of such permit under the application procedures provided in this Code shall have a right of appeal from the denial to the Governing Body by filing a written request therefore with the city clerk. The notice of appeal must be filed with the city clerk within ten days of the denial of such application for certificate or such denial becomes final.

5-109. REVOCATION.

Any registration and permit to operate certificate issued under the terms and provisions of this title shall be revoked by the City, upon five days' written notice to the person holding any such permit, for any of the following reasons:

(a) If a permit has fraudulently obtained by giving false information in the application therefor;

(b) If the permittee has violated any of the provisions of this title or any rule or regulation made by the governing body of the city regulating the conduct of the particular calling, trade, profession, business or occupation covered by such permit;

(c) If a permittee has become ineligible to obtain a permit under this Article;

(d) If a permittee has violated the terms of an agreement entered into with the City in order to obtain a permit;

(e) For the nonpayment of any permit fees payable under this Article;

(f) For permitting any gambling or any violation either of the intoxicating liquor laws of the state or of this Code;

(g) For the conviction of the permittee in any court for the violation of any laws of this state or ordinances of the city regulating such calling, trade, profession, business or occupation;

(h) For conviction of the permittee in any court of any offense against the laws of the state or ordinances of the city involving moral turpitude; provided, expressly, that where any calling, trade, profession, business or occupation permitted under this title is governed by a specific section of this Code containing an express provision for the revocation of such permit, the terms of such specific section of this Code relating to revocation of the permit shall supersede and take precedence over the revocation provisions contained in this Article; provided further, that whenever the term "conviction" is used in any section of this title it shall include being placed on diversion; provided further, that in case a permit is revoked on any of the grounds set out above, no new permit to carry on such calling, trade, profession, business or occupation shall be issued under the provisions of this title to the permittee, for six months from the date that the revocation takes effect.

5-110. EMERGENCY SUSPENSION, APPEAL, REVOCATION OF PERMIT.

(a). SUSPENSION. When, the Chief of Police can specifically articulate how the operation of any place of business has become an extraordinary detriment to the

public safety, peace, health or welfare, the Chief of Police may summarily suspend any City permit to operate of the business for a temporary period.

(b). APPEAL. Any person may appeal to the City Council the decision of the Chief of Police to temporarily suspend a registration and permit to operate certificate. The appeal must be in writing to the City Council and must be presented within ten days from the date of the suspension.

(c). REVOCATION. It is vested in the City Council the right to permanently revoke any city issued permit of the business when after having a hearing requested by the Chief of Police, it is deemed detrimental to the public safety, peace, health or welfare; and the action of the city council shall be final.

5-111. INSPECTIONS.

All registration and permit to operate certificates issued pursuant to this Article shall be open and subject to inspection at all reasonable times by the proper officers of the city, under its police powers, in order for such officers to ascertain that persons conducting such trades, professions, businesses and occupations are complying with all of the police and health regulations of the city.

5-112. PENALTY FOR NONPAYMENT OF FEES.

All permits not renewed within thirty days after the date of expiration shall pay a penalty ~~of ten percent of the amount of the license fee and ten percent of the amount of the license fee shall be added for each additional thirty days from the date of expiration~~ as set forth within 17-312 of this Code.

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5-113. PENALTY FOR VIOLATION OF THIS ARTICLE.

Any person who shall conduct, pursue or carry on or operate within the corporate limits of the city any calling, trade, profession or occupation for which a registration and permit to operate is required by this title or shall assist directly or indirectly in so doing in any manner or to any extent, either as owner or proprietor or as an officer of any corporation, or as manager, superintendent, agent, servant or employee of any person after such permit was required to have been obtained to conduct, pursue, carry on or operate such calling, trade, profession or occupation shall be deemed to do so unlawfully. Any person in violation of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day's violation shall be a separate offense.

In addition the judge of the municipal court may direct the Chief of Police to post in a conspicuous place upon the property notice that the business is operating without a business permit and is ordered temporarily closed. The business shall be allowed to reopen upon complying with the terms of the judge's orders and obtaining a valid permit.

In addition to the penalty described in this section seek any civil remedy necessary to enforce the provisions of this Article, including permanent closure of the business, and

may seek to recover in civil action in any court of competent jurisdiction the amount of the fees associated with the business registration and permit to operate imposed by this Article, and no property of such debtor shall be exempt from forced sale under any process of the law for such indebtedness except such exemptions as are allowed by the Constitution of this State.

ARTICLE 2.
POOLHALLS, BILLIARD HALLS AND AMUSEMENT CENTERS

5-201. LICENSE, REQUIRED. No poolhall, billiard hall and/or amusement center shall be operated, kept, maintained or conducted by any person within the city, until a license shall have been secured in accordance with the regulations, terms and conditions set out in this article.

(Ord. 105-B, Sec. 5-201)

5-202. LICENSE APPLICATION REQUIRED. Application for the license required in the preceding section shall be made to the city clerk or the license collector over the signature of the person who will operate, maintain or conduct the place of business for which a license is sought, and shall set forth under oath of the applicant the following information and statements:

(a) Citizenship and Residence. The applicant is a citizen of the United States and has been a resident of the state for two (2) years, and the county for six (6) months prior to filing an application;

(b) Conviction of Felony, etc. The applicant has not been convicted of any felony or crime involving moral turpitude five (5) years prior to the filing of an application;

(c) Name and Address. The names and addresses of the persons who will operate, maintain or conduct the place of business for which a license is sought;

(d) Location and Type of Business. The location and type of business to be conducted or operated and the name and location of any public church or school building or grounds located within three-hundred (300) feet from the place of business for which a license is sought;

(e) Description, etc., of Equipment. A description of the amusement equipment or furnishings to be operated or maintained, including the number and type of pool tables, billiard tables, domino tables and amusement devices;

(f) Duration of License, etc. The period of time for which a license is sought and whether application is being made for the renewal of an existing license formerly granted by the city and covering the place of business in question, all licenses expire December 31st of each year regardless of when the license was issued;

(g) Denial or Revocation of License. A statement as to whether the applicant has ever been denied a license or had a license revoked for the place of business for

which application for a license is being made;

(h) Opening and Closing Hours. The hours and days of the week the place of business and amusement is to be open and closed;

(i) Miscellaneous. A statement that the applicant is familiar with the conditions imposed on his or her place of business by the terms of all laws of the city, and that place of business meets all health, fire and safety requirements of the city. No license shall be issued to any person who has not qualified under the preceding provisions of this section.

(Ord. 105-B, Sec. 5-202)

5-203. APPROVAL OR DISAPPROVAL OF APPLICATION. Upon the filing of an application for a license as provided in this article, the applicant shall pay to the city clerk or the license collector, the fees specified in the approved schedule of fees. Upon receipt of such application, together with the fees specified, the city license collector or city clerk shall forward a copy of the application to the office of the chief of police, who shall cause the location specified in the application to be inspected and the applicant for the license investigated. The chief of police shall coordinate with the building inspector in any inspection of a building or premises required or made by this article. If upon investigation and inspection it shall appear that the requirements of this article as well as the building code and fire and safety regulations will be fully met, such application shall be approved by the chief of police and given to the governing body with the chief's recommendations for the issuance of the license. The recommendations shall contain any conditions that the chief of police deems advisable upon which a license should be granted.

Upon receipt of the application for a license from the chief of police together with the chief's recommendations in respect thereto, the governing body shall review the application for final approval or disapproval. In the event the governing body shall approve the issuance of the license, the application therefor shall be returned to the city clerk or to the license collector, who shall immediately issue the license on the terms and conditions specified. In the event the application for a license is disapproved by the governing body, the application shall be returned to the city clerk or the license collector who shall immediately notify the applicant of the disapproval and refund to the applicant any license fees paid in with the application exclusive of any fees paid in and specified as application fees. Fees pursuant to Chapter 17 of this code.

(Ord. 105-B, Sec. 5-203: Code 2003; Code 2007)

5-204. LICENSE FEES. Persons engaging in the operation of poolhalls, billiard halls and/or amusement centers shall be required to pay an annual license fee as set out in Chapter 17, due January 1. This fee includes a maximum of five (5) billiard or pool tables, a maximum of five (5) domino tables and a maximum of ten (10) coin-operated amusement devices other than the foregoing tables. Any additional pool, billiard, domino tables or other coin-operated amusement devices shall be charged an annual fee as set out in Chapter 17, due January 1. Tables or devices not in use must

be dismantled, removed or a license paid therefor.

(Ord. 105-B, Sec. 5-204; Code 2003)

5-205. LICENSE REVOCATION. The governing body upon five (5) days written notice to the licensee holding any license regulated by this article shall revoke such license for any one of the following reasons:

(a) If a licensee has fraudulently obtained a license by giving false information in the application therefor;

(b) If the licensee has violated any of the provisions of this article or has become ineligible to obtain a license under this article;

(c) For the nonpayment of any fee required by the approved schedule of fees;

(d) For conviction of the licensee of a felony or any other crime of offense involving moral turpitude;

(e) If the licensee permits gambling on the premises or permits the placing of a capital prize on any amusement device or game of skill;

(f) If the licensee knowingly employs any person who has been convicted of any crime or felony involving moral turpitude within five years prior to the time of employment;

(g) If the licensee permits disorderly conduct, the use of vulgar or swear language, or any conduct tending toward a breach of the peace upon the premises or allows any person to be in an intoxicated condition in such place of business.

(Ord. 105-B, Sec. 5-205; Code 2003)

5-206. REGULATIONS OF PLACE OF BUSINESS. The blinds, curtains, windows, doors and other openings of any poolhall, billiard hall and/or amusement center shall at all times be so drawn, constructed and arranged that an unobstructed view may be had of the interior thereof from the entranceways or outside windows. Obstruction to sidewalk windows shall not extend higher than forty-eight (48) inches above the sidewalk level. No booth of any type in the poolhall, billiard hall and/or amusement center shall exceed the height of forty (40) inches at the back. All interiors shall be well lighted and all entrances and openings shall be subject to the approval of the chief of police and the city building inspector.

(Ord. 105-B, Sec. 5-206)

5-207. USE OF BELLS, BUZZERS UNLAWFUL. The use of bells, buzzers and other warning devices or signal calls or systems used in connection with the operation of a poolhall, billiard hall and/or amusement center are hereby prohibited.

(Ord. 105-B, Sec. 5-208)

5-208. GAMBLING UNLAWFUL. The playing of “kelly pool” and the maintenance of games of chance and gambling devices in any poolhall or billiard hall are hereby prohibited.

(Ord. 105-B, Sec. 5-209)

5-209. MINORS UNDER EIGHTEEN. No person under eighteen (18) years of age shall

be permitted to visit, remain, play or be employed in any poolhall or billiard hall or amusement center unless such poolhall, billiard hall or amusement center shall conform to all of the following special conditions:

(a) No cereal malt beverages shall be sold or consumed on such premises.

(Ord. 105-B, Sec. 5-210; Ord. 582, Sec. 2; Code 2003)

5-210. POOLHALL, BILLIARD HALL, AMUSEMENT CENTERS OPEN TO CERTAIN OFFICIALS. All poolhalls, billiard halls or amusement centers shall be open at all times to law enforcement officers of the city, the state and the United States.

(Ord. 105-B, Sec. 5-212)

5-211. PENALTY. Any person in violation of any portion of this article shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day the violation is committed shall constitute a separate offense.

(Ord. 105-B, Sec. 5-212; Code 2003)

5-212. SPECIAL SUPERVISION. In addition to the regular license fees required herein, the chief of police may determine, at any time, that special supervision shall be required in connection with the conduct of the pool hall, billiard hall and/or amusement center. In such event, the applicant shall pay an additional sum to help defray the cost of special supervision. The amount of special supervision to be paid, as set out in Chapter 17, for the period of any time spent in the supervision of any particular business establishment hereunder. The chief of police shall designate personnel to supervise under the provisions hereof. If the chief of police shall not determine supervision to be necessary, the chief shall have the continuing right to make such finding of necessity of supervision in which event he or she shall, in writing, notify the city clerk and the licensee and within twenty-four (24) hours the licensee shall make arrangements for the cost of such special supervision. If the chief of police shall determine supervision to be no longer necessary, after having been instituted, he or she shall make such determination, in writing. The chief of police shall have the continuing right to ascertain that supervision is necessary under the provision hereof.

(Ord. 582, Sec. 3; Code 2003)

ARTICLE 3.
DRILLING OIL AND GAS WELLS

5-301. DEFINITIONS. A “well” or “wells” for the purposes of this article shall mean any well drilled, or to be drilled, or used, for the production of petroleum, natural gas, or the disposal of waste liquids produced therefrom.

(Code 1984; Code 2003)

5-302. DRILLING PERMIT REQUIRED. It shall be unlawful for any person to drill or commence operations for the drilling of a well at any place within the corporate limits of the city without first having obtained from the governing body a permit and authorization therefor as herein provided.

(Code 1984)

5-303. SAME; FILING APPLICATION. The applicant for a permit under this article shall file with the city clerk an application in writing conforming to the further provisions of this article, and shall at such time deposit with the city clerk a fee as set out in Chapter 17, which shall, upon the granting of the permit, be paid into the city treasury to the credit of the general operating fund. In the event such permit is not granted, a portion of the fee set out in the approved schedule of fees shall be retained by the city as an application fee and credited to the above fund and the balance shall be refunded to the applicant.

(Code 1984; Code 2003)

5-304. SAME; CONSIDERATION OF APPLICATION. Any application for a drilling permit shall be submitted by the city clerk to the governing body at any regular or special meeting thereof no later than sixty (60) days after said application is filed with the clerk. Prior to submitting applications to the governing body, the city clerk shall publish, at least five (5) working days prior to the meeting at which the application shall be considered, notice in the official city newspaper of the time and place that the governing body shall meet and consider such applications. The consideration of applications may be continued from time to time until disposition thereon is reached, without any further notice publication.

(Code 1984; Code 2003)

5-305. SAME; ISSUANCE. Upon determination that an application for a drilling permit satisfies the requirements and conditions of this article, the governing body shall authorize the issuance of said permit. Upon completion of any well authorized by said permit, the permitee shall file a completion report with the city engineer identifying the drilled depth of the well, depth of its surface casing, and the producing horizon developed. No more than one well shall be completed in the same producing horizon in a drilling unit.

(Code 1984; Code 2003)

5-306. SAME; INFORMATION SUPPLIED. The applicant for any permit to drill a well in the city shall submit the following information and evidence as a condition for the granting of a permit hereunder:

(a) Satisfactory evidence that all owners of record of mineral interests or oil and gas leasehold interests in the area attributable or which might be attributed by unitization or declaration to drill-unit, where it is proposed to drill a well, have had an opportunity to join in the execution of the oil and gas lease of the applicant covering the land included in such unit or attributed areas, and that such owners of mineral interests or oil and gas leasehold interests have been notified in writing that the

applicants propose to seek a permit for the drilling of a well on the unit described in such notice. In the event that such owners cannot with reasonable diligence be located, then affidavits setting forth the facts thereof may be substituted for the required proof of written notice.

(b) That the applicant has a valid oil and gas lease executed by persons owning at least fifty-one percent (51%) of the mineral interest included in the unit or attributed thereto, exclusive of streets and alleys, subject, however, to the provisions of the zoning ordinances relating to drilling of wells.

(c) Statements that the lease provide or is accompanied by an agreement in writing providing substantially as follows: That a royalty of at least one-eighth ($1/8^{th}$) of the gross production of the well shall be distributed to the respective owners of the mineral rights within the unit pro rata; and that any owner, lessee, assigns or successors whose land shall not be under lease to the permittee, and shall be located within the unit, shall have the right, within ten (10) days after the granting and publication notice of a permit for the drilling of any well to post with the city clerk a good and sufficient corporate surety bond, or a personal bond acceptable to the permittee, to guarantee payment of his, her, or their proportionate share of the cost of the drilling and operation of the proposed well and be thereby entitled to participate in the entire working interest in the well after payment of his or her share of expenses in the proportion that the mineral interest in the unit owned or leased by him or her bears to the total mineral interest contained in the unit.

(d) A map or plat of the area covered by the oil and gas lease, showing the proposed location of each well, together with the written consent of the owner of the land on which the well is proposed to be located to the drilling of the well on the land, which map or plat shall also show the location of all residences, buildings, and other structures within one-hundred fifty (150) feet of such proposed location. The map or plat shall be accompanied by a certificate of proper zoning from the city planning office.

(e) Agreements or statements showing reasonable and adequate plans for the handling and disposal of all drilling fluids, basic sediment, brines and other deleterious substances and wastes that may be produced in connection with the drilling and operation of the proposed well.

(f) Plans and drawings showing the facilities for the handling or storing of production of the proposed well subject to approval by the governing body.

(g) Statements of agreements that in the event the well is either nonproductive or abandoned, within sixty (60) days after the determination thereof, that all tools, equipment, and machinery used in connection with the drilling of the well shall be removed, and that the premises shall be fully restored to their original condition as soon as practicable and in no case more than sixty (60) days after such determination.

(h) Statements of agreement that if such well is productive, only the tools, machinery, structures and equipment necessary for the operation thereof shall be maintained at such well and that the premises surrounding the same shall be restored to their original condition as nearly as practicable and within sixty (60) days after completion of the well.

(i) An agreement with the lessors and with the lessee or lessees giving to the

city, the option to purchase all natural gas produced from the lease at a rate of not exceeding the then going market price per each 1,000 cu.ft. thereof.

(Code 1984)

5-307. SAME; DURATION. The permit to drill a well shall be valid only in the event and for so long as the permittee shall faithfully comply with the conditions of this article and of the permit authorized in accordance therewith, and only so long as there is production from or other lawful use made of the well.

(Code 1984)

5-308. SAME; NONASSIGNABLE. No permit authorized by this article shall be assignable or assigned without the approval of the governing body.

(Code 1984)

5-309. AUTHORIZATION TO LAY PIPELINES. (a) If any applicant or any other party shall desire to lay pipelines in the streets, public grounds, or alleys in the city for transmission of petroleum, water or gas or any waste fluid from any well or drilling location within the boundaries of the city, authorization therefor, as provided by law, shall be obtained from the governing body as a prerequisite to such authorization.

(b) All crude oil transmission lines must meet A.P.I. specifications and wherever such transmission lines cross a thoroughfare they must be constructed in accordance with regulations of the state of Kansas and such transmission lines must be at least two feet from any utility line and shall be laid only upon the approval and under the direction of the city engineer. All salt water produced from any well in the city must be disposed of according to laws of the state of Kansas and the regulations promulgated by the Kansas State Corporation Commission.

(c) The person seeking authorization shall provide detailed plans and specifications for constructing and maintaining such pipelines and for restoration, so far as practicable, of streets, grounds and alleys, wherever damaged by such construction, to as good condition as existed immediately prior to the damage, which plans and specifications shall be approved by the city engineer prior to granting such authorization.

If city water is requested for any part of the drilling operation, applicant agrees to pay for water used at commercial rate, pay a connection fee for use of a city water meter, and comply with all city water connection requirements.

(Code 1984)

5-310. SURETY BONDS REQUIRED. (a) The applicant shall at the time of filing an application for a well permit, submit for the approval of the governing body a corporate surety bond executed by some bonding or surety company authorized to do business in the state, or a personal surety bond, in the amount of $50,000 payable to the city, conditioned for the full and faithful compliance with all the terms and provisions of this article and the conditions of the permit authorized thereby, and to save and hold the city free and harmless from all suits or damages sustained by the city in the event that any claim for damage or injury is maintained against the city as

a result of the activities of the applicant in drilling or operating a well. All such bonds shall be renewed immediately prior to their termination and shall remain in force and be binding upon the principal and surety unless canceled by giving thirty (30) days notice in writing to the city clerk, and the surety shall not be liable for any loss after the expiration of thirty (30) days from the date specified in the notice, except for loss occurring while the bond is in full force and effect. Upon the expiration of any such bond, a new bond shall be filed by the principal in such amount as in the case of an original bond.

(b) In the event that any permittee shall have furnished such bond as required for a permit and there shall be no unsatisfied claim upon such bond at the time of the application for a subsequent permit to drill a well, no further bond shall be required for any subsequent permit, but in such event there shall be endorsed on the bond the identification of the subsequent permit for which the bond is made applicable; provided, that if there shall be an unsatisfied claim against the permit, the governing body, at its discretion, may require an additional bond in the aforesaid amount or any lesser amount as may be determined.

(c) The amount of the surety bond heretofore required may be reduced to $5,000 from and after the completion of any well upon filing a new or amended bond conditioned and approved as in the case of the original bond, except for the amount. Such bond shall be renewed and filed during the continued operation of the well and for a period of six (6) months thereafter or until the premises have been cleared of obstructions and restored to their original condition as required by this article.

(Code 1984; Code 2003)

5-311. INDEMNITY OR CASUALTY INSURANCE REQUIRED. The applicant for a well permit shall submit a policy of indemnity or casualty insurance, issued by some responsible insurance company authorized to do business in the state, and naming the city as co-insured, insuring against injuries, loss or damage for which the applicant may be liable as the result of the drilling, operation or maintenance of any well or any structure or machinery appurtenant thereto. Such insurance coverage shall be in the following amounts:

$300,000--for injury to any one person in any occurrence;
$500,000--for injury to more than one person in any occurrence;
$500,000--for loss or damage to property in any one occurrence.

A copy or certificate of the policy shall be deposited with the city clerk, together with a certificate by the insurance company that such insurance is in force and shall not be canceled without thirty (30) days' written notice thereof to the city. Such insurance shall be renewed immediately prior to the end of the term thereof and shall be maintained during the entire period of drilling or operation of a well.

(Code 1984)

5-312. DRILLING SITE. All wells hereafter commenced or drilled within the city limits shall be drilled as nearly as practicable on a location consisting of at least ten (10) acres. The governing body at the time of the granting of a license or a permit as hereinbefore provided may permit such variations as may be deemed necessary in the

amount of acreage required, the location of the drill site, and the shape of the location, depending upon geographical factors, and topographical features of the land embraced by the location. No well shall be drilled within one-hundred fifty (150) feet of any residence or commercial building or buildings unless the governing body shall determine otherwise, based upon a satisfactory showing that all residences or commercial building or buildings will be adequately protected.

(Code 1984)

5-313. SPECIFIC DRILLING AND PRODUCTION REGULATIONS. The issuance and continued validity of a permit and the authorization for the drilling or operation of a well, authorized thereby, shall be conditioned upon compliance by the permittee with all applicable state laws and regulations and also the following rules and regulations and any departure therefrom shall constitute a violation of this article:

(a) The surface pipe must run and set at least ten (10) feet into the Wellington Shale and in no event less than three-hundred (300) feet into the ground.

(b) The surface pipe must be solidly cemented from top to bottom on the outside of the pipe.

(c) Adequate precautions shall be taken and necessary well head safety devices used at all times during the drilling and completion of the well; and all drill stem tests shall be reverse circulated to confine fluids to pits in accordance with the most acceptable practices.

(d) Locations and equipment shall at all times during drilling operations be fenced by either a temporary portable type snow fencing at least four (4) feet high or other fencing equally acceptable.

(e) Upon completion of a well, the pumping unit, tank battery and other permanent production equipment shall be enclosed within a chain or wire mesh fence six (6) feet in height supported by steel posts set in concrete to a depth of at least eighteen (18) inches; and on top of such fence there shall be placed and maintained a protruding extension of three barb wires, the lowest of which shall be at least seven (7) feet above ground, extended on bars at an angle of forty-five (45) degrees to the outside, and all gates forming a part of such fence shall be kept closed and locked at all times except when in active use by the operator.

(f) All slush ponds and pits shall be of metal or concrete construction.

(g) All waters produced from any well shall be disposed of underground in accordance with regulations of the Kansas Corporation Commission or the State Board of Health.

(h) At no time shall fluids of any kind be run into or stored in earthen pits.

(i) All pumping units shall be set on a steel or concrete base and the surface of the ground around the well shall be graded to surrounding ground.

(j) All pumping units must be electrically driven and equipped with belt safety guards.

(k) All petroleum storage tanks shall be of a vapor tight construction. No gas or fumes from any storage tank, oil separator or casing head shall be allowed to escape into the open air without burning; and such waste products from tanks, separators and casing heads shall be vented and burned at a height at least five (5) feet above the

nearest adjacent buildings to the site, but in no event less than thirty (30) feet above the ground level.

(l) All storage tanks shall be located within a diked area not less than two (2) feet in height covering an area sufficient to contain and hold one and one-half (1 ½) times the entire liquid capacity of all tanks therein.

(m) All production equipment, structures and premises shall at all times be maintained and kept in a clean, sanitary and tidy condition; and all structures shall be of incombustible materials.

Permitees shall comply with any applicable state laws or regulations when those laws or regulations establish more stringent requirements than those set forth in this section.

(Code 1984; Code 2003)

5-314. ADDITIONAL REQUIREMENTS BY GOVERNING BODY. At the time of granting any permit under the provisions of this article, the governing body may make requirements in addition to those contained therein as may be reasonably necessary for the protection of persons and property in the city.

(Code 1984)

5-315. LICENSES. (a) A license fee is hereby levied upon the owner or operator of every completed and operated well in the corporate limits in the following amount:

Producing petroleum or gas wells as set out in Chapter 17.

Such fees shall be paid to the city clerk within not more than twenty (20) days after completion of any well. The city clerk thereupon shall issue a license which shall be valid for a period of twelve (12) calendar months from and after completion date of such well. The license shall not be transferable nor prorated for any unused period. The fees so paid shall be deposited in the city treasury to the credit of the general operating fund and budgeted for the payment of the costs of administration of this article.

(b) The license herein required shall be renewed annually and the fee therefor paid at twelve (12) month intervals from the date of the first license and until the operation of any well so licensed shall be discontinued, the well abandoned, and the premises cleared as provided by section 5-306.

(Code 1984; Code 2003)

5-316. ABANDONED WELLS. All abandoned wells which shall not be used and equipped for disposal purposes shall be filled and plugged in accordance with applicable laws, rules and regulations of the state.

(Code 1984; Code 2003)

5-317. ADDITIONAL REQUIREMENTS. At the time of granting any permit under the provisions of this article, the city may make such requirements in addition to those contained herein as may be reasonably necessary for the protection of persons and property in the city or in the territory likely to be affected by the drilling or operation of the well or wells.

(Code 1984)

5-318. REVOCATION OF PERMIT OR LICENSE. Upon any violation of the conditions of any permit, license, authorization or any other provisions of this article, the governing body may, upon a hearing, after five (5) days written notice by mail or personal service to a person committing such violation, or if the address of the permittee or licensee is unknown and cannot be found in the city after the expiration of five (5) days of the date of publication of notice of any such hearing in the official city newspaper, revoke such permit, license or authorization, providing; however, that if in the judgment of the governing body restitution is made for any damage occasioned by such violation, together with adequate provisions to prevent any further violation by such permittee or licensee, the governing body may waive revocation of any permit or license, but the same shall not affect any penalty otherwise provided for the violation of this article.

(Code 1984)

5-319. CORPORATE RESPONSIBILITY AND LIABILITY. Any corporation, and the officers thereof, making application for a permit or license hereunder, shall be responsible and liable to the city for all damages to the city occasioned by the operation of wells and shall ensure compliance with all provisions of this article.

(Code 1984; Code 2003)

5-320. PENALTY. Any person, business, entity, firm, or corporation hereafter drilling or commencing operations for the drilling of any wells in violation of this article, or thereafter pumping or operating any well in violation of this article, shall, upon conviction thereof, be punished by a fine of not less than $200 nor more than $500 or by imprisonment in jail for not more than thirty (30) days, or both such fine and imprisonment. Each day's violation of this article shall be deemed a separate offense.

(Code 1984)

ARTICLE 4.
DANCES AND DANCEHALLS

5-401. DEFINITIONS. The following words, as used in this article, shall for the purpose of this article, have the meanings respectively ascribed to them in this section:

(a) Public Dance: Shall mean any dance or ball to which admission may be obtained by payment of a fee, or by the purchase, possession of, or presentation of a ticket, token or pass; or for which a charge is made for the care of clothing or other property; or any other dance, the rules or requirements for admission to which are not based on personal selection or invitation and to which the public generally may obtain admission with or without payment of fee.

(b) Nonprofit Dance: Shall mean any dance held by a fraternal, social, school,

church or other nonprofit organization which operates such dance or dancehall merely incidental to its principal purpose. Nonprofit status shall mean exemption from taxation as determined by the Internal Revenue Code.

(c) Dancehalls: Any room, hall, floor, pavilion, building or part thereof used for the purpose of conducting a dance or ball.

(d) Restaurant Dance: Shall mean any business establishment having public dancing and deriving every month of the calendar year fifty percent (50%) or more of its gross revenue from the sale of food or drink, including cereal malt beverages.

(e) Outside Dance: Shall mean any dance not held in an enclosed building.

(Code 1971, Sec. 5-501; Code 1984; Code 2003)

5-402. LICENSE REQUIRED. It shall be unlawful for any person either as owner, principal, officer, designee, or employee, to conduct any public dance, public dancehall or restaurant dance without having first obtained a license from the city clerk.

(Code 1971, Sec. 5-502; Code 1984)

5-403. LICENSE EXCEPTION. Nothing in this article shall be construed to require any license for any nonprofit dance.

(Code 1971, Sec. 5-503)

5-404. LICENSE FEE. For any dance requiring a license, a fee as set out in Chapter 17 shall be paid for any dance that is to be held when the same shall not be for more than three (3) consecutive days. In all other instances, for specific locations, an annual fee as set out in Chapter 17 will be charged each year on a calendar year basis.

(Code 1971; Sec. 5-502; Code 1984; Ord. 602-A; Code 2003; Code 2007)

5-405. HOURS OF DANCING. It shall be unlawful for any owner, operator or manager of a dancehall, or other dance licensee as herein defined, to permit dancing at the location designated on such license application between the hours of 2:00 a.m. and 12:00 noon each day of the week.

(Code 1971; Sec. 505; Ord. 602; Code 2003)

5-406. APPLICATION FOR LICENSE. Before any license shall be granted or issued for the conduct of a dance or dancehall, an application shall be completed and filed with the city clerk, setting forth over the signature of the applicant, the following facts:

(a) The name and address of the applicant and telephone number where the applicant can be reached between the hours of 8:00 a.m. and 5:00 p.m. daily.

(b) Name and auspices under which such dance or dancehall or place where the dance is to be held;

(c) Location of the proposed dance or dancehall;

(d) Date or dates for which the license is desired;

(e) Hours the dance or dancehall is to be opened and closed;

(f) A statement that the applicant is familiar with the conditions imposed by the

terms of this article and that the dance or dancehall meets all health, fire and safety requirements of the laws of the city and those imposed herein;

(g) A statement of person or persons to be in the actual management and control of any dance and whether or not such person has been convicted of any charge involving intoxicating liquor or moral turpitude.

(Code 1971, Sec. 5-506; Code 2003)

5-407. REVIEW AND APPROVAL OF APPLICATION BY CHIEF OF POLICE AND BUILDING INSPECTOR. Upon the filing of any application required by this chapter and the payment of any required fee, the city clerk shall forward a copy of the application to the chief of police and the building inspector, each of whom shall, after reviewing said application and making appropriate inquiry and investigation, whether the premises and application comply with the provisions hereof. In the event the chief of police and building inspector approve the application as conforming with the requirements of this chapter, the city clerk shall issue the license applied for. If the chief of police or building inspector determine that the application does not comply with the provisions of this chapter, the clerk shall notify the applicant that the license shall not be granted and promptly refund the application fee.

(Code 1971, Sec. 5-507; Code 2003)

5-408. SPECIAL SUPERVISION FEE. In addition to the regular license fees required herein, the chief of police may determine that special supervision shall be required in connection with the conduct of the dance or operation of the dancehall to be licensed. In such event, the applicant shall pay an additional sum to help defray the cost of special supervision. The amount of special supervision to be paid shall be as set out in Chapter 17, for the period of any time spent in the supervision of any particular dance or dancehall. The chief of police, in addition to his or her approval or disapproval of the application shall indicate such necessity and the applicant shall, prior to the issuance of such license, pay the sum to be calculated as aforesaid to the city clerk when such application shall be for a period of three (3) days or less and, in the instance of a license for a longer period, the applicant shall pay a deposit as set out in Chapter 17. When a deposit, as set out in Chapter 17 shall be paid the amount to be paid to the supervising officer shall be credited against such deposit and, upon notice by the police department, such licensee shall be required to advance an additional amount as set out in Chapter 17 to be used for such purposes with any unused amounts to be returned to the licensee. The chief of police shall designate personnel to supervise the dance under the provision hereof. If the chief of police shall not determine supervision to be necessary at the time of the original granting of the license, the chief shall have the continuing right to make such finding of necessity of supervision in which event he or she shall, in writing, notify the city clerk and the licensee and within twenty-four (24) hours the licensee shall pay additional sums for deposit as herein provided. If the chief of police shall determine supervision to be no longer necessary, after having been instituted, he or she shall make such determination, in writing, and at such time any unused deposit shall be returned to the licensee, although even if such supervision shall be terminated, the chief of police shall have the continuing right to ascertain that supervision is necessary under the

provisions hereof.

(Code 1971, Sec. 5-508; Code 2003; Code 2007)

5-409. LICENSE NOT TRANSFERABLE. No license issued under the provisions of this article shall be transferred from person to person, entity to entity or from one location to another.

(Code 1971, Sec. 5-509; Code 2003)

5-410. BUILDING STANDARDS. No license shall be granted for a dance or dancehall until the sanitary, building code, zoning ordinance, fire prevention and safety regulations of the city are fully complied with, and it shall be unlawful and a violation of the article to maintain or conduct a dancehall without at all times complying with all sanitary, building code, zoning ordinance, fire prevention and safety regulations of the city. In addition to the aforesaid matters of compliance the building within which such dances are to be conducted must comply with the following:

(a) There shall be separate toilet facilities for men and women;

(b) Capacity of patrons of the dances shall not exceed the safety limits as provided under the building code of the city for new construction for public uses contemplated herein.

(c) There shall be at least two (2) exits from any area in which the dance is being conducted and shall have additional exits as may be necessary to comply with the building code of the city under the rules of new construction for purposes herein contemplated.

(Code 1971, Sec. 5-510)

5-411. BUILDING CONDITIONS. It shall be unlawful to maintain or conduct a dancehall unless the same shall be kept clean, well ventilated and brightly lighted at all times when open for use. All stairways, halls, passageways and rooms adjacent to such dancehall shall likewise be kept well lighted at all times when the dancehall is in use.

(Code 1971, Sec. 5-511)

5-412. BUILDING CAPACITY AND SAFETY. It shall be the duty of the city building inspector to determine the number of persons who can safely be accommodated at any one time in a building, premises or location where any dancehall shall be maintained or dance conducted. The building inspector shall indicate the rated capacity at the time of rejection or approval of the application and, should the city subsequently change such rated capacity, notify in writing, the licensee of such change in rated capacity.

(Code 1971, Sec. 5-512)

5-413. REGULATIONS AND RESTRICTIONS. It shall be the duty of every owner, lessee, manager or person in charge of any dancehall, or other dance licensee as herein defined, to enforce the strict observance of the following regulations:

(a) Employment of Minors. No person under the age of 21 years of age shall be employed where cereal malt beverages or alcoholic liquor are sold, dispensed or

consumed; except any person under 21 years of age who is at least 18 years of age may be employed as a server as defined by K.S.A. 41-2610.

(b) Minors as Patrons. No person under the age of 21 shall remain at the premises of any dancehall, public dance or restaurant dance where cereal malt beverages or alcoholic liquor are sold, dispensed or consumed. This subsection shall only apply to any person under the age of 21 years who is at least 18 years of age and employed as a server as defined by K.S.A. 41-2610; or if the person under the age of 21 years of age is accompanied by his or her parent or legal guardian.

(c) Intoxication of Patrons. No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

(d) Profanity. No profanity, indecent language or vulgar conduct shall be permitted at a public dance, restaurant dance or within a dancehall at any time.

(e) Gambling. Games of chance or gambling in any form are prohibited.

(Code 1971, Sec. 5-513; Code 2003, Code 2004)

5-414. UNLAWFUL ADMITTANCE. It shall be unlawful for any person to make any false statement as to his or her age for the purpose of gaining admission to, or remaining in any dance or dancehall, or for the purpose of enabling any other person to gain admission to or remain in any dance or dancehall where cereal malt beverages or alcoholic liquor are sold, dispensed or consumed.

(Code 1971, Sec. 5-514; Code 2003)

5-415. REVOCATION OF LICENSE. In addition to any other penalty herein provided or otherwise provided by law, any violation of this article by an owner, principal, officer, agent, or employee or the licensee shall constitute grounds for revocation of any license issued hereunder.

(Code 1971, Sec. 5-516; Code 2003)

5-416. PENALTY. Any person violating any provision of this article shall, upon conviction thereof, be fined in accordance with the general penalty provisions set out in section 1-121 of this code. Each day the violation is committed shall constitute a separate offense.

(Code 1971, Sec. 5-515; Code 2003)

ARTICLE 5.
TEMPORARY SALES

5-501. PERMIT REQUIRED FOR TEMPORARY SALE FROM RESIDENCE. No

person or entity shall conduct, hold or transact a sale, commonly known as a garage sale, yard sale, estate sale, rummage sale, auction, etc. within the city without having first obtained a sale-from-residence or auction permit from the city clerk. No person shall conduct, hold or transact such a sale more than once within any six (6) month period and any such sale shall not continue for more than three (3) consecutive calendar days.

(Ord. 363, Sec. 1; Code 2003; Code 2010)

5-502. PERMIT FEE. A sale from residence, or auction permit fee (residential or commercial), as set out in Chapter 17, shall be assessed to the permit applicant and collected by the city clerk upon issuance of said permit.

(Ord. 363-A; Ord. 363-B, Sec. 1; Code 2003, Code 2006; Code 2007; Code 2010; Ord. 988, Code 2013)

5-503 TEMPORARY SALE FROM COMMERCIAL PROPERTY.

(a) A temporary sale from commercial property includes sales of goods not generally related with the associated commercial business/property, such as consignment of goods, flea markets, garage sales and sale of second hand goods. The associated commercial business/property must have a current Business Registration Permit in conformance with Article 1 of this Chapter, to apply for the permit to hold the temporary sale.

a. Any such sales shall conform with all other provisions of this code, including applicable areas of the zoning code not related to allowable uses. Sales shall not prohibit traffic patterns in and out of the commercial property nor shall they utilize parking stalls that are otherwise required for the commercial business unless such business is not open to the public during the time of the sale.
b. No person shall conduct, hold or transact such a sale more than six (6) times within a calendar year and any such sale shall not continue for more than three (3) consecutive calendar days.
c. Temporary sales shall include fundraisers carried out by not for profit groups, such as the girl scouts, boy scouts, school groups, and other 501(c)(3) organizations, however, upon proof of non-profit status the fee requirement shall be waived.

(b) A single day auction of goods may be held at a commercial property once per calendar year after obtaining an auction permit, upon satisfaction by the Chief of Police, or designee, and the Director of Public Works, or designee, that the area is equipped to handle the amount of anticipated increase in traffic associated with such an event.

(c) Any commercial property that is not licensed to operate in conformance with Article 1 of this Chapter shall not hold temporary sales or sales of second hand goods.

(d) Sales from storage units by storage unit lessees shall be prohibited. The owner of a storage unit business may apply for an auction permit no more than three times annually, for the purpose of disposing of goods acquired through abandonment or non-payment by storage unit lessees.

(e) Any sale held in violation of this Article shall be immediately shut down by action of the Chief of Police or the Public Works Director, or their designee, and a citation shall be issued to the operator.

(Code 2010; Code 2012; Ord. 988, Code 2013)

5-504. PERMIT FEE. A sale from commercial property or auction permit fee (residential or commercial), as set out in Chapter 17, shall be assessed to the permit applicant and collected by the city clerk upon issuance of said permit.

ARTICLE 6.
TAXICABS

5-601. DEFINITIONS. As used in this article the words and phrases herein defined shall have the following meaning unless the context otherwise requires:

(a) Person: Shall include individuals, firms, partnerships, corporations, associations, and all other entities.

(b) Taxicab: Shall mean and include any motor vehicle operated within the corporate limits of the city for the purpose of carrying passengers for hire, over the streets of the city, irrespective of whether the operations of such motor vehicle extend beyond the limits of the city and the term shall also include motor vehicles with or without a taximeter and hired or rented where rates are charged on the time basis or otherwise. The term shall not apply to motor buses operated within the city under a franchise from said city over a fixed or definite route, nor shall said term apply to motor buses regularly operated in the city to or from points outside of the incorporated limits of the city;

(c) Street: Shall mean and include the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic, whether such way or place is known as a street, alley, avenue, boulevard, drive or highway within the incorporated limits of the city;

(d) Place of Business: Shall mean the terminus or headquarters where taxicabs are operated from and will be stationed and found when not engaged in the business of transporting passengers.

(Code 1971, Sec. 5-301; Code 2003)

5-602. LICENSE REQUIRED. No person shall drive or operate or cause to be driven or operated, any taxicab upon or over any street in the city without having first obtained

a license from the governing body under the provisions of this article.
(Code 1971, Sec. 5-302)

5-603. LICENSE FEE. There are hereby established the following license fees as set out in Chapter 17. The full amount of the license fees shall be required regardless of the time of the year in which the application is made. The taxicab shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.
(Code 1971, Sec. 5-303; Code 2003; Code 2007)

5-604. APPLICATION FOR LICENSES. Any person desiring a license to operate a taxicab or taxicabs within the city shall make an application to the city clerk and accompany the application with the required license fees. The application shall be signed by the person applying therefor, and upon a form setting for the following information:

(a) The name and residence of the applicant and how long he or she has resided within the city;

(b) The address of place of business;

(c) The trade name under which the applicant does or proposes to do business;

(d) The number of vehicles the applicant desires to operate and the type, make, seating capacity, design and color scheme of each proposed taxicab, and the lettering and markings to be used thereon;

(e) The nature and character of the taxi service that the applicant proposes to render and facts showing the demand for such service.

No license shall be issued for the operation of taxicabs to any person under the age of 21 years.
(Code 1971, Sec. 5-304; Code 2003)

5-605. INVESTIGATION. The city clerk shall make or cause to be made such investigations as the clerk may consider necessary as to the qualifications of the applicant to operate a satisfactory taxi service and whether the public convenience and necessity requires the operation of such taxicab or taxicabs, and may consider all other matters pertinent to the application. After review and recommendation by the city clerk, the city clerk shall cause the application to be placed on the agenda for governing body approval and in the event that the governing body determines that a license should be issued, the governing body shall direct the city clerk to issue such license at such time as the applicant provides to the city clerk proof of liability insurance hereinafter provided. Once issued, such license shall not be transferable.
(Code 1971, Sec. 5-305; Code 2003)

5-606. LIABILITY INSURANCE. Before any taxicab license shall be issued hereunder, any person or entity whose license application has been approved by the governing body shall procure a liability insurance policy or policies issued by an insurance company or association authorized to transact business in the state of Kansas, establishing liability coverage for each taxicab to be so licensed of not less than

$25,000 for injury or death of any one person, and $50,000 for injury or death of any number of persons in any one accident, and with coverage at least $10,000 for property damage in any one accident, which liability insurance policy shall bind the obligors there under to pay compensation for injuries to persons or damage to property resulting from the operation of taxicabs. Such policy or policies of insurance shall include all other conditions and terms as may be required by all applicable laws.

The insurance policy or policies required by this section shall further provide that no insured may cancel such insurance until it provides at least ten (10) days advance written notice of such cancellation to the city clerk and such advance notice period thereafter expires.

A copy of the policy or policies procured by each insured hereunder shall be delivered to and maintained by the city clerk before any taxicab license issues to such insured.

Any taxicab license issued hereunder shall automatically terminate in the event any policy or policies of insurance required hereunder shall be cancelable or terminate, unless another policy or policies complying with this section shall be procured by the licensee and proof thereof be delivered to the city clerk.

No person or entity licensed by this chapter to operate taxicabs with the city shall permit any person to drive or operate a taxicab who is not the holder of a valid driver's license issued by the state of Kansas and applicable for the operation of such vehicles.

(Ord. 643, Sec. 1; Code 2003)

5-607. INSPECTION OF TAXICABS. All operators of taxicabs shall display at all times so as to be visible to any and all passengers, a photograph of such driver or operator which display shall also contain the driver's name, age, address and social security number. The chief of police shall be and is hereby directed to make or cause to be made, inspection of all licensed taxicabs from time to time, and if, upon inspection of any taxicab, it shall be found unsatisfactory or unsafe for operation upon the streets of the city, notice in writing shall be given to the owner of such taxicab service of such fact and such person or service shall not operate said taxicab thereafter until the same has been put in a safe and fit condition and inspected by the police department.

(Ord. 643, Sec. 2)

5-608. PENALTY. Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in accordance with the general penalty provisions set out in section 1-121 of this code. Each violation thereof shall be and is hereby declared to be a distinct and separate offense and punishable as such.

(Code 1971, Sec. 5-308; Code 2003)

ARTICLE 7.

ADULT ENTERTAINMENT ESTABLISHMENT AND ADULT HOTELS

5-701. DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the following meaning unless otherwise clearly indicated by the context:

(a) Adult Entertainment Establishment: Means any commercial establishment which is an adult bookstore, adult motion picture theater, adult hotel, adult motion picture arcade, or escort service as defined herein.

(b) Adult Bookstore or Adult Video Store: An establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes, or video reproductions, slides, or other visual representations which depict or describe "specific" sexual activities or "specified anatomical areas," or

(2) Instruments, devices, or paraphernalia (as defined below) which are designed for use in connection with "specific sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specific sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas" (as defined below)

(c) Adult Motion Picture Theater: An enclosed building designed for five or more patrons used for presenting any material distinguished or characterized by an emphasis on matters depicting, or relating to "specific sexual activities" or "specified anatomical areas" (as defined below) for observation of patrons therein. The term does not include an adult hotel as defined below.

(d) Adult Motion Picture Arcade: Any place at which slug or coin operated, electronically or mechanically controlled, still or motion picture machines, projector or other image producing devices are maintained to show images to five or fewer persons per machine at any time, and which presents material which is distinguished or characterized by an emphasis on depicting or describing "specific sexual activities" or "specified anatomical areas" (as defined below) for observation by patrons therein. The term does not include an adult hotel as defined below.

(e) Adult Hotel: Means a hotel or motel wherein a substantial or significant portion of the material presented over image-producing devices within individual rooms that are occupied by guests, are distinguished or characterized by an emphasis on matter depicting or describing "specific sexual activities" or "specified anatomical areas" (as defined below).

(f) Employee: Means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment establishment but shall not include independent contractors indirectly related to such operation such as janitorial services, construction, maintenance, pest

control, and trash removal.

(g) Specified Anatomical Areas: Means the following:

(1) Less than completely and opaquely covered:

A. Human genitals, pubic region;

B. Anal cleft or cleavage of the buttocks; and female breasts below a point immediately above the top of the areola;

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(h) Specific Sexual Activities: Means the following:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts with the intent to arouse or gratify the sexual desires of the entertainer, employer, or customer.

(i) Person: Means any person, partnership or corporation or joint venture.

(j) Operator: Any person operating, conducting or maintaining an adult entertainment establishment.

(k) Morals Charge: Includes those charges involving prostitution, pimping or promoting prostitution, indecent exposure, illegal use, possession or sale of narcotic or nonnarcotic drugs, sodomy, lewd and lascivious behavior, sexual battery, indecent liberties with a child, incest, bigamy, and crimes against nature.

(l) Diversion or Diversion Agreement: Means any formal referral of a defendant in a criminal case to a supervised performance program which upon successful completion results in the dismissal of the charges or complaint which is authorized pursuant to the laws of any city, state, or of the United States.

(m) Adult Entertainment includes any exhibition, performance, interaction, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, computer internet activities, computer programs with sex based content, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such action is intended to arouse or excite the sexual desires of the entertainer, other entertainers, or the patron(s), or if the interaction is characterized by an emphasis on the exposure, depiction or description of "specified anatomical areas" of the conduct or simulation of "specified sexual activities."

(n) Escort is any person who is held out to the public as available for hire and who, for monetary consideration in the form of a fee, commission or salary, consorts with or accompanies, or who offers for monetary consideration, to consort with or accompany another or others to or about social affairs, places of entertainment or amusement within any place of public resort or within any private quarters.

(o) Escort Service is any person, as defined herein, which for a fee, commission, profit, reward, payment or other monetary consideration furnishes, refers, or offers to furnish or refer escorts, provides or offers to introduce patrons to escorts; or arranges for escorts to accompany patrons to or about social affairs, places of entertainment or amusement, about any place or public resort or within any private quarters.

(p) Escort Service Runner is any person, not an escort, who for a salary, fee, hire, reward or profit, as the agent for either an escort service or a patron, contacts or meets with escort patrons or escort services at any location other than the established open office, as defined hereunder, whether that person is employed by the escort service or any business, or is self-employed.

(Ord. 697; Code 2003, Ord. 903)

5-702. LICENSE REQUIRED. (a) No adult entertainment establishment shall be operated or maintained in the city without first obtaining a license to operate issued by the city.

(b) A license may be issued only for one (1) adult entertainment establishment located at a fixed certain place. Any person desiring to operate more than one (1) adult entertainment establishment must have a license for each.

(c) No license or interest in a license may be transferred to any other person or entity.

(d) It is unlawful for any employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operating of any unlicensed adult entertainment establishment.

(Ord. 697; Code 2003)

5-703. APPLICATION FOR LICENSE. (a) Any person desiring to secure a license shall make application in duplicate to the city clerk's office. The application shall be verified and accompanied by the license fee. Both copies of the application shall be filed with the city clerk's office.

(b) The application for a license shall be on a form provided by the city clerk's office. A partnership application and the application of any officer or director of a corporation and any stockholders holding more than five percent (5%) of the stock of a corporate application shall furnish the following information under oath:

(1) Name and address, including all aliases;

(2) The name of the owner of the premises upon which the adult entertainment establishment is to be located;

(3) The address of the adult entertainment establishment to be operated by the applicant;

(4) A statement by the applicant that he or she is familiar with the provisions of this article and is complying with them.

(Ord. 697; Code 2003)

5-704. LICENSE FEES. For any adult entertainment establishment or adult hotel the annual license fee shall be as set out in Chapter 17.

(Ord. 697-A; Code 2003)

5-705. LICENSE-ELIGIBILITY REQUIREMENTS. To receive a license to operate an adult entertainment establishment, applicants must meet the following standards:

(a) If the applicant is an individual:

(1) The applicant must be at least eighteen (18) years of age;

(2) The applicant shall not have been convicted of or pleaded nolo contendere to or participated in a diversion agreement after having been charged with a felony or any morals charge as defined herein in any jurisdiction within the last five (5) years immediately preceding the date of application.

(b) If the applicant is a partnership, joint venture, corporation or any other type of organization where two (2) or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture or any other type of organization shall be at least eighteen (18) years of age. Financial interest in a corporation includes any officer or director of the corporation and any stockholder holding more than five percent (5%) of the stock of a corporation.

(2) No person having a financial interest in the partnership, joint venture, corporation or other type of organization shall have been convicted of or pleaded nolo contendere to, or participated in a diversion program after having been charged with a felony or any morals charge within the immediate five (5) years preceding the date of the application.

(Ord. 697; Code 2003)

5-706. EXAMINATION OF APPLICATION BY THE GOVERNING BODY. If an application for a license is in proper form and accompanied by the license fee as provided for in the approved schedule of fees, the governing body shall, after review and recommendation by the city clerk, examine the application. If the applicant is fully qualified pursuant to the guidelines set forth in this article the governing body shall issue a license to the applicant within thirty (30) days of the filing of the application. If the governing body fails to act on the application within thirty (30) days after it is filed, it shall be deemed granted. If the governing body denies the application within thirty (30) days of the filing of the application the application is deemed finally denied and the same application may not be made within one (1) year unless there are changed circumstances. If the governing body denies the application, the applicant may appeal the denial pursuant to the provisions of K.S.A 60-2101(d) and amendments thereto, within thirty (30) days of the denial. If an applicant is denied by the governing body over thirty (30) days after it is filed, the denial shall be of no effect except that this provision is not intended to limit the ability of the governing body to revoke the license for any of the reasons in Sections 5-713 and 5-714 of this article

(Ord. 697; Code 2003)

5-707. DISPLAY OF LICENSE REQUIRED. The license shall be displayed in a conspicuous public place within premises licensed as an adult entertainment establishment.

(Ord. 697; Code 2003)

5-708. RENEWAL OF LICENSE. Every license issued pursuant to this article shall terminate December 31st of each year regardless of when the license was issued, unless sooner revoked, and must be renewed before operation is allowed in the

following year. Any operator desiring to renew a license shall make application for renewal to the city clerk's office. The application for renewal shall be filed in duplicate and dated by the city clerk. An application for renewal license filed after the expiration date of the license shall not be accepted if the premises the renewal license is being sought for does not comply with the distance requirements set forth in Section 5-713. A renewal application shall in all other respects be treated as an application for an initial license.

(Ord. 697; Code 2003)

5-709. GENERAL REGULATIONS AND PROHIBITED CONDUCT. Every operator or employee of an adult entertainment establishment shall comply with the following regulations and the failure to comply with the regulations shall be unlawful:

(a) No person under the age of eighteen (18) shall be employed in or around an adult entertainment establishment;

(b) No person under the age of eighteen (18) shall be permitted to enter or remain in an adult entertainment establishment;

(c) No persons shall be knowingly employed in or around an adult entertainment establishment who, within one (1) year prior to employment, was released from probation from a conviction for a crime of, or participated in a diversion agreement after being charged with a morals charge or felony;

(d) Every adult entertainment establishment and every person employed by the establishment in the conduct of his or her business shall admit to any and every part of the premises designated in the license at any time, any law enforcement officer or official of the city of its police department authorized by the chief of police, for inspection of the premises to assure compliance with the regulations of the city; PROVIDED HOWEVER, that this provision does not apply to rooms occupied by patrons of an adult hotel during periods of such occupancy.

(e) Every adult entertainment establishment must maintain for inspection a list of all employees providing services directly related to the operation of the establishment including their date of birth, race, sex, and social security number.

(f) Every act or omission by an employee of an adult entertainment establishment constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's conduct, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission. The licensee shall be responsible for the conduct of all employees while on the premises and any act or omission of any employee while on the premises constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee for purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

(Ord. 903)

5-709A. ESCORT SERVICES. In addition to the other requirements as set forth regarding the regulation and control of adult businesses, escort services shall comply

with the following regulations.

(a) Sexually oriented escort services prohibited. No person, whether as licensee, principal, officer, agent, servant or employee, shall conduct, manage, operate, maintain, or perform any sexual activity as defined by this section within the city, nor shall any such person offer the services of another to perform any sexual activity as defined above.

(b) Business office. An escort service shall maintain a business office which shall be open to the public during business hours.

(c) Business hours. Subject to the requirements of subsection (h) hereof, the escort service shall establish business hours during which escorts are available and shall post such business hours during which escorts are available and shall post such business hours at the entrance to the escort service office.

(d) Accessibility to law enforcement and reviewing departments. The escort service business office shall be accessible to law enforcement officers and employees of reviewing departments at all times during which escorts employed by the escort service are working, either during, prior to or following the established business hours.

(e) Management. The escort service office, during established and posted business hours, shall be managed on-site by the licensee or an adult establishment employee who shall have authority to bind the escort service.

(f) Copies of employee register. The escort service shall, in addition to the employee register required herein, maintain copies of all escorts and escort service runners who are employed by, or are providing services for, the escort service. Said copies shall be open to immediate inspection at the request of any law enforcement officer or employee of a reviewing department.

(g) Record of calls and referrals. The escort service shall maintain at its primary place of business, for a period of one (1) year, all records of escort calls and referrals, stating the name and driver's license number and state of issuance (or other form of photographic identification) of the adult patron. Such records shall include the date and time of referral, name of the escort who accompanied the adult patron, the fee or other consideration received from the adult patron, and a copy of the contract entered into between the escort service or the escort and the adult patron. Said records shall be open to immediate inspection at the request of any law enforcement officer or code enforcement officer employed by the city for such purpose.

(h) Hours of operation. No escort service shall be open at any time between the hours of 12:00 a.m. and 6:00 a.m.

(Ord. 697; Code 2003, Ord. 903; Code 2007)

5-710. ALCOHOLIC BEVERAGES. No alcohol, liquor or cereal malt beverage shall be sold or consumed on the premises of an adult entertainment establishment except this provision shall not apply to rooms rented and occupied by patrons in an adult hotel.

(Ord. 697; Code 2003)

5-711. PRIVATE ROOMS AND CLOSED BOOTHS PROHIBITED. (a) Every adult

motion picture arcade shall be physically arranged in such a manner that the interior portion of all viewing areas are visible from a common area of the premises and shall not be obscured by any curtains, drapes, doors or other enclosure except under the following conditions:

(1) The booth is designed for a single occupant;

(2) The booth has a door or curtains which cannot be locked; which may extend downward not closer than fifteen (15) inches from the floor, and which has an open space at the top so that the top of the door or curtains does not extend upward more than six (6) feet from the floor;

(3) Conspicuous signs state, "only one occupant per booth";

(4) There are no openings between booths; and

(5) It can readily be determined from outside the booth that there is no more than one occupant inside the booth.

(b) No licensee, manager, employee or designee shall permit or allow two (2) or more occupants to occupy any booth which has been designated as a booth designed for a single occupant.

(c) No person shall enter into or remain in a booth which has been designated with a sign stating "only one occupant per booth" while another occupant is in the booth.

(Ord. 697; Code 2003)

5-712. COMPLIANCE WITH OTHER REGULATIONS REQUIRED. No license shall be granted for an adult entertainment establishment unless the licensee fully complies with the health regulations, building codes, zoning ordinances, fire prevention and safety regulations of the city.

(Ord. 697; Code 2003)

5-713. DISTANCE REQUIREMENTS.

(a) No license shall be granted for an adult entertainment establishment or adult hotel which is located within one-thousand (1,000) feet of a residential zoning district, church, public or parochial school, government building, public park or other adult entertainment establishment or adult hotel.

(b) This distance is to be measured from the nearest property line of the residential zoning district, church, public or parochial school, government building, public park or other adult entertainment establishment or adult hotel to the nearest property line of the premises on which the adult entertainment establishment or adult hotel is proposed to be located or of any parking lot designated to be used by the patrons of such an establishment, PROVIDED HOWEVER, that;

(1) Should a licensed establishment cease to be used for such purpose for a period of ninety (90) days or more, then and in that event, the existing license shall be deemed to expire at twelve p.m., noon, on the 91st calendar day of non-use. In no event shall this provision be construed to extend the term of a license issued under this section.

(Ord. 697; Code 2003, Ord. 903; Code 2007)

5-714. SUSPENSION AND REVOCATION OF LICENSE. (a) The chief of police, after actual service of ten (10) days' written notice to the person or corporation holding or operating under a license for an adult entertainment establishment or adult hotel pursuant to this article shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this article or other ordinances or statutes regulating conduct in adult entertainment establishments or adult hotels; PROVIDED HOWEVER, that the licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body, after actual service of ten (10) days' written notice to the person or corporation holding or operating under a license for an adult entertainment establishment or adult hotel, may cause to be suspended for a period of not more than thirty (30) days or may permanently revoke such license for the following reasons:

(1) If the licensee has fraudulently obtained the license by giving false information in the application therefore;

(2) If the licensee, manager, operator, or employee has violated any of the provisions of this article;

(3) If the licensee has become ineligible to obtain a license under this article;

(4) The nonpayment of any license fees payable hereunder;

(5) For knowingly employing a person who has been, within one (1) year prior to the date of employment, or who during the period of employment is adjudged guilty of or participated in a diversion agreement after being charged with a felony or a morals charge, or within one (1) year prior to employment has been released from probation from a felony or a morals charge.

Provided, that if any of the grounds for revocation herein enumerated are violated by an employee, a manager, or designee, then in the absence of proof of knowledge by the licensee, there shall be no revocation except as herein provided, but there may be a suspension of not more than thirty (30) days; it being further provided that in the event any licensee is subjected to more than two (2) such suspensions in any twelve (12) month period, his or her license may be revoked on the third such violation.

Upon appeal taken from an order of suspension or revocation the court may stay the order of suspension or revocation upon a showing by the appellant and a finding by the court that a substantial likelihood exists that the movant will eventually prevail on the merits and that the movant will suffer irreparable injury unless the stay is granted. If there is no stay by the court, the order of suspension or revocation shall not be suspended during the pendency of any such appeal. In case of the revocation of a license of any licensee, no new license shall be issued to such person or to any person acting for or on his or her behalf, for a period of six (6) months after the revocation becomes effective.

(Ord. 697; Code 2003)

5-715. PENALTY. Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five-hundred dollars ($500.00) or by imprisonment for not more than ninety (90)

days, or by both such fine and imprisonment.
(Ord. 697; Code 2003)

5-716. INJUNCTIONS. The city attorney may bring an action in the District Court of the Eighteenth Judicial District or any other court having jurisdiction to enjoin any violation of this article.
(Ord. 697; Code 2003)

5-717. INVALIDITY OF PART. Should any court declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.
(Ord. 697; Code 2003)

5-718. NUISANCE DECLARED. Any adult establishment established, operated, or maintained in violation of any of the provisions or requirements of either this adult entertainment code or any adult establishment license, shall be declared to be unlawful and a public nuisance, and may be prosecuted as such in the municipal court of this city. The city may, in addition to or in lieu of any other remedies set forth herein, commence and action to enjoin, remove, or abate such nuisance in the manner provided by the nuisance abatement procedure of this city or any other applicable law, and shall take such other steps and apply to such court or courts as may have jurisdiction to grant an abatement or to remove such public nuisance, restrain and enjoin any person from establishing, operating, or maintaining an adult establishment contrary to the provisions of this code.
(Ord. 903; Code 2007)

ARTICLE 8.
EROTIC DANCE STUDIOS

5-801. DEFINITIONS. The following words, as used in this article shall for the purpose of this article have the meanings respectively ascribed to them in this section:

(a) Entertainment: As used in this article, means any live exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling or other personal service offered for amusement where one or more entertainers seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons. Entertainment as used in this article does not include portions of performances on theater, concert hall, music hall or auditorium stages wherein such displays are an integral part of a dramatic or comedic presentation.

(b) Erotic Dance Studio: Means any place of business, or "pop shop" open to the public, whether or not a cover charge is assessed, which emphasizes and presents

live nude entertainment. Live entertainment includes but is not limited to, nude dancing and topless dancing.

(c) Moral Turpitude: Means those charges involving prostitution, procuring any person, soliciting of a child under eighteen (18) years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines, barbiturates or controlled substances; sodomy; lewd and lascivious conduct.

(d) Nude: Means any state of undress in which the human genitals, pubic region, buttock or female breast at a point below the top of the areola, is less than completely and opaquely covered.

(e) Pop Shop: Means an erotic dance studio where soft drinks and nonalcoholic beverages are served and/or consumed.

(Ord. 709; Code 2003)

5-802. LICENSE REQUIRED. It is unlawful for any person, whether as principal, officer, designee, servant or employee:

(a) To conduct business in or operate an erotic dance studio without having first obtained a license.

(b) To fail to comply with all regulations provided in this article.

(c) Any license issued pursuant to this section shall be issued for one particular premises which shall be stated in the application and on the license and shall be issued for the remainder of the calendar year and will expire December 31st of each year regardless of when the license was issued.

(Ord. 709; Code 2003)

5-803. LICENSE FEES. (a) For any erotic dance studio the annual license fee shall be as set out in Chapter 17.

(b) Application for a license renewal must be made no later than thirty (30) days prior to the date of expiration of the license.

(Ord. 709; Code 2003)

5-804. LICENSE APPLICATION. Any person desiring to secure a license under the provisions of this article shall make a verified application, which shall be filed with the city clerk. Such application shall contain:

(a) The name and residence of the applicant and how long he or she has resided within the state;

(b) The particular place for which a license is desired:

(c) The name of the owner of the premises upon which the erotic dance studio is located;

(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired. Such application shall be accompanied by the license fee provided for in the approved schedule of fees.

One copy of the application shall be immediately transmitted by the city clerk to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this article. The chief of police shall

report to the city clerk no later than ten (10) working days upon the completion of the investigation. The city clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with current notification requirements.

(Ord. 709; Code 2003)

5-805. PHOTOGRAPHS OF APPLICANT ACCOMPANYING APPLICATION FOR LICENSE. No application for the issuance of an erotic dance studio license shall be granted unless the applicant submits to being photographed by the police department and a photograph received therefrom shall be attached to the application.

(Ord. 709; Code 2003)

5-806. EXAMINATION OF APPLICANT BY GOVERNING BODY ISSUANCE OR DENIAL OF LICENSE. If the application for a license is in proper form and accompanied by the license fee as set out in the approved schedule of fees the governing body shall examine the application and, after examination of the application, the governing body, if they find that the applicant meets all of the qualifications set forth in this article, shall issue a license to the applicant; provided, that no license shall be issued to:

(a) A person who, within one (1) year immediately preceding the date of making application, has been convicted of a crime involving moral turpitude, or within one (1) year prior to the date of application has been released from probation from a conviction for a crime of moral turpitude. Provided that the terms "conviction" and "adjudged guilty" shall include being placed on diversion;

(b) A copartnership, unless one of the copartners is a resident of the city or county in which the premises covered by the license is located, and unless all members of such copartnership shall otherwise be qualified to obtain a license;

(c) A corporation, if any officer or director thereof, and/or any stockholder owning in the aggregate of more than twenty-five percent (25%) of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than the citizenship or residency requirements.

(d) A person whose place of business is conducted by a manager or designee, unless such manager or designee possesses the same qualifications required of the licensee.

(Ord. 709; Code 2003)

5-807. SUSPENSION AND REVOCATION OF LICENSE. (a) The chief of police, upon five (5) days' written notice to the person holding an erotic dance studio license, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this article or other ordinances or statutes regulating conduct or performances in erotic dance studios, which violation does not in his or her judgment justify a recommendation of revocation; provided, however, that the licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body upon five (5) days written notice to the person holding

an erotic dance studio license may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license for the following reasons:

(1) If the licensee has fraudulently obtained the license by giving false information in the application therefor;

(2) If the licensee, manager or employee has violated any of the provisions of this article or any rule or regulation made by the governing body;

(3) If the licensee has become ineligible to obtain a license under this article;

(4) The nonpayment of any license fees payable hereunder;

(5) For knowingly employing a person who has been within one (1) year prior adjudged guilty of an offense involving moral turpitude or within one (1) year prior to employment has been released from probation from a conviction for a crime of moral turpitude. Provided that the term "adjudged guilty" shall include being placed on diversion.

(6) For promoting sexual performance of a child or minor in violation of K.S.A. 21-3516. Provided, that if any grounds for revocation enumerated in this article are violated by an employee or a manager, then in the absence of proof of knowledge by the licensee, there shall be no revocation, except as herein provided, but there may be a suspension of not more than thirty (30) days; it being further provided, that in the event any licensee is subjected to more than two (2) such suspensions in any twelve (12) month period, his or her license may be revoked on the third such violation.

Any appeal taken from an order of revocation shall not suspend the order of revocation during the pendency of any such appeal. In case of the revocation of a license of any licensee, no new license shall be issued to such person or to any person acting for or on his or her behalf, for a period of six (6) months after the revocation becomes effective.

(Ord. 709; Code 2003)

5-808. TRANSFERABILITY OF LICENSE. No license issued under the provisions of this article shall be transferable, except, upon the death of a licensee, the surviving spouse, executor or administrator, if otherwise qualified, shall be entitled to the use of said license during the remainder of the license year.

(Ord. 709; Code 2003)

5-809. POSTING OF LICENSE. The license so issued to an erotic dance studio shall be posted in a conspicuous place in the erotic dance studio.

(Ord. 709; Code 2003)

5-810. SECURITY PROVISIONS. At the discretion of the chief of police, security may be provided as deemed adequate by the chief of police.

(Ord. 709; Code 2003)

5-811. COMPLIANCE WITH OTHER REGULATIONS REQUIRED. No license shall be granted for an erotic dance studio until the sanitary, building code, zoning

ordinance, fire prevention and safety regulations of the city are fully complied with, and it is unlawful and a violation of the article to maintain or conduct an erotic dance studio without at all times complying with any sanitary, building code, zoning ordinance, fire prevention annual inspection and safety regulations of the city. Further, no license shall be granted for an erotic dance studio which is located within five hundred (500) feet of any church, public or parochial school, government building, public park or residential zoning district.

The distance is to be measured from the nearest property line of the residential zoning district, church, public or parochial school, government building, or public park to the nearest property line of the premises on which the establishment is located or of any parking lot designated to be used by the patrons of such establishment.

(Ord. 709; Code 2003)

5-812. VENTILATION, LIGHTING, SANITATION REQUIREMENTS. It is unlawful to maintain or conduct an erotic dance studio unless the same shall be kept clean, well ventilated and brightly lighted at all times when open for use. All stairways, halls, passageways and rooms adjacent to such erotic dance studio shall likewise be kept well-lighted at all times when the erotic dance studio is in use. Separate dressing rooms for men and women, and separate toilet facilities for men and women, shall at all times be maintained and kept in a sanitary condition, convenient and adjacent to any erotic dance studio while the erotic dance studio is in operation.

(Ord. 709; Code 2003)

5-813. PRIVATE ROOMS AND CLOSED BOOTHS PROHIBITED. Every erotic dance studio shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.

(Ord. 709; Code 2003)

5-814. EROTIC DANCE STUDIO CAPACITY. It shall be the duty of the fire chief and the city inspector to determine the number of persons who can safely be accommodated at any one time in any building, premises or location where any erotic dance studio is located, which owner shall be required to post such certificate near the main exit in the building. Such owner, operator or licensee is required by this article, to limit the attendance at such erotic dance studio to such capacity as has been determined by the fire chief and city inspector.

(Ord. 709; Code 2003)

5-815. HOURS OF OPERATION. No erotic dance studio may be open or in use between the hours of 12:00 a.m. and 6:00 a.m.

(Ord. 709; Code 2003)

5-816. OBSERVANCE OF REGULATIONS REQUIRED. The following conduct by a licensee under this article, a licensee's manager, employee or designee; or any person

under the direction and/or control of the licensee, occurring on the licensed premises shall be deemed contrary to the public welfare and is prohibited:

(a) The employment of any person in or around an erotic dance studio who is less than eighteen (18) years of age.

(b) The employment of any person as a dancer or entertainer in an erotic dance studio who has not obtained a special entertainer's license to perform in an erotic dance studio.

(c) Permitting any person under the age of eighteen (18) years to enter or remain at an erotic dance studio.

(d) Permitting any alcoholic liquor or cereal malt beverage to be sold or consumed on the premises of an erotic dance studio.

(e) Permitting any person to enter or remain at any erotic dance studio who is intoxicated.

(f) Performing or permitting others to perform as dancers in an erotic dance studio unless such performance occurs on a platform intended for the purpose.

(g) Performing or allowing entertainers to perform a dance closer than five (5) feet to any patron.

(h) Fondling or permitting others to fondle or caress any patron.

(i) Permitting patrons to fondle or caress any dancer.

(j) Allowing a patron to directly pay or directly give any gratuity to any dancer.

(k) Soliciting any pay or gratuity from any person.

(l) Encourage any person on the premises to touch, caress or fondle the breasts, buttocks or genitals of any other person.

(Ord. 709; Code 2003)

5-817. PERFORMERS - LICENSE REQUIRED. (a) License Required. No person shall be employed as a dancer or entertainer at any erotic dance studio who does not possess a current special entertainer's license to perform at an erotic dance studio. (Ord. 709; Code 2003)

5-818. APPLICATION. Any person desiring a special entertainer's license shall make a written application for such license to the city clerk. Such application shall provide the following information:

(a) Name and address of the applicant;

(b) Proof of the applicant's true age;

(c) Each applicant shall be photographed by the police department and such photograph shall be attached to the application. A copy of the application and photograph shall be sent to the chief of police for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified under the provisions of this article. The chief of police shall report to the city clerk no later than ten (10) working days upon the completion of the investigation. The city clerk shall issue or deny the license to perform in an erotic dance studio based upon the results of the police investigation.

(d) Every license issued pursuant to this article will expire at the end of the calendar year regardless of when the license was issued and must be renewed before

performing in an erotic dance studio is allowed in the following year. Application for renewal must be made to the license collector no later than thirty (30) days prior to the date of expiration of the license. The permit fee provided in Chapter 17 of the approved schedule of fees shall apply to permit renewals.

(Ord. 709; Code 2003; Code 2007)

5-819. PERSONS TO WHOM PERMIT SHALL NOT BE ISSUED. No permit to perform in an erotic dance studio shall be issued to:

(a) Any person who has not attained eighteen (18) years of age;

(b) Any person who, within one (1) year immediately preceding the date of making application, has been convicted of any crime involving moral turpitude, or within one (1) year has been released from probation for conviction of a crime of moral turpitude. Provided, that the terms "conviction" and "adjudged guilty" shall include being placed on diversion.

(Ord. 709; Code 2003)

5-820. SUSPENSION AND REVOCATION OF PERMIT TO PERFORM. (a)The chief of police, upon five (5) days' written notice to the person holding a special entertainer's license, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any of the following reasons:

(1) False information or data was given or material facts were omitted from the application;

(2) The holder becomes ineligible to obtain a license;

(3) The holder is adjudged to have violated the regulations of Section 5-806 for conduct in an erotic dance studio.

Provided, however, that the holder of a license may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body, upon five (5) days' written notice to the person holding a license may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license for any of the above reasons.

Any appeal taken from an order of revocation shall not suspend the order of revocation of a special entertainer's license; no new license shall be issued to such person for a period of six (6) months after the revocation becomes effective.

(Ord. 709; Code 2003)

5-821. PENALTY. Any person who violates any provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. 709; Code 2003)

5-822. INVALIDITY OF PART. Should any court declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.

(Ord. 709; Code 2003)

ARTICLE 9.
MOBILE ICE CREAM VENDORS

5-901. STATEMENT OF PURPOSE: It is deemed necessary and proper by the governing body of the city of Haysville, Kansas, in order to provide for the general health, safety and welfare of its citizens to regulate the vending of ice cream by mobile conveyances within the city.

(Ord. 537, Sec. 1; Code 2003)

5-902. ICE CREAM STREET VENDORS - COMPLIANCE. It is unlawful for any person, firm, partnership or corporation to conduct, hold, carry on, pursue or operate a business of vending, huckstering, peddling or similar enterprise, for selling ice cream products of any kind upon or within any public right-of-way, public street, alley, avenue, boulevard or sidewalk within the corporate boundaries of the city, unless the regulations set forth and contained in the sections of this article are complied with and followed.

(Ord. 537, Sec. 2; Code 2003)

5-903. DEFINITIONS. The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section except when the context otherwise requires:

(a) Ice Cream Street Vendor: Means any person, firm, partnership, company, corporation or other entity who travels by any type of vehicle from house to house, or place to place, selling or offering for sale any ice cream food stuffs within the corporate limits of the City of Haysville; provided, however, that no person, firm, partnership, company, corporation or other entity shall be considered an ice cream street vendor when orders are taken for ice cream food stuffs to be delivered to the ultimate consumer on a prearranged day subsequent to the date of sale.

(b) Mobile Operations – Exception: For the purpose of this article, a "mobile vehicle operator" is one conducted from a truck, trailer or any other vehicle that travels from place to place and from which ice cream food products of any nature whatsoever are sold or distributed, except that this article does not apply to the mobile operations conducted by any milk delivery person.

(c) Motor Vehicle: Means every vehicle which is self propelled, but shall not include a motorcycle, a motor-driven cycle, or a motorized bicycle.

(d) Vehicle: Means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway except devices used exclusively upon stationary rails or tracks.

(Ord. 537, Sec. 3; Code 2003)

5-904. LICENSE PERMIT PROCEDURE AND VEHICLE INSPECTION. (a) No ice

cream street vendor shall engage in retail mobile operations unless a license has been issued by the city clerk.

(b) In order to secure such license, an ice cream vendor shall file with the city clerk an application on such form and containing such information as the city clerk may require, including but not limited to the following:

(1) The name of the applicant, or if a firm, partnership, association, corporation, company or organization of any kind, the names and addresses of persons owning twenty percent (20%) or more of a financial interest therein, and the number and type of vehicles proposed to be operated by the applicant;

(2) The name, social security number, driver's license number, permanent address and telephone number of any individual representing or employed by the applicant within the city;

(3) The make, model, and license number of any vehicles to be used by applicant;

(4) A statement as to whether or not the applicant or any individual representing or employed by the applicant within the city has been convicted, pled guilty or pled nolo contendere to any crime or any ordinance violation involving moral turpitude within the preceding five (5) years and the place and nature thereof. All statements made by the applicant upon the application or in connection therewith shall be under oath.

(c) A license issued under the provisions of this article is not assignable or transferable, and shall run to the exclusive benefit of the licensee.

(d) Vehicle Safety Inspection. The police department shall inspect the vehicles designated in the application and shall certify approval to the city clerk that such vehicles are suitable from the standpoint of safety for the conduct of an ice cream street vending business and that all state laws and local ordinances relating to safety have been complied with. The police department, after the issuance of a license hereunder, shall inspect the vehicle operated by the licensee once each year to determine that said vehicle is suitable from the standpoint of safety for the conduct of an ice cream street vending business and that all state laws and local ordinances relating to safety are being complied with.

(e) Vehicle Health Inspection.

(1) The director of the Sedgwick County Health Department is authorized to enforce the rules and regulations of said department and to conduct periodic inspections, in addition to those inspections conducted by the police department, of all vehicles and equipment used in the sale or distribution of any ice cream food products of any nature whatsoever, for the purpose of enforcing said rules and regulations.

(2) Before a license shall be issued for vending any ice cream food products of any nature whatsoever, it must also be approved by the Sedgwick County Health Department and such approval shall not be given unless the health department determines that the vehicle being used is clean and sanitary; that all food stuffs have been prepared in a licensed facility if required; that they are properly labeled, packaged or wrapped; and that they are maintained at suitable temperatures according to recognized standards.

(f) Liability Insurance. There shall be filed with the city clerk a certificate of insurance covering all motorized vehicles operated hereunder in such form as the city clerk may deem proper, issued by an insurance company approved by the Insurance Commissioner of the State of Kansas, and authorized to do business in the state of Kansas, insuring the public against injury, loss or damage resulting to persons or property from the use, maintenance and operation of any motorized vehicle operated hereunder for which such permit is granted in an amount of not less than fifty thousand dollars ($50,000) for injury to any one person; and an amount of not less than one hundred thousand dollars ($100,000) for injury to all persons injured in any one occurrence; and property damage not less than twenty-five thousand dollars ($25,000) per each occurrence.

(g) License Fee. The applicant shall pay a fee as set out in Chapter 17 for each vehicle to be operated within the city prior to the issuance of a license to conduct retail mobile operations.

(Ord. 537, Sec. 4; Code 2003)

5-905. UNLAWFUL STOPPING, STANDING OR PARKING. It shall be unlawful for an ice cream street vendor to stop, stand or park a vehicle:

(a) In any manner contrary to any ordinance relating to parking when attempting a sale or when making a sale; or

(b) In any street, alley, avenue, boulevard or sidewalk or other public right-of-way for the purpose of dispensing its products to customers, so as to obstruct the free flow of traffic in the street; provided, that an operator may stop, stand or park such vehicle at the curb side of the street, but that no vehicle will remain standing in any one location for a period exceeding ten (10) minutes.

(Ord. 537, Sec. 5; Code 2003)

5-906. PLACES WHERE SALES PROHIBITED. (a) Whenever any vehicle is used for the sale or dispensing of ice cream food products of any nature whatsoever upon a public street, alley, avenue, boulevard, sidewalk or other public right-of-way, said transaction shall occur on the side of the vehicle which is next to the curb of the street.

(b) It shall be unlawful for an ice cream vendor to sell, offer for sale or dispense ice cream products: (1) to any person who is standing in the street; (2) while operating on (i) Broadway (U.S. 81), (ii) Grand Avenue (71st Street South); or (iii) Main Street (Seneca); (3) within fifty (50) feet of any street intersection; or (4) in any public park, or any public parking lot without the express consent of the governing body.

(Ord. 537, Sec. 6; Code 2003)

5-907. TIME WHEN SALES UNLAWFUL. It shall be unlawful for an ice cream vendor to sell, offer for sale or dispense ice cream products:

(a) within two (2) blocks from the boundaries of any public or private school property for a period commencing thirty (30) minutes before the regular school day of any such school and continuing until thirty (30) minutes after the adjournment of the

regular school day of any such school; or

(b) between 8:30 p.m. or sunset of each day, whichever is earlier, and continuing until 10:00 a.m. on the following day.

(Ord. 537, Sec. 7; Code 2003)

5-908. SOUND DEVICES - REGULATION - TIME OF USE. No sound device or bell shall be allowed or used by any vehicle dispensing ice cream food products of any kind whatsoever, with the exception that amplified music or chimes are permitted; provided that such are not audible any distance greater than three hundred (300) feet and that they be turned off when the vehicle is stationary for the purpose of making sale or otherwise; and provided, that the use of amplified music or chimes is prohibited before 10:00 a.m. and after 8:30 p.m. or sunset of each day whichever is earlier.

(Ord. 537, Sec. 8; Code 2003)

5-909. REQUIRED VEHICLE EQUIPMENT. It is unlawful for any ice cream street vendor to operate a vehicle upon any street, alley, avenue or other public right-of-way for the purpose of selling, offering for sale or dispensing ice cream products:

(a) Unless there is a clearly marked sign visible from both front and rear with the wording "CAUTION - CHILDREN" marked upon the vehicle; and

(b) If the vehicle is a motor vehicle, such vehicle is equipped with an automatic backup warning device which is audible for a distance of not less than thirty (30) feet.

(Ord. 537, Sec. 9; Code 2003)

5-910. U-TURNS, DRIVING BACKWARDS PROHIBITED. It is unlawful for an ice cream street vendor operating a vehicle to:

(a) Make a U-turn on any block; or

(b) Drive backwards to make or attempt to make any sale.

(Ord. 537, Sec. 10; Code 2003)

5-911. ROUTES. It is unlawful for any ice cream street vendor to sell or attempt to sell along any particular route more than three (3) times during a twenty-four (24) hour period.

(Ord. 537, Sec. 11; Code 2003)

5-912. UNAUTHORIZED PASSENGERS. No person other than the authorized operator of a vehicle and other persons expressly authorized by the owner or lessee of a vehicle shall be in or upon said vehicle.

(Ord. 537, Sec. 12; Code 2003)

5-913. PENALTY. Any person, firm, company, corporation or other entity who shall be found guilty in violation of this article shall be subject to a fine in accordance with the general penalty provisions set out in Section 1-121 of the code. Each day the violation is committed shall constitute a separate violation.

(Ord. 537, Sec. 13; Code 2003)

5-914. SEVERABILITY. Should any court declare any section, clause or provision of this article to be unconstitutional or otherwise void, such decision shall affect only such section, clause or provision and shall not affect any other section, clause or provision of this article.

(Ord. 537, Sec. 14; Code 2003)

ARTICLE 10.
PAWNBROKERS AND PRECIOUS METAL DEALERS

5-1001. DEFINITION. As used in this article, the following definitions shall apply:

(a) (1) Pawnbroker means any person who loans money on deposit or pledge of personal property or other valuable thing, other than intangible personal property or who deals in the purchase of personal property on the condition of selling the same back again at a stipulated price.

(2) Pawnbroker does not include any person operating under the supervision of the state banking commissioner, credit union administrator or the consumer credit commissioner of this state.

(b) Person means any individual, firm, company, partnership, corporation or association or other entity.

(c) Precious Metal means gold, silver or platinum group metals or any used articles or other used personal property containing such metals, but shall not include coins purchased for their numismatic value rather than their metal content or ingots or other industrial residue or by-products composed of such metals purchased from manufacturing firms.

(d) Precious Metal Dealer means any person who engages in the business of purchasing precious metal for the purpose of reselling such metal in any form.

(Ord. 604, Sec. 1; Code 2003)

5-1002. LICENSURE; APPLICATION; FEE. (a) No person shall engage or continue in business as a pawnbroker or precious metal dealer without first obtaining a license therefor. If the person's place of business is inside the corporate limits of the city, the person shall obtain such license from the clerk.

(b) Application for a license shall be in writing and shall state the full name and place of the residence of the applicant. If the applicant is a partnership, the application shall contain the name and place of residence of each member thereof or, if a corporation or association, of each officer, shareholder or member thereof. The application shall include the address of the places where the business is to be conducted, the hours and days of the week during which the applicant proposes to engage in the business of pawnbroking or dealing in precious metals at each such place, and such other information as may be deemed necessary to determine the applicant's qualifications for a license in accordance with the provisions of this article. Each applicant also shall submit with the application:

(1) A statement that the applicant is the holder of a valid registration certificate issued by the director of revenue pursuant to K.S.A. 79-3608 for each place of business for which application for a license is made; and

(2) A detailed inventory and description of all goods, wares, merchandise, precious metals or other property held in pledge for sale at the time of the application at each place of business stated therein, indicating whether the same was received in pledge, purchased as secondhand merchandise or precious metal purchased for resale.

(c) The license application shall be in a form approved by the attorney general. Each application shall be accompanied by a fee as set out in Chapter 17, and will expire December 31st of each year regardless of when the license was issued. All such fees received by the city clerk shall be deposited in the city general fund.

(Ord 604, Sec. 2; Code 2003)

5-1003. SAME; QUALIFICATIONS. No license or any renewal thereof shall be granted to:

(a) Any person who is not a citizen of the United States;

(b) Any person who has not been an actual resident of the state of Kansas for at least two (2) years immediately preceding the date of application;

(c) Any person who has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited that person's bond to appear in court to answer charges for any such offense within the ten (10) years immediately prior to such person's application for a license;

(d) Any person who has had his license revoked for cause under the provisions of this article;

(e) Any person who is not at least twenty-one (21) years of age;

(f) Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(g) Any person who does not own the premises for which a license is sought, unless that person has a written lease therefor for at least three-fourths (¾) of the period for which the license is to be issued;

(h) Any person whose spouse would be ineligible to receive a license hereunder for any reason other than the age, citizenship and residence requirements;

(i) Any partnership, unless all of the partners shall be eligible to receive a license as an individual; and

(j) A corporation, if any officer, manager, director or stockholder would be ineligible to receive a license as an individual.

(Ord 604, Sec. 3; Code 2003)

5-1004. TRANSFER OF STOCK BY STOCKHOLDER OF CORPORATE LICENSEE; EFFECT. It shall be unlawful for any shareholder of a corporate licensee to transfer any stock in said corporation to any person who would be ineligible to receive a license as an individual, any such transfer shall be null and void: provided, that if any such stockholder of a corporate licensee shall become deceased, and that person's heirs or devisees to whom said stock descends by descent and distribution or by will

shall be ineligible to receive a license hereunder, then the legal representatives of said deceased stockholder's estate, that person's heirs and devisees shall have fourteen (14) months from the date of the death of said stockholder within which to sell said stock to a person eligible to receive a license hereunder, with such sale to be made in accordance with the provisions of the probate code and any amendments thereto. If said legal representatives, heirs and devisees shall fail, refuse or neglect to so convey said stock within the time hereinbefore prescribed, then said stock shall revert to and become the property of the corporation, for which the corporation shall pay to said legal representatives, heirs or devisees the book value of such stock. If the stock in any corporation shall be the subject of any trust heretofore or hereafter created, the trustee or trustees and the beneficiaries of each trustee and beneficiary of said trust who is twenty-one (21) years of age or older must be a person who would be eligible to receive a license, or the trustee shall be and that person is hereby authorized and required, within fourteen (14) months after the effective date of the trust, to sell said stock to a person eligible to receive a license under this article, and that person shall hold and disburse the proceeds thereof in accordance with the terms of the trust, or the license of the corporation shall be forfeited.

During the fourteen-month (14) periods hereinbefore mentioned, a corporation shall not be denied a license or have its license revoked if it meets all of the other requirements necessary to have a license as provided in this article.

(Ord. 604, Sec. 4; Code 2003)

5-1005. LICENSE; CONTENTS; DISPLAY; LICENSE FOR EACH PLACE OF BUSINESS. The document or other instrument evidencing the license of a pawnbroker or precious metal dealer shall state the address at which the business is to be conducted and shall state fully the name of the licensee. If the licensee is a partnership, the license shall state the names of the members thereof and, if a corporation, the date and place of its incorporation and the names of all shareholders thereof. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license, but more than one license may be issued to the same licensee upon compliance with all provisions of this article governing the issuance of an initial license.

(Ord. 604, Sec. 5; Code 2003)

5-1006. CHANGE IN LOCATION OF PLACE OF BUSINESS; NOTICE; DUPLICATE LICENSE; RESTRICTIONS. Whenever a licensee shall change that person's place of business to another location within the same political subdivision by which that person is licensed, that person immediately shall give written notice thereof to the clerk of such subdivision who then shall issue a duplicate license which shall show, in addition to all of the information appearing on the old license, a record of the change of location and the date thereof, which new license shall be authority for the operation of such business under such license at such location. The licensee shall return the old license to the appropriate clerk as soon as the new license has been received and the change in location has taken place. No change in the place of business of a licensee

to a location outside of the licensing subdivision shall be permitted under the same license.

(Ord. 604, Sec. 6; Code 2003)

5-1007. EXAMINATION OF BOOKS, ACCOUNTS, RECORDS. Each licensee shall keep and use in the licensee's business such books, accounts and records as will enable the city or county issuing the licensee's license to determine whether such licensee is complying with the provisions of this article. Any such city or county may examine or cause to be examined the books, accounts, records and files used by any licensee or by any other person engaged in the business of pawnbroking or dealing in precious metals, irrespective of whether such person acts or claims to act as principal, designee or broker, or under or without authority of this article.

(Ord. 604, Sec. 7; Code 2003)

5-1008. SUSPENSION OR REVOCATION OF LICENSE; NOTICE AND HEARING. Any license issued under this article may be suspended or revoked, after due notice and public hearing, if the licensee:

(a) Has failed to pay the annual license fee;

(b) Has violated any provision of this article; or

(c) Has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited that person's bond to appear in court to answer charges for any such offense, if such conviction or plea occurred subsequent to or within ten (10) years immediately prior to the date of the licensee's application for the license.

Any license issued under this article shall be revoked, after due notice and hearing thereon, if it shall be proved at the hearing that the licensee sold any handgun to a minor.

Said hearing herein provided shall be held within thirty (30) days after notice thereof, and the alleged violation determined by written order of the city issuing the license within sixty (60) days after such hearing is concluded; but no revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

(Ord. 604, Sec. 8; Code 2003)

5-1009. LOANS SECURED BY PLEDGED GOODS; WRITTEN CONTRACT REQUIRED, CONTENTS; RETENTION, DISPOSITION AND REDEMPTION OF PLEDGED ARTICLES. Every loan made by a pawnbroker for which goods are received in pledge as security shall be evidenced by a written contract, in ink, a copy of which shall be furnished to the borrower. The loan contract shall set forth the loan period, which shall be one (1) month, the date on which the loan is due and payable and the charges, and it shall clearly inform the borrower of his/her right to redeem the pledge during the redemption period of two (2) months after due date. Except as otherwise provided herein, the holder of any such contract shall be presumed to be the person entitled to redeem the pledge, and the pawnbroker shall deliver the pledge to the person presenting the contract, upon payment of the principal and charges.

Every pawnbroker shall retain in that person's possession, after the date on which the loan became due and payable, every article pledged to him for a redemption period of two (2) months. During such period, the borrower may redeem the pledged articles, upon payment of the principal and charges. It shall be unlawful for any pawnbroker to sell or transfer title or possession of any pledged property until the expiration of such period of redemption.

If any pledged article is not redeemed within such redemption period, the pawnbroker shall become vested with all right, title and interest of the pledgor, and that person assigns, to such pledged article, to hold and dispose of as that person's own property. Any other provision of law relating to the foreclosure and sale of pledges shall not be applicable to any pledge, the title to which is transferred in accordance with this section.

(Ord. 604, Sec. 9; Code 2003)

5-1010. REPORT OF PROPERTY PLEDGED OR PURCHASED; REQUIRED HOLDING PERIOD FOR PRECIOUS METAL PURCHASED; REPORT NOT OPEN TO PUBLIC INSPECTION. On or before Tuesday of each week, or at more frequent intervals if required by city ordinance, every pawnbroker or precious metal dealer shall report the description of all property received in pledge or purchased as a pawnbroker or precious metal dealer during the preceding calendar week, in whatever quantity received. Such report shall include all property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale and secondhand merchandise taken in trade. No such report need be made concerning property or merchandise acquired from another pawnbroker or precious metal dealer licensed in this state in transaction involving the purchase or other acquisition from the other pawnbroker or precious metal dealer of the other pawnbroker's or dealer's stock in trade, or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to such property or merchandise.

(b) If a transaction required to be reported under this section takes place within the territorial limits of the city, the report shall be submitted to the chief of police.

(c) All reports made pursuant to this section shall comply with and be submitted in accordance with the terms of any applicable city ordinances or requiring such reporting.

(d) Every precious metal dealer shall retain in the dealer's possession for a period of ten (10) days all precious metal purchased as a precious metal dealer, and such metal shall remain in the condition in which it was purchased. The ten-day period shall commence on the date that the appropriate police chief receives the report of its acquisition in compliance with this section. If the police chief has probable cause to believe that any precious metal reported by a dealer has been stolen, the police chief may give written notice to the dealer to retain such metal for an additional period of fifteen (15) days. Upon such notice, the dealer shall retain such metal in an unaltered condition for the additional fifteen (15) day period unless the police chief notifies the dealer in writing the waiting period is terminated at an earlier time.

(e) Reports made pursuant to this section shall be available for inspection only by law enforcement officers and city and district attorneys and their employees, for law enforcement purposes.

(Ord. 604, Sec. 10; Code 2003)

5-1011. RECORD OF TRANSACTIONS. (a) At the time of making a loan, a pawnbroker shall enter in a book kept for that purpose:

(1) The date, duration, amount and charges of every loan made by the pawnbroker;

(2) A full and accurate description of the property pledged; and

(3) The name, age, residence and driver's license or other personal identification number of the pledgor.

(b) At the time of purchasing precious metal, a precious metal dealer shall enter in a book kept for that purpose:

(1) The date of the purchase;

(2) A full and accurate description of each item purchased, including any identifying letters, numbers or marks on an item; and

(3) The name, age, residence and driver's license or other personal identification number of the seller.

(c) The record required by this section shall be maintained by the pawnbroker or precious metal dealer at the pawnbroker's or dealer's place of business for not less than one year following the date of transaction.

(Ord. 604, Sec. 11; Code 2003)

5-1012. MINORS; PROHIBITED TRANSACTIONS. (a) No pawnbroker shall receive in pledge, or as security for any loan, transfer, service, undertaking or advantage, anything of value from any person under the age of eighteen (18) years.

(b) No precious metal dealer shall purchase any precious metal from any person under the age of eighteen (18) years.

(Ord. 604, Sec. 12; Code 2003)

5-1013. PERIODIC INSPECTIONS TO DETERMINE COMPLIANCE WITH ARTICLE. Law enforcement officers of the city have access during regular business hours to the place of business of any pawnbroker or precious metal dealer conducting business in the city. Access shall be for the purpose of periodically inspecting property pledged or purchased in the transaction of the business of the pawnbroker or precious metal dealer, and records relating to those transactions, to determine if the pawnbroker or dealer is complying with the provisions of this article.

(Ord. 604, Sec. 13; Code 2003)

5-1014. INTEREST AND CHARGES ON PAWNBROKER TRANSACTIONS; APPLICABILITY OF OTHER LAWS; MAXIMUM CHARGES; TERM OF LOANS. (a) On and after July 1, 1972, no pawnbroker shall contract for, charge, or receive directly or indirectly on or in connection with any pawnbroker transaction any charges, whether for interest, storage, insurance, service fee, handling, compensation,

consideration or expense which in the aggregate are greater than the charges provided and authorized by this article. Any other provisions of law relating to interest, storage and such charges shall not be applicable to any pawnbroker transaction made in accordance with this article.

(b) Whenever any loan is made by a pawnbroker for which goods are received in pledge, the following maximum amounts may be charged:

(1) On any amount a charge may be added in an amount not to exceed ten percent (10%) per month or one hundred twenty percent (120%) per annum of the amount advanced to the borrower; and

(2) The maximum amount of a loan authorized by this article shall not exceed $300 per transaction.

(c) The term of any loan made under the provisions of this article shall be one (1) month. Loans may be extended or renewed by the payment of the charges herein provided monthly. The charges authorized herein shall be deemed to be earned at the time the loan is made and shall not be subject to refund. On loans under this article, no insurance charges or any other charges of any nature whatsoever shall be permitted.

(Ord. 604, Sec. 14; Code 2003)

5-1015. TRANSACTIONS IN PRECIOUS METALS, REQUIREMENTS; REFUSAL TO REDELIVER STOLEN PROPERTY TO OWNER, EFFECT. (a) A precious metal dealer shall require every person from whom the dealer purchases precious metal for resale:

(1) Proof of identification; and

(2) A signed statement saying that the seller is the legal owner of the precious metal or is a designee of the legal owner who is authorized to sell such metal and stating when, where and in what manner such metal was acquired by the seller.

(b) When converted or stolen property has been pawned or sold to a precious metal dealer and the pawnbroker or dealer refuses to redeliver such property to the rightful owner upon demand and presentation of a bill of sale or other proper evidence of ownership by the owner, and legal action by the rightful owner to recover the property becomes necessary, the court may assess the pawnbroker or dealer for reasonable attorney's fees incurred by the rightful owner if the court finds that the pawnbroker or dealer wrongfully withheld the converted or stolen property.

(Ord. 604, Sec. 15; Code 2003)

5-1016. PROSECUTION OF VIOLATIONS. Whenever that person has reason to believe a violation of this article has occurred, the city attorney or any of that person's deputies shall prosecute every case to final judgment in the city wherein the alleged offense was committed.

(Ord. 604, Sec. 16; Code 2003)

ARTICLE 11.
FIREWORKS; SALE AND DISCHARGE

5-1101. FIREWORKS. Except as hereinafter provided, it shall be unlawful for any person to sell or discharge fireworks within the city as defined by the regulations of the fire marshall of the state of Kansas within the city.

(Ord. 748; Code 2003)

5-1102. SALE OF FIREWORKS. Upon application to the city clerk, a permit to sell fireworks shall be granted upon the following conditions.

(a) All applications for a permit to sell fireworks shall be submitted to the city clerk at least ten (10) days prior to the granting of such permit. No permits shall be granted prior to June 24th of the year in which fireworks will be sold pursuant to such permit.

(b) Approval of the location upon which fireworks are to be stored and/or sold, provided, however, that no such location shall be within one-hundred fifty (150) feet of another permit location, measured structure to structure. If a tent is used for the construction of the fireworks stand, the material must be of a flame-retardant type. Each such location upon which fireworks are to be sold shall provide for the public not less than one (1) off-street parking stall per one-hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks, or flammable or volatile liquids in excess of one (1) gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. A description of each location referred to herein shall be provided to and approved by the public works director or his/her designee of the city prior to the issuance of a permit to sell fireworks. Each vendor shall furnish without cost to the city such flagperson and attendants as are necessary to insure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vendor shall allow parking on public right-of-way around any sale site.

(c) Prior to issuance of the permit, an inspection will be made of the applicant's facility to determine the square footage of the stand/tent/building and other pertinent laws and no permit shall be issued for any premises not in compliance with such laws. The sale of fireworks will be allowed in areas zoned D, E, F and G in the city. No sales of fireworks shall occur at any location, building, structure, tent or other similarly describable enclosure in conjunction with the retail sales of non-fireworks related items except as allowed by staff at the written request of the vendor. Any items sold under this exception must be approved by city staff prior to any sale taking place.

(d) Approval of all safety precautions and equipment at each sales site by the public works director or his/her designee; such precautions to include fire extinguishers and such other equipment as required by applicable state and city laws and regulations.

(e) Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of $500,000 per occurrence, with the city of Haysville named as an additional insured, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(f) Each vendor shall obtain a policy of product liability insurance for a minimum coverage of $500,000 per occurrence for products sold and/or stored within the city by the vendor, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(g) Each vendor shall at all times indemnify the City of Haysville, Kansas, its officials, representatives, designees and employees, and shall defend, save and hold them harmless, from and against any and all claims, actions, damages, liability and expense, including but not limited to attorneys and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor's customers, representatives, employees, contractors and designees.

(h) Permit fees shall be collected for each sale location based on square feet of the structure. The square footage shall be determined by the interior dimension measurements of the physical structure of the stand/tent/building. Permit fees as established by Chapter 17 shall be collected for each sale location and shall be based on the square footage of the structure or location.

(i) Permit fees as established by Chapter 17 shall be collected for each sale location and shall be based on the square footage of the structure or location. Each permit so issued shall be valid for forty-five (45) calendar days and then shall expire.

(j) No permit shall be issued or renewed to a holder who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient grounds for the rejection of an application for a permit.

(k) The following fireworks shall be prohibited within the City of Haysville: the fireworks commonly referred to as Chinese lanterns.

(Ord. 748, Sec. 2; Ord. 748-A, Ord. 748-B; Code 2003; Code 2012)

5-1103. DESIGNATED SALE TIMES. Fireworks permitted under this article shall be sold only during the following times; 8:00 a.m. to 10:30 p.m., June 27th through July 2nd and 8:00 a.m. to midnight July 3rd and July 4th.

(Ord. 748, Sec. 3; Code 2003)

5-1104. DESIGNATED TIMES FOR FIREWORKS DETONATION. Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city limits shall only be those devices commonly known as fireworks legal for sale within the state of

Kansas. Residents of the city and their guests may detonate fireworks permitted under this article on their private property during authorized shooting hours as set forth in this article. The detonation of fireworks within the city shall be permitted only between 8:00 a.m. and 10:30 p.m. June 27th through July 2nd. On July 3rd and July 4th detonation of fireworks will be permitted between the hours of 8:00 a.m. to midnight. On December 31st detonation of fireworks will be permitted between the hours of 6:00 p.m. to 1:00 a.m. January 1st.

(Ord. 748, Sec. 4; Code 2003)

5-1105. DISCHARGE OF FIREWORKS: EMERGENCY CONDITIONS. Upon the determination of the mayor and based upon recommendations of the city staff, the discharge of fireworks may be limited, suspended or prohibited within the city limits of the city even during those times generally permitted by this article. Such determination shall be made if it appears to the mayor that the discharge of fireworks constitutes an immediate hazard to the safety of property or persons within the city. Such limitation, suspension or prohibition shall be by emergency proclamation, signed by the mayor, which shall be publicized and posted at the City Hall. If thereafter, circumstances occur which minimize or eliminate the hazardous condition resulting in such proclamation, the proclamation may be rescinded or modified by subsequent proclamation with similar posting. In the absence of the mayor, the then serving president of the council shall be empowered to issue such proclamation.

(Ord. 748, Sec. 5; Code 2003)

5-1106. PROCEEDS FROM FIREWORKS PERMIT SALES. Proceeds from the sale of fireworks permits shall be used to fund capital improvements for the Haysville Park System and/or the July 4th public fireworks display.

(Ord. 748, Sec. 6; Code 2003)

5-1107. PENALTY CONNECTED WITH THE SALE OF FIREWORKS. The violation of any provision shall be punishable by a fine of $2,500.00 and/or imprisonment for not more than one (1) year and/or revocation of any permit to sell fireworks. Any permit holder violating any provisions shall first be issued a warning by the police department, and on any second or subsequent violation of this article, the police department shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked hereunder may appeal to the governing body by notice served upon the city clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal.

(Ord. 748, Sec. 7; Code 2003)

5-1108. PENALTY FOR UNLAWFUL DETONATION OF FIREWORKS. The violation of any provision contained in section 5-1104 of this article shall be punishable by a fine not to exceed two hundred fifty dollars ($250.00) and forfeiture of any and all fireworks that were then in the possession of the alleged offender.

(Ord. 748, Sec. 8; Code 2003)

ARTICLE 12.
TEMPORARY PORTABLE BUSINESS PERMIT CODE

5-1201 TITLE. This Article shall be known as the Temporary Portable Business Permit Code.

5-1202. DEFINITIONS.

a) Portable business shall mean and include any person authorized to sell food, flowers, or non-alcoholic beverages or offer for sale goods, wares, merchandise or services which is carried on from a cart, trailer or stand temporarily located on property as authorized by this Code. A portable business shall not include the sale of goods directly from tables, racks, or boxes.

b) All other items, not specifically defined herein, shall be defined in conformance with the Zoning Code of this City.

5-1203. REGISTRATION AND FEE. Every person, firm, entity, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and maintaining a portable business, is required to hold a permit allowing such portable business to operate in the City of Haysville and shall pay a fee as set out in Chapter 17. All fees required by this article shall be credited to the general fund of the city in the same manner as business registration fees imposed upon permanent businesses.

5-1204. INFORMATION REQUIRED. An application for temporary portable business permit shall be developed by the City Clerk, which shall require the following information, as well as other information the City deems pertinent to issuing such permit:

(1) Contact information of the applicant;

(2) Name and nature of the portable business;

(3) Proof of Kansas Retail Sales Tax Number;

(4) Location of the portable business;

(5) Relationship of the applicant to the property location of the portable business, including lease agreement if such location is leased to Applicant;

(6) Dates requested for temporary portable permit;

(7) A drawing which depicts the proposed location of the temporary portable business in relation to the lot and including:

(a) Proposed square footage of the area used

(b) The number of parking spaces that will remain available for the primary business use
(c) The number of parking spaces to be used by the temporary portable business
(d) Measurements of the setback from property lines
(e) Size and location of any signs used for the purposes of the business

5-1205. RESTRICTION ON LOCATION. No portable business shall be permitted on a public right-of-way or public easement. Nor shall such business be located in any sight triangle, as determined by the Public Works Director, or his or her designee. The business shall be located on an all weather surface.

The business or activities of a portable business must be upon property that is accessory to an existing primary use. No portable business shall be allowed to operate if such business would be in violation of the Haysville Zoning Regulations. No person shall conduct activities pursuant to this Article on unimproved surfaces, or on aisleway area. If an actual conflict arises between the language of Chapter 16A or 16B of the Haysville Code, and this Article, the more restrictive regulations shall prevail.

5-1206. PERMIT IS NON-TRANSFERABLE. A permit is not transferable to any other person, firm, or corporation and cannot be used for any activity or at a location other than those listed on the application and approved for the temporary permit. Either moving the business to a new location, or transferring the business to a new owner/operator will require applying for a new permit.

5-1207. SIGNS. No more than two (2) temporary signs shall be permitted if in compliance with the regulations of Chapter 16B Article 2 (Sign Code). Signs shall be of a nature which directs attention to the business conducted or to a commodity or service sold, provided that such sign(s) is limited to a combined square footage of six (6) feet of sign face. Temporary signs can be in the form of a banner, pennant, valance, or advertising display constructed of fabric, card board, wallboard or other light weight materials, with or without a frame, intended for temporary display for not more than 30 days, three times per calendar year. A site plan and application shall be submitted for such temporary signs. There shall be no fee for temporary signs associated with a temporarily permitted business. Vehicles, trailers, carts, or stands that contain advertising as a permanent component shall be allowable provided that the advertising is related to the items or goods being sold and is not otherwise deemed offensive or inappropriate.

5-1208. INSPECTION. Application for temporary portable business permit will constitute permission, from applicant, for inspection by the Public Works Director, or his or her designee, for the purpose of determining that the applicant has complied with applicable electrical code, zoning laws, and all other relevant regulations of the article and the code of the city.

5-1209. PERMIT. The City Clerk, upon confirmation from the Public Works Director, or his or her designee, that the applicant is in compliance of existing codes and regulations, and is operating a lawful business, shall issue a temporary portable business permit. Every permit issued pursuant to this article shall expire thirty (30) days from the issuance date, unless sooner revoked. Prior to expiration the permit holder desiring to renew a permit shall make application for renewal to the city clerk's office. A renewal application shall in all respects be treated as an application for an initial permit. There shall be no more than three (3) permits issued for a portable business on the same property in any twelve (12) month period based on the calendar year.

5-1210. DISTURBANCES. No portable business, nor any person acting on behalf of such business, shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system for the purpose of attracting attention to such business or any goods, wares or merchandise for sale/sold by such business.

5-1211. PERMIT REVOCATION.

a) The Public Works Director, or his or her designee, upon five (5) days written notice to the applicant holding any permit regulated by this article shall revoke such permit for any one of the following reasons:
   (1) If a permit has been fraudulently obtained by giving false information in the application.
   (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.
   (3) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the City.
   (4) If there has been any violation of any of the provisions of this Article.
   (5) If the applicant has failed to obtain all other necessary permits including but not limited to: electrical; plumbing.
   (6) If any portion of the portable business is deemed an immediate safety hazard as determined by the Public Works Director, or his or her designee.
   (7) Unauthorized use of the public right-of-way for sale or display of merchandise.
   (8) Violation of a provision of Chapter 16A or Chapter 16B of this Code.

b) Notice of the revocation of a permit shall notify the permit holder of the revocation of his or her permit in writing, setting forth the grounds for revocation, which shall be hand delivered to the permit holder or mailed to the permit holder's permanent address appearing on the permit application. Such notification shall be sent as soon as practicable but in no case beyond 24 hours from the time such permit is revoked. Any person aggrieved by the action of revocation of a permit as provided in this Article, shall have the right to appeal to the Governing Body. Such appeal shall be taken by filing with the City Clerk within ten (10) business days after notice of revocation of the permit has been mailed to such applicant's address as provided in the application

setting for the grounds for appeal. The Governing Body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of hearing on denial of license.

5-1212. EXEMPTIONS. Vendors participating in designated community events, as established by the Governing Body of the City, including but not limited to the Hometown Market, Fourth of July Celebration, Fall Festival, City Wide Garage Sale, and Community Expo, shall be exempt from the requirements of this Article, but may be required to receive a permit to participate in any such event by the organizers of such community event.

5-1213. PENALTY. Any person, firm or corporation, company, partnership or other entity who shall be found guilty of violation of this article shall be subject to a fine of not less than fifty dollars ($50) or more than one-thousand dollars ($1000); or imprisonment for not more than one hundred eighty (180) days; or both such fine and imprisonment. Each day the violation is committed shall constitute a separate offense.

5-1214. APPEALS.

a) Any applicant who is denied issuance of a permit may seek a review and hearing on the denial before the Director of Public Works. Such an appeal must be filed in writing with the City Clerk within ten calendar days of the denial stating the specific reasons why the denial is being appealed. Upon receipt of the appeal, a hearing shall be scheduled within five business days. Within five business days following the hearing, the hearing officer shall issue his or her decision in writing. It is the responsibility of the person filing the appeal to provide sufficient information to the City Clerk so that such person may be notified consistent with the schedule herein stated. Otherwise, all notices will be sent to the permanent address appearing on the application.

b) An applicant or licensee may appeal the decision of the City Inspector which either denies an application for a license, or revokes a license as provided in this Article. Such appeal shall be to the Governing Body, and must be filed in writing with the City Clerk within ten days after the notice of denial or revocation has been mailed or hand delivered to an applicant or licensee. The Governing Body shall set a hearing on any appeal at the next regularly scheduled City Council meeting.

c) The decision and order of the Governing Body on such appeal shall be final and conclusive.

5-1215. ENFORCEMENT. In addition to all law enforcement officers of the City, the Director of Public Works, and his or her designees, shall have the power to enforce the provisions of this Article.

5-1216. COMPLIANCE WITH STATE STATUTE. Nothing in this chapter shall be interpreted to authorize any person licensed hereunder to transact business in violation of

any state statute governing the conduct of transient merchants or portable businesses, nor shall compliance with the provisions of this chapter relieve any person from compliance with the state statutes requiring the licensing of transient merchants or portable businesses.

(Code 2010)

ARTICLE 13.
DOOR TO DOOR SALES

5-1301 DEFINITIONS.

"Door-to-door salesperson," "solicitor," "canvasser," and "peddler," as used in this Article, mean any individual whose business is mainly or principally carried on by traveling either by foot, automobile or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any kind whatsoever, for present or future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments or not; and also includes any person who, without traveling from place to place, sells or offers any such goods for sale from any automobile or other type of conveyance; provided, however, that this definition does not include persons selling only to retailers, nor any person representing any tax-exempt charitable, educational, fraternal, dependent upon charitable gifts, or community service organization, persons with a regular newspaper delivery route or regular milk or food delivery route that do not generally solicit new business by door to door sales.

5-1302 Permit required, Exemptions.

A. It is unlawful for any person to engage in the business of door-to-door sales, solicitation, canvasser or peddler, as defined in this Article, within the City without first obtaining a permit as provided in this Article.

B. Permits issued pursuant to this Article shall be valid for a period of thirty days, six months, or one year following the date of issuance.

C. All persons engaging in the business of door to door sales, solicitation, canvasser or peddler as used in the article must carry a copy of the approved application on their person at all times while conducting business, and produce it for anyone to see such permit.

D. The Chief of Police is hereby directed to adopt written regulations regarding identification measures with which door-to-door salespersons shall comply. Identification regulations shall include requirement that all door-to-door salespeople wear an i.d., or uniform identifying such person's company affiliation, and that a copy of the permit required by this Article be shown by all door-to-door salespeople at the beginning of each sales contact. A copy of the current regulations required by

this section will be attached to the approved permit by the City Clerk, or the Clerk's designee, prior to giving such permit to the applicant.

5-1303 Application.

Any person desiring to apply for a permit under the provisions of this Article shall file with the city clerk a sworn application in writing, in duplicate, on a form to be furnished by the city clerk, including the following:

A. The name and description of the applicant;

B. The permanent home address and local address of the applicant;

C. A brief description of the nature of the business to be carried on or the goods or services to be sold, and the length of time such applicant has been engaged in such business;

D. If employed, the name and address of the employer, together with credentials establishing such relationship; if the applicant is intending to use employees to carry out this business, the name of each such employee who will be working in the City and such identifying information as required by the Clerk;

E. The length of time for which the permit is desired;

F. If a vehicle(s) is/are to be used, a description of the same, together with the permit number or other means of identification;

G. The names of at least two reliable persons who will certify as to the applicant's good character and business responsibility to enable an investigator to properly evaluate such character and business responsibility;

H. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, giving the nature of the offense and the punishment or penalty assessed therefore; and

I. A suitable release, authorizing the city's police department to conduct such background investigation of the applicant as the police chief may deem appropriate.

5-1304 Fee.

The application shall be accompanied by a fee as set out in Chapter 17 which shall be due and payable at the time the application is received. Such fee shall be set by the governing body in an amount appropriate to cover the cost of investigation of the applicant's background.

5-1305 Investigation--Authority.

Upon receipt of any such application, the original thereof shall be referred to the Chief of Police, who shall cause such investigation to be made of the facts stated in the application and of the applicant's business and moral character as he or she deems necessary for the protection of the public good, and shall report the results thereof to the city clerk within ten days after receipt of the application.

This investigation may be waived by the Chief of Police for those vendors, and those employees of such vendors, who have obtained such a background check conducted

by the Haysville Police Department within the previous twelve months in association with a previously issued door to door permit issued pursuant to this Article, if neither such vendor, nor any of such vendor's employees, have generated complaints in association with such previously obtained permit. An investigation must be conducted upon all vendors, and applicable employees, pursuant to this Article at least annually.

5-1306 Issuance of OR denial of permit.

A. If the character and business responsibility of the applicant are found to be good and the facts stated in the application are found to be true, the Chief of Police shall endorse his recommendation for approval upon the application and return the same to the City Clerk who shall deliver to the applicant the permit. Such permit shall show the name, address and the kind of goods or services be sold there under, the date of issuance and expiration date, together with the permit number or other identifying description of any vehicle proposed to be used in association with door to door sales carried out pursuant to such permit.

B. If the applicant's character or business responsibility is found to be unsatisfactory or the facts stated in the application are found to be untrue, the Chief of Police shall endorse his recommendation for disapproval upon the application, and the reasons therefore, and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

5-1307 Revocation.

A. Permits issued under the provisions of this Article may be revoked by the Chief of Police or his or her designee after notice for any of the following causes:

1. Fraud, misrepresentation or a false statement contained in the application for a permit;
2. Fraud, misrepresentation or a false statement made in the course of carrying on the business provided for in the permit;
3. Any violation of the provisions of this Article;
4. Conviction of any crime or misdemeanor including but not limited to those crimes involving moral turpitude, fraud or misrepresentation;
5. Conducting the business of the permit in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public, including failure to honor a property owner's desire to be free from solicitation as indicated by the posting of a sign upon any property stating "no solicitation", or any analogous phrase.
6. Violation of any part of this Article by any representative of the permit holder, or by any individual, corporation, partnership, or organization that the permit holder represents.

B Revocation of a permit shall be immediate for any of the above listed reasons, or for any reason deemed to pose a risk to the health, safety, or welfare of the City. Individuals shall be notified verbally by the enforcing officer of the revocation of such permit. A written notification shall be mailed to the address provided on the

permit application by registered mail. Failure to accept delivery of such registered letter shall not be a failure of notification.

C. Notice for the revocation or denial of a permit given in writing shall set forth specifically the grounds for the denial or revocation. A request for an administrative hearing to appeal the decision to deny or revoke such application or permit must be made in writing to the City Clerk within five (5) days of receipt of such written notice.

5-1308 Appeal--Hearing.

Any person aggrieved by the action of the Chief of Police or City Clerk in the denial of an application for a permit or permit shall have the right to appeal to the governing body of the city within ten days after the denial, or the revocation of a permit shall have the right to appeal to the governing body of the city within ten days after the denial or revocation of the permit, by filing with the City Clerk a written notice of intention to appeal, setting forth fully the grounds for such appeal, and providing all evidence to support such appeal. The governing body shall, at its next meeting after the filing of such appeal, fix a time and place for a hearing thereon. Notice of such hearing shall be given to the applicant in the manner provided for notice of hearing on revocation of a permit issued hereunder. The decision of the governing body on such appeal shall be final.

5-1309 Hours of Operation.

No person shall engage in the business of door to door sales, solicitation, canvasser, or peddler between the hours of 8:00 P.M. and 10 A.M. unless permitted to do so under other applicable city ordinance.

5-1310 Exemption.

The provisions of this Article do not apply to any person required by city ordinance to obtain a mobile ice cream vending permit.

5-1311 Penalty for violation.

Any person who canvasses or solicits in the city contrary to the provisions of this Article or refuses to surrender his permit after the same has expired or has been suspended, revoked or canceled, or who otherwise violates any of the provisions of Article shall, upon conviction thereof, be found guilty of an unclassified misdemeanor, and may be punished by a fine of not more than five hundred dollars, imprisonment for not to exceed thirty days, or by both such fine and imprisonment.

(Code 2010, Ord. 1002)

ARTICLE 14.
MANUFACTURED HOMES, PARK, AND LICENSING

5-1401 LICENSE REQUIRED. All persons operating existing parks shall submit an application and obtain a park license, upon the expiration of their existing license, with

such new license being issued only after approval by the inspector, approval of zoning and only after payment of the required fee. All persons developing new parks shall submit an application and obtain a park license before occupancy of such park, with such license being issued only after meeting zoning approval, approval of required application by the inspector and only after payment of the required fee. The park license for both existing and new parks shall be renewed annually, with the license expiring December 31st of each year regardless of when the license was issued only after approval by Zoning and the inspector and after the payment of any required fees. No person shall operate a park without a current park license.
(Ord. 632; Code 2003; Code 2010)

5-1402 LICENSE AND PERMIT FEES.

a. License and permit fees for manufactured home parks shall be as set out in Chapter 17.

b. An individual manufactured home or mobile home shall pay inspection fees as established by Chapter 17, prior to the installation of the home in a park and shall be paid to the city from persons requesting inspections, prior to the city conducting such inspections.

c. Temporary permits may be issued for a manufactured home, or mobile home, to be occupied other than within a park or camp, for a period not to exceed thirty (30) days, upon payment of any temporary permit fee established by Chapter 17. Occupancy shall be considered the use of any manufactured or mobile home by any person for living, sleeping, cooking, or eating purposes for any period of four (4) or more consecutive days. There shall not be more than two (2) such permits issued for the placement of a manufactured home or mobile home on the same property in any twelve (12) month period EXCEPT a church may be issued up to six (6) permits for no more than a 20 day period in any twelve (12) month period not to be consecutive. Prior to occupying a manufactured home, or mobile home, located other than within a park, a permit shall be obtained, with such permit being issued only after approval of the required application by the inspector and after payment of the required fee as set out in the approved schedule of fees.
(Ord. 632; Ord. 914; Code 2003; Code 2008; Code 2010)

5-1403 PARK LOCATION. All parks shall be located on a well-drained site properly graded to insure adequate drainage and freedom from stagnant pools of water. Plans and specifications for the drainage and grading system, including roadways, storm sewers and appurtenances, and general drainage and grading shall be prepared by a licensed professional engineer.
(Ord. 635; Code 2003)

5-1404 MANUFACTURED HOMES, MOBILE HOMES LOCATION. Unless provided otherwise by this article it shall be unlawful for any person to occupy a manufactured

home/mobile home in the city unless such manufactured home/mobile home is located in a park.

a. A manufactured home/mobile home may be occupied at a construction site by a watchman when approved by the inspector when deemed necessary for security purposes. Such permission may be canceled by the inspector upon three (3) days written notice, when in his or her opinion the intent of this section is being violated;

b. A manufactured home/mobile home may be occupied other than within a park for a period not to exceed thirty (30) days when a permit is secured in accordance with sections (license/permit fees C.) of this article. A temporary permit fee shall be charged in accordance with Chapter 17 of this code.

c. A manufactured home/mobile home shall not be permanently attached to the ground or placed on a concrete or masonry foundation unless it is otherwise converted to a building complying in all respects to the provisions of the code of the city for a permanent structure.

5-1405 GENERAL REQUIREMENTS. Every manufactured home/mobile home regulated by this article shall conform with the Department of Housing and Urban Development Model Manufactured Home Installation Standards and any additions or updates (effective October 20, 2008).

a. Alterations and Additions. No additions of any kind shall be built onto or become part of any manufactured home/mobile home, except for required skirting.

b. Identification of Roadways and Spaces – All park roadways or private streets, and manufactured home/mobile home spaces shall be clearly identified with letters or numerals of a light reflecting material. Such letters or numerals are to be a minimum of two (2) inches in height. Identification of manufactured home/mobile home spaces shall be in addition to and not in place of any identification found on the manufactured home/mobile home.

c. Patios and Storage Lockers. Each occupied manufactured home/mobile home space located in a park shall be provided with a paved patio of at least two-hundred (200) square feet. A storage locker of at least two-hundred fifty (250) cubic feet shall be provided for each manufactured home/mobile home lot. Storage lockers may be grouped in locker compounds at a distance not to exceed one-hundred (100) feet from manufactured homes/mobile homes they serve. The lockers shall be designed in a manner that will enhance the park and shall be constructed of suitable weather resistant materials.

d. Lighting – Adequate lighting shall be provided for public safety. A lighting plan shall be submitted in accordance with the Developer's Letter of Intent.

e. Skirting – All manufactured homes/mobile homes located in a park is required to have skirting, of a material designed to be used as manufactured home/mobile home skirting that does not have a flame spread rating in excess of twenty-five. Vinyl skirting shall be a minimum of 30 gauge thickness. Skirting shall not permanently attach the manufactured home/mobile home to the ground, nor shall it provide a harborage for rodents or create a fire hazard. Violations shall be subject to the nuisance procedure found in Chapter 7 – Health and Welfare.

f. Water Supply. A water supply system for each lot in the proposed park or subdivision shall be required in conformity with the requirements of the City Engineer. In addition thereto and where feasible, such water supply system shall be connected to the size of the city water main at such point and expected demand of the proposed park or subdivision.

g. Sewage Disposal. A sanitary sewer system for each lot meeting all specifications of the City Engineer. Such sanitary sewer system shall be connected to the sanitary sewer system of the city at such point or points as the City Engineer shall determine, based upon the location and size of the sanitary system of the proposed park or subdivision. Sewer connections shall be provided for each manufactured home/mobile home in accordance with all regulations and ordinances of the city and with the approval of the city engineer and the inspector.

h. Electricity. A weatherproof outlet supplying at least 110 volts, 30-amp service shall be provided for each manufactured home/mobile home space. All electrical wiring shall comply with applicable provisions of the electrical code of the city. No power line shall be permitted to lie on the ground or to be suspended less than fifteen (15) feet above the ground or any roadway, parking or service area.

i. Fuel Gas. Liquefied petroleum gas service, connections and usage shall be as provided by the fire code adopted by this city. Natural gas service, connections and usage in parks and camps shall be as provided by the plumbing and gasfitting and fire prevention codes as adopted by this code.

5-1406 COMPLIANCE WITH OTHER REGULATIONS REQUIRED. No license shall be granted unless the licensee fully complies with all health regulations, building codes, zoning ordinances, fire prevention, and safety regulations adopted by the city.

5-1407 PENALTY. Any person who shall violate any provisions of this article shall be deemed guilty of a violation of this code and upon conviction be subject to the penalties set out in Chapter 1. Each day the violation is committed or continued shall constitute a separate offense.
(Ord. 374, Sec. 18; Code 2003; Code 2010; Code 2012)

ARTICLE 15.
RECREATIONAL VEHICLES, CAMPS

5-1501 DEFINITIONS.

(a) Recreational Vehicle: Shall mean a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet. Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted busses, house boats or other similar units as determined by the inspector. A recreational vehicle may or may not include individual toilet and bath.

(b) Recreational Vehicle Campground (Camp): Shall mean the use of a parcel or tract of land, which provides space for transient occupancy, and which is used or intended to be used for the parking of two (2) or more recreational vehicles, tents, or similar type temporary living facilities. The term recreational vehicle campground does not include a parcel or tract of land on which unoccupied recreational vehicles, whether new or used, are parked for the purpose of storage, inspection or sale.

(c) Service Building: Shall mean a building housing all of the following: Separate toilet facilities for men and women, laundry facilities and separate bath and/or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the camp or park.

(Ord. 632.; Code 2003, Code 2010)

5-1502 LOCATION; RECREATIONAL VEHICLES. Unless provided otherwise by this article it shall be unlawful for any person to occupy a recreational vehicle unless such recreational vehicle is located in a camp.

5-1503 LICENSE AND PERMIT FEES. License and permit fees for recreational vehicle camps shall be as set out in Chapter 17.

a. Temporary permits may be issued for a recreational vehicle, to be occupied other than within a manufactured home park or recreational vehicle camp, for a period not to exceed thirty (30) days, upon payment of any temporary permit fee established by Chapter 17. Occupancy shall be considered the use of any manufactured or mobile home by any person for living, sleeping, cooking, or eating purposes for any period of four (4) or more consecutive days. There shall not be more than two (2) such permits issued for the placement of a recreational vehicle on the same property in any twelve (12) month period EXCEPT a church may be issued up to six (6) permits for no more than a 20 day period in any twelve (12) month period not to be consecutive. Prior to occupying a recreational

vehicle, located other than within a park or camp, a permit shall be obtained, with such permit being issued only after approval of the required application by the inspector and after payment of the required fee as set out in the approved schedule of fees.

b. A recreational vehicle may occupy a manufactured home space in a park for a period not to exceed thirty (30) days: PROVIDED that a service building as required for a camp is within five-hundred (500) feet of the space so occupied. Under no circumstances shall the number of manufactured home spaces within a park be occupied by recreational vehicles in excess of five percent (5%) of the total number of manufactured home spaces provided, or a total of three (3), whichever is larger.

5-1504 CAMP LICENSE. No person shall operate a camp without having first obtained a license therefore and only after said camp has been approved by the inspector and zoning administrator and any required fees have been paid to the city. All camp licenses shall expire on December 31st of each year regardless of the date of its issuance. All persons developing new camps shall obtain a camp license before occupancy of such camp and no such license shall be issued until the applicant for said license has complied with all provisions of this article.

5-1505 CAMP LOCATION. All camps shall be located on a well-drained site properly graded to insure adequate drainage and freedom from stagnant pools of water. Plans and specifications for the drainage and grading system, including roadways, storm sewers and appurtenances, and general drainage and grading shall be prepared by a licensed professional engineer.
(Code 2010)

5-1506 ALTERATIONS AND ADDITIONS. Provisions relating to alterations or additions to recreational vehicle camps and facilities shall be as follows:

a. Alterations and additions to recreational vehicles or camps that are affected by provisions herein, within or to a camp and facilities, shall be made only after application to the inspector and in conformity with this code.

b. A recreational vehicle shall not be permanently attached to the ground or placed on a concrete or masonry foundation unless it is otherwise converted to a building complying in all respects to the provisions of the Code of the city for a permanent structure.

5-1507 COMPLIANCE WITH OTHER REGULATIONS REQUIRED. No license shall be granted unless the licensee fully complies with all health regulations, building codes, zoning ordinances, fire prevention, and safety regulations adopted by the city.

5-1508 PENALTY. Any person who shall violate any provisions of this article shall be deemed guilty of a violation of this code and upon conviction be subject to the penalties set out in section 1-121. Each day the violation is committed or continued shall constitute a separate offense.
(Ord. 374, Sec. 18; Code 2003; Code 2010; Code 2012)

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CHAPTER VI. FIRE PROTECTION

Article 1. Fire District
Article 2. Fire Prevention Code

ARTICLE 1.
FIRE DISTRICT

6-101. FIRE DISTRICT. The city of Haysville is included within Sedgwick County Fire District No. 1, and the Sedgwick County Fire Department is the agency authorized to provide and enforce fire protection and fire prevention within the city.
(Code 1984)

ARTICLE 2.
FIRE PREVENTION CODE

6-201. ADOPTION OF THE INTERNATIONAL FIRE CODE, ~~2003~~2012 EDITION. ~~(a) There is hereby adopted by reference by the city of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Fire Code, 2003 Edition, including appendices B, C, D, E, F, and G and the International Fire Code Standards, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, save and except such portions as are omitted, amended or modified by this article. Three copies of said code along with amendments set forth in section 6-201(b) of this article, have been and are now filed in the office of the city clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.~~

~~(b) The International Fire Code, 2003 Edition, is amended by adopting those changes, deletions and additions contained in Resolution No. 201-04 of the Board of County Commissioners of Sedgwick County, Kansas, adopted November 17, 2004, and incorporated by reference herein.~~

(a) The **International Fire Code, 2012 edition,** including appendices B, C, D, E, F, and G, and the International Fire Code Standards, published by the International Code Council 5203 Leesburg Pike, Suite 600, Falls Church VA, 222041, save and except such portions as are omitted, amended or modified in this article and set forth herein, hereinafter altogether referred to as the "I.F.C." or "Fire Code," is hereby adopted in its entirety by the board of county commissioners and by the board of county commissioners sitting as the governing body of county fire district number one, as the fire code for Sedgwick County, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, to be effective within

all unincorporated areas of Sedgwick County, Kansas, that are included in Sedgwick County Fire District Number One, enforcement pursuant to a separate agreement with Sedgwick County Fire District Number One providing for enforcement within the municipal boundaries by officers of the Fire Prevention Department, and conferring jurisdiction upon Sedgwick County for all prosecutorial functions relating thereto.

(b) One copy of the Fire Code incorporated by reference in this Article shall be filed with the city clerk. Such copies shall be marked or stamped "Official Copy," with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Such copies shall have attached a copy of Chapter 6 containing the language of this Article, and shall be open to inspection and available to the public during all reasonable business hours.

(Ord. 698; Code 2003; Ord 883; Code 2015)

6-202. FIRE CHIEF; RULES AND REGULATIONS. The fire chief is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of the code adopted by section 6-201. ~~Three certified copies~~ One copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter and additional copies shall be kept in the office of the fire department for distribution to the public.

(Code 1984; Code 2003)

6-203. BURNING OF PAPERS, SHAVINGS, WEEDS, BRUSH, LEAVES, AND OTHER MATERIALS. It shall be unlawful for any person to start a fire to any pile of papers, shavings, weeds, brush, leaves, grass or other combustible material on any of the streets, alleys, gutters, parkways or upon any other public or private grounds within the city; PROVIDED HOWEVER, a fire may be built in any outdoor stove, oven, fireplace, barbecue pit or a portable burner for the purpose of cooking food; PROVIDED FURTHER, that any such fire so started shall be extinguished and made safe before the persons starting or maintaining the same shall leave the place where the fire was started; and PROVIDED FURTHER, that businesses, industries and charities which must, in the conduct of their operation, start fire to combustible material or make fire of any description in the open air, may make application to the public works director of the city and Sedgwick County Fire Department for special permission to start fire to combustible material or to make fire in the open air.

(Ord. 682, Sec. 1; Code 2003)

6-204 CHANGES, ADDITIONS, AND DELETIONS TO SECTIONS OF THE I.F.C. AND THE APPENDICES THERETO ARE ADOPTED ONLY AS SET FORTH HEREINAFTER:

101.1 Title. These regulations shall be known as the Fire Code of Sedgwick County, hereinafter referred to as the "fire code," the "I.F.C.", or "this code." This code shall be the fire code for all unincorporated areas of Sedgwick County, Kansas, included in county fire district

number one, including those second- and third-class cities located therein which have by action of their governing bodies adopted the same fire code and standards in the same form as herein contained providing for enforcement within their municipal boundaries by officers of the bureau of fire prevention and conferring jurisdiction upon the county for all prosecutorial functions relating thereto.

SECTION 101, GENERAL

Sec. 101 *is hereby amended by adding a new Section 101.6, which shall read as follows:*

101.6 Reference Codes.

1. Whenever used in the Fire Code, the term "*ICC Electrical Code*" shall be construed to mean the current Sedgwick County Electrical Code.

2. Whenever used in the Fire Code, the term "*International Fuel Gas Code*" shall be construed to mean the current Sedgwick County Plumbing Code.

3. Whenever used in the Fire Code, the term "*International Mechanical Code*" shall be construed to mean the current Sedgwick County Mechanical Code.

4. Whenever used in the Fire Code, the term "*International Plumbing Code*" shall be construed to mean the current Sedgwick County Plumbing Code.

5. Whenever used in the Fire Code, the term "*International Existing Building Code*" shall be construed to mean the current Sedgwick County Building Code.

SECTION 103, DEPARTMENT OF FIRE PREVENTION

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. Persons so appointed by the code official shall be "code enforcement officers" as code enforcement officer is defined in K.S.A. 19-101d(b)(2) and shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d in addition to all other powers and authority granted to them or any of them by any other applicable federal, state or county law, rule or regulation.

SECTION 105, PERMITS

Section 105.1 *is hereby amended by adding a new Section 105.1.4, which shall read as follows:*

105.1.4 Permit fees. Permit fees required by this code are established as follows:

Table 105.1.4
PERMITS AND OTHER FEES

Operational Permits (Sec. 105.6) - Permit to Operate/Use

Wood Products Storage Permit.....$500.00 per year
(in excess of 1,000 cubic feet)

Explosive Storage Permit - Outdoor storage units ..... $150.00 per unit
Explosive Storage Permit - Building..... $200.00 per unit
Explosive Storage Permit - Fire works sales not to exceed 15 day..... $20.00 per unit

Flammable and Combustible Liquid Tank at Construction Sites:

500 gallons.....$50.00 per tank
501-1000 gallons .....$75.00 per tank
1001 gallons or more .....$100.00 per tank

Commercial Burning - 30 day permit..... $ 75.00 per permit
(Contracted work for Governmental entities is not exempt from the fee)

Pyrotechnic Special Effects Display Permit - Indoor/Outdoor.....$100.00 per event
(The fee shall increase $25 per day each day the application is submitted less than 10 days prior to the event)

Pyrotechnic Special Effects Display Permit - Re-inspection fee.....$100.00 per inspection

Special Amusement Facility or similar operations - Indoor/Outdoor .....$50.00 per event
Special Amusement Facility or similar operations - Indoor/Outdoor Re-inspection .....$100.00 per inspection

Storage of scrap tires and tires byproducts .....$500.00 per year
(in excess of 1,000 cubic feet)

Construction Permits (Sec. 105.7) - Permit to Install/Alter

Fire Alarm and Detection Systems $35.00

Fire Extinguishing system - Cooking Hood System (New Install).....$35.00 per system

Fire Extinguishing system - Spray Finishing Operation (New Install) .....$60.00 per system

Fire Sprinkler System $35.00

Private water supply lines for fire protection.....$70.00

Temporary membrane structures, tents and canopies .....$35.00 per structure

Table 105.1.4
PERMITS AND OTHER FEES

Fire Alarm and Sprinkler System Plan Review Fees (Sec. 112)

Fire Alarm System and Fire Sprinkler System (based upon number of devices or sprinkler heads):

1-19	devices or heads	$50.00
20-100	devices or heads	$125.00
101-200	devices or heads	$175.00
201-300	devices or heads	$225.00
301-400	devices or heads	$275.00
401-500	devices or heads	$325.00
501-600	devices or heads	$375.00
701-900	devices or heads	$425.00
901-1100	devices or heads	$475.00
> 1100	devices or heads	$475.00*

*(*plus $0.50 per every device or head greater than 1100)*

Table 105.1.4
PERMITS AND OTHER FEES

Other Fees

Appeals Fee (Sec. 108.1.1)..... $100.00 per appeal

Printed copy of the Fire Code Amendments.....$25.00 per copy

Fire Hydrant Flow Test conducted by the fire Department.....$100.00 per test report

Fire Run Reports *(When requested along with the fire investigation report, a single fee shall apply)*

0 to 2 years after date of incident.....$25.00 per incident
2 to 4 year after date of incident.....$35.00 per incident
5 or more years after date of incident.....$75.00 per incident

Fire Investigation report *(When requested along with the fire run report, a single fee shall apply)*

2 to 4 years after date of incident.....$35.00 per incident
5 or more years after date of incident.....$75.00 per incident

Fire Protection Equipment and Fire Hydrant Verification (in written format)..... $35.00 per hour

Inspections conducted outside of normal business hours, except Pyrotechnic Displays..... $35.00 per hour
(minimum charge - $35)

Interpretation of a fire code requirement (in written format)..... $35.00 per hour
(minimum charge - $35)

Re-inspection fee of a fire alarm system, fire detection system, or fire sprinkler
system resulting from system failure or contractor delay.....$200.00 per inspection

Additional Plan Review Fee resulting from an incomplete submittal or denial of plans.....One-half of original fees
(minimum charge - $35)

Additional Expedited Plan Review Fee ..... One and one-half of original fees
(minimum charge - $100)

Return Check Fee.....$30.00, plus original fees

Reproduction cost of 35mm, digital, video or audiocassette.....$35.00 per hour, plus actual cost of reproduction cost
(minimum charge - $35)

Section 105 *is further amended with the addition of new Section 105.1.5, which shall read as follows:*

105.1.5 Payment of fees. Cash or check may used for the payment of permits and other fees required by this code. In any case where a check issued for payment of permits or other fees required by this code is returned marked "insufficient funds" or "account closed" or otherwise dishonored, the remitter of the check shall be liable for a $30.00 return check service charge, in addition to the permit or other fee. The amount of the returned check, together with the service charge shall constitute a debt due the county, which may be collected by suit or otherwise. Nothing in this subsection shall be construed so as to exclude criminal prosecutions as in other cases involving dishonored checks. A return check shall void and nullify any approval granted by the fire department until such time new permit application are reviewed and approved by the fire department. Payment of those fees shall be either certified check or by cash.

Section 105.6 *is hereby deleted in its entirety and a new Section 105.6 is hereby adopted, which shall read as follows:*

105.6 Required operational permits. A permit shall be obtained from the bureau of fire prevention of Sedgwick County Fire District Number 1 prior to engaging in the following activities, operations, practices or functions:

105.6.1 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects materials within the scope of Chapter 33. The permit is non-renewable and a new permit application is required to be submitted in a manner as approved by the fire department.

Exception: Storage in R-3 occupancies of smokeless propellant, black powder, and small arm primers for personal use, not for resale and in accordance with Section 3306.

105.6.2 Flammable and combustible liquids. An operational permit is required to install, use or place in service any aboveground fuel storage tank in excess of 30 days at any temporary construction site. The permit shall be valid only at the site stated on the permit and is not transferable to another location once said permit has been issued.

105.6.3 Wood Products Storage. An annual operational permit is required to use an open area or portion thereof to store or process wood pallets, wood chips, hogged material, fines, compost, mulch and raw products in excess of 1000 cubic feet.

105.6.4 Open burning. An operational permit is required for the kindling or maintaining of any open fire or a fire on any street, alley, road, or other public or private ground in accordance with Section 307. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires.

105.6.5 Pyrotechnic special effects material. A non-renewable operational permit is required for use and handling of pyrotechnic special effects material at any location.

105.6.5.1 Indoor Pyrotechnic Display. The operational permits is required to be applied for in such form and detail in accordance with Section 3308.2.3

105.6.5.2 Outdoor Pyrotechnic Display The operational permit is required to be applied for in such form and detail in accordance with Section 3308.2.1

105.6.6 Outdoor special amusement facility or similar operations. An operational permit is required to operate an outdoor special amusement facility haunted forest or similar operation

105.6.7 Indoor special Amusement building or similar operations. An operational permit is required to conduct a special amusement facility or operation, haunted house, fun house, spook house, haunted cave or mansion, spook walk, haunted forest or similar installations and operations, set up temporary use not to exceed ninety (90) days and which structure, area, location or any part thereof was not originally designed for this specific use, whether or not such operation or use is for profit. Such operations to be done in accordance with Section 907.2.11

105.6.8 Storage of scrap tires and tires byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 1,000 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts in accordance with Chapter 25.

Section 105.7 *is hereby deleted in its entirety and a new Section 105.7 is hereby adopted, which shall read as follows:*

105.7 Required construction permits. A permit is required to be obtained from the Fire Prevention Bureau of Sedgwick County Fire District #1 prior to engaging in the following activities, operations, practices or functions.

105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system in accordance with Chapter 9. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.2 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to a fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.3 Fire apparatus access drive. A construction permit is required for the installation of an access drive for every building here constructed when any portion of an exterior wall of the first story is located more than 150 feet from the edge of any street or roadway

105.7.4 Private water supply for fire protection. A construction permit is required for the installation or modification of private water supply systems.

105.7.5 Temporary membrane structures, tents and canopies. A construction permit is required to erect or install or use any air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m 2), or a canopy in excess of 400 square feet, except tents used exclusively for recreational camping purposes. The total aggregate area is to be considered in determining the size when multiple structures or tents are used.

SECTION 108, BOARD OF APPEALS *is hereby deleted in its entirety and a new Section 108 is hereby adopted, which shall read as follows:*

108.1 Board of appeals established. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of the I.F.C, there shall be and hereby is created a board of appeals consisting of six (6) member who are qualified by experience and training to pass upon pertinent matters and who are not employees of county or county fire district number one, who shall be qualified, appointed and sworn to the office before the county clerk. The fire chief of county fire district number one and the director of the department of code enforcement shall attend each meeting of the board of appeals and shall be available to defend decisions made by the fire chief and to provide technical information to the board of appeals, but neither the fire chief nor the director of the department of code enforcement shall have a vote upon any matter before the board of appeals. The county counselor shall provide legal counsel for the board of appeals. The board of appeals shall be appointed by the governing body of county fire district number one to serve at its pleasure and each board member so appointed shall serve for a term of three (3) years. In the event of the death, resignation or disqualification of any member of the board of appeals, such member's successor shall be appointed as herein provided to fill only the un-expired term caused by the vacancy. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations, and shall appoint one of its members to serve as secretary whose duty shall be to keep accurate written minutes of each meeting, and the board of appeals shall render all findings and decisions in writing to the fire chief with a duplicate copy to the applicant or appellant.

The Board of Appeals shall consist of at least one individual from each of the following professions:

1. Registered design professional that is a registered architect with at least ten years experience, five of which shall have been in responsible charge of work.

2. Registered design professional with structural engineering or architectural experience.

3. Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years experience, five of which shall have been in responsible charge of work.

4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years experience, five of which shall have been in responsible charge of work.

5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience, five of which shall have been in responsible charge of work.

6. Licensed General contractor with at least ten years experience regularly engaged in the construction, alteration, maintenance, repair or remodeling of buildings or building services and systems regulated by the code.

108.1.1 Application for appeal. All appeals shall be made in writing to the chief of the fire department within ten (10) calendar days of the pronouncement of the decision being appealed from, or be forever barred. Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the board of appeals. Such request shall include an appeal fee of $100. The appeal fee may be waived by the code official if it is determined it will cause financial hardship to the appellant. The determination is to be made prior to the application for appeal being submitted to the chief of the department in such format as provided by the fire department.

108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code. In making its decision, the board of appeals shall consider the degree of safety to be achieved and any resulting detriment to the public welfare, and if available, the board of appeals shall use established standards of nationally recognized laboratories and research organizations. The board, in cooperation with the fire chief, shall make a review of the fire code as deemed necessary and appropriate and they shall make a report to the governing body of county fire district number one regarding recommendations for changes thereto.

108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction.

108.4 Conflict of interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters.

SECTION 109, VIOLATIONS *is hereby deleted in its entirety and a new Section 109 is hereby adopted, which shall read as follows:*

109.1 Unlawful acts. Any person who shall violate any of the provisions of the I.F.C. hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals or by the county court, within the time fixed for correction of the violation by the board of appeals or the county court, shall be, severally for each and every such violation and noncompliance, respectively, guilty of a violation of the county code, punishable by a fine according to the fine schedule in chapter 8. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a time limit set by the board of appeals or by the county court, whichever the case may be; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

109.2 Notice of violation and order to comply. Whenever the Fire Marshal or any code enforcement officer authorized under this article has probable cause to believe that a person, firm or corporation is committing or has committed a violation of any provision of the Fire code, the fire official or such code enforcement officer may first cause a notice of violation and order to comply to be served upon said person, firm or corporation responsible therefore. Such notice shall:

1. Be in writing;

2. Include a description of the real estate and/or the street address sufficient for identification;

3. Specify the violation(s), which exists, and the correction(s) ordered;

4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with a copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place on or about the building or structure affected by the notice.

109.3 Prosecution of violation. In case any notice of violation and order to comply authorized herein is not complied with, the fire official or such code enforcement officer may request the county counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such building or structure or part thereof;

3. To require the removal of work in violation;

4. To prevent the maintenance, occupation or use of the building, structure, or part thereof which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, demolished, converted, equipped, used or maintained in violation of the Fire code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the fire official or code enforcement officer may proceed with the penalties provision set forth in Section 109.4.

109.4 Violation penalties.

109.4.1 Issuance of uniform complaint and notice to appear. Whenever the fire official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Fire code, the fire official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the code for the enforcement of county codes and resolutions. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.

109.4.2 Procedures. Procedures for prosecution of violations of the Fire code and this article shall be pursuant to chapter 8 of the Sedgwick County Code.

109.4.3 Classification of violations and schedule of fines. An accused person who shall be convicted in the district court for violation of any provision of the Fire code or this article shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court; provided further, the minimum fine for any

violation of this article shall be assessed according to the classification of violations and schedules of fines in Section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein. Every violation of this article shall be a class G violation, except that those violations separately listed in **Schedule A** of this resolution shall be classified as set forth in that Schedule, as amended. Certain violations listed in Schedule A are special class violations which shall carry a minimum fine of $1,000.00 each.

109.4.4 Separate Offense. Each day that any violation of the Fire code or of this article occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) and Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.

SECTION 112, PLAN REVIEW *is hereby added, establishing a system of plan review and fees for same.*

112.1 Plan review mandatory. All building plans required by law to be submitted to the department of code enforcement for plans review shall also be submitted to the bureau of fire prevention, county fire district number one, whenever the location of the project described in the building plans is within the taxing district boundaries of county fire district number one, or in a jurisdiction that has entered into a separate agreement with the county and county fire district number one for the purpose of the fire department's service of review and determination whether the building plans are in compliance with the provisions of this code. When building plans are not required to be submitted to the Department of Code Enforcement for plan review but are required to be submitted to the bureau of fire prevention by another building code enforcement agency, they shall be submitted in such form and detail as approved by the bureau of fire prevention.

> **Exception**: Building plans for projects other than roofed and walled structures built for permanent use are not required to be submitted to the bureau of fire prevention pursuant to this Section.

112.2 Applicant to state value of construction. The person, firm or corporation submitting the building plans shall state thereon, or on an attachment thereto, the value of the construction reflected on the plans, and by that person's, individual's or authorized corporate representative's signature thereon, shall certify that the value of construction so stated truly, accurately and within a reasonable degree of certainty describes the value of construction.

112.3 Plans and Specifications. Whenever plans are submitted in accordance with Section 112.1, two sets of all plans, engineering calculations, diagrams and other data shall be submitted. All plan designs and calculations concerning an automatic sprinkler system shall be

submitted by individuals who comply with the licensing requirements of Section 901.4.6. Engineers and architects submitting plans shall be licensed by the State of Kansas to practice in their respective professions.

112.4 Information Required. All plans and specifications shall be drawn to scale when possible and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed. All plans and specifications shall show in detail that the proposed work conforms to the provisions of the code and all relevant laws, resolutions or ordinances, rules and regulations of the jurisdiction for which the work is conducted

112.5 Fee assessed. The bureau of fire prevention shall assess a plan review fee for the service, and the fee shall be based on the value of construction as certified pursuant to Section 112.4 and shall be twenty-five percent (25%) of the plan review fee assessed by the department of code enforcement as established in the current Sedgwick County building codes, Article II of Chapter 6 of the Sedgwick County Code. The Sedgwick County Department of Code Enforcement shall remit twenty-five percent (25%) of the plan review fee it collects to the county fire district to satisfy this fee amount. Whenever another building code enforcement agency does not use the plan review fee schedule as established in the current Sedgwick county building codes, the bureau of fire prevention shall assess a plan review fee in accordance with **Schedule B** of this resolution, which shall be the result of multiplying the value of the construction by the applicable multiplier.

112.6 Payment of fee. The plan review fee shall be paid by the person, individual or corporation submitting the building plans by personal or cashier's check or money order made payable to the bureau of fire prevention, county fire district number one and shall be paid at the time the building plans are delivered to the bureau of fire prevention. The plan review fee due to the bureau of fire prevention may be included in the payment of fees due to the department of code enforcement for the purpose of presenting only one check for payment thereof. The department of code enforcement shall deposit the plan review fee into the account of the bureau of fire prevention, county fire district number one as received.

112.7 Payment of fee required prior to plan review. The plan review as required in Section 112.1 shall not be completed until the required plan review fee has been paid.

112.8 Plan review required. It shall be unlawful for a person to proceed with construction until building plans have been approved by the fire prevention bureau, county fire district number one, whenever such plan review is required by this section.

112.9 Dishonored checks. In any case where a check issued for payment of plan review fees is returned marked "insufficient funds" or "account closed" or otherwise dishonored, the remitter of the check shall be liable for a $30.00 return check charge, in addition to the plan review fee. The amount of the returned check, together with the service charge shall constitute a debt due the county, which may be collected by suit or otherwise. Nothing in this subsection shall be construed so as to exclude criminal prosecutions as in other cases involving dishonored checks.

SECTION 202, DEFINITIONS *is hereby amended as follows:*

OCCUPANCY CLASSIFICATION – Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 and have occupant loads of less than 100, shall be classified as Group A-3 occupancies.

Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, shall be classified as a group E occupancy.

Exception: Family day care homes with ten (10) or less children

SPECIAL AMUSEMENT BUILDING. A special amusement building is any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure. This term shall include any structure, facility or area or any part thereof operated as a special amusement operation, haunted house, fun house, spook house, haunted cave or mansion, spook walk, haunted forest, whether or not such operation or use is for profit

SECTION 301 GENERAL *is amended with the addition of new Section 301.3, which shall read as follows:*

301.3 Prohibition. The chief is authorized to declare a prohibition on all type of burning during those periods of time during which he or she determines hazardous conditions exist. Such declaration shall be made publicly known through local media.

SECTION 302.1, DEFINITIONS *is hereby amended as follows:*

BONFIRE. An outdoor fire utilized for ceremonial purposes, which does not meet the criteria for a recreational fire.

SECTION 304, COMBUSTIBLE WASTE MATERIAL

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 7.33 cubic feet (55 gallons) shall be provided with lids. Containers and lids shall be constructed of Noncombustible materials or approved combustible materials.

SECTION 307, OPEN BURNING AND RECREATIONAL FIRES

307.2 Permit required. A permit shall be obtained from the code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, a bonfire, or any open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled, or said owner's designee.

307.3 Location. Open burning shall not be conducted within 100 feet of any structure or other combustible material. Conditions, which could cause the fire to spread to within 100 feet of a structure, shall be eliminated prior to ignition.

307.3.1 Bonfires. A bonfire shall not be conducted within 100 feet of a structure or combustible material unless the bonfire is contained in a barbecue pit. Conditions that could cause a fire to spread within 100 feet of a structure shall be eliminated prior to ignition.

SECTION 308, OPEN FLAMES *is hereby amended by adding a new Section 308.3.8, which shall read as follows:*

308.3.8 Chimenea and other recreational open flame devices. Recreational open flame devices, including Chimeneas, shall not be located with 10 feet of combustible materials including, but not limited to walls, floors, household items, and combustible vegetation. Such devices shall be placed on a non-combustible surface and shall not be used on balconies or wood decks. The use of such devices shall be discontinued when there is a ban on burning issued by federal, state or local agencies. Such devices shall not be used when the wind speed is in excess of 15 m.p.h. Such devices shall not be used within 500 feet of shake shingle communities, unless provided with spark arrestor with a minimum ½ inch metal screen secured by metal wire, located on the device's vent. Only limbs, leaves, and wood chips may be burned within the recreational open flame device. Other fuel products such as paper, plastic and rubbish are not allowed.

308.4.1 *is hereby deleted in its entirety.*

SECTION 309, POWERED INDUSTRIAL TRUCKS

309.5 Refueling. Powered industrial trucks using liquid fuel or LP-gas shall be refueled outside of buildings or in areas specifically approved for that purpose. Fixed fuel dispensing equipment and associated fueling operations shall be in accordance with Chapter 22. Other fuel dispensing equipment and operations, including cylinder exchange for LP- gas fueled vehicles, shall be in accordance with Chapter 34 for flammable and combustible liquids or chapter 38 for LP gas.

SECTION 311, VACANT PREMISES

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by un-authorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with current Sedgwick County codes.

311.3 Removal of combustibles *is hereby amended by deleting Exception 2.*

SECTION 315.3, MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE

315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line or 50 feet from a structure.

Exceptions:

1. The separation distance to the property line is allowed to be reduced to 3 feet for storage not exceeding 6 feet in height.

2. The separation distance to structures is allowed to be reduced to 10 feet if the pile does not exceed 6 feet in height.

3. The separation distance is allowed to be reduced when the code official determines that no hazard to adjoining property or any structure exists.

Section 315 *is further amended by adding a new Section 315.3.3, which shall read as follows:*

315.3.3 Additional requirements for outside storage of wood pallets and similar materials.

315.3.3.1 Permit required. An annual permit shall be applied for and the appropriate permit fee paid prior to obtaining a permit from the Sedgwick County Fire Department to operate or maintain an outside storage facility for the outside storage of wood pallets and similar material in excess of 1,000 cubic feet. See Section 105.6.46.

315.3.3.2 Site plan. A site plan shall be submitted to the Fire Prevention Bureau for approval at the time of permit application.

315.3.3.3 Fire apparatus access roads. Fire apparatus access roads shall be provided and maintained in every outside storage area or yard where more than two piles of combustible material are stored.

315.3.3.3.1 Where required. Fire apparatus access roads shall be provided to within one hundred fifty feet (150') of all portions of the outside storage area or yard.

315.3.3.3.2 Width required. Fire apparatus access roads shall be at least twenty feet (20') wide. This minimum width must be maintained at all times in the outside storage area or yard.

315.3.3.3.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capability.

315.3.3.3.4 Vertical clearance. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6").

315.3.3.3.5 Turning radius. Fire apparatus access roads shall be designed to provide a continuous route throughout the storage area or yard, or be provided with an approved turnaround.

315.3.3.3.6 Turnarounds. Fire apparatus access roads that dead-end shall be provided with approved provisions for the turning around of fire vehicles when such fire apparatus access roads exceed one hundred fifty feet (150') in length.

315.3.3.3.7 Obstructions/Signs. The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Fire apparatus access roads shall be, when required by the chief, provided with approved signs or other approved notices, which shall be maintained, and which shall identify fire apparatus access roads and prohibit the obstruction thereof. Minimum required width and clearances established under this section shall be maintained at all times.

315.3.3.4 Ground surfaces. The ground surfaces covering areas for twenty feet (20') in any direction of any outside combustible storage area or yard shall be kept free of grass, weeds, trash, and debris.

315.3.3.5 Storage piles - General. Outside storage areas or yards shall be piled with due regard to the stability of the piles.

315.3.3.5.1 Storage piles -- Size. Outside storage areas or yards shall be made up of piles arranged in any configuration to a maximum height of twenty feet (20'), and no storage pile shall exceed three thousand seven hundred fifty square feet (3, 750 sq. ft.0 at ground level regardless of the configuration of the pile.

315.3.3.5.2 Storage piles -- Distance between. Outside storage areas or yards shall have no combustibles piled in any two or more storage piles that are not separated by a distance of at least fifty feet (50').

315.3.3.5.3 Storage piles -- Location. Outside combustible storage piles shall not be located within twenty-five feet (25') of any property line and no less than fifty feet (50') from any structure.

SECTION 316, REMOVAL OF USELESS DEBRIS OR BURNED BUILDINGS *is hereby added.*

316.1 Useless debris. The owner or person in control or possession of any hay, straw, bales of wool, cotton, paper, refuse, charred or partially burned wood or other material, or other substances or debris that has been rendered useless or unmerchantable by reason of any fire, shall remove said articles within fifteen (15) days after notice has been given by the Fire Code Official. Any such debris that has not been removed as provided by this section is hereby declared to be a public nuisance.

316.2 Burned buildings. Whenever any building or other structure in the fire district is burned or partially burned to such an extent that it is rendered incapable of being repaired, the owner or the person in control shall, within fifteen (15) days after notice has been given by the Fire Code Official or the Building Code Official or their authorized representatives, remove from the premises all the remaining portions of the building or structure. Any burned or partially burned building or other structure that is declared to be an imminent threat to health or safety by the Sedgwick County Fire Marshall, or any such building or structure that has not been removed as provided by this section, is hereby declared to be a public nuisance.

316.3 Abatement procedure. Useless debris and burned buildings or structures that are declared to be public nuisances by virtue of Section 316.1 or 316.2, shall be subject to abatement in accordance with the provisions of the Sedgwick County Nuisance Abatement Code, Article III, Chapter 19 of the Sedgwick County Code.

Exception: Useless debris and burned buildings or structures that are located within the city limits of a second or third class city, shall be abated in accordance with the adopted ordinance of said city.

SECTION 403, PUBLIC ASSEMBLAGES AND EVENTS

403.1 Standby personnel. When, in the opinion of the code official, it is essential for public safety in a place of assembly or any other place where people congregate, due to the number of persons or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved by the code official to be on duty at such place. Such individuals shall be subject to the code officials orders

at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall inspect the required fire appliances provided to see that they are in proper place and in good working order and shall keep diligent watch for fires or other life safety hazards during the time such place is open to the public or such activity is being conducted, and shall take prompt measures to extinguish fires or perform life saving measures as necessary. Such individuals shall not be required or permitted, while on duty, to perform any other duties than those herein specified.

SECTION 408, USE AND OCCUPANCY-RELATED REQUIREMENTS

408.3.1 First emergency evacuation drill. The first emergency evacuation drill of each school year shall be conducted within 30 days of the beginning of classes.

Section 408 *is further amended by adding new Section 408.12, which shall read as follows:*

408.12 Special amusement operations. Special Amusement operations shall comply with the requirements of Sections 401 through 406, and the following additional requirements:

Exception: Amusement buildings or portions thereof that are without walls or a roof and constructed to prevent the accumulation of smoke.

408.12.1 Special amusement building. A special amusement building is any temporary or permanent building, or portion thereof, that is occupied for amusement, entertainment or educational purposes, and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure. This term shall include any structure, facility or area or any part thereof operated as a special amusement operation, haunted house, fun house, spook house, haunted cave or mansion, spook walk, haunted forest, whether or not such operation or use is for profit.

408.12.2 Automatic fire detection. Special amusement buildings shall be equipped with an automatic fire detection system in accordance with Section 907.

408.12.3 Automatic sprinklers. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

Exception: Automatic fire sprinklers are not required where the total floor area of a temporary special amusement building is less than 1,000 square feet (93 m 2) and the travel distance from any point to an exit is less than 50 feet (15 240 mm).

408.12.4 Alarm. Actuation of a single smoke detector, the automatic sprinkler system or other automatic fire detection device shall immediately sound an alarm at the building at a

constantly attended location from which emergency action can be initiated including the capability of manual initiation of requirements in Section 907.2.11.2.

408.12.5 Emergency voice/alarm communications system. An emergency voice/alarm communications system shall be provided in accordance with Sections 907.2.11 and 907.2.12.2, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.

408.12.6 Exit marking. Exit signs shall be installed at amusement building required exit or exit access doorways. Approved directional exit markings shall also be provided. Where mirrors, mazes or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved low-level exit signs and directional path markings shall be provided and located not more than 8 inches (203 mm) above the walking surface and on or near the path of egress travel. Such markings shall become visible in an emergency. The directional exit marking shall be activated by the automatic fire detection system and the automatic sprinkler system in accordance with Section 907.2.11.2.

408.12.7 Interior finish. The interior finish shall be Class A in accordance with Section 803.1.

408.12.8 General requirements. When the maze concept is used, there shall be no dead-end corridors and there shall be an obvious exit out of the maze every twenty feet (20') of linear travel. All stairways shall be illuminated at a level of at least one foot-candle

408.12.8.1 Groups of children age 12 and under must be accompanied or supervised by a staff person who is 18 years of age or older. Such groups shall consist of not more than 20 persons. The staff person must have in his/her possession an operable flashlight and shall be completely familiar with the special amusement operation or other similar installation

408.12.8.2 There shall be no smoking allowed at any time by anyone inside the special amusement operation or other similar installation. No smoking signs shall be posted.

408.12.8.3 All electrical installations shall meet the requirements of the electrical code.

408.12.8.4 The fire prevention bureau shall be contracted prior to the operation of the special amusement operation or other similar installation for an inspection and planning of evacuation procedures. A plan shall be provided to the fire prevention bureau to accommodate these procedures, which shall show all entries and exits

408.12.8.5 The total number of occupants at any time shall be limited to the number allowed by the fire prevention bureau after the inspection has been performed.

408.12.8.6 There shall be no open flame devices or temporary heaters used.

408.12.8.7 Emergency lighting shall be provided.

408.12.8.8 Tunnels shall not be lower than three feet (3'), or longer than four feet (4') with a removable lid.

408.12.8.9 Parking shall not limit access to emergency apparatus.

408.12.8.10 A telephone shall be installed for emergency use.

408.12.8.11 The use of Visquene plastic sheeting or other black plastic sheeting shall be strictly prohibited.

SECTION 503, FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access to single family, agriculture or accessory structures shall be provided and maintained in accordance with the current Sedgwick County Service Drive Code. In all other cases fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 *is hereby amended by deleting Exception 3.*

SECTION 508, FIRE PROTECTION WATER SUPPLIES

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 503 and 508.

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet (183 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 500 feet (183 m).

Section 508 *is further amended by adding new Section 508.2.1, which shall read as follows:*

508.2.1.1 Installation of private fire service mains. Whenever potable water is required it shall be protected against backflow. The fire protection contractor installing the automatic fire protection system shall install any device installed to provide said protection. The water supply line for an automatic fire sprinkler system shall also be required to be installed by the same fire protection contractor. Any fire protection devices or valves that maybe required to be installed on a fire protection line servicing a building shall be preformed by the fire protection contractor installing the fire protection system inside the building.

SECTION 603, FUEL-FIRED APPLIANCES

603.8.1 Residential incinerators. Freestanding residential incinerators shall be constructed of brick, concrete hollow tile, or other fire-resistive material, with a completely enclosed combustion chamber.

603.8.2 Spark arrestor. Residential incinerators shall be equipped with a spark arrester, which shall be constructed of iron, heavy wire mesh or other noncombustible material with openings not larger than one-half (½) inch.

603.8.3 Location. Use of free-standing incinerators is prohibited, except that the occupant of a single family dwelling may burn only the combustible residential trash of the occupant of such single family dwelling in a free-standing incinerator of a design that is in accordance with specifications provided by the fire prevention bureau and provided further that such free-standing incinerator is located and operated at least one hundred feet (100') from any dwelling, structure, or building, whether occupied or not, and ten feet (10') from any property line.

Exception:

1. This restriction shall not apply to barbecue pits and outdoor fireplaces built in accordance with the building code.

2. Burning may be further restricted by the solid waste code of Sedgwick County.

603.8.4 Conditions. Use of freestanding incinerators is restricted to the period from one hour after sunrise to one hour before sunset, provided that no other more restrictive law of any other governmental agency applies, and provided that wind speeds are not in excess of fifteen miles per hour (15 mph). Additionally, a competent person must attend all freestanding incinerators during incineration, and suitable fire extinguishing equipment as specified by the fire prevention bureau must be immediately available. Conditions that could cause the fire to spread to within 100 feet of a structure shall be eliminated prior to ignition.

SECTION 604, EMERGENCY AND STANDBY POWER SYSTEMS

604.3 Maintenance. Emergency and standby power systems shall be maintained in accordance with N.F.P.A. 110 and N.F.P.A. 111 such that the system is capable of supplying service within the time specified for the type and duration required.

SECTION 610, COMMERCIAL KITCHEN HOODS

610.2 Where required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.

Exception: Domestic cooking appliances used for noncommercial purposes may be permitted, when in the opinion of the code official a limited cooking operation is being conducted. They shall be provided with a commercial Type II exhaust hood and equipped with a fire suppression system.

Section 901, GENERAL

901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation and operation of fire protection systems. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers having a fire-resistance rating of not less than that determined in accordance with Table 302.3.3 and Section 706.

Exception: Buildings constructed prior to the adoption of this code may have a non-conforming fire area increased by not more than 25 percent (25%) of the fire area limitation, for the occupancy classification, as specified under Section 903.2. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required fire protection systems shall be extended,

altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards, and shall be performed by a licensed Fire Protection Contractor in accordance with Section 901.4.6.

Section 901.4 *is further amended by adding new Sections 901.4.5 and 901.4.6, which shall read as follows:*

901.4.5 Plan Review. An examination of plans by the fire prevention bureau is required for any new installation, addition and/or alteration of any fire protection system or fire alarm system. Plans and specifications shall be submitted to the fire department for review and approval prior to construction, and payment of the applicable plan review fee, in accordance with Table 105.1.4.

901.4.6 Authorized Installers. No person or business entity shall install any system regulated by this section unless said person or business entity is a licensed fire protection contractor who has passed an appropriate examination. The International Code Council test for general contractors in the state of Kansas located at 5360 S Workman Mill Road, Whittier, California 90601, or the "Block Test" administered by Experior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149, are designated as the standard examinations for determining the qualifications of persons seeking licensure.

Those persons who were licensed as required by the Department of Code Enforcement on December 31, 2003, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Those persons not so licensed on that date, shall be at least a NICET Level II Fire Protection Contractor

901.6 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective and shall be subject to annual test by a fire protection contractor. Non-required fire protection systems and equipment shall be inspected, tested and maintained in the same manner as required systems. The fire protection contractor shall provide a letter stating the result of the test and corrections of the fire protection system to the fire department.

Section 901.6 *is further amended by adding new Section 901.6.3, which shall read as follows:*

901.6.3 Authorized Inspectors, test and maintenance personnel. No person or business entity shall inspect, test or maintain any system regulated by this section unless said person or business entity is a licensed fire protection contractor who has passed an appropriate examination. The International Code Council test for general contractors in the state of Kansas located at 5360 S Workman Mill Road, Whittier, California 90601 OR the "Block Test" administered by Experior, 2100 NW 53rd Avenue, Gainesville, Florida 32653-2149,

are designated as the standard examinations for determining the qualifications of persons seeking licensure.

Those persons who were licensed as required by the Department of Code Enforcement on December 31, 2003, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Those persons not so licensed on that date, shall be at least a NICET Level II Fire Protection Contractor

SECTION 903, AUTOMATIC SPRINKLER SYSTEMS

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section. Any reference to Table 503 shall mean the table listed in the International Building Code.

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. The automatic sprinkler system shall be provided throughout the floor area where the Group A occupancy is located, and in all floors between the Group A occupancy and the level of exit discharge.

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided throughout a fire area containing Group A-1 occupancy where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type IIB, IIIB, VA, and VB construction, or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

3. The fire area contains a multi-theater complex.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for new Group A-2 occupancies, and when existing A-2 occupancies are remodeled to the extent that requires the submission of building plans or the issuance of a building permit, when one or more of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5m2);

2. The fire area has an occupant load of 300 or more;

3. The fire area is located on a floor other than the level of exit discharge; or

4. The fire area contains a nightclub, drinking establishment, bar, or tavern that has an occupant load of 100 or more, and where the consumption or possession of alcoholic beverages is permitted and entertainment in any form is provided.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout a fire area containing a Group A-3 occupancy where one of the following conditions exist:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type IIB, IIIB, IIN, VA and VB construction, or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout a fire area containing Group A-4 occupancy where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2) for Type IIB, IIIB, VA and VB construction, or the basic allowable area for the construction type per Table 503 for the remaining construction types.

2. The fire area is located on a floor other than the level of exit discharge.

903.2.3 Group F-1. An automatic sprinkler system shall be provided throughout all buildings where the fire area containing a Group F-1 occupancy exceeds the basic allowable area for the construction type per Table 503 for the remaining construction types, or where more than three stories in height, or where the combined fire area on all floors, including mezzanines, exceed double the basic allowable areas for the construction type per Table 503.

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: One- and two-family dwellings and town houses up to three stories in height when built in accordance with the International Residential Code.

903.2.8 Group S-1. An automatic sprinkler system shall be provided throughout all buildings where the fire area containing a Group S-1 occupancy exceeds the basic allowable area for the construction type per Table 503 for the remaining construction types, or where more than three stories in height, or where the combined fire area on all floors, including mezzanines, exceed double the basic allowable areas for the construction type per Table 503.

903.2.10.1.1 Opening dimensions and access. Openings shall have a minimum dimension of not less than 30 inches (762 mm) in width and 48 inches (1219 mm) in height. Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section, the standards referenced in Section 903.3.1, and shall be installed in accordance with

Section 508.2.1.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code.

903.3.7 Fire department connections. The location of the fire department connections shall be approved by the code official. The maximum distance shall be 150 feet (45 720 mm) from a fire hydrant. The required hydrant shall be no closer than 40 feet (12 192 mm) to the structure.

SECTION 904, ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS *is hereby amended by amending Section 904.11.6.3, and adding new Sections 904.3.5, 904.3.6, and 904.11.7, as follows:*

904.3.5 Monitoring. Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with N.F.P.A. 72, and shall be automatically transmitted to an approved central station, remote supervisory station or proprietary supervisory station as defined in N.F.P.A. 72 or when approved by the code official, shall sound an audible signal at a constantly attended location.

904.3.6 Authorized Inspectors, test and maintenance personnel. Any such system shall be designed, installed, inspected, tested and maintained by any contractor so authorized by the Kansas State Fire Marshal's Office in accordance with state law.

904.11.6.3 Inspection and cleaning. The entire exhaust system, including hoods, grease-removal devices, fans, ducts and other appurtenances, shall be inspected in accordance with the schedule set forth in Table 904.11.6. Inspections shall be recorded on an inspection card permanently attached to the system, and the record shall state the time and date of inspection. Upon inspection, if found to be contaminated with deposits from grease-laden vapors, the entire exhaust system shall be cleaned in accordance with this section and N.F.P.A. 96 by a qualified kitchen exhaust system cleaner. The cleaning shall meet the following requirements:

1. Hoods, grease removal devices, fans, ducts, and other appurtenances shall be cleaned to bare metal prior to surfaces becoming heavily contaminated with grease or oily sludge.

2. At the start of the cleaning process, electrical switches that could be activated accidentally shall be locked out.

3. Components of the fire suppression system shall not be rendered inoperable during the cleaning process.

4. Fire-extinguishing systems shall be permitted to be rendered inoperable during the cleaning process

5. Flammable solvents or other flammable cleaning aids shall not be used.

6. Cleaning chemicals shall not be applied on fusible links or other detection devices or the automatic extinguishing system.

7. After the exhaust system is cleaned to bare metal, it shall not be coated with powder or other substance.

8. All access panels (doors) and cover plates shall be replaced.

9. Dampers and diffusers shall be positioned for proper airflow.

10. When cleaning procedures are completed, all electrical switches and system components shall be returned to an operable state.

11. Cleanings shall be recorded on a card permanently attached to the system, and the record shall state the extent, time and date of cleaning, and name of the individual and company that cleaned the system.

12. Cleaners shall inspect the entire exhaust system following a cleaning.

13. Certificates of inspection and cleaning shall be maintained on the premises and are subject to inspection during regular business hours by the Sedgwick County Fire Department.

Table 904.11.6
EXHAUST SYSTEM INSPECTION SCHEDULE

TYPE OR VOLUME OF COOKING FREQUENCY	FREQUENCY
Systems serving solid fuel cooking operations.	Monthly
Systems serving high-volume cooking operations such as 24-hour cooking, charbroiling, or wok cooking.	Quarterly
Systems serving moderate-volume cooking operations.	Semi-annually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses, or senior centers.	Annually

SECTION 906, PORTABLE FIRE EXTINGUISHERS

906.1 *is hereby amended by the deleting the exception in its entirety.*

SECTION 907, FIRE ALARM AND DETECTION SYSTEMS

Section 907.2.3 *is hereby amended by deleting all exceptions in their entirety.*

Section 907.2.9 *is hereby amended by deleting exception 2.3 to 907.2.9(3).*

Section 907.2.10.1 *is hereby amended by adding new Section 907.2.10.1.4, which shall read as follows:*

907.2.10.1.4 Additions, alterations or repairs to Group R. Where an addition, alteration or repair to an individual dwelling unit or guestrooms in Group R requires a permit, smoke alarms shall be installed within that individual dwelling unit or guestrooms in accordance with this section. Where one or more sleeping rooms are added to or created in an existing Group R, smoke alarms shall be installed in accordance with this section.

Exception: Smoke alarms located in an existing individual dwelling unit, sleeping room or guestroom may remain as previously approved unless the addition, alteration or repair results in the removal of interior wall or ceiling finishes exposing the structure within the sleeping area. In all cases, smoke alarms shall comply with Section 907.2.10.2.

907.2.11 Special amusement buildings. An approved automatic smoke detection system shall be provided in special amusement buildings in accordance with this section.

Exceptions:

1. In areas where ambient conditions will cause a smoke detection system to alarm, an approved alternative type of automatic detector shall be installed.

2. When in the opinion of the code official that the building is used for special amusement for a period not to exceed 60 days, alternate means of systems response may be approved.

Section 910, SMOKE AND HEAT VENTS

910.2.1 Group F-1 and S-1. Buildings and portions thereof used as a Group F-1 or S-1 occupancies having more than 50,000 square feet (4645 m^2).

Exception: Areas completely separated by non-combustible partitions so that no one area exceeds 50,000 square feet (4645 m^2). Openings shall be provided with approved automatic or self-closing devices to ensure closure of the opening.

910.2.2 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In Group H-1, H-2 or H-3, any of which are more than 15,000 square feet (1394 m 2) in single floor area.

2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and un-classified detonatable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a Class V hazard classification.

910.3 Design and installation. The design and installation of smoke and heat vents and curtain boards shall be as specified in this section and Table 910.3. The requirements of Table 910.3 shall be applied separately over each high-piled storage area for portions of storage areas having different requirements because of commodity classification or storage height.

SECTION 1003, GENERAL MEANS OF EGRESS

Section 1003.5 Elevation Change. Where changes in elevation of less than 12 inches (305 mm) exist in the means of egress, sloped surfaces shall be used. Where the slope is greater than one unit vertical in 20 units horizontal (5 percent slope), ramps complying with Section 1010.1 shall be used. Where the difference in elevation is 6 inches (152 mm) or less, the ramp shall meet the requirements of the American with Disabilities Act ("ADA").

Exceptions:

1. A single step with a maximum riser height of 7 inches (178 mm) is permitted for buildings with occupancies in Groups F, H, R-2 and R-3 as applicable in Section 1001.2, and groups S and U-at exterior doors not required to be accessible by the ADA or locations served by a ramp meeting the requirements of the ADA.

2. A stair with a single riser or with two risers and a tread is permitted at locations not required to be accessible by the ADA, provided that the risers and a treads comply with Section 1009.3, the minimum depth of the tread is 13 inches (330 mm).

3. An aisle serving seating that has a difference in elevation less than 12 inches (305 mm) is permitted at locations not required to be accessible by the ADA, provided that the risers and treads comply with Section 1024.11 and the aisle is provided with a handrail complying with Section 1024.13.

Any change in elevation in a corridor serving non-ambulatory persons in Group I-2 occupancy shall be by means of a ramp or sloped walkway.

SECTION 1004, GENERAL MEANS OF EGRESS

Section 1004.1.2 is hereby amended by the replacement of Table 1004.1.2, which shall read as follows:

Table 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT

OCCUPANCY	FLOOR AREA IN SQ. FT. PER OCCUPANT
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal Concourse Waiting areas Baggage claim Baggage handling	 100 gross 15 gross 20 gross 300 gross
Assembly Gaming floors (keno, slots, etc.)	 11 gross
Assembly with fixed seats	See Section 1003.2.2.9
Assembly without fixed seats Concentrated (chairs only - not fixed Standing space Unconcentrated (tables and chairs)	 7 net 5 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms - other than fixed seating areas	40 net
Dormitories	50 gross
Educational Classroom area Shops and other vocational room areas	 20 net 50 net
Exercise room	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	200 gross
Institutional areas Inpatient treatment areas Outpatient areas Sleeping rooms	 240 gross 100 gross 120 gross
Kitchen commercial	200 gross

Table 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT

OCCUPANCY	FLOOR AREA IN SQ. FT. PER OCCUPANT
Library Reading rooms Stack area	 50 net 100 gross
Locker rooms	50 gross
Mercantile Basement and grade floor areas Areas on other floors Storage, stock, shipping areas	 30 gross 60 gross 300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools Rink and pool Decks	 50 gross 15 gross
Stages and plat form	15 net
Accessory storage areas, mechanical, equipment room	300 gross
Warehouse	500 gross

For SI: 1 square foot = 0.0929m.

SECTION 1006, MEANS OF EGRESS ILLUMINATION

1006.3 Illumination emergency power. The power supply for means of egress illumination shall normally be provided by the premise's electrical supply. In the event of power supply failure, am emergency system shall automatically illuminate all of the following areas:

1. Exit access corridors, passageways, and aisles in rooms and spaces, which require two or more means of egress.

2. Exit access corridors and exit stairways located in buildings required to have two or more exits.

3. Interior exit discharge elements, as permitted in Section 1023.1 in buildings required to have two or more exits.

The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with the current Sedgwick County Electrical Code.

1006.4 Performance of system. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1-foot-candle (11 lux) at a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. The building official and the Sedgwick County Fire Department shall certify such system.

Exception: Emergency lighting facilities shall be placed at intervals not to exceed 50 feet (15240 mm) on center or 25 feet (7620 mm) in any one direction along the path of egress. Obstructions or changes in direction or exit travel shall be considered the conclusion of the emergency light facility.

SECTION 1008, DOORS, GATES AND TURNSTILES

1008.1.4 Floor Elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except exterior landings, which are permitted to have a slope not to exceed .25 unit vertical 12 units horizontal (2 percent slope).

Exceptions:

1. Group R-3 more than three stories high and individual units of Group R-2 where the following apply:

   1.1 A door is permitted to open at the top step of an interior flight of stairs, provided the door does not swing over the step.

   1.2 Screen doors and storm doors are permitted to swing over stairs or landings.

   1.3 A door is permitted to open at the top step of a flight of interior stairs in an attached garage, provided the door does not swing over the top step.

   1.4 A door is permitted to open at the top step of a flight of exterior stairs from a patio, provided there are no more then four risers.

2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1017.2, which are not an accessible route.

3. Variations in elevation due to differences in finish materials, but not more than 0.5 inch (12.7 mm).

4. Exterior decks, patios, or balconies that are part of Type B dwelling units and have impervious surfaces, and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space or dwelling unit.

5. Doors serving building equipment rooms that are not normally occupied.

Section 1008.1.9 Panic and fire exit hardware. Where panic and fire exit hardware is installed, it shall comply with the following:

1. The actuating portion of the releasing device shall extend at least one-half of the door leaf width.

2. A maximum unlatching force of 15 pounds (67 N).

Each door is a means of egress from an occupancy of Group A or E having an occupant load of 50 or more and any occupancy of Group H-1, H-2, H-3, or H-5 shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

If balanced doors are used and panic hardware is required, the panic hardware shall be of the push-pad type and the pad shall not extend more than one-half the width of the door measured from the latch side.

SECTION 1009, STAIRWAYS AND HANDRAILS

1009.2 Headroom. Stairways shall have a minimum headroom clearance of 80 inches (2032 mm) measured vertically from a line connecting the edge of the nosings. Such headroom shall be continuous above the stairway to the point where the line intersects the landing below, one tread depth beyond the bottom riser. The minimum clearance shall be maintained the full width of the stairway and landing.

Exceptions:

1. Spiral stairways complying with Section 1009.9 are permitted a 78-inch (1981 mm) headroom clearance.

2. Stairways within an individual dwelling unit of Group R-2 and R-3 are permitted a 78-inch (1981 mm) headroom clearance.

Section 1009.3 *is hereby amended by modifications to Exception 6, which shall read as follows:*

6. The replacement of existing stairways in accordance with Section 1026.10

1009.11 Handrails. Stairways shall have handrails on each side. Handrails shall be adequate in strength and attachment in accordance with Section 1607.7.

Exceptions:

1. Aisle stairs provided with a center handrail need not have additional handrails.

2. Stairways within dwelling units, spiral stairways and aisle stairs serving seating only one side are permitted to have a handrail on one side only.

3. Decks, patios, and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not require handrails.

4. In Group R-3 occupancies, a change in elevation consisting of a single riser at an entrance or egress door does not require handrails.

5. Changes in room elevations of only one riser do not require handrails.

6. Stairways having less than four risers and serving permanent platforms within auditoriums used for entertainment or presentation need not have handrails, provided that required exits from the platform do not utilize the stairways.

1009.11.5 Handrail extensions. Handrails shall be returned to a wall, guard or the walking surface or shall be continuous to the handrail of an adjacent stair flight. Where handrails are not continuous between flights, the handrails shall extend horizontally at least 12 inches (305 mm) beyond the top riser and at least 12 inches (305 mm) plus the width of one tread beyond the bottom riser. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal.

Exceptions:

1. Handrails within a dwelling unit and stairways serving multi-family occupancies that are not subject to the provisions of the Americans with Disabilities Act ("ADA") need extend only from the top riser to the bottom riser.

2. Aisle handrails in Group A occupancies in accordance with Section 1024.13.

3. In buildings served by an accessible ramp or elevator, the handrails need to extend only from the top riser to the bottom riser.

SECTION 1010, RAMPS

1010.6.5 Doorways. Where doorways are located adjacent to a ramp landing, maneuvering clearances required by Americans with Disabilities Act ("ADA") are permitted to overlap the required landing area

SECTION 1011, EXIT SIGNS

1011.3 Stairway exit signs. A tactile sign stating EXIT and complying with accessibility requirements of the International Building Code shall be provided adjacent to each door to an egress stairway.

SECTION 1012, GUARDS

1012.1 Where required. Guards shall be located along open-sided walking surfaces mezzanines, industrial equipment platforms, stairways, window wells, ramps and landing which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Guards shall also be located along glazed sides of stairways, ramps, and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7.

Exception: Guards are not required for the following locations:

1. On the loading side of loading docks or piers.

2. On the audience side of stages and raised platforms, including steps leading up to stages and raised platforms.

3. On raised stage and platform floor areas such as runways, ramps, and side stages used for entertainment or presentation.

4. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.

5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.

6. Along vehicle service pits not accessible to the public.

7. In assembly seating where the guards in accordance with Section 1008.12 are permitted and provided.

8. At window wells a protective cover designed to a minimum of 20 pounds per square foot (.96KN m^2) uniformly distributed live load may be substituted for guards. The window well covers shall be provided with an emergency egress hatch located above the ladder or stairway, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N). Window well covers and grates shall be constructed of materials approved for exterior use.

1012.3 Opening limitations. Open guards shall have balusters or ornamental patters such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above and adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through an opening.

3. In occupancies in Group I-3, F, or S, except open or enclosed parking garages used by the public, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patters such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above and adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

SECTION 1013, EXIT ACCESS

1013.4.1 Public areas Group B and M. In public areas of Group B and M occupancies, the minimum clear aisle width shall be 36 inches (914 mm) where seats, tables, furnishings, displays and similar fixtures or equipment are placed on only one side of the aisle and 44 inches (1118 mm) where such fixtures or equipment are placed on both sides of the aisle.

1013.4.1.2 Nonpublic areas. In nonpublic areas of Group B and M occupancies, aisle widths shall be a minimum of 36 inches (914 mm).

Exception: Nonpublic aisles serving less than 50 people, and not required to be accessible by Chapter 11 need not exceed 28 inches (711 mm) in width.

SECTION 1016, CORRIDORS

Section 1016.1 Construction. Corridors shall be fire-resistance rated in accordance with Table 1016.1. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions. Electrical panels are prohibited on the corridor side of the fire partition.

Exceptions:

1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.

2. A fire-resistance rating is not required for corridors contained within a dwelling unit or a guestroom in an occupancy in Group R.

3. A fire-resistance rating is not required for corridors in open parking garages.

4. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1014.1

5. A fire-resistance rating is not required for corridors not exceeding 20 feet (6096 mm) in length, when they provide direct, obvious and unobstructed means of travel to an exit or until egress is provided from the building, provided all openings, except the entrance to the corridor, are protected with self-closing doors of non-combustible construction or solid wood core, not less than 1 3/8 inches (35 mm) in thickness or fixed glazing. Use of rolling or sliding doors shall not be permitted, unless equipped with a closing device, which operates with the actuation of an approved, listed smoke detector.

SECTION 1024, ASSEMBLY

1024.1.1 Bleacher footboards. Bleacher footboards shall be provided for rows of seats above the third row or being at such a point where the seating plank is more than 24 inches (610 mm) above the ground or floor below. Where the same platform is used for both seating and footrests, footrests are not required, provided each level or platform is not less than 24 inches (610 mm) wide. When projected on a horizontal plane, horizontal gaps shall not exceed 0.25 inch (6.4

mm) between footboards and seat boards. At aisles, horizontal gaps shall not exceed 0.25 inch (6.4 mm) between footboards. Where footboards are more than 30 inches (762 mm) above grade, openings between the seat and footboards shall not allow the passage of a sphere greater than 4 inches (102 mm).

SECTION 1026, MEANS OF EGRESS FOR EXISTING BUILDINGS

1026.5 Illumination emergency power. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, illumination shall be automatically provided from an emergency system for the following occupancies where such occupancies require two or more means of egress:

1. Group A having more than 50 occupants.

2. Group B buildings three or more stories in height, buildings with 100 or more occupants above or below the level of exit discharge, or buildings with 1,000 or more total occupants

3. Group E in interior stairs, corridors, windowless areas with student occupancy, shops and laboratories.

4. Group F having more than 100 occupants.

5. Group I.

6. Group M.

   Exception: Buildings less than 3,000 square feet (279 m 2) in gross sales area on one story only, excluding mezzanines.

7. Group R-1.

   Exception: Where each guestroom has direct access to the outside of the building at grade.

8. Group R-2 as applicable in Section 1001.1.

   Exception: Where each living unit has direct access to the outside of the building at grade.

9. Group R-4.

   Exception: Where each sleeping room has direct access to the outside of the building at ground level.

The emergency power system shall provide power for not less than 60 minutes and consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 604.

SECTION 1902, DEFINITIONS

***1902.1 Definitions** is hereby amended by adding a new definition "Wood Products Processor or Recycler":*

WOOD PRODUCTS PROCESSOR OR RECYCLER is any person who, in compliance with all applicable state, federal and local laws, rules and regulations, disposes of or converts wood products produced from yard waste, debris, timber removal or pruning, or lumbering operations to other purposes. This includes, but is not limited to persons who:

(a) Landfill, incinerate or otherwise dispose of raw wood waste or as a fuel, o
(b) By shedding, hogging, grinding, or chemically treating, raw wood into basic components for mulch, compost or other marketable material

Exception: Commercial plywood, pressed wood, veneer and paper production facilities shall not be included in this definition.

SECTION 1903, GENERAL REQUIREMENTS

1903.8 Site Identification. Facility name and address shall be posted at the main entrance and clearly visible from the street. A 24-hour emergency contact telephone number shall be posted at the main entrance and clearly visible from the street.

1903.9 Maintenance of premises. The entire storage site shall be kept free from accumulation of unnecessary combustible materials. Weeds and grass shall be kept down and regular procedure provides for the periodic clean up of the entire area. The use of Weed Burners or any type of burning is prohibited.

1903.10 Protection from heat. Physical protection should be provided to prevent heat sources such as steam lines, air line, electrical motors and mechanical drive equipment from becoming buried or heavily coated with combustible material. A high standard of housekeeping shall be maintained around all potential heat sources.

SECTION 1908, STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST AND RAW PRODUCT ASSOCIATED WITH YARD WASTE AND RECYCLING FACILITIES.

1908.8 Fire extinguishers. Portable fire extinguishers with minimum rating of 4-A: 60BC shall be provided on all vehicles and equipment operating on the piles and at all processing equipment.

Section 1908 *shall be further amended by the addition of the following new sections, which shall read as follows:*

1908.11 Screening of property. Storage yard areas shall be surrounded with an approved fence. Fences shall be a minimum of 6 feet (1829 mm) in height.

1908.12 Kansas Department of Health and Environment (KDHE) Notification. A Wood Products Processor or Recycler, or the owner or operator of same, shall notify the Kansas Department of Health and Environment of their operation in accordance with KDHE regulations. The owner shall also be responsible for notifying KDHE whenever a fire occurs within their facility. Where there is a possible conflict with this standard and other state and local requirements, the most restrictive shall apply. Compliance with KDHE rules does not indicate automatic approval for a fire department permit.

1908.13 Water supply. A fire protection system consisting of approved water supply system, and fire hydrants capable of supplying the minimum required flow of 500 GPM, shall be provided to within 300 feet of all portions of the yard. Additional flows should be provided as needed where conditions are likely to produce serious surface fires or large internal fires. Where fire hoses houses/stations are provided, fire hydrants connected to yard mains should be provided in accordance with NFPA Standard No. 230, Appendix E-5.

SECTION 2201, GENERAL

2201.1 Scope. Automotive, marine and aircraft motor vehicle fuel-dispensing stations, fleet vehicle service stations, repair garages shall be in accordance with this chapter and the current Sedgwick County building and mechanical code. Such operations shall include both public accessible and private operations.

2201.2 Permits *is hereby deleted in its entirety.*

Section 2201.3 *is amended by adding new Section 2201.3.1, which shall read as follows:*

2201.3.1 Plans and specifications. Plans and specifications shall be submitted for review and approval prior to the installation, construction, modification or replacement of a motor vehicle fuel-dispensing station or repair garages. A site plan shall be submitted which illustrates the location of flammable liquid, LP-gas or CNG storage vessels, and their spatial relation to each

other, property lines and building openings. Both aboveground and underground storage vessels shall be shown on plans. For each type of station, plans and specifications shall include, but not be limited to, the following:

1. ***Flammable and combustible liquids:*** The type and design of underground and aboveground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and venting components, and

    a. The name of the person, firm or corporation proposing the installation, the location thereof and the adjacent streets or highways; and

    b. For aboveground storage, the location and capacity of each tank, the dimensions of each tank, the class and name of liquid to be stored in each tank, the type of any tank supports, the types and sizes of normal and emergency valves, and the location of pumps and other facilities by which the tanks are filled or drained; and

    c. In the case of underground storage, the location and capacity of each tank, the class and name of liquid to be stored in each tank, and the location or fill, gauge and vent pipes and openings; and

    d. In case of installation for storage, handling or use of flammable liquids within the buildings or enclosures at any establishment or occupancy covered in this section, in such detail as to show whether applicable requirements are met.

2. ***Liquefied petroleum gas:*** Equipment and components as required in U.F.C. Standard 82-1; the location and design of the LP-gas dispensers and dispenser nozzles; the design, specifications and location for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components.

3. ***Compressed natural gas:*** When provided, the location of CNG compressors; the location and design of CNG dispensers and vehicle fueling connections; the design, specification and location for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components

SECTION 2403, TEMPORARY TENTS, CANOPIES AND MEMBRANE STRUCTURES

2403.6 Construction documents. A detailed site and floor plan for tents, canopies, air-supported, air-inflated or tensioned membrane structures shall be provided with each application for approval. The tent, air-supported, air-inflated, tensioned membrane structure or canopy floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.

2403.12.6 Exit signs. Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress. Exit signs shall be illuminated when the exit serves an occupant load of 100 or more.

2403.12.6.1 Exit sign illumination. Illuminated exit signs shall be of an approved self-luminous type or shall be internally or externally illuminated by fixtures supplied in the following manner:

1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less; or

2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided when the occupant load exceeds 300. Emergency systems shall be supplied from storage batteries or the on-site generator set, and the system shall be installed in accordance with the current electrical code of Sedgwick County.

SECTION 2404, TEMPORARY AND PERMANENT TENTS, CANOPIES AND MEMBRANE STRUCTURES

2404.5 Combustible materials. Hay, straw, shavings or similar combustible materials shall not be located within any tent or air-supported structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time. The areas within and adjacent to the tent or air-supported structure, shall be maintained clear of all combustible materials or vegetation that could create a fire hazard within 30 feet from the structure. Combustible trash shall be removed at least once a day from the structure during the period the structure is occupied by the public.

2404.12 Portable Fire Extinguishers. Fire extinguishers shall be provided as Section 906 Any tent or other membrane structure used for the retail sales of fire works as permitted in Section 3309 shall be provided with fire extinguishers in accordance with Section 3309.2.

2404.20 Standby Personnel. When, in the opinion of the code official, it is essential for public safety in a tent, canopy or membrane structure used as a place of assembly or any other use where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires or other life safety hazards during the time such place is open to the public or such activity is being conducted and shall take prompt measures to extinguish fires or perform life saving measures as necessary and assist in the evacuation of the public from the structure.

Such individuals shall not be required or permitted, while on duty, to perform any other duties than those herein specified

SECTION 2706, UNATTENDED PARKING OF VEHICLES, *is hereby created, and shall read as follows:*

2706.1 Unattended Parking. No operator of a commercial delivery vehicle such as a box van, bob tail, truck trailer or tank truck containing products classified by federal, state or local regulatory agencies as hazardous materials, including but not limited to explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, oxidizers, organic peroxides, pyrophoric material, unstable reactive materials, water reactive materials, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, health and biomedical hazards and irritating materials, shall park or leave such vehicle unattended on any street, highway, avenue or alley within five hundred feet (500') of any residential area, apartment or hotel complex or educational, hospital or health care facility at any time, or at any other place that would, in the opinion of the chief, present a life or property hazard

EXCEPTIONS: This shall not prohibit parking or absence of the operator, (1) in connection with loading or unloading, (2) for meals during the day or night if the street is well lighted at the place of parking, and (3) for the purpose of securing assistance in case of emergency.

SECTION 3301, GENERAL

3301.1.3 Fireworks. No person shall possess, manufacture, store, offer for sale, expose for sale, sell at retail, use, handle, or explode any fireworks.

Exceptions:

1. Storage and handling of fireworks as permitted in Section 3304.

2. Manufacture, assembly and testing of fireworks as permitted in Section 3305.

3. The use of fireworks for display as permitted in Section 3308.

4. The sale of fireworks as permitted in Section 3309.

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of $1,000,000.00 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property, which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement. Said bond or certificate of insurance shall name as additional insured's the Board of County Commissioners of Sedgwick County, Kansas, Sedgwick County Fire District Number One, their agents, officers, and employees. Displays on properties owned by Sedgwick County shall also include that facility or location as an additional insured.

3301.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall provide proof of licensure by the State of Kansas or another state's licensing authority, shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age, and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.

Section 3301 *is further amended by adding new Section 3301.9, which shall read as follows:*

3301.9 Locations where explosive material is prohibited. For purposes of Article 33, the storage, manufacture and assembly of explosive materials are prohibited in all zoning districts except in those districts zoned heavy industrial as defined in applicable zoning regulations. The storage, manufacture and assembly shall also meet all requirements of the Bureau of Alcohol Tobacco and Firearms.

SECTION 3302, DEFINITIONS

Section 3302.1 Definitions*, is amended by the adoption of the following definitions:*

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. Fireworks shall not include novelty devices that contain small amounts (0.25 grains or less) of explosive material, such as snakes, snappers, tanks, toy caps, and poppers.

SALE AT WHOLESALE. Sales of fireworks to an individual, firm, partnership, corporation or association engaged in the business of selling fireworks for retail within the county.

TEMPORARY STORAGE. Storage of pyrotechnic special effects material on site for a period of time to be determined by the chief and noted upon any permit required in association therewith.

SECTION 3306, SMALL ARMS AMMUNITION

3306.5.1 Display. The display and storage of small arms ammunition in Group M occupancies shall comply with this section.

Exception: The sale, display or exchange of small arms primers, smokeless propellants and black powder shall not be allowed inside any building used temporarily for flea markets, gun shows, sport and boat shows, travel shows or similar uses.

SECTION 3308, FIREWORKS DISPLAY

3308.2.1 Outdoor Displays. A permit for an outdoor pyrotechnic display shall be granted only to a licensed pyrotechnic operator. Permit applications shall be submitted only by a licensed pyrotechnic operator, and shall be made no less than 10 days prior to the scheduled date of the display. Applications submitted less than 10 days prior to the scheduled date of display may be accepted at the discretion of the code official. No permit shall be submitted more than 60 days prior to the scheduled date of the display unless a signed contract for such display is in the applicant's possession and presented at the time of application. In addition to the requirements of Section 403, the permit application shall include a diagram of the grounds on which the display is to be held showing the point which the fireworks are to be discharged; the locations of buildings, highways and other lines of communication; the lines behind which the audience is to be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. No permit shall be transferable. Permits shall be issued by the Fire Prevention Division of the Sedgwick County Fire Department. The permit fee to engage in a public display of fireworks shall be $100.00 per event, except that the permit fee shall increase by $25.00 for each day the application is submitted less than the 10 days as set forth above.

Section 3308.2 *is further amended by adding new Sections 3308.2.3 and 3308.2.4, which shall read as follows:*

3308.2.3 Indoor Displays. A permit for an indoor pyrotechnic display shall be granted only to a licensed pyrotechnic operator. Permit applications shall be made not less than 10 days prior to the scheduled use or date of the display. Applications submitted less than 10 days prior to the scheduled date of display may be accepted at the discretion of the code official. No permit shall be submitted more than 60 days prior to the scheduled date of a use or display unless a signed

contract for such display is in the applicant's possession and presented at the time of application. The permit application shall include a diagram of the location and a plan or the use of the pyrotechnic material. At the time of the permit application, the code official shall be consulted regarding requirements for standby fire personnel. After the permit has been issued, possession, storage and use of pyrotechnic material of the purpose indicated in the plan at the location shown shall be lawful for that purpose only. No permit shall be transferable. Permits shall be issued by the Fire Prevention Division of the Sedgwick County Fire Department. The permit fee to engage in an indoor pyrotechnic display shall be $100.00 per event, except that the permit fee shall increase by $25.00 for each day the application is submitted less than the 10 days as set forth above.

3308.4.2 Fireworks display permits. All fireworks display permits are required to be in the possession of the licensed pyrotechnic operator of the display at the time of the display, and are not transferable to any other person or location.

Section 3308.11 *is hereby deleted in its entirety.*

SECTION 3309, SALE OF FIREWORKS, *is hereby created, and shall read as follows:*

3309.1 Sale of Fireworks. Retail sales of fireworks shall be allowed only where permitted by applicable municipal ordinances. Wholesale sales of fireworks shall only be allowed by licensed distributors in accordance with this section.

3309.2 Retail display and sale. Fireworks displayed for retail sale, where allowed by applicable municipal ordinances, shall be provided with a minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

3309.3 Distributors. A distributor of fireworks shall not sell, or otherwise exchange by any means, fireworks within the county, except to a person who exhibits a current fireworks display permit granted by the chief for a supervised public display of fireworks or to a person who exhibits a current fireworks display permit granted by a municipality located within the county for a fireworks display within that municipality if such fireworks display permit is required by that municipality.

3309.4 Business Operations. Persons, corporations, partnerships or other entities engaged in the business of manufacture, storage and sale at wholesale of fireworks shall be permitted to manufacture, to possess, to store and to offer for bona fide sale at wholesale to a bona fide purchaser at wholesale who is regularly engaged in the business of selling fireworks, any fireworks, provided that it shall be the duty of such person, corporation, partnership or other entity engaged in the business of manufacture, storage or sale at wholesale of fireworks to ascertain with reasonable certainty that the purchaser of such fireworks is a bona fide purchaser at wholesale and

is regularly engaged in the business of selling fireworks. Such determination shall be ascertained after requiring and recording the name and address of the purchaser, proof of the purchaser's state sales tax number and a list of outlets at which the purchaser will sell such fireworks at retail.

3309.5 Unlawful Acts. It shall be unlawful for any person to use, utilize or occupy any structure, building, part thereof or appurtenance thereto, to manufacture, store, offer for sale at wholesale, expose for sale at wholesale or sell at wholesale any fireworks without a permit for such use, utilization or occupancy issued by the chief. No such permit shall be issued unless and until each structure, building, part thereof or appurtenance thereto shall have been inspected by the fire prevention bureau and each are determined to be suitable for such occupancy pursuant to the I.F.C. Each structure, building, part thereof or appurtenance thereto shall be required to have a permit. Permits issued in accordance with this provision or its predecessor provision shall be valid for one (1) year from the date of issuance, at which time said permit(s) shall expire and such structure, building, part thereof or appurtenance thereto shall again be subject to passing such inspection before a new permit may be issued and such use, utilization or occupancy continued. No such permit shall be issued prior to payment by the owner or occupant of such premises of a permit fee in accordance with Table 105.1.4. Application for a permit shall be made at least fourteen (14) days prior to time it is required hereunder.

SECTION 3404, STORAGE

3404.2.9.5.1 Locations where above ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks outside of buildings is prohibited in all zoning districts except those districts zoned light industrial and heavy industrial as defined in zoning regulations. Where installed for use of private farms in rural areas, construction sites, earth-moving projects or similar operations they shall be allowed in accordance with Section 3406.2.

SECTION 3406, SPECIAL OPERATIONS

3406.2.4.4 Locations where above ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks is prohibited in all zoning districts except those districts zoned light industrial and heavy industrial as defined in zoning regulations.

SECTION 3804, LOCATION OF CONTAINERS

3804.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in all zoning districts except those districts zoned light industrial and heavy industrial, as defined in applicable zoning regulations. In other areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L)

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration f special features such as topographical conditions, nature

of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

SECTION B105, FIRE-FLOW REQUIREMENTS FOR BUILDINGS (APPENDIX B)

Section B.105.1 *is hereby deleted in its entirety.*

B.105.2 Buildings other than one- and two-family dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire flow of 75 percent is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min.).

SECTION C102, LOCATION (APPENDIX C)

C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

Exception: In those areas not served by a municipal or rural water supply system, alternate means of fire protection maybe considered by the code official.

SECTION D101, GENERAL (APPENDIX D)

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. Access to single-family residences, agriculture or accessory structures shall be in compliance with the current Sedgwick County Service Drive Code.

SECTION D103, MINIMUM SPECIFICATIONS (APPENDIX D)

Figure D103.1 *is hereby amended by deleting the "70' DIAMETER CUL-DE-SAC" and the "60' HAMMERHEAD" illustrations.*

SECTION D107, ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS (APPENDIX D)

Section D.107.1 *is hereby amended by deleting Exception 1.*

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Schedule A
(to Sedgwick County Fire Code)

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
102.3	Change use of building	I
104.4	Deny right of entry	I
104.11	Fail to comply with fire department authority	I
104.11.2	Obstruct fire fighting operations	I
105.1.1	Fail to obtain permit (except fireworks display $1000)	H
105.2	Fail to apply for permit (except firework displays $1000)	H
105.3	Fail to comply with permit conditions (except fireworks $1000)	H
105.3.1	Use permit after expiration	H
105.3.3	Occupy building or structure without permit approval	H
105.3.5	Fail to post required permit	H
105.3.6	Make additions or alterations to approved construction documents without fire department approval	I
107.1	Fail to maintain any device, equipment or system, in accordance with this code or applicable standards	H
107.2	Fail to have required equipment tested	H
107.2.1	Fail to have test and inspection records available to the fire code official when requested	H
107.2.2	Fail to have work or installation re-inspected	H
107.4	Render portable or fixed fire extinguishing system, device or fire warning system inoperable or inaccessible	I
107.5	Fail to correct or abate a violation of this code by an owner or occupancy	I
107.6	Allow a building or portion thereof to be overcrowded beyond the approved capacity	I
109.2.2	Fail to comply with compliance order or notice	H
109.2.4	Mutilate, destroy, remove or tamper posted or affixed notice or tag	I
110.1	Fail to comply with notice on unsafe building	I
110.1.1	Allow unsafe condition to remain	I
110.2	Fail to evacuate building or structure as directed	I
110.4	Fail to abate unsafe condition	I
111.4	Fail to comply with work stop order	I
112.1	Fail to submit building plans to the fire department for review	I
112.3	Fail to provide required building plans specifications	I
112.4	Fail to provide required information on building plans	I
112.6	Fail to pay plan review fee	H
112.8	Proceed with construction without fire department building plan approval	I
112.9	Fail to reimburse the fire department for a dishonored check	H
301.3	Burn during prohibition	H
304.1	Allow combustible waste to accumulate which creates a fire hazard	H
304.1.3	Allow combustible waste storage underneath seats	H
305.4	Cause the burning of combustible material in a manner to endanger the safety of persons or property	I
307.2	Fail to obtain permit for open burning	H
307.2.2	Burn prohibited materials	H
307.3	Burn at an unapproved location	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
307.3.1	Have a bon fire at an unapproved location	H
307.3.2	Have a recreational fire at unapproved location	H
307.4	Leave or not attend a burning operation	H
308.2	Use an open flame in a prohibited location	I
308.2.1	Throw, discard, or place a glowing object which could cause an unwanted fire	I
308.3	Use or allow to be utilized an open flame at an unapproved location	I
308.3.2	Locate open flame too close to combustibles	I
308.3.3	Allow candles in aisles and exits	I
308.3.8	Use a Chimenea or other recreational open flame devices in an unapproved manner	H
308.5	Allow an open flame device around a hazardous location	I
310.4	Remove or tamper with no smoking sign	H
310.5	Fail to comply with no smoking sign	H
310.7	Discard smoking material in an approved manner	H
310.8	Use smoking material or an ignition source when hazardous environmental conditions exist	H
311.2.1	Fail to secure and protect vacant premises	I
311.2.2	Fail to maintain fire protection in vacant premise	I
311.3	Fail to remove combustible waste from vacant building	H
311.4	Fail to remove hazardous materials from vacant building	I
312.2.	Fail to provide approved vehicle impact protection post	H
314.3	Display highly combustible goods in an unapproved location	I
315.2.	Fail to store combustible materials in an approved manner	H
315.2.1	Fail to maintain ceiling clearance in an approved manner	H
315.2.2	Store combustible materials in exit or exit enclosure	I
315.3	Store combustible materials outside in an unapproved manner	H
315.3.1	Improperly store or display combustible materials beneath overhead project	H
315.3.2	Exceed outside storage height limitation	H
315.3.3.1	Fail to obtain annual permit for the outside storage of wood pallets and similar materials	I
315.3.3.2	Fail to submit required site plans for outside storage of wood pallets and similar materials	H
315.3.3.3.	Fail to provide fire apparatus access road around storage piles	H
315.3.3.3.1	Fail to provide fire apparatus access road within 150 feet of storage piles	H
315.3.3.3.2	Fail to provide fire apparatus access road width	H
315.3.3.3.3	Fail to provide approved driving surface for a fire apparatus access road	H
315.3.3.3.7	Obstruct the required width of a fire apparatus access road	H
315.3.3.4	Fail to keep outside storage area clear of grass, weeds, trash or debris	H
315.3.3.5.1	Exceed outside storage height limitation of wood pallets or similar materials	I
315.3.3.5.2	Fail to comply with storage pile separation distances	I
315.3.3.5.3	Fail to comply with storage pile location requirements	I
316.1	Fail to remove useless debris from premises	I
316.2	Fail to remove burned building or structure	I
401.3	Fail to report unwanted fire emergency to the fire department	I
401.3.1	Make a false report to the fire department	I
401.3	Fail to notify fire department of a fire alarm activation	I
401.4	Interfere with the fire department	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
403.1	Fail to provide required standby personnel	I
407.3	Fail to properly identify hazardous materials	I
408.12.2	Fail to provide required fire detection in an amusement building	I
408.12.3	Fail to provide required automatic sprinklers in an amusement building	I
408.12.4	Fail to provided required fire alarm in an amusement building	I
408.12.5	Fail to provide emergency voice/alarm communication system in an amusement building	H
408.12.6	Fail to comply with exit marking requirements in an amusement building	H
408.12.8.3	Fail to contact the fire department prior to the operation of an amusement building	H
408.12.8.6	Allow an open flame device or temporary heater in an amusement building	H
408.12.8.11	Use visquene plastic or other black plastic sheeting in an amusement building	H
501.3	Fail to submit proper construction documents to the fire department	H
503.1	Fail to provide fire apparatus access road where required	H
503.2	Fail to comply with fire apparatus access road specifications	H
504.1	Fail to maintain required access to building openings and roofs	H
504.2	Fail to maintain exterior doors and openings in an approved manner	H
507.2.1	Fail to identify exterior access to shaft way	H
507.2.2	Fail to identify interior access to shaft way	H
508.2.1.1	Fail to comply with the installation of private fire service main requirements	I
508.5.1	Fail to provide required water supply	I
508.5.2	Fail to maintain fire hydrant system in operable condition	I
508.5.4	Obstruct fire protection equipment	H
508.5.5	Fail to maintain clear space around fire hydrant	H
603.4	Allow a portable unvented heater in an unapproved location	H
603.4.1	Locate a portable unvented heater in an unapproved location	H
603.6	Maintain chimney and appliances in an unapproved manner	H
603.7.1	Use or cause to be operated an unsafe heating appliance	H
603.8.4	Fail to comply with the burning conditions when using a free standing incinerator	H
604.3	Fail to maintain emergency and standby power systems	I
609.2	Fail to provide a commercial kitchen hood	I
609.6	Fail to have a performance tested conducted of the kitchen hood	H
609.7	Fail to provide make up air for a kitchen exhaust system	H
610.2	Fail to provide approved commercial kitchen hood	I
610.3	Fail to have kitchen exhaust system inspected	H
703.1	Fail to maintain fire resistive rated construction	H
703.2	Fail to maintain fire door or smoke barrier door in operable condition	H
703.4	Fail to have horizontal or vertical fire door inspected and tested	H
704.1	Fail to protect floor openings and shafts as required	H
803.1.1	Use explosive or highly flammable furnishings or decorations	I
803.1.3	Obstruct exit egress passageway	H
803.3.1	Store clothing and personal effects in corridors and lobbies - (group e)	H
803.4.1.	Store clothing and personal effects in corridors and lobbies - (group i-4)	H
804.1.1	Have a natural cut tree in an unapproved occupancy	H
804.1.3	Retain a dry natural cut tree in a building	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
804.2	Obstruct means of egress with a natural cut tree	H
804.3	Use open flame device near decorative vegetation	H
804.3.1	Use unapproved electrical wiring and lighting on decorative vegetation	H
804.4	Use unapproved artificial decorative vegetation	H
804.4.1	Use unapproved electrical wiring and lighting on metal artificial tree	H
805.1	Use unapproved decorations and trim (group a,e,i,r1,r2)	H
806.1.3	Obstruct means of egress with interior decorations or other objects	I
806.2.2	Use unapproved textile wall coverings	I
806.2.4	Use unapproved vinyl wall coverings	I
901.2	Fail to submit required construction documents for approval	I
901.2.1	Fail to provide compliance documents to the code official upon completion of the a project	H
901.4	Fail to maintain fire protection systems in accordance with original installation standards	I
901.4.1	Fail to install, repair, operate, test, or maintain fire protection system in accordance with the fire code	I
901.4.5	Fail to submit fire protection plans to the fire department for review	I
901.4.6	Fail to comply with the license requirements for a fire protection contractor installer	I
901.5	Fail to conduct acceptance testing of any fire protection system in the presence of the fire department	I
901.5.1	Occupy any portion of a building before the fire detection, alarm or suppression system was tested and approved	I
901.6	Fail to maintain fire detection, alarm, or extinguishing system in an operative condition at all times	I
901.6.2	Fail to retain records of all system tests, inspections and maintenance on the premise	I
	Fail to comply with the license requirements for a fire protection contractor inspector	I
901.6.7	Fail to notify fire department of a fire systems being out of service	I
901.8	Remove, tamper or otherwise disturb and fire protection device or system	I
901.8.1	Remove, tamper or otherwise disturb any lock, gate, barricade, sign, tag or seal installed by or at the direction of the fire department	I
903.2.10.1.1	Obstruct firefighter access opening	I
903.2.10.1.2	Fail to install automatic sprinkler system where building openings are on one side and the opposite wall is more than 75 feet	H
903.2.10.2	Fail to install automatic sprinkler system in rubbish and linen chutes	H
903.2.12.2	Fail to install automatic sprinkler system in commercial kitchen exhaust and duct system when required	H
903.3.1.1	Fail to install automatic sprinkler system in a building in compliance with N.F.P.A. Standard 13	I
903.3.1.2	Fail to install automatic sprinkler system in a building in compliance with N.F.P.A. Standard 13R	I
903.3.1.3	Fail to install automatic sprinkler system in a building in compliance with N.F.P.A. Standard 13D	I
903.3.3	Allowed automatic sprinklers to be installed near obstruction which will delay its activation	H
903.3.5	Fail to install back flow device on a sprinkler system	H
903.4	Fail to electronically supervise sprinkler system, pump, tank, or water flow device in an approved manner	I
903.4.1	Fail to have alarms or trouble signals transmitted to an approved location	H
903.4.2	Have audible alarm devices which are fail to operate properly	H
904.2.1	Fail to install required extinguishing system in a commercial kitchen hood and duct system	I
904.3.5	Fail to have fire alarm system monitored	I
904.3.6	Fail to be an authorized fire alarm system inspector by the State of Kansas	I
904.4	Fail to have fire extinguishing system inspected and tested prior to acceptance	H
904.5	Fail to have Wet-chemical system installed, maintained and inspected in accordance with N.F.P.A. Standard 17A	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
904.6	Fail to have dry chemical system installed, maintained and inspected in accordance with N.F.P.A. Standard 17	I
904.7	Fail to have foam system installed, maintained and inspected in accordance with N.F.P.A. Standard 11, 111A, & 16	I
904.8	Fail to have carbon dioxide system installed, maintained and inspected in accordance with N.F.P.A. Standard 12	I
904.9	Fail to have Halon system installed, maintained and inspected in accordance with N.F.P.A. Standard 12A	I
904.10	Fail to have clean agent systems installed, maintained and inspected in accordance with N.F.P.A. Standard 2001	I
904.11	Installed an unapproved commercial cooking fire extinguishing system	I
904.11.1	Fail to installed manual activation device for kitchen commercial extinguishing system	H
904.11.2	Fail to installed interlock device on kitchen commercial extinguishing system	H
904.11.5	Fail to provide portable fire extinguisher within 30 feet of a commercial extinguishing system	H
904.11.6.1	Fail to provide approved grease filters in kitchen hood system	H
904.11.6.4	Fail to have commercial extinguishing system cleaned and inspected by a qualified individual	H
905.9	Fail to electronically valves controlling water supplies of a standpipe system	I
906.4	Fail to provide compatible fire extinguisher for use with a kitchen hood extinguishing system	H
906.6	Obstruct or obscure from view a portable fire extinguisher	H
907.1.1	Fail to submit fire alarm systems construction documents for approval prior to system installation	I
907.2.1	Fail to install a manual fire alarm system in a Group A occupancy	I
907.2.1.1	Fail to install a manual fire alarm system in a Group A occupancy with an occupant load of 1000 or more	I
907.2.2	Fail to install a manual fire alarm system in a Group B occupancy with an occupant load of 500 or more	I
907.2.3	Fail to install a manual fire alarm system in a Group E occupancy	I
907.2.4	Fail to install a manual fire alarm system in a Group F occupancy	I
907.2.5	Fail to install a manual fire alarm system in a Group H occupancy	I
907.2.6	Fail to install a manual fire alarm system in a Group I occupancy	I
907.2.6.1	Fail to install a manual fire alarm system in a Group I-2 occupancy	I
907.2.6.2	Fail to install a manual fire alarm system in a Group I-3 occupancy	I
907.2.6.2.3	Fail to provide approved smoke detection system in I-3 occupancy	I
907.2.7	Fail to install a manual fire alarm system in Group M occupancy	I
907.2.8.1	Fail to install a manual fire alarm system in a Group R-1 occupancy	I
907.2.9	Fail to install a manual fire alarm system in a Group R-2 occupancy	I
907.2.10.1.1	Fail to install single or multiple station smoke alarm in an R-1 occupancy	I
907.2.10.1.2	Fail to install a single or multiple station smoke alarm in an R-2, R-3, R-4 or I-1 occupancy	H
907.2.11	Fail to provide an approved automatic smoke detection system in a special amusement building	I
907.2.14	Fail to install an approved automatic fire detection system in an high piled combustible storage are	I
907.3	Fail to install an approved fire alarm system in an existing Group E occupancy	I
907.3.1.2	Fail to install an approved fire alarm system in an existing Group I-1 residential care/assisted living facility	I
907.3.1.3	Fail to install an approved fire alarm system in an existing Group I-2	I
907.3.1.4	Fail to install an approved fire alarm system in an existing group I-3 occupancy	I
907.3.1.6	Fail to install an approved fire alarm system in an existing Group R-1 Boarding and rooming house	I
907.3.1.7	Fail to install an approved fire alarm system in an existing Group R-2	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
907.3.1.8	Fail to install an approved fire alarm system in an existing Group R-4 residential care/assisted living facility	I
907.3.2	Fail to install a single or multiple station smoke alarm in an existing Group R occupancy	I
907.4.1	Fail to install a manual fire alarm box in an approved location	H
907.4.2	Have a manual fire alarm box at an unapproved height	H
907.13	Fail to maintain access to a duct detector for testing and inspection	H
907.15	Fail to have the fire alarm system monitored by an approved agency	I
907.17	Fail to have an acceptance test of a fire alarm system	I
907.18	Fail to provide the fire alarm record of completion report	H
907.20.0	Fail to have the fire alarm system tested and maintained in accordance with N.F.P.A. Standard 72	I
907.20.5	Fail to maintain an inspection and testing report of the fire alarm system on the premises	H
912.2.2	Fail to properly identify the location of a fire department connection on an existing building	H
912.2.3	Obstruct a fire department connection	H
912.2.3.1	Fail to install locking caps on a fire department connection	H
912.4	Fail properly identify the type of fire department connection	H
912.5	Fail to install backflow prevention device on a fire sprinkler system	H
912.6	Fail to have fire department connection tested, inspected and maintained in accordance with N.F.P.A. Standard 25	I
913.4	Fail to electronically valves controlling water supplies of a fire pump	I
913.5	Fail to have the fire pump tested and maintained in accordance with N.F.P.A. Standard 25	I
1001.2	Alter a building or structure in a manner that reduces the number of exits required by code	I
1003.2	Have a ceiling height less than 7 feet in a means of egress	I
1003.3.1	Have protruding object below the minimum ceiling height permitted by code	H
1003.3.4	Allow protruding objects to reduce the minimum clear width of accessible egress routes	H
1003.6	Allow obstructions be placed in the required width of a means of egress	H
1004.3	Fail to post required occupant load of a room or space	H
1004.8	Fail to provide required exits from an outdoor area	I
1005.2	Reduce the required width of a door opening into the path of egress travel	H
1006.1	Fail to provide required egress illumination	I
1006.3	Fail to provide emergency illumination supply in means of egress	I
1006.4	Fail to meet minimum emergency lighting brightness	I
1007.3	Fail to maintain clear width of 48 inches in an enclosed exit stairway	H
1008.1	Fail to maintain egress door as a distinguishable exit door	I
1008.1.1	Fail to maintain required clear with of an exit door	I
1008.1.2	Fail to have door swing in the direction of egress travel	I
1008.1.3.5	Allow the use of a security grill in other than Group B, F, M and S occupancy	I
1008.1.4	Have an unapproved floor elevation or landing for an exit door	H
1008.1.5	Have an improper landing size for an exit door	H
1008.1.8	Have an unapproved method of opening an exit door	H
1008.1.8.1	Have unapproved door hardware	H
1008.1.8.2	Have the door hardware at an unapproved height	H'
1008.1.8.3	Use locks and latches on an exit door in an unapproved manner	H
1008.1.8.4	Have a bolt lock on an exit door	I
1008.1.8.5	Have more than one operation to open an exit door	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
1008.1.8.6	Use a delayed egress lock in an unapproved occupancy	I
1008.1.9	Fail to provide required panic hardware	H
1009.1	Fail to maintain required stairway width	H
1009.3	Fail to comply with stair tread and riser requirements	H
1009.4	Fail to comply with stairway landing requirements	H
1009.5.1	Fail to comply with stairway construction requirements	I
1011.1	Fail to provide required exit sign	H
1011.2	Fail to provide required illumination for an exit sign	H
1011.5	Fail to comply with externally illuminated exit sign requirements	H
1013.3	Exceed common path of travel distance requirement	H
1014.1	**Fail to provide required second exit**	**I**
1014.3	Fail to provide required second exit in Boiler, incinerator or furnace rooms	I
1016.1	Fail to provide required corridor fire resistance rating	I
1016.2	Fail to provide required minimum corridor width	I
1016.3	Exceed maximum dead-end corridor width	I
1017.1	Use an exit for other than its intended purpose	I
1017.2	Fail to provide at least one exterior exit door	H
1018.1	Fail to provide required number of exit doors based upon occupant load	I
1023.6	Fail to provide a direct and unobstructed access to a public way	I
1024.2	Fail to provide a main exit from a Group A occupancy with an occupant load greater than 300	I
1024.6	Fail to provide a clear width of aisles and other means of egress in an Assembly occupancy	H
1024.7	Exceed travel distance to an exit door	I
1024.9.1	Fail to provide required minimum aisle width in an assembly occupancy	H
1026.3	Fail to provide required illumination of an exit sign in an existing building	I
1026.5	Fail to provide emergency illumination supply in an existing means of egress	I
1026.7	Fail to provide minimum required width of an exit door in an existing building	I
1026.8	Maintain an exit door which is too difficult to open	I
1026.9	Fail to maintain a revolving door in an existing building in an approved manner	I
1026.17	Fail to maintain a corridor in an existing building in an approved manner	I
1026.17.2	Exceed maximum dead end corridor with in an existing building	I
1026.17.4	Exceed common path of travel distance requirement in an existing building	I
1026.20	Fail to maintain minimum aisle width in an existing building	I
1027.2	Prevent required exit accesses, exits or exit discharges from being used in an emergency	H
1027.3	Allow a means of egress to be obstructed	I
1027.3	Allow furnishings and decorations to obstruct or conceal an exit	I
1103.1	Improperly use open flames and flame producing devices in a hanger	I
1103.2	Fail to comply with smoking regulations in an aviation facility	H
1104.2	Apply aircraft finishing material in an unapproved manner	I
1105.7	Fail to maintain access to a fire extinguisher in an aircraft facility	H
1106.3.8	Use smoking material in an aircraft fueling vehicle	H
1106.5	Conduct unapproved aircraft fueling and defueling operations	H
1106.15	Use open flames and open flame devices near aircraft fueling operation	I
1207.2.2	Fail to provide required second means of egress in a dry cleaning room	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
1208.2	Fail to provide automatic sprinkler system in a dry cleaning plant	I
CHAPTER 13	Any violation of Chapter 13 (COMBUSTIBLE DUST-PRODUCING OPERATIONS)	I
1404.1	Use smoking material in an unapproved location	H
1404.2	Allow waste material to accumulate within a building under construction	H
1404.5	Fail to provide required fire watch person	I
1405.4	Permit sources of ignition and smoking in prohibited area	H
1407.3	To provide approved fire hoses whenever explosives are used for demolition	J
1408.7	Fail to remove temporary fire protection device covering	I
1410.1	Fail to provide required fire department vehicle access during construction	H
1411.1	Fail to provide required stairway in buildings over 50 feet during construction	I
1411.2	Fail to maintain required egress components during construction/demolition	I
1413.1	Occupy building without approved testing/inspection of the sprinkler system	I
1503.2	Fail to protect against sources of ignition in flammable finishing operations	H
1503.4	Fail to maintain clean spraying area	H
1503.4.2	Fail to remove cleaning residue immediately from premises	H
1503.4.3	Fail to provide approved waste receptacle in spraying operations	H
1504.1	Fail to provide required spray booth or room	I
1504.1.1	Fail to construct spray room of approved materials	I
1504.1.1.1	Fail to construct spray room floor of approved materials	H
1504.1.2.1	Fail to construct spray booth of approved materials	I
1504.1.2.3	Fail to construct spray booth floor of approved materials	H
1504.1.2.5	Fail to maintain clear space around spray booth	H
1504.1.3	Fail to construct spraying space in approved manner	I
1504.1.3.1	Fail to construct spraying space floor of approved manner	H
1504.1.4	Fail to comply with limited spraying spaces requirements	I
1504.2	Fail to provide approved mechanical ventilation	H
1504.2.1	Fail to comply with mechanical ventilation operation requirements	H
1504.2.4	Obstruct ventilation system with articles being painted	H
1504.3.3	Fail to install air velocity detection devices	H
1504.3.5	Fail to disposed filters in an approved manner	H
1504.5	Fail to fix lighting units in an approved location	H
1504.5.1	Use unapproved glass panels	H
1504.5.2	Use unapproved exterior light fixtures	H
1504.5.3	Use unapproved integral light fixtures	H
1504.5.4	Use portable electrical lamps in an unapproved manner	H
1504.6	Fail to provide approved automatic fire extinguishing system in spray booth/room	I
1504.6.1	Fail to protect sprinklers installed in spraying area	H
1504.6.2	Fail to install shut down interlock on automated spraying system	I
1504.6.2.1	Fail to install manual fire alarm system on automated spraying system	I
1504.6.3	Interconnect air make up and exhaust system with fire alarm system	I
1504.6.4	Fail to provide portable fire extinguisher for spraying area	H
1504.7.2.2	Use portable infrared drying apparatus in an unapproved manner	H
1504.7.2.3	Use open flames during a drying process	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
1505.1	Conduct dip-tank operations in an unapproved location	I
1505.2	Fail to provide ventilation for a dip tank operation	I
1505.5	Fail to provide portable fire extinguisher near dip tank	H
1505.6	Fail to provide approved automatic extinguishing system for dip tank operations	I
1507.2	Conduct power coating operation in an unapproved location	I
1507.4	Fail to provide ventilation for power coating operations	I
1507.8	Fail to provide approved extinguishing system for powder coating operation	I
1510.1	Conduct a floor surfacing and finishing operation in an unapproved manner	I
1511.3	Fail to provide fire protection system in resin application area	I
1903.2	Fail to provide approved dust collection and exhaust system inside building	H
1903.2.1	Fail to provide explosion venting in a dust explosion hazardous area	H
1903.3.1	Fail to conduct required housekeeping/removal of combustible dusts	H
1903.9	Fail to maintain premises in an approved manner	H
1905.5.3	Fail to install no smoking signs	H
1908.3	Exceed pile size limits for wood chips and compost	I
1908.4	Fail to provide required access roads around wood chips or compost piles	I
1908.8	Fail to provide required fire extinguisher on vehicles	H
1908.11	Fail to provide required property screening	H
1908.13	Fail to provide required on-site fire protection	I
1909.2	Fail to store exterior lumber storage in an approved manner	I
1909.4	Fail to secure lumber storage area in an approved manner	H
2201.3.1	Fail to provide fuel dispensing plans to the fire department for approval	H
2204.2.5	Fail to maintain two-way communication system at a fuel dispensing operation	H
2204.3.3	Fail to provide emergency shut-off control at a fuel dispensing operation	H
2204.3.4	Fail to post operating instructions at unattended self service fuel dispensing operations	H
2204.3.6	Fail to provide a phone at an unattended self service dispensing operation	H
2205.5	Fail to provide approved fire extinguisher near a dispensing location	H
2205.6	Fail to post warning signs at a dispensing operation	H
2206.2.2	Have an unapproved above ground fuel storage tank inside a building	I
2206.3	Fail to secure an above ground tank storage area in an approved manner	H
2206.4	Fail to install approved vehicle impact protection for an above fuel dispensing storage tank	H
2206.5	Fail to provide required secondary containment for an above ground tank	H
2206.7.2	Fail to secure fuel pump in an approved manner P	H
2206.7.3	Fail to protect dispensing device in an approved manner	H
2206.7.6	Provide an unapproved fuel delivery nozzle	H
2206.7.8	Allow flammable liquids to be dispensed in an unapproved manner	I
2207.5.3	Fail to provide vehicle impact protection for LP-gas storage containers	I
2208.7	Fail to provide emergency shut-down equipment for COG dispensers	H
2210.2.2	Store waste oil, motor oil in an unapproved manner	H
2210.2.3	Drain and dispose of liquid waste in an unapproved manner	H
2210.3	Allow a source of ignition in a repair garage less than 18 inches above the floor	H
2305.1	Fail to maintain structural integrity of storage racks	I
2305.4	Fail to maintain clear aisle in high pile storage locations	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
2305.5	Exceed high pile storage dimensions and height limitations	I
2306.6	Fail to provide fire apparatus access drive for building containing high pile combustible storage	I
2306.6.1	Fail to provide required access doors	H
2306.6.9	Fail to provide required aisle access to exits and access doors	I
2306.6.9.1	Fail to provide required aisle width	H
2306.9.2	Fail to provide required clear height of aisle width	I
2403.6	Fail to provide site and floor plan for tent	H
2403.8.1	Fail to provide required fire apparatus access road around tent	H
2403.8.5	Fail to provide required fire break around tent	H
2403.12.2	Fail to provide required number of exits for a tent	H
2403.12.6	Fail to provide required exit signs for a tent	H
2403.12.6.1	Fail to provide required illuminated exit sign for a tent	H
2403.12.8	Fail to maintain required width of an exit in a tent	H
2404.2	Fail to provide flame resistant certificate for a tent	H
2404.5	Allow combustibles too close to tent	H
2404.6	Fail to provide NO SMOKING sign in a tent	H
2404.7	Allow open or exposed flame or other similar heat source inside or located within 20 feet of a tent	H
2404.8	Use fireworks within 100 feet of a tent	I
2404.12	Fail to install portable fire extinguisher inside a tent	H
2404.18.2	Fuel or defuel a vehicle or equipment within a tent	I
2404.18.3	Obstruct a means of egress in a tent with a vehicle or equipment	H
2404.20.	Fail to provide required standby personnel when using a tent	I
2503.3	Fail to clean tire rebuilding buffering area	H
2504.1	Conduct an open burning operation in a tire storage yard	J
2504.2	Operate a cutting, welding or heating device in a tire storage yard	H
2505.1	Exceed individual tire storage pile requirements	I
2505.2	Fail to separate individual tire storage piles	I
2505.3	Fail to separate individual tire storage piles from other stored products	I
2505.4	Fail to separate tire storage piles from lot lines and buildings'	I
2505.5	Fail to maintain storage yard clear from combustible ground vegetation	I
2505.6	Fail to store bulk volume of tire storage in excess of 150,000 ft3 in an approved manner	I
2505.7	Store outdoor tire waste in an unapproved location	I
2506.1	Fail to provide fire apparatus access roads in tire storage yards	I
2507.4	Fail to maintain tire storage gateway clear of obstructions and fully operable	I
2508.1	Fail to provide fire protection water for tire storage yard	I
2509.1	Store tires inside in an unapproved manner	I
2604.1.1	Have combustibles in a hot work area	H
2604.1.3	Fail to keep hot work floor area clean	H
2604.1.5	Use partitions in an unapproved manner	H
2604.1.7	Conduct hot work operations on hazardous containers in an unapproved manner	I
2604.1.8	Fail to maintain sprinkler protection during hot work operation	I
2604.2	Fail to establish and conduct a fire watch during hot work operations	I
2605.7	Conduct welding or cutting work in an unapproved manner	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
2606.4	Fail to provide emergency disconnect for fixed electrical welders	H
2703.1	Store, use or handle hazardous materials in an unapproved manner	H
2703.2.4	Install hazardous materials storage tanks in an unapproved manner	I
2703.3	Allow the release of hazardous materials to an unauthorized location	I
2703.3.1	Permit an unauthorized release of hazardous materials	I
2703.4	Fail to provide material safety data sheets (MSDS)	H
2703.5	Fail to provide hazardous identification signs on containers and tanks	I
2703.6	Obscure or remove identification signs of containers and tanks	I
2703.7	Fail to comply with the sources of ignition prohibition in hazardous materials areas	I
2703.8.3.2	Exceed maximum number of hazardous materials control areas	I
2703.8.3.3	Fail to maintain required fire resistive rating for fire barrier assembly	H
2703.8.7.1	Use an unapproved hazardous material storage cabinet	H
2703.8.7.2	Fail to label hazardous material cabinet with warning sign	H
2703.9.2	Fail to secure storage, dispensing, use and handling areas from unauthorized entry	H
2703.9.3	Fail to protect storage tanks and equipment in an approved manner	H
2703.9.5	Fail to protect hazardous materials with flammable mixtures from static electricity	I
2703.9.8	Failed to separate incompatible hazardous materials	I
2703.9.9	Fail to provide proper shelf storage of hazardous materials	I
2703.10.3	Use cart or truck to transport hazardous materials in an unapproved manner	H
2703.11.3	Store and display improperly hazardous materials in group "m" or "s" occupancies	H
2703.12	Use outdoor hazardous material control area in an unapproved manner	I
2704.2.	Fail to provide spill control and secondary containment for hazardous materials	I
2704.3	Fail to provide indoor storage area & buildings with approved required ventilation	I
2704.4	Fail to separate incompatible hazardous materials in storage area	I
2704.6	Fail to provide required indoor explosion control	I
2704.7	Fail to provide required standby or emergency power	I
2704.11	Fail to maintain hazardous area clear of combustible materials	H
2705.1	Fail to separate incompatible hazards materials in use, dispensing and handling area	I
2705.1.5	Fail to provide required standby or emergency power	I
2705.1.7	Fail to provide adequate lighting in use, dispensing and handling area	I
2705.1.9	Fail to provide indoor dispensing and use area with required ventilation	I
2705.3	Use and dispense hazardous materials in an unapproved outdoor location	I
2705.3.8	Fail to keep hazardous materials storage area clear of combustible material a distance of 30 feet	I
2706.1	Leave a vehicle containing hazardous materials unattended in an unapproved manner	I
2801.3	Fail to maintain Material Data Safety Sheets on premises containing aerosols	H
2804.2	Exceed maximum storage amounts of aerosols in Groups A, B,E,F,I and R occupancies	H
2804.3	Store aerosol in general purpose warehouses in an unapproved manner	H
2804.4.1	Fail to provide approved wet-pipe automatic sprinkler system in an aerosol warehouse	I
2804.4.2	Fail to maintain required travel distances or aisle width in an aerosol warehouse	H
2804.4.3	Fail to maintain required aisle width between storage racks in an aerosol warehouse	H
2804.4.4	Store flammable and combustible liquids in an unapproved manner in an aerosol warehouse	I
2804.7	Store aerosols in Group M occupancy in an unapproved manner or location	I
2805.1	Store aerosol products outside at an unapproved location	H
2806.2	Exceed maximum display quantities in retail display locations	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
2806.3	Exceed maximum quantities in a storage area adjacent to a retail display area	H
2806.4	Exceed storage height requirements of aerosol products in a retail display area	H
2806.6	Fail to maintain aisle width requirements of a retail display area	H
2806.7	Fail to provide required automatic sprinkler system in a retail area containing aerosol	I
2903.3	Fail to maintain clearance around automatic sprinklers in areas containing combustible fibers	I
2903.4	Fail to comply with storage requirements of agriculture products	H
2903.5	Fail to provide required dust collection system	I
2904.1	Store loose combustible fiber material in an unapproved manner	H
2904.3	Store loose combustible fibers between 100 and 500 ft3 in an unapproved location	I
2904.4.	Store loose combustible fibers between 501 and 1000 ft3 in an unapproved location	I
2904.5	Store loose combustible fibers more than 1001 ft3 in an unapproved location	I
3003.2	Fail to mark stationary or portable compressed gas containers, cylinders or tanks in an approved manner	H
3003.3.2	Fail to protect compressed gas containers, cylinders or tanks and systems in an approved manner	H
3003.3.3	Fail to secure compressed gas containers, cylinders and tanks from falling	H
3003.5	Fail to provide required separation of compressed gases from exposure hazards	H
3003.5.1	Fail to keep compressed gas containers, cylinders or tanks from incompatible materials	I
3003.5.3	Place or store compressed gas containers, cylinders or tanks near ledges, platforms or elevators	H
3003.5.6	Expose compressed gas cylinders, containers or tanks to extreme temperatures	I
3003.5.8	Expose compressed gas cylinders, containers or tanks to corrosive chemicals or fumes	I
3003.9	Fail to remove from service compressed gas cylinders, containers, tanks and systems after being exposed to fire	H
3003.1	Fail to remove from service compressed gas cylinders, containers, or tanks which are damaged, leak or corroded	H
3003.2	Fail to protect compressed gas containers, cylinders or tanks and systems from the weather elements	I
3004.1	Fail to store compressed gas containers, cylinders and tanks in an upright position	H
3005.5	Fail to use compressed gas containers, cylinders and tanks in an upright position	H
3005.10.2	Use unapproved lifting device for compressed gas cylinders, containers and tanks	H
3006.2	Stored medical compressed gas at an unapproved location	H
3007.2	Fail to provide approved mechanical ventilation in an indoor storage or use area	H
3104.2.1	Fail to provide secondary containment for aboveground outside storage tanks of corrosives over 1,000 gallons	I
3104.2.2	Store corrosive materials in an unapproved manner	I
3105.1.2	Fail to provide approved mechanical exhaust ventilation in an area using corrosive materials	I
3105.2.1	Use corrosive materials in an unapproved location	I
3203.4.1	Fail to provide required identification of cryogenic containers and systems	I
3203.5	Fail comply with security requirements for cryogenic containers and systems	H
3203.6	Fail to separate cryogenic containers and system in storage or use areas from hazardous conditions	H
3203.1	Fail to remove from service leaking, damaged or corroded cryogenic containers	H
3204.2	Store cryogenic containers indoors in an unapproved manner	H
3204.3	Store cryogenic containers outdoors in an unapproved manner	H
3204.3.2	Store portable cryogenic containers in an unapproved manner	H
3205.1.2.4	Fail to protect cryogenic piping system in an approved manner	H
3205.4.1.1	Fail to provide approved mechanical ventilation system for indoor areas where cryogenic fluids are dispensed	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
3301.1.3	Possess fire works	H
3301.2.1	Keep or store any explosives at any place of habitation	I
3301.2.4	Fail to meet the insurance requirements for conducting a fire works display	I
3301.4	Fail to meet qualifications of a fireworks display operator	I
3301.5	Fail to provide required supervision a permitted location	I
3301.6	Fail to notify fire department concerning the storage of explosive	I
3303.2	Fail to maintain record of transactions concerning the use of explosive materials	I
3303.3	Fail to report the loss, theft or unauthorized removal of explosive materials	I
3303.4	Fail to report accidents involving explosive materials	I
3303.5	Fail to keep a record of misfired explosives materials	H
3303.7	Fail to post required safety rules concerning explosives	H
3304.2	Fail to provide required explosive storage magazine	I
3304.4	Store detonators in an unapproved manner	I
3304.5	Locate explosive storage magazine at an unapproved location	I
3304.5.1.2	Fail to comply with indoor explosive magazine storage construction requirements	I
3304.5.1.3	Exceed quantity limit in an indoor storage magazine	H
3304.5.1.5	Store indoor storage magazine at an unapproved location	H
3304.5.1.6	Have more than two indoor storage magazine in a building	H
3304.6.5	Fail to provide required explosive signs and placards on property	I
3304.6.5.1	Fail to provide required explosive sign at property entrance	I
3304.10.4	Fail to properly store explosive which misfire in an approved location	I
3306.2	Store small arms ammunition in an unapproved manner	I
3306.5.1.1	Display more than 20 pounds of smokeless propellants in a Group M occupancy	I
3306.5.1.2	Display more than 1 pound of black powder in a Group M occupancy	I
3306.5.1.3	Display more than 10,000 small arms primers in a Group M occupancy	I
3308.2.1	Fail to comply with outdoor display permit application requirements	I
3308.2.3	Fail to comply with indoor display permit application requirements	I
3308.2.4	Operate a fire work display without having possession of the permit	I
3308.8.4	Allow unauthorized persons within the display area	I
3308.8.5.1	Leave the fireworks being used for a display unattended	H
3308.5.5	Store the fireworks being used for a display at an unapproved location	H
3308.8	Fail to discontinue a fireworks display because of a hazardous condition	I
3309.2	Fail to provide a fire extinguisher and no smoking signs at a retail firework display location	H
3309.3	Sell fireworks within the county to a person without a fireworks display permit	I
3309.4	Conduct an unauthorized fire works wholesale operation	I
3309.5	Use or occupy any structure for wholesale fire work operations without a permit	I
3403.5	Fail to provide warning signs for flammable liquid storage or use	H
3403.5.1	Have unapproved sign for the use of flammable liquid storage	H
3403.5.3	Fail to identify, mark, label or placard flammable liquids containers, packages or cartons	H
3403.6.4	Fail to provide approved vehicle impact protection for flammable liquid piping, valves or fittings	H
3404.2.3.1	To provide no smoking or open flames sign in an area containing flammable liquid storage tanks or containers	H
3404.2.3.2	To provide product identification signage	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
3404.2.6	Fail to separate flammable or combustible liquids from incompatible materials	H
3404.2.7	Use an unapproved flammable liquid storage tank	I
3404.2.8.7	Fail to provide approved vehicle impact protection for a flammable liquid vault	H
3404.2.9.4	Use flammable or combustible liquid tank inside a building in an unapproved manner	I
3404.2.9.6.5	Fail to provide approved vehicle impact protection for above ground tanks outside of buildings	H
3404.2.10.4	Fail to remove combustible materials from a diked area	H
3404.2.13.1.3	Fail to remove underground storage tank out of service for 1 year	I
3404.2.13.2.3	Fail to remove above ground storage tank out of service for 1 year	I
3404.3.2.1.1	Fail to comply with liquid storage cabinet construction requirements	H
3404.3.2.3	Exceed allowable number of liquid storage cabinets	H
3404.3.3.3	Store flammable or combustible liquids near a means of egress	I
3404.3.3.5.1	Use unapproved shelving material	H
3404.3.3.6	Fail to maintain required aisle width between rack storage	I
3404.3.3.7	Fail to maintain required separation of solid pile or palletized storage	I
3404.3.3.9	Fail to maintain required separation of empty or idle combustible pallets	I
3404.3.3.10	Fail to maintain pile stability	I
3404.3.4.2	Exceed occupancy storage quantity limits	I
3404.3.4.4	Fail to provide liquid storage cabinet	H
3404.3.5.1	Store flammable or combustible liquids in an unapproved manner in basements	I
3404.3.5.2	Exceed storage pile height	H
3404.3.5.3	Store containers too close to a ceiling or roof	I
3404.4.2.3	Fail to secure outside storage area in an approved manner	H
3404.4.2.4	Store tanks and containers too close a building	H
3404.4.5	Fail to provide approved vehicle impact protection for exterior tanks	H
3404.4.6	Fail to maintain storage area clear of combustible materials	H
3405.3.3	Use unapproved liquid for heating, lighting or cooking inside a building or structure	I
3405.3.5.2	Exceed occupancy use amounts of flammable or combustible liquids	I
3405.3.6.2.6	Fail to provide approved ventilation when using a parts cleaning or degrease machine	H
3406.2.2	Fail to identify, mark, label or placard flammable liquids tank at a construction site	H
3406.2.4.3	Store Class I or II liquid storage tank too close to a building or combustible storage	H
3503.1.1	Store or use flammable gases in Group A, B, E, I or R occupancies	H
3503.1.4	Fail to eliminate ignition sources in areas containing flammable gases	H
3604.1	Store flammable solids indoors in an unapproved manner	H
3604.2	Store flammable solids outdoors in an unapproved manner	H
3606.2	Store magnesium in an unapproved manner	H
3606.5.3	Fail to provide approved dust collection system magnesium grinding, buffing and wire brushing operations	I
3606.5.4	Fail to provide required power supply interlock device for magnesium machines	H
3606.5.5	Fail to comply with the electrical requirements when using magnesium processing machines	H
3606.5.6	Fail to provide an electrical ground for magnesium processing machines	H
3606.5.7	Fail to provide required fire extinguishing material by magnesium processing machines	H
3703.1	Store and use highly toxic and toxic solid and liquid materials indoors in an unapproved manner	I
3703.2	Store and use highly toxic and toxic solid and liquid materials outdoors in an unapproved manner	I

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
3704.1	Store and use highly toxic and toxic compressed gases in an unapproved manner	I
3704.2	Store and use highly toxic or toxic compressed gasses indoors in an unapproved manner	I
3704.3	Store and use highly toxic and compressed gases outdoors in an unapproved manner	I
3803.2.1.1	Use LPG container in a basement, pit or similar location	H
3803.2.1.4	Use LPG container in Group E or I occupancy in an unapproved manner	H
3805.1	Use LPG with an unapproved device or equipment	H
3807.2	Post no smoking signs in areas where LPG is transferred or filled into containers	H
3808.2	Fail to provide required fire extinguisher at a LPG location	H
3809.2	Fail to protect LPG containers from excessive temperatures	H
3809.4	Store LPG containers indoors near exit doors, stairways or other areas intended to be used as a means of egress	I
3809.7	Store LPG container in a basement, pit or similar location	H
3809.12	Store LPG container awaiting use, resale or exchange at an unapproved location	H
3809.13	Fail to protect LPG containers from tampering or vehicular damage	H
3809.14	Store LPG containers outdoors near exit doors, stairways or other areas intended to be used as a means of egress	I
3811.2	Leave LPG tank vehicle unattended in an unapproved manner and or location	I
3903.1.1	Store or use indoors organic peroxides in an unapproved manner	I
3904.2	Store outdoors organic peroxides in an unapproved manner	H
4003.1.1.	Store and use indoors oxidizers at an unapproved location in an unapproved manner	H
4004.1	Allow the indoor storage of oxidizers in an unapproved manner or location	H
4004.2	Allow the outdoor storage of oxidizers in an unapproved manner or location	H
4104.1	Allow the indoor storage of pyrophoric materials in an unapproved manner or location	H
4104.2	Allow the outdoor storage of pyrophoric materials in an unapproved manner or location	
4106.1.1	Allow the indoor storage of Silane gas in an unapproved building	H
4106.2	Allow the indoor storage of Silane gas and gas mixtures in an unapproved manner	H
4106.3	Allow the outdoor storage of Silane gas and gas mixtures in an unapproved manner or location	H
4203.1	Display cellulose nitrate articles in an unapproved manner	H
4203.2	Allow the storage of any item under tables displaying cellulose nitrate articles	H
4203.3	Allow the sale or display tables of cellulose nitrate articles which interfere with exiting from a room or building	H
4203.4	Allow lighting to be directly above the cellulose nitrate material	H
4204.1	Allow the use of raw cellulose nitrate material in an unapproved manner or at an unapproved location	H
4204.2	Fail to provide required fire protection system where cellulose nitrate articles are manufactured or stored	I
4301.1.2.1	Allow the indoor storage of unstable (reactive)) material in Group A, E, I or U occupancies in an unapproved manner	I
4301.1.2.2	Allow the indoor storage or use of Class 3 or 4 unstable (reactive)) material in R occupancies	I
4301.1.2.3	Allow the indoor storage or use of Class 4 unstable (reactive)) material in M occupancies	I
4301.1.2.4	Allow the indoor storage and use of Class 3 or r unstable (reactive) material in Group B,F,M,S occupancies offices	I
4301.1.2.5	Allow the indoor storage of class 3 or 4 unstable (reactive) materials in Group B,F,M occupancies classrooms in an unapproved manner	I
4304.2	Allow the outdoor storage of unstable (reactive) material in an unapproved manner of location	H

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
4404.1	Allow the indoor storage of water reactive solids and liquids in an unapproved manner or location	H
4404.2	Allow the outdoor storage of water reactive solids and liquids in an unapproved manner or location	H
***The violations listed below are special class violations. Violations of these code sections shall carry a fine of $1,000.00 each.**		
104.11.3	Render system or device inoperable during an emergency	*
105.1.1	Fail to obtain a fire works display permit	*
105.2	Fail to apply for a fire works display permit	*
105.3	Fail to comply with the fire works display permit requirement	*
903.2.1.1	Fail to install automatic sprinkler system in Group A-1 occupancy	*
903.2.1.2	Fail to install automatic sprinkler system in Group A-2 occupancy	*
903.2.1.3	Fail to install automatic sprinkler system in Group A-3 occupancy	*
903.2.1.4	Fail to install automatic sprinkler system in Group A-4 occupancy	*
903.2.1.5	Fail to install automatic sprinkler system in Group A-5 occupancy	*
903.2.2	Fail to install automatic sprinkler system in Group E occupancy	*
903.2.3	Fail to install automatic sprinkler system in Group F-1 occupancy	*
903.2.3.1	Fail to install automatic sprinkler system in Group F-1 occupancy with a woodworking operation	*
903.2.4.1	Fail to install automatic sprinkler system in Group H occupancy	*
903.2.4.2	Fail to install automatic sprinkler system in Group H-5 occupancy	*
903.2.4.3	Fail to install automatic sprinkler system in a building containing Pyroxylin plastics	*
903.2.5	Fail to install automatic sprinkler system in Group I occupancy	*
903.2.6	Fail to install automatic sprinkler system in Group M occupancy	*
903.2.6.1	Fail to install automatic sprinkler system in a building containing high piled storage	*
903.2.7	Fail to install automatic sprinkler system in Group R occupancy	*
903.2.8	Fail to install automatic sprinkler system in Group S-1 occupancy	*
903.2.8.1	Fail to install automatic sprinkler system in repair garage	*
903.2.8.2	Fail to install automatic sprinkler system in buildings containing bulk storage of tires	*
903.2.9	Fail to install automatic sprinkler system in Group S-2 occupancy	*
903.2.9.1	Fail to install automatic sprinkler system in a commercial parking garage	*
903.2.10	Fail to install automatic sprinkler system in every story or basement of buildings in excess of 1500 square feet	*
903.2.10.1.3	Fail to install automatic sprinkler system in basements when building opening is greater than 75 feet	*
904.11.6.3	Fail to comply with the requirements for the inspection or cleaning of a kitchen exhaust system	*
2307.3	Exceed maximum storage height and pile volume for high pile combustibles	*
2307.4	Fail to maintain sprinkler clearance for high combustible storage	*
2308.2	Fail to install and maintain fire protection in high pile rack storage	*
2308.2.2.1	Fail to install and maintain fire protection in high pile rack storage with solid shelves	*
2308.3	Fail to maintain required flue space for high pile combustibles storage racks	*
2308.5	Fail to obtain fire department approval before installing extra high storage racks	*
2308.5.1	Fail to install and maintain fire protection in extra high combustible storage racks	*

CLASSIFICATION OF VIOLATIONS

Section	Description Of Violation	Class
2309.1	Fail to comply with automated storage requirements	*
2704.5	Fail to install sprinkler system in indoor storage area or building	*
3305.1	Manufacture, assemble or test explosives in an unapproved manner	*
3305.8	Detonate explosive materials or ignite fireworks for testing purposes in an unapproved location	*

Schedule B
(to Sedgwick County Fire Code)

The plan review fee required by Section 112.3 of this resolution, shall be determined by multiplying the value of the construction by the applicable multiplier as set forth in the below schedule. This schedule is subject to change at any time by the Board of County Commissioners of Sedgwick County, sitting as the governing body of Fire District Number 1:

SCFD PLAN REVIEW FEE SCHEDULE

Valuation			Multiplier
$0.00	to	$50,000.00	0.0015*
$50,001.00	to	$100,000.00	0.0012
$100,001.00	to	$150,000.00	0.00098
$150,001.00	to	$200,000.00	0.000975
$200,001.00	to	$300,000.00	0.00082
$300,001.00	to	$400,000.00	0.000785
$400,001.00	to	$500,000.00	0.00075
$500,001.00	to	$600,000.00	0.00072
$600,001.00	to	$700,000.00	0.0007
$700,001.00	to	$800,000.00	0.00068
$800,001.00	to	$900,000.00	0.00067
$900,001.00	to	$1,000,000.00	0.00065
$1,000,001.00	to	$2,000,000.00	0.00063
$2,000,000.00 +			0.0006

*minimum charge $35.00

6-2045. VIOLATIONS AND PENALTIES, PENALTY CLAUSE NOT EXCLUSIVE. (a)

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be penalized as set forth within Section 9 of the IFC 2012 and its Amendments as set forth herein, or subsequently adopted by the Sedgwick County Fire District.

(b) Those violations not covered by Section 9 of the IFC 2012 and its Amendments, shall be unclassified ~~guilty of a~~ misdemeanor and shall be punished by a fine of not more than $500.00 for each violation and thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment. Each day of violation shall be a separate violation. Furthermore, such person my be required to repair or correct any violation and pay all costs associated therewith.

(~~b~~c) Penalty Clause Not Exclusive. The imposition of the penalty herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation or this article or code, and specific authority for such is hereby granted, nor shall this article preclude Sedgwick County, Kansas, from taking any action or imposing any penalty allowed by state law, county resolution, Haysville code or this article.

(Ord. 682, Sec. 2; Code 2003; Ord 883; Code 2015)

6-20~~5~~6. ENFORCEMENT. Enforcement of this code within the boundaries of the city shall be by officer of the Sedgwick County Bureau of Fire Prevention, and jurisdiction for prosecution of any violations of this code is hereby conferred upon Sedgwick County's court for code enforcement.

(Ord. 883; Code 2015)

6-20~~6~~7. LIABILITY. Requirements of this code and article in force shall not be construed as imposing on the city, its officers, agents or employees, and liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Ord. 883; Code 2015)

6-20~~7~~8. SEVERABILITY. If any part or parts of this article shall be held to be invalid such invalidity shall not effect the validity of the remaining part of this article.

(Ord. 883; Code 2015)

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CHAPTER VII. HEALTH AND WELFARE

Article 1. Public Health Standards
Article 2. Solid Waste Code
Article 3. Commercial Collection, Disposal, Solid Waste
Article 4. Nuisances
Article 5. Unsafe or Dangerous Structures
Article 6. Weeds

ARTICLE 1.
PUBLIC HEALTH STANDARDS

7-101. DEFINITIONS. Unless the context specifically indicates otherwise, the following terms used in this article shall mean as follows:

(a) Waste or Wastes: Shall mean useless, unused, unwanted or discarded materials resulting from normal community activities. Wastes include solids, liquids or gases.

(b) Refuse: Shall mean all putrescible and nonputrescible waste materials (except body wastes) such as trash, garbage, tree trimmings, grass cutting, dead animals and industrial wastes but shall not include human or animal excrements, salvage or inert materials produced in connection with the erection or demolition of buildings.

(c) Trash or Rubbish: Shall mean all nonputrescible animal and vegetable wastes including but not limited to paper, cardboard, tin cans, glass, wood, yard clippings, crockery, metals, and ashes.

(d) Garbage: Shall mean the putrescible animal and vegetable wastes resulting from the handling, preparation, cooling and consumption of food;

(e) Industrial Refuse: Shall mean the solid wastes resulting from industrial processes.

(f) Dead Animals: Shall mean those that die in the normal course of community activity, excluding condemned animals at slaughter houses or any other animals normally considered industrial refuse.

(g) Manure: Shall mean the body discharges of all animals except humans;

(h) Human Excreta: Shall mean the body discharges (both feces and urine) of humans.

(i) 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.

(j) Salvage Materials: Shall mean materials of some value that are obtained from the disassembly of various kinds of machinery and mechanical appliances and/or the demolition of buildings or similar structures;

(k) Salvage Yard: Shall mean any premises used for:

(1) The sale and resale of used merchandise;

(2) The disassembling of wrecked or used automobiles and sale of auto parts, and;

(3) The collection, sorting, storage and/or resale of various kinds of metal and/or used building materials.

(l) Foodstuffs: Shall mean all food used for human consumption;

(m) Rodents: Shall mean the so-called domestic rats, Rattus norvegicus, Rattus rattus alexandrinus and Rattus rattus rattus, domestic mice, Mus musculus and other wild native rodents associated with the transmission of diseases affecting man or other animals.

(n) Insects: Shall mean the following classes of Arthropoda:

(1) Insecta; and;

(2) Arachnida, including flies, lice, cockroaches, bedbugs, plant bugs and mites, ticks, spiders and scorpions.

(o) Control Measures: Shall mean any chemical, structural, physical procedures, or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects, rodents or other animal populations detrimental to public health.

(p) Premises: Shall mean a lot, plot or parcel of land, including the dwellings and structures, if any, located thereon.

(q) Director of Community Health: Shall mean the director of the Sedgwick County Department of Community Health.

(r) Health Officer: Shall mean the director of the Sedgwick County Department of Community Health or authorized representative.

(s) City: Shall mean the City of Haysville, Sedgwick County, Kansas.

(t) Utility Committee: Shall be appointed by the mayor and be comprised of two councilmembers and the public works director.

(u) Code Enforcement Officer: Shall mean the code enforcement officer of the city.

(Code 1971, Sec. 7-101; Code 2003)

7-102. RESPONSIBILITY OF CODE ENFORCEMENT OFFICER. The code enforcement officer or the health officer of the Sedgwick County Department of Community Health shall be responsible for the enforcement of this article and is hereby authorized to make such investigations, to issue notices, orders and directions as are necessary for the enforcement of the provisions of this article.

(Code 1971, Sec. 7-102; Code 2003)

7-103. RESPONSIBILITY OF LEGAL COUNSEL. The city's legal counsel shall be responsible for the prosecution of all violators of the provisions of this article in the municipal court of the city.

7-104. NOTICES. Whenever the code enforcement officer determines that there has been a violation of any provisions of this article, he or she shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notices shall:

(a) Be in writing;

(b) Particularize the violations alleged to exist or to have been committed;

(c) Provide a reasonable time for the correction of the violations particularized;

(d) Be addressed to and served upon the owner and/or occupant of the premises.
(Code 1971, Sec. 7-104; Code 1984)

7-105. HEARINGS. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this article, who is aggrieved thereby, and who believes the same to be contrary to the policies or regulations of the city may request and shall be granted a hearing on the matter before the governing body. Such person shall file in the office of the city clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice is served. Upon receipt of such petition the city clerk shall set a date to be heard at the next regular council meeting for such hearing. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The proceedings at the hearing, including the findings and decision of the governing body, shall be summarized, reduced to writing and entered as a matter of public record in the office of the city clerk. The record shall also include a copy of every notice or order issued in connection with the matter. Appeals from the decision of the director of community health officer or designated representative may be made to the governing body within five (5) days after the decision has been declared. Whenever the director of community health or designated representative finds that an emergency exists which requires immediate action to protect the community health, he or she may request that the mayor issue an order reciting the existence of such emergency and requiring that such action be taken as they (the code enforcement officer or designated representative and the mayor) deem necessary to meet the emergency. The mayor shall determine whether the aforesaid order shall be issued. In the event that the mayor determines that an emergency exists, he or she may, without notice or hearing, issue the order. Notwithstanding the other provisions of this article, the order shall be immediately effective. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the code enforcement officer shall be afforded a hearing as herein provided as soon as possible. After such hearing, upon the recommendations of the code enforcement officer, the governing body shall determine whether the order shall be continued in effect, be modified or revoked.
(Code 1971, Sec. 7-105; Code 2003)

7-106. SAME; ORDERS. After such hearing, the code enforcement officer or designated representative may sustain, modify or withdraw the notice, depending upon his or her findings as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with. If the code enforcement officer or designated representative sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall become an order if a written petition for a hearing is not filed in the office of the city clerk within ten (10) days after notice is served.
(Code 1971, Sec. 7-106; Code 2003)

7-107. SANITATION STANDARDS FOR REFUSE. Sanitation standards for refuse in the city shall be as follows:

(a) Storage:

(1) The owners or occupants of all residential premises shall store all refuse produced on such premises, in liquid tight containers covered with fly-tight, watertight lids or covers. All garbage that is produced on such residential premises shall be drained and wrapped in newspaper or similar material prior to being placed in the container. Garbage that is disposed of by garbage grinders shall otherwise be excluded from the provisions of this section;

(2) All garbage that is not otherwise disposed of by garbage grinders from commercial or other establishments that process, sell or serve food products shall be stored in separate liquid tight containers with fly-tight and watertight lids or covers;

(3) Owners or occupants of premises other than residential shall store all trash produced on such premises in suitable, liquid tight containers, covered with fly-tight and watertight lid or covers. In the event trash is of such quantity as to make it impractical to place the same in containers, the owner or occupant of such premises shall provide storage facilities for the trash as may be required by the code enforcement officer;

(4) Bulky nonputrescible material may be stored on the ground near the refuse containers of all premises. Such material shall be tied securely in bundles less than four (4) feet in length and less than fifty (50) pounds in weight.

(b) Collection, Removal and Disposal:

(1) The refuse from all premises shall be collected and removed at least once each week, in covered vehicles of watertight construction, inspected and approved for collection of refuse;

(2) All vehicles used for the collection of refuse shall be kept in a clean and sanitary condition and shall be washed free of putrescible materials at the close of each day and shall be kept in safe mechanical condition;

(3) All persons, other than those collecting and removing refuse from premises occupied by them, who collect or offer to collect refuse in the city, shall be licensed as required by this code and any amendments thereto;

(4) All refuse collected from premises within the corporate limits of the city shall be disposed of at such locations and in such a manner as approved by the code enforcement officer;

(Code 1971, Sec. 7-107(b)(1); Ord. 320; Code 2003)

7-108. SANITATION STANDARDS FOR ANIMALS. Sanitation standards for animals for the city shall be as follows:

(a) Diseased Animals or Fowl. Any domestic animal or fowl suffering from a disease that is hazardous to other animals or humans shall be destroyed or placed in custody of a veterinarian in an animal hospital;

(b) Animal Pen.

(1) Location. No animal pen, rabbit hutch, pigeon loft or similar structure or enclosure housing animals or fowl shall be located fewer than thirty-five (35) feet from a dwelling or street;

(2) Fence. Barbed wire fences and electrically charged fences shall not be permitted, except on public land or properties for which agricultural classification permit is held or on top of a six (6) foot security fence;

(3) Cleaning. Structures or enclosures used to confine fowl or animals shall be kept in a sanitary condition that will not produce offensive odors or breed flies. All accumulations of manure, straw or litter shall be removed from such structures or enclosures each day and placed in containers approved by the code enforcement officer for such purposes;

(4) Removal of Manure. Accumulations of manure stored in approved containers shall be removed from all premises at least twice each week and disposed of in a manner approved by the code enforcement officer;

(5) Feeding of Garbage to Animals. Domestic garbage or food scraps shall not be fed to animals or fowl harbored or kept in pens located within the corporate limits of the city.

(Code 1971, Sec. 7-108; Code 1984; Code 2003)

7-109. SEWAGE AND HUMAN EXCRETA. Facilities for rules and regulations of disposal of sewage and human excreta shall be as follows:

(a) Facilities. All human excrements shall be discharged into a plumbing system connected to a sanitary sewer system, or septic tank system, as approved by the public works director or his/her designee and as otherwise required by this code and amendments thereto.

(b) Disposal. No owner or occupant of any premises within the corporate limits of the city shall discharge or permit to be discharged on the surface of the ground of any premises owned or occupied by him or her any sewage, industrial waste, septic tank effluent or any other liquid or solid wastes that are hazardous or dangerous to health;

(c) Privies. Privies shall not be used for the disposal of human excreta, except for construction projects located in unsewered areas in which case privies approved by the public works director or his/her designee will be permitted until such time as adequate plumbing facilities can be provided and except as otherwise permitted by the public works director or his/her designee.

(Code 1971, Sec. 7-110; Code 1984; Code 2003)

7-110. SALVAGE YARDS. All salvage yards shall be located in accordance with city zoning regulations. All rackable salvage materials shall be stored on racks or in bins with at least eighteen (18) inches of clearance between the bottom of the rack or bin and the ground and a width of forty eight (48) inches or less. No rack or bin shall be closer than forty eight (48) inches to a wall, fence or adjacent bin or rack. Nonrackable materials shall be stored with an exposed perimeter or in a manner specified by the code enforcement officer to prevent rodent harborage and breeding. All ground surfaces except lawn areas shall be kept free of all grasses and weeds using soil sterilants, herbicides and/or other effective methods. An effective, continuous rodent poisoning using anticoagulant rodenticides or other effective methods shall be maintained at all salvage yards.

(Code 1984; Code 2003)

7-111. RODENT CONTROL. Rodent control in the city shall be as follows:

(a) Rodent Proofing. Buildings or premises located in industrial and commercial zones and all premises with multi-family dwellings shall be maintained in rodent proof condition by proper application of structural materials or alterations approved by the city inspector for rodent proofing and applied in the manner specified by the city inspector;

(b) Screening. Exterior windows and doors of all buildings used for human habitation or for storage, preparation or serving of food shall be screened in a manner prescribed by the city inspector;

(c) Storage of Foodstuffs. All foodstuffs stored within buildings or premises described in section 7-111(a) of this article shall be stored in an orderly manner so as to facilitate good housekeeping, prevent contamination and minimize food or harborage of rodents;

(d) Storage of Nonfoodstuffs. All nonfoodstuffs stored within buildings or premises described in section 7-111(a) of this article shall be stored off the floor in a manner that will facilitate proper cleaning and minimize rodent harborage. All organic nonfoodstuffs shall be treated in a manner that will limit the access of such materials to rodents. All storage areas within the building shall be kept free of such trash and rubbish;

(e) Storage of Materials Outside Buildings. Materials stored outside buildings or premises described in section 7-111(a) of this article shall be kept on racks that provide a clearance of eighteen (18) inches or more between the bottom of the rack and the ground surface and at least forty eight (48) inches away from a building, wall or fence. Refuse containers may be stored on a concrete slab as specified by the city inspector. The code enforcement officer shall have discretion to issue a waiver to property owners, valid for one year, to reduce the clearance level for storage of those materials that can not feasibly be stored on racks or should not be stored 18" off the ground due to extreme size and weight of such materials. Inconvenience to the property owner shall not be grounds for issuance of such a waiver, and all such waivers must be annually renewed following an on-site inspection by the code enforcement officer. Initial issuance and subsequent reissuance of such waivers shall not be automatic, but based on articulable facts in existence at the time of each inspection.

(f) Rodent Eradication. When directed to do so by the code enforcement officer or representative of Sedgwick County Department of Community Health, the owners or occupants of any premises shall institute effective rodent eradication measures as recommended by the code enforcement officer or the representative of the Sedgwick County Department of Community Health.

(Code 1971, Sec. 7-112; Code 2003; Ord. 915)

7-112. INSECT CONTROL. The control of insects in the city shall be as follows:

(a) Insect Breeding. All premises in the city shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the city;

(b) Screening. Exterior windows and doors of all buildings used for human habitation or for the storage, preparation or serving of food shall be screened in a manner prescribed by the city inspector;

(c) Whenever the city inspector shall find that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, he or she shall notify the city and it shall be the duty of the city to develop, in cooperation with the city inspector, a practical program for community wide control.

(Code 1971, Sec. 7-1136; Code 2003)

7-113. CONSTRUCTION OF LAKE OR POND, UNLAWFUL. It shall be unlawful for any person, persons, business or other entity, other than the city and its designees to construct or cause to be constructed, within the corporate limits of the city, any type, size or shape of lake, pond or reservoir, except when approved by the governing body by resolution. Any person, persons, business or other entity violating the provisions of this section shall upon conviction be punished by a fine of not more than $2,000. The city shall have the right to cause the site of such lake, pond or reservoir to be restored to its original state as before the construction of such lake, pond or reservoir and that the reasonable costs of such restoration shall be charged against the violator of this section.

(Ord. 388)

7-114. PENALTY. Any person who shall violate any provision of this article, other than section 7-113, or any provision of any rule or regulation adopted by the code enforcement officer, city inspector or representative from the Sedgwick County Department of Community Health pursuant to authority granted by this article shall, upon conviction thereof, be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and punishable hereunder as a separate violation.

(Code 1971, Sec. 7-114; Code 1984; Code 2003)

7-115. FOOD HANDLER'S CARDS. No person operating a restaurant subject to annual inspection by the State of Kansas shall allow any employee to engage in any food handling whatsoever unless the employee has attended a food handlers instructional class that is provided or approved by the Wichita/Sedgwick County Health Department. Each employee shall maintain in his or her possession a food handler's card issued by the health officer certifying that the employee has received such instruction or has passed such examination.

A copy of such food handler's certificate shall be maintained at the business, and shall be shown to any City code Inspector/Enforcement Officer who requests to view such certificate. This section shall be administratively enforced through Article 5-101, business licensing and registration. Additionally, the owner or manager of any such business may be prosecuted for failing to maintain proof of valid food handler's certificates for all employees pursuant to 7-114 above.

(Code 2010)

ARTICLE 2.
SOLID WASTE CODE

7-201. SOLID WASTE CODE INCORPORATED. In accordance with K.S.A. 12-3301, et seq., the Solid Waste Management Plan Update January 2001 to 2002 as prepared and published by the Environmental Health Division, Sedgwick County Department of Community Health is hereby adopted by reference in its entirety to be applicable to the city. However, and notwithstanding any other provisions herein to the contrary, in the event any provisions contained within this article are in conflict with said code, then, and in that event, this article and the provisions hereof shall control. No fewer than three (3) copies of the Solid Waste Management Plan as incorporated by reference shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours. The filed copies of the code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Haysville, Kansas." All sections or portions of the filed copies of the standard code intended to be omitted or amended by further ordinance(s) shall be clearly marked to show any such deletion or amendment.

(K.S.A. 12-3009; Ord. 351; Sec. 1; Code 2003)

7-202. TRASH CONTAINERS AND ACCESSIBILITY TO SOLID WASTE. Each owner of each occupied single family dwelling and each multiple family dwelling, apartment and mobile home park shall make available to the occupants and the collector, residential trash containers herein defined or as provided for in section 7-107 which shall at all times be made available for convenient, unobstructed access to both the solid waste collector and the occupant. Access shall not be considered obstructed as long as the collector is able to pick up the container, whether or not the same is located in any unlocked fence or garage.

All dogs shall be kept away from the collector. No owner or occupant shall in any manner interfere with the solid waste collector in the lawful collection of solid waste. All containers shall be of a thirty (30) or thirty-five (35) gallon; or eighty (80) to one-hundred (100) gallon, self-contained wheel container size. All solid waste shall be entirely enclosed within the container(s), and yard waste in plastic sacks where used, and the area around the containers shall be kept neat and clear and free of solid waste.

(Ord. 351-B; Ord. 351-D; Sec. 2; Code 2003 Ord. 904;Ord 910; Code 2007)

7-202a. REFUSE CONTAINERS

(a) GENERAL STORAGE. All solid waste shall be stored so that:

1. it does not attract birds; or rats, flies, mosquitoes or other disease vectors;
2. it does not provide shelter or a breeding place for disease vectors;
3. it does not create a health or safety hazard;
4. it is not unsightly; and
5. the production of offensive odors is minimized

(b) RESIDENTIAL. No garbage and trash receptacles shall be stored in a front yard a distance of more than six (6) feet from the front of the house. The requirement in this subsection shall not apply on those days that refuse collection has been scheduled for that location.

(c) COMMERCIAL. The owner or occupant of every institutional, commercial, industrial, business, apartment building with four or more residential units, or other non-residential establishment, from which solid waste collection is made under these regulations, shall place all solid waste in proper containers, including dumpsters, that have been designed and manufactured specifically for storage and collection of solid waste, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times.

All solid waste containers, whether containing solid waste or not, shall be screened at all times other than when placed out for collection within the allowable collection time period, and such containers shall be located on an all weather surface located behind the existing building line or at another location approved in writing by the enforcing officer. Screening shall be provided to reasonably hide from ground level view all trash receptacles from public view. Walls and fences may be used in combination with berms and plantings to screen commercial trash receptacles from view on at least three sides when such trash receptacle is visible from adjoining street rights-of-way or from adjoining properties which are zoned to be used for residential purposes. Said all weather surface and screening shall be constructed pursuant to a permit issued by the city, and shall conform to the meaning of those terms as utilized by the nuisance and zoning codes of this city. The fee for said permit is hereby waived.

An exception to this section is made for certain industrially zoned properties. Solid waste containers located in areas zoned as industrial may be stored behind structures located upon the property to screen such containers from view from the street when such industrially zoned property is abutted by other industrially zoned property on all sides except for the street frontage. This exception specifically excludes industrially zoned properties abutting residential or commercial properties.

(d) NOTICE OF VIOLATION. Any person or entity the enforcing officer finds to be in violation of this section shall be served written notice of such violation. The city clerk, or the clerk's designee, shall cause notice to be served by certified mail, return receipt requested, or by personal service or, by posting notice at the property and in the City's newspaper, or in the event the owner or lessee thereof does not reside within the corporate limits of the city, by mailing such notice by certified mail, return receipt requested, to the owner's or lessee's last known address.

(1) The notice shall describe in writing the conditions constituting the violation.

(2) The notice shall also inform the person or entity receiving such notice that such person or entity shall have such time, to be specified in the notice

and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises.

(3) Notice of any specific violation of this section, including improper storage and improper screening of solid waste, once given, shall not be necessary again within a twelve month period. Such notice shall be deemed sufficient to inform such property owner or lessee of a violation of the requirements of sanitary and aesthetic storage of solid waste within the community.

(e) PROSECUTION.

(1) When the code enforcement officer determines that the property owner or lessee has failed to remove and abate the violation within the time set forth in the notice, or has allowed the violation to reoccur within twelve months of the initial notice of violation, the officer may file a complaint in the municipal court of the city against such person alleging a violation of this section.

(2) Failure to remove and abate the violation may also result in removal and abatement of the violation by the city as provided by section 7-205.

(3) Any person convicted of a violation of this section of this article shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(Ord. 904, 910)

7-203. DUMPING WASTE PROHIBITED. It shall be unlawful for any person to place, leave or dump any garbage, rubbish, trash or debris on any property, improved or vacant, not his or her own and without the direct and express permission of the property owner. Any health and sanitation ordinances shall continue to apply regardless of ownership of the property.

(Ord. 455, Sec. 1)

7-204. WEEKLY COLLECTIONS, NONPAYMENT OF BILLS. The occupant of all nonresidential premises and the owner of all single family dwellings and apartments and mobile home parks, shall arrange, contract and pay for the collection of, and have collected solid waste at least weekly by a solid waste collector licensed by the city and a valid permit obtained from the Sedgwick County Department of Community Health, with such service being at all times in accordance with the terms of this article, the Solid Waste Code of Sedgwick County, Kansas, adopted herein and the solid waste system of Sedgwick County, Kansas. If the utility committee referred to in this article or the Sedgwick County Department of Community Health determines that, in the interest of health and safety, there shall be more frequent collections, then the occupant or owner shall, within fourteen (14) days after receipt of such determination, commence the collection as recommended. It shall be the duty of every solid waste collector to notify the city clerk in writing within five (5) days whenever any customer is dropped by the collector for nonpayment of bills.

(Ord. 351-C, Sec. 3; Code 2003)

7-205. CITY'S RIGHT TO COLLECT. In addition to such other rights and remedies as may be allowed either in law or in equity or under the terms hereof, in the event said occupant and/or owner shall, for any reason, fail or refuse to comply with section 7-204, then and in that event the city may, in addition to any other rights, remedies or penalties provided for herein arrange for the collection and disposal of the solid waste and the owner shall be responsible for the cost of the collection and disposal.

(Ord. 351, Sec. 4)

7-206. NOTIFICATION. The city may assume the responsibility for the collection of solid waste for any nonresidential premises and shall assume the responsibilities for the collection of solid waste from any single family dwelling and multiple family dwellings and apartments and mobile home parks, only after the city has been notified and a determination made that the terms hereof have been violated. In such an event the city shall forward a seven (7) day written notice to the owner that solid waste has not been collected with the terms hereof. The owner shall have ten (10) days from the date of forwarding the notice to cause the solid waste to be collected. Notice shall be deemed properly served upon the owner if a copy thereof is served upon him or her personally, or if a copy thereof is sent by certified mail to the owner's last known address. The owner, for all purposes herein contained, shall be considered the taxpayer listed as such, in the ad valorem tax rolls of Sedgwick County, Kansas, unless the owner presents such written evidence as the "Utility Committee" may require to show that he or she has transferred ownership.

(Ord. 351, Sec. 5)

7-207. CITY'S OBLIGATION TO COLLECTOR. The city shall not be responsible for any collection of bills incurred prior to the date the city authorized collection and contracts for services to be rendered. The city shall pay to the collector such reasonable rates as may be negotiated. The collector shall not be paid until such time as the city has collected for its services from the owner.

(Ord. 351, Sec. 6)

7-208. RIGHTS AND REMEDIES. In the event the city, for any reason, collects the solid waste of any owner as herein provided, and in the event the bill for collection is not, for any reason, paid within sixty (60) days after mailing as herein provided, the cost of removal and collection of the solid waste shall be a lien against the real property of the owner. Such lien, including as a part thereof an allowance for costs, shall be assessed in the manner provided under the terms of K.S.A. 65-3410, which provides in part:

"Delinquent fees shall constitute assessments against the respective parcels of land and are a lien against the property for such delinquent fees. The assessments may be collected at the same time and in the same manner as ordinary ad valorem taxes are collected."

(Ord. 351, Sec. 7)

7-209. LICENSE REQUIRED OF COLLECTOR. All solid waste, excepting only as provided in the said Solid Waste Code for Municipalities, shall be collected by a person, firm or

corporation licensed by the city as well as by the Sedgwick County Department of Community Health and no contract shall be let to or agreement entered into with, or solid waste picked up by any other person, firm or corporation, unless same are so licensed.

(Ord. 351, Sec. 8; Code 2003)

7-210. SOLID WASTE COLLECTION VEHICLE STANDARDS, MAINTENANCE AND LICENSING. All solid waste collection vehicles of each solid waste collector shall be licensed, maintained and operated in accordance with the definitions and other sections of this code. Each solid waste collector other than governmental agencies, shall for each solid waste collection vehicle operated by the collector, pay an annual license fee as approved by the board of county commissioners. The board of county commissioners may arrange for reciprocity with the city in recognizing licensing by the city. Each solid waste collection vehicle when not in use shall be maintained or parked in accordance with the zoning or other regulations applicable in the city or county, and in any event in such a manner and location so as not to create a nuisance. No solid waste collection vehicle shall be stored or parked other than for collection purposes, or maintained on a public street or residential premises. Each solid waste collection vehicle prior to licensure each year shall receive such inspection as determined by the city to determine that such vehicle is operating in accordance with state statutes relating to safety and in accordance with the county solid waste management plan. Each solid waste collection vehicle shall be maintained in a safe and operable manner without production of excessive noise, be capable of providing collection services for which it is licensed or designated, including any necessary equipment, kept in a clean condition and appropriately painted.

a. Each solid waste collector shall provide collection service in accordance with a schedule as agreed by such solid waste collector and his or her individual customers and/or the city. Each solid waste collector shall be responsible for replacing all solid waste dumpsters back into the screened area provided for such dumpster by the property owner/lessee. In the case of breakdowns of collection equipment the solid waste collector shall maintain standby equipment or otherwise arrange for collection service as scheduled.

b. Residential solid waste collection service shall be scheduled and provided only during the hours of 6:00 a.m. and 7:00 p.m. on Monday through Saturday. Commercial solid waste collection service shall be scheduled and provided only during the hours of 3:00 a.m. and 7:00 p.m. on Monday through Saturday.

(Ord. 351-C, Sec. 5; Code 2003; Ord. 910; Ord. 989, Code 2013)

7-211. EXEMPTIONS AND HEARINGS. Any owner, or if applicable, occupant, required by this article to arrange and pay for the collection of solid waste collection services and disposal fee, may, when the owner, or, if applicable, occupant, is not in fact producing solid waste requiring the collection and disposal of solid waste as herein required, petition the utility committee, in writing, to provide relief from such fees and/or services. The owner shall supply the committee with such information and

complete such forms as they may require. The utility committee shall, after hearing such grievance make its recommendation to the governing body for final determination. If the utility committee determines that the collection of solid waste from the subject premises is not necessary or not required as frequently as provided for herein, it may recommend such partial relief as may be determined from the circumstance involved. If any aggrieved person is not satisfied with the utility committee's recommendation then the person may, within thirty (30) days after said determination, appeal in writing to the governing body; no collection services may be ceased or limited until thirty (30) days after the governing body makes its determination as hereinabove provided.

(Ord. 351-A, Sec. 10)

7-212. PENALTY. In addition, the municipal court is hereby authorized, upon proper motion, empowered and directed to abate or suppress any violation of this article and for the purpose of carrying out the provisions of this section, the municipal court is hereby authorized, after giving proper notice, to give to any city law enforcement officer or health officer the right to enter into or upon any premises or establishment for the purpose of making thorough examinations and for the further purposes of causing any violations to be abated or suppressed. Any person convicted of a violation of this article shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(Ord. 351, Sec. 12; Code 1984; Code 2003)

ARTICLE 3.
COMMERCIAL COLLECTION, DISPOSAL; SOLID WASTE

7-301. COLLECT, DISPOSE: SOLID WASTE. No person, firm, company, corporation or other entity shall, within the city limits, collect or dispose of solid waste unless licensed by the appropriate Sedgwick County agency, and the city, and in addition, the collector or any collector shall at all times remain in compliance with the Solid Waste Code for Municipalities for Sedgwick County, Kansas, hereinafter referred to as code, and published by the Environmental Health Division of the Sedgwick County Department of Community Health, and with the terms of this article. In addition the collector shall at all times comply with all other federal, state and local rules, regulations and laws established by governmental entities or agencies having jurisdiction in the premises.

(Ord. 350, Sec. 1; Code 2003)

7-302. CONTRACTS. The city may be required under section 7-201:211 of this chapter and any additions or substitutions thereof which may be enacted by the city to contract

with licensed solid waste collectors for the collection of solid waste within the city limits.

(Ord. 350, Sec. 3)

7-303. COLLECTOR TO PROVIDE INSURANCE. Prior to any contract being let or executed the solid waste collector shall execute such contracts and applications as may be required by the governing body and, in addition, shall deliver to the city clerk the contracts of insurance herein provided for.

(Ord. 350, Sec. 4; Code 2003)

7-304. COLLECTOR TO SUBMIT EVIDENCE OF INSURANCE. The collector or any collector shall secure and maintain throughout the duration of any contract with the city and at all times when acting for and on behalf of the city, such insurance as is hereinafter required. The collector or any collector shall submit evidence of insurance with executed contract documents. Insurance shall be considered acceptable when provided in one of the following methods:

(a) By the issuance of the original policy designating the collector and the city by name as the insured parties under the provisions of the policy;

(b) By endorsement to an original policy when the endorsement shall extend to the city the same coverage and protection stipulated in the paragraph above;

(c) By separate contingent policy providing the required insurance coverage for the protection of the city.

A duplicate of the original of each policy shall be furnished showing specifically the coverage and limits together with the underwriter thereof for approval by the city. Regardless of such approval by the city, it shall be the responsibility of the collector to maintain adequate insurance coverage at all times and the failure to do so shall not relieve the collector or any collector of any contractual obligation or responsibility. The failure by any collector to maintain insurance coverage as required by this article shall be considered a failure in contract performance, a violation of this article and shall be treated as such by the city. Satisfactory certificates of insurance filed with the city shall note that thirty (30) days written notice will be given to the city and to the surety before any policy covered thereby is changed or canceled.

(Ord. 350, Sec. 5; Code 2003)

7-305. TYPES OF INSURANCE. The collector or any collector shall provide the following insurance and shall list the city as an additional insured and shall provide the city with a copy of the insurance certificate. Such policy or policies shall not be cancelable by the vendor upon less than thirty days notice to the city.

(a) Worker's Compensation and Employer's Liability. This insurance shall protect the collector or any collector against all claims under the worker's compensation law of the state of Kansas. In addition, the insurance procured by the collector shall protect the collector or any collector against claims for injury, disease or death of its employees that, for any reason, may not fall within the scope of coverage of collectors' worker's compensation insurance.

The liability insurance limits shall not be less than the following:

Bodily injury - $100,000 each person

Bodily injury - $300,000 each occurrence
Property damage - $50,000 each occurrence

Such policy may be written to allow the first $500 of a liability for damage to property to be deductible;

(c) General Liability. This insurance shall be written in comprehensive form and shall protect the collector or any collector against all claims arising from injuries to any person or damage to property of others arising out of any act or omission of the collector or any collector, and in addition, this policy shall specifically provide the collector or any collector protective liability insurance, and contractual liability insurance covering the obligations stipulated below. The collector shall provide and maintain insurance to protect the city against any and all claims for damages, for personal injury, including accidental death, as well as from collector, any of his or her subcontractors, or by anyone directly or indirectly employed by the collector or his or her subcontractors. The liability limits shall not be less than the following:

Personal injury - $100,000 each occurrence
$300,000 aggregate or single limit of $300,000
Property damage - $50,000 each occurrence
$100,000 aggregate

Such policy may be written to allow the first $500 of liability for damage to property to be deductible.

(Ord. 350, Sec. 6; Code 2003)

7-306. DUTIES OF COLLECTOR. The collectors or any collector shall, by virtue of his or her contract or agreement with the city or by his or her acting on behalf of the city, bind himself or herself to indemnify, defend, punctually pay and save harmless the city and all of its officers, agents, representatives and employees from all suits, claims, demands or actions of every kind or description arising from or relating to any acts, omissions or negligence of the collectors or any collector, his or her employees, designees or subcontractors. The collectors or any collector shall likewise bind himself or herself to punctually pay, defend, indemnify and save harmless the city and all of its officers, agents, representatives and employees for and on account of any injury or damages received or sustained by the collectors or any collector, his or her designees, employees or subcontractors on account of any claim or amount recovered for royalty or infringement of patent, trademark, copyright or on account of any claim or amount recovered under the worker's compensation law.

(Ord. 350, Sec. 7; Code 2003)

7-307. STREETS TO BE KEPT CLEAR. The collectors or any collector shall not obstruct streets or alleys. The collectors or any collector is granted the privilege of using the streets for the work specified, but he or she is not granted exclusive use of such streets. The collector or any collector shall handle the work in a manner which shall cause the least inconvenience to the public or property owners and shall perform his or her labors in a courteous, prompt manner.

(Ord. 350, Sec. 8)

7-308. PERMIT REQUIRED. No person, firm, company, corporation or other entity shall, within the city limits, collect or dispose of solid waste unless a permit is first obtained from the city clerk prior to the issuance of the license. The collectors or any collector shall deliver to the city clerk copies of certificates of insurance reflecting compliance with the safety responsibility laws of the state of Kansas and such insurance as may be required by the state of Kansas prior to the operation of a motor vehicle upon the highways of the state. The insurance shall be kept in full force and effect at all times and shall name the city of Haysville as an additional insured and collectors shall provide the city with a copy of the certificate of insurance. In addition, the collectors shall deliver to the city clerk written evidence that the collector has complied with the Solid Waste Code for Municipalities and this article and that the collector's vehicle or vehicles in all respects comply with the provisions of this code. In addition, the collectors or any collector shall, if applicable, deliver to the city clerk the insurance certificates required by this article, and such information as may be reasonably required to assure the governing body that the terms of this article are and will be complied with. The collectors or any collector and all employees shall at all times remain licensed to operate a motor vehicle under the laws of the state of Kansas.

(Ord. 350, Sec. 9; Code 2003)

7-309. ROUTE LISTS. Any collector collecting solid waste in the city shall make, keep and maintain a detailed, itemized written list setting forth the names and addresses of all resident owners and in addition, the names and addresses of any parties with whom the collectors or any collector has contracted for the collection of solid waste and the addresses from which the solid waste is being collected. Such list shall be made available to the city by the collectors or any collector upon request of the city.

(Code 1984)

7-310. REVOCATION OF LICENSE. Any and all contracts and licenses hereunder are subject to revocation for any violation of this article or upon the failure of the collectors or any collector to comply with any of the terms of the contract or license with the city or for any reason shall consider any work stoppage which interrupts the normal and regular collection of solid waste. In the event any collectors or collector shall fail to comply with any of the provisions of this article the city clerk may, with the consent of the governing body, upon ten (10) days notice to the collectors or collector, revoke and cancel any contract or license. Any collectors or collector may appeal such revocation order within ten (10) days to the governing body.

(Ord. 350-A)

7-311. LICENSE FEE. A license fee as set out in Chapter 17, for each license issued hereunder shall be paid to the city clerk. The license shall expire at the end of the calendar year regardless of when the license was issued.

(Ord. 350-C; Ord. 350-D; Code 2003; Code 2007)

7-312. PENALTY. The violation of any portion of this article shall be punished in accordance with the general provisions set out in section 1-121 of this code. Each day the violation continues shall be considered a separate offense. In addition, the municipal court is hereby authorized, empowered and directed to abate or suppress any violation of this article.

(Ord. 350, Sec. 13; Code 2003)

ARTICLE 4.
NUISANCES

7-401. NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person to maintain, cause or permit any nuisance within the city limits. For the purpose of this article "nuisance" shall mean:

(a) Filth, excrement, lumber, brush, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park or public or private enclosure or lot, whether vacant or occupied;

(b) Dead animals not removed within twenty-four (24) hours after death;

(c) Any place, structure or substance which emits or causes to be emitted any offensive, disagreeable, noxious or nauseous odors;

(d) Stagnant ponds or pools of water;

(e) All grass, weeds or other unsightly vegetation not commonly used for ornamental purposes or not normally cultivated or grown for commercial or domestic use;

(f) Unused, unattended, damaged, or abandoned items found or located upon any street, avenue, alley, sidewalk, park or public or private enclosure or lot, whether vacant or occupied, including, such items to include but shall not be limited to, iceboxes, refrigerators, freezers, washers, dryers, dishwashers, hot water heaters or similar devices or equipment, or signs as defined within Chapter 16B, Article 2;

(g) Any thing or things that, by virtue of the place or manner in which it is or they are maintained, permitted, stored, positioned, placed or otherwise situated, injures, impedes, obstructs or hinders the public or any neighborhood to include maintaining or strewing items across property to that degree that results in an unsightly appearance constituting a blight to adjoining property, the neighborhood or the city. A blighting influence may be presumed based upon 1) the quantity of items strewn about or maintained upon a property being in excess of twelve (12), 2) the quality of items strewn across property being in a junked, wrecked, damaged, dismantled, deteriorating, inoperable, or abandoned state, and/or 3) evidence that vermin, noxious weeds, or other public health hazards are attracted to, protected by, or residing within such items.

(h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city; or,

(i) Any act or failure to act that causes or permits a condition to exist which injures or endangers the public health, safety or welfare;

(j) Salvage material, industrial material or commercial material located upon premises located within an area zoned for residential purposes, except building materials to be used within ninety (90) days in conjunction with a construction project on such premises;

(k) Piles or otherwise disorderly, un-stacked, accumulations of wood located upon any residential or commercial properties, or vacant lots in residential or commercial areas. Mulch may be stored in piles that are no more than five (5) feet high and set back from any property line by ten (10) feet, and shall be appropriately screened by fence or other approved screening method to prevent mulch blowing onto adjoining properties or from being viewed from any public roadway.

(l) Any recreational vehicle or commercial storage not maintained on an all-weather surface.

(Code 2007)

7-401.1 NUISANCE AUTOMOBILES.

(a) Policy. The governing body of the city finds that junked, wrecked, dismantled, inoperable and abandoned vehicle(s), in and upon private real property within the city is a matter affecting the health, safety and general welfare of the citizens of the city for the following reasons:

Such properties and conditions serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;

They are dangerous to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports, potential for entrapment, and because they are a ready source of fire and explosion;

They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value to surrounding property; and

They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures, and leak environmentally harmful fuels and lubricants onto/into the ground.

(b) Definitions.

(l) any passenger vehicle, automobile, trailer, camper top or shell, motor home, recreational vehicle, pickup camper, boat or other device or means of conveyance, other than a bicycle, which is:

(A) Located in the front yard of any residential or commercial property, or

(B) Located in side yard of any residential or commercial property and not kept or maintained on an all weather surface free of weeds or grass or from other debris; or

(2) any motor vehicle or other means of conveyance other than a bicycle which is:

(A) required by any applicable law to be registered and which does not have displayed thereon a current registration plate or temporary permit or placard;

(B) any motor vehicle or other means of conveyance, other than a bicycle, which is parked in violation of any ordinance of the city;

(C) any motor vehicle or other means of conveyance, other than a bicycle, which is incapable of moving under its own power;

(D) any motor vehicle or other means of conveyance, other than a bicycle, which is junked, wrecked or inoperable. For purposes of this article, any one or more of the following conditions shall raise a rebuttable presumption that any motor vehicle or other means of conveyance, other than a bicycle, upon which such condition or conditions is or are found, is junked, wrecked or inoperable:

(i) absence of display of current registration;

(ii) placement of such vehicle or other means of conveyance, or parts thereof upon jacks, jack stands, blocks or other supports; or

(iii) absence of one or more parts of such vehicle or other means of conveyance when such part is necessary for the lawful operation upon streets, roads or highways.

(3) any motor vehicle parked in a residential yard shall be located on an all-weather or hard surface, as defined by the Haysville Zoning Code. Any motor vehicle not parked on an all-weather or hard surface when such vehicle is parked in an area located within a residential yard shall be declared a nuisance vehicle. If any language of the Haysville Zoning Code shall be deemed to be in conflict with this provision, the more restrictive interpretation shall govern.

(c) Exceptions. This section on nuisance automobiles shall not:

(1) be construed to prohibit lawfully zoned automotive businesses, or lawfully maintained parts cars (as defined within the City's zoning code) kept in compliance with all applicable zoning regulations and maintained on an all weather surface;

(2) apply to any person, firm, corporation or partnership or their agent with one vehicle inoperable for a period of thirty (30) consecutive days or less which is maintained in such a condition that it visually does not appear to be inoperable, is not leaking fluids, and no portions of the vehicle, such as tires, doors, or hood are missing;

(3) apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations and who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using adjacent thoroughfares and to prohibit ready access to such vehicles by children, provided however, that nothing in this section shall be construed to authorize the construction of any such fence or screen where such construction is prohibited by ordinance;

(4) apply to any vehicle which is enclosed in a garage or other building;

(5) apply to a single inoperable vehicle stored within an enclosed and screened area of the backyard in a manner that is tidy and inoffensive to neighbors, protected by a weather resistant automobile cover in good condition, maintained upon an all weather surface in compliance with the definition as set forth in the City's zoning code.

(Ord. 817; Ord. 819; Code 2003; Ord. 906, Code 2007; Code 2015)

7-402. ENFORCING OFFICER; DEFINED. For the purposes of and to effect this article, the term "enforcing officer" means the public works director or the director's designee. All citations for violation of this code shall be issued by the enforcing officer.

Law enforcement officers shall be authorized to take reports from complainants, serve as witnesses to violations, and sign a complaint as a witness or victim.

(Ord. 817; Ord. 819; Code 2003; Ord. 906, Code 2007)

7-403. SAME; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article including, but not limited to:

(a) Inspect properties and premises to detect, confirm or investigate reported or actual violations of this article;

(b) Seek orders from a court of competent jurisdiction for the purpose of entering upon premises or property when such officer, when exercising the power and authority vested in such officer by this article, has been denied entry to premises or property when engaged in the performance of such officer's duties under this article;

(c) Report to the governing body all nuisances said officer believes to exist within the city; and

(d) Receive such reports, complaints and petitions as may be provided for in this article.

(Ord. 817; Ord. 819; Code 2003)

7-404. COMPLAINT OF NUISANCE CONDITION; INQUIRY AND INSPECTION. The enforcing officer shall make inquiry and conduct inspections of property or premises:

(a) upon receiving a written complaint or complaints signed by an individual stating that a nuisance exists and describing the same and its location;

(b) upon receiving information that a nuisance may exist from any governmental entity, officer or employee; or
(c) when it appears to the enforcing officer that conditions constituting a nuisance exist.

The enforcing officer shall, upon making inspection and inquiry, make immediate written report of such officer's findings in compliance with departmental policy and this code..

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2015)

7-405. RIGHT OF ENTRY. The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a nuisance exists, and to effect any other purposes of this article.

(Ord. 817; Ord. 819; Code 2003)

7-406. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the enforcing officer and/or the service agent, or any contractor authorized by the City to abate such nuisance, from entering upon any property, or from proceeding with abating any nuisance described in 4-101 and 4-101.1, or from accomplishing any other lawful purpose of this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in section 7-408(b).

(Ord. 817; Ord. 819; Code 2003; Ord. 906)

7-407. ADMINISTRATIVE ACTION; NOTICE TO ABATE; PROOF OF COMPLIANCE. (a) The enforcing officer shall provide written notice to the owner, occupant or agent in charge of any premises in the city upon which a nuisance condition exists in violation of this article. Such notice shall be served upon such owner, occupant or agent in charge by certified mail, return receipt requested, or by personal service, door hangers, conspicuously posting notice of such order on the property, personal notification, communication by telephone, or first class mail. Notice shall also be provided in accordance with 7-416 if applicable. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail, and shall include the following information:

(1) Specific notice in the form of an administrative order that the owner, occupant or agent in charge of the property is in violation of this article.
(2) An administrative order directing the owner, occupant, or agent in charge of the property to abate the nuisance condition within five (5) days of the date of the notice, such compliance date to be stated on the face of the notice.
(3) Notice within the administrative order that the owner, occupant, or agent in charge of the property may appeal the notice by requesting, before the compliance date in a written notice of appeal directed to the city clerk, an administrative hearing as provided for within this Article. If the described nuisance has been determined by the compliance officer to represent a menace

or immediate danger to the community, such nuisance condition shall be made safe pending the outcome of the administrative hearing. The Director of Public Works shall either approve the temporary safety measures undertaken by the property owner, occupant, or agent in charge, or shall cause the nuisance condition to be made safe.

(4) Notice within the administrative order that if the owner, occupant, or agent in charge of the property fails to abate the nuisance condition, the city may proceed to abate such nuisance condition and assess the cost of the abatement, including any reasonable administrative fee as provided within K.S.A. 12-1617e(d) and K.S.A. 12-1,115.

(5) Notice within the administrative order that the owner, occupant, or agent in charge of the property shall be provided an opportunity to pay the assessment and, if the assessment is not paid, the city shall cause an amount equal to such assessment to be assessed against the property as a special assessment.

(6) Notice within the administrative order that no further notice shall be given prior to removal of a nuisance condition upon such property after the five (5) day period provided herein. And,

(7) Notice within the administrative order that the enforcing officer should be contacted immediately if there are any questions regarding compliance with the administrative order.

(b) The owner, occupant, or agent in charge of the property shall provide proof to the enforcement officer of the completion of the abatement of the nuisances described within the notice provided pursuant to subsection (a).
(Code 2015)

7-408. UNIFORM COMPLAINT AND NOTICE TO APPEAR; RIGHT TO PROCEDE; FINES AND COSTS. (a) In addition to the administrative process described within 7-407, the enforcing officer is hereby authorized to issue to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear in municipal court charging a violation of the applicable section of this article. Should such owner, occupant or agent in charge of such property contest the charge, the city shall not be precluded from otherwise abating the nuisance created thereby during the pendency of the case through administrative or civil action.

(b) Any person found guilty, or entering a plea of guilty or nolo contendere to violating any section of this article shall be fined as follows:

(1) Upon conviction for a first offense, by a fine up to $50.00, and.
(2) Upon conviction of a second offense, by a fine of $75.00;
(3) Upon conviction of a third offense, by a fine of $100.00;
(4) Upon conviction of a fourth offense, by a fine of $200.00.

The penalties associated with conviction of an offense as described with 7-408(b) (2)-(4) regarding a second or subsequent offense shall be mandatory with no reduction in fine.

(c) Any person convicted and fined pursuant to this article shall also be assessed court costs as provided by city ordinance chapter 17, fee schedule, of the Haysville city code, compliance with the administrative order described in 7-407, mailing costs, and costs of both temporarily making the nuisance condition safe and abatement may be ordered as either additional costs of the action or as restitution, as applicable.

(Code 2015)

7-409. ABATEMENT BY CITY; PROCEDURE.

(a) If within five (5) days after the compliance date as set forth with the administrative notice as required by section 7-407 the owner, occupant or agent in charge of the premises neglects or fails to comply with the directives contained in the notice, and such owner, occupant, or agent in charge fails to timely file a notice of administrative appeal, the enforcing officer shall abate the nuisance in conformance with the provisions of this article. This provision shall also apply if the owner, occupant or agent in charge of the premises neglects or fails to comply with any decision of a hearing panel within either five (5) days, or such other time as determined by the hearing panel.

(b) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices and publication of notices, required by this article. The city clerk shall immediately cause the reporting and accounting required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(c) The city clerk shall, within ten (10) days of receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner, occupant or agent in charge of the property of the costs required to be reported by subsection (b) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of such notice. Should the owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the owner, occupant or agent in charge of the property shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice. If the owner, occupant, or agent in charge fails to take receipt for undetermined reasons, the City Clerk may publish notice once in the City's newspaper.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2015)

7-410. ADMINISTRATIVE APPEAL; HEARING. (a) If the recipient of the notice of abatement makes a request for hearing to the city clerk prior to the compliance period as described with 7-407 above, then the City shall schedule a hearing before a designated hearing panel as soon as practicable. If the nuisance condition is deemed by the compliance officer to represent an immediate menace or danger to the health of the inhabitants of the community, such nuisance condition shall be made safe by either the party responsible for the property, or the City. Costs of such temporary action shall be additional costs of this nuisance abatement action. At the hearing, the hearing panel shall hear all evidence submitted by the owner, the owner's designee, lien holders of record, occupants or other parties in interest in the property upon which the nuisance is situated and all evidence submitted by the city. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) The hearing panel shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail to all parties with a legal interest in the property within five (5) days of the conclusion of the hearing, unless otherwise stated at the hearing. The hearing panel's order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the hearing panel. If abatement is ordered, the order shall also fix a reasonable period of time, not more than ten (10) days from the date of publication, to complete the abatement of any nuisances found by the hearing panel, and a statement that if the person or entity or owner fails to complete the abatement, the enforcing officer shall cause the nuisance to be removed and abated in compliance with this article.

(c) The determination by the hearing panel shall be a final order of the city, and appeals of this action may be taken as allowed by law.

(d) The hearing panel shall be designated by the Mayor, and shall consist of three members: a chair and two others, all with an equal vote. All actions shall be by majority vote. The chair of the hearing panel shall be a member of the governing body representing the ward wherein the violation is alleged to have occurred.

(e) All findings of the hearing panel shall be forwarded to the governing body for informational purposes.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2015)

7-411. AUTHORIZATION TO CONTRACT FOR SERVICES. The enforcing officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment. The City and/or any authorized contractor shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007)

7-412. SITE TO BE MADE SAFE. Part of removal and abatement of any nuisance pursuant to this article or otherwise, is removing the menace and danger to the

health of the community. Thus, the person, entity or owner shall take any and all action necessary to make the premises safe. In the event the owner fails to abate the nuisance as prescribed by this article, or abates the nuisance by creating another menace or danger to the community, the enforcing officer may proceed to make the site safe, and such costs shall be included as costs of this action.

(Ord. 817; Ord. 819; Code 2003; Code 2015)

7-413. ASSESSMENT, FUNDING AND PAYMENT OF COSTS. (a) Should the costs remain unpaid after thirty (30) days of receipt of the notice by the owner, the city clerk, or designee, may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which are in excess of said costs shall be remitted to the owner within thirty (30) days of the conclusion of the sale.

(b) Should the proceeds of any sale held pursuant to section 7-413 be insufficient to cover said costs or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the structure was located.

(c) In addition to levying a special assessment against the property upon which the structure was located as provided for in this section, the city may also elect to collect the unpaid portion of the costs provided for herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, may pursue such remedy without limiting its ability to levy the special assessments, but only until such time as the full costs and any applicable interest has been paid in full.

(d) If there is no salvageable material, or if the moneys received from the sale of salvage are insufficient to pay the costs incurred by the city pursuant to this article and/or the costs associated with the notices required by this article, such costs or any portion thereof in excess of that received from the sale of salvage may be financed, until such time as the costs are paid out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued, the governing body shall make a tax levy at the tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 70 of the Kansas Statutes Annotated and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940 and amendments thereto, except they shall not bear the notation required by said section and may be issued without approval of the state Board of Tax Appeals.

(Ord. 817; Ord. 819; Code 2003)

7-414. DISPOSITION OF MONEYS RECEIVED. When and if paid, all moneys received from special assessments levied under the provisions of this article, or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(Ord. 817; Ord. 819; Code 2003)

7-415. IMMEDIATE HAZARD.

(a) When the enforcing officer believes that any real or personal property constitutes an immediate health or safety hazard, the officer shall inform the Mayor, Director of Governmental Services, or the Director of Public Works. At the direction of any of those three named City Officials the enforcing officer is authorized to take immediate action to secure the property, and shall place the matter before the governing body at their next regularly scheduled meeting for a determination that a nuisance exists which constitutes an immediate hazard.

(b) When in the governing body's opinion any nuisance exists which constitutes an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades, or causing the property upon which the nuisance is located to be vacated or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded and the costs shall be assessed in the same manner as provided in section 7-413.

(c) An "Immediate vehicle hazard" means any unattended vehicle which has been placed on jacks, blocks or a stand unless such vehicle is placed in a garage or other building, or any vehicle leaking excessive amounts of a poisonous or flammable liquid.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007)

7-416. NOTICE TO OWNER.

(a) Not withstanding any other provision of this article or of law, prior to assessment of costs as a tax lien against the property, any and all notices required by this article shall also be served upon the owner or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city, by mailing such notice by certified mail, return receipt requested, to the owner's last known address. If the property owner fails to accept notice, or if the property owner cannot be identified, the City shall publish the notice of violation one time within the City's newspaper.

(b) Should there occur a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for costs of abatement or correction of a nuisance condition on such property unless the new record owner of title to such property is provided notice as required by this article.

(Ord. 817; Ord. 819; Code 2003)

7-417. SEVERABILITY. In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such findings shall not affect the

validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

(Ord. 817; Ord. 819; Code 2003)

ARTICLE 5.
UNSAFE OR DANGEROUS STRUCTURES

7-501. PURPOSES. The governing body has found that there have existed, do exist and may exist from time to time in the future, within the corporate city limits, structures which are unfit for human habitation or use because of dilapidation, defects or conditions creating the hazards and risks of fire, accident or other catastrophe, structural defects, deterioration or other conditions which render such structures unsafe, dangerous, unsanitary, hazardous or otherwise inimical to the general welfare of the city or conditions which provide a general blight upon the neighborhood or surrounding properties in and around said structures. It is hereby deemed necessary by the governing body to require or cause repair, closing, rehabilitation, removal or demolition of such structures as provided in this article.

(Ord. 763; Ord. 814; Code 2003)

7-502. DEFINITIONS. For and to effect the purposes of this article, the following words, terms and phrases shall have the following meaning:

(a) Enforcing Officer: Means the public works director of the city or such director's designee or authorized representatives.

(b) Structure. Shall include any building, wall, superstructure or other structure which requires location on or attachment to the ground or attachment to a surface or thing directly to the ground.

(c) Abandoned Property: Means any residential or commercial real estate for which taxes are delinquent for the preceding two (2) years and which has been unoccupied continuously by persons legally possessed of such property for the preceding one year.

(d) Organization: Means any nonprofit corporation organized under the laws of the state of Kansas having among its purposes the improvement of housing.

(e) Rehabilitation. Any process of improving the property including, but not limited to, bringing property into compliance with applicable fire, housing and building codes.

(f) Parties in Interest. Means any owner or owners of record or their agent(s), judgment creditor, lienholder, tax purchaser, occupant or party having any legal or equitable title or interest in the property.

(g) Last Known Address. Includes the address where the property is located or an address as listed in the tax records.

(h) Low or Moderate Income Housing. Means housing for persons and families with incomes within limitations prescribed by the federal Department of Housing and Urban Development pursuant to Section 8 of the federal Housing and Community Development Act of 1937 as amended.

(i) Governing Body: Means the mayor and city council of the city of Haysville.

(Ord. 814: Code 2003)

7-503. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article including, but not limited to, the following:

(a) Inspect any structure which appears to be unsafe, dangerous, hazardous or unfit for human habitation, and to enter upon premises or property upon which is located any structure at reasonable hours for the purposes of making inspection;

(b) Seek orders from a court of competent jurisdiction for the purpose of entering upon premises or property upon which a structure is located when such officer has been denied entry by the owner or occupant of such premises or property;

(c) Report to the governing body all structures which said officer believes to be unsafe, dangerous, hazardous or unfit for human habitation;

(d) Receive such reports and petitions as may be provided for in this article.

(Ord. 763; Ord. 814; Code 2003)

7-504. PROCEDURE; PETITION; ENFORCING OFFICER'S INITIATIVE; PRELIMINARY INVESTGATION AND REPORT OF FINDING. Whenever there is filed with the enforcing officer or city clerk a petition by and bearing the signatures of at least five (5) residents of the city charging that any structure within the city is unsafe, dangerous, hazardous or unfit for human habitation and identifying the location of such structure, the enforcing officer shall, after making or causing to be made a preliminary investigation, report such petition and officer's findings to the governing body. In the event no petition is filed with the enforcing officer or city clerk as provided herein, the enforcing officer may, of the officer's own initiative, file with the governing body a written statement that any structure appears to be unsafe, dangerous, hazardous or unfit for human habitation. All written statements submitted to the governing body by the enforcing officer pursuant to this section shall describe the structure and its location. The enforcing officer shall be available upon request of the governing body to appear before it to provide additional information.

(Ord. 763; Ord. 814; Code 2003)

7-505. SAME; NOTICE. Upon receiving a report as provided in section 7-504, the governing body shall by resolution fix a time and place at which the structure's owner, the owner's agent and any party in interest may appear before the governing body and show cause why the structure should not be condemned and ordered repaired or demolished.

(Ord.763; Ord. 814; Code 2003)

7-506. SAME; PUBLICATION AND NOTICE. (a) The resolution provided for in section 7-505 shall be published once each week, on the same day of each week for two (2) consecutive weeks, in the official city newspaper. At least thirty (30) days shall elapse between the last publication and the date fixed for the hearing.

(b) Within three (3) days of the first publication, the city clerk shall cause a copy of the resolution to be mailed by certified mail, marked "deliver to addressee only," to the structure's owner, the owner's agent and any party in interest at the last known address.

(Ord. 763; Ord. 814; Code 2003)

7-507. SAME; HEARING, FINDINGS; RESOLUTION; CONTENTS; NOTICE.

(a) On the date fixed for the hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record, occupants or other parties of interest in the structure and all evidence submitted by the enforcing officer filing the statement. Upon hearing such evidence, the governing body shall make findings by resolution.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection (a) of this section, the governing body determines that a structure is unsafe, dangerous, hazardous or unfit for human habitation, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the repair, removal or demolition of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the structure to be razed and removed. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the structure's owner and any party in interest at the last known address in the same manner as provided for the notice of hearing.

(c) If the governing body finds that the structure is abandoned property, the governing body may authorize the rehabilitation of such property as provided for by section 7-517. Such findings and authorization shall be set forth in the resolution provided for in this section.

(Ord. 763; Ord. 814; Code 2003)

7-508. DUTY OF OWNER. It shall be the duty and obligation of any owner of a structure within the city which knows, or should know, or which is found pursuant to the provisions of this article to be unsafe, dangerous, hazardous or unfit for human habitation, to render the structure secure and safe, or to cause its removal or demolition.

(Ord. 763; Ord. 814; Code 2003)

7-509. FAILURE TO COMPLY. (a) If, within the time specified in the resolution provided for in section 7-507, the owner fails to comply with said resolution and

any orders contained therein to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, vacated or closed.

(b) If, within the time specified within the resolution provided for in section 7-507, the owner fails to comply with said resolution and any order contained therein to remove or demolish the structure, the enforcing officer may cause the structure to be removed or demolished.

(Ord. 763; Ord. 814; Code 2003)

7-510. SITE TO BE MADE SAFE. Upon removal of any structure pursuant to this article or otherwise, the owner shall fill any basement or excavation located upon the premises upon which was located the structure, secure all utilities and shall take any other action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer may proceed to make the site safe.

(Ord. 763; Ord. 814; Code 2003)

7-511. AUTHORIZATION TO CONTRACT FOR SERVICES. In the event the owner fails to comply as set forth in section 7-509 and it becomes necessary for the enforcing officer to repair, alter, improve, vacate, close, remove or demolish the structure, and/or make the site safe as provided for in this article, the enforcing officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete tasks enumerated herein, and the enforcing officer shall adhere to and comply with applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.

(Ord. 763; Ord. 814; Code 2003)

7-512. ASSESSMENT, FUNDING AND PAYMENT OF COSTS. (a) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to sections 7-509 and 7-510 shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(b) The city clerk shall, within the ten (10) days of receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the structure of the costs required to be reported by subsection (a) of this section, and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(c) Should the costs remain unpaid after thirty (30) days of receipt of the notice by the owner, the city clerk may sell any salvage from the structure and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of the conclusion of the sale.

(d) Should the proceeds of any sale held pursuant to section 7-512(c) be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of the other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the structure was located.

(e) In addition to levying a special assessment against the property upon which the structure was located as provided for in section 7-512(d), the city may also elect to collect the unpaid portion of the costs provided for herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy the special assessment, but only until such time as the full costs and any applicable interest has been paid in full.

(f) If there is no salvageable material, or if the moneys received from the sale of salvage or from proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et. seq. and amendments thereto, are insufficient to pay the costs incurred by the city pursuant to this article and/or the cost associated with notices required by this article, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until such time as the costs are paid, out of the general fund or by the issuance of no-fund warrants. Wherever no-fund warrants are issued, the governing body shall make a tax levy at the tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940 and amendments thereto, except they shall not bear the notation required by said section and may be issued without approval of the State Board of Tax Appeals.

(K.S.A. 12-1,115; K.S.A. 12-49-3901; K.S.A. 79-2940; Ord. 763; Ord. 814; Code 2003)

7-513. DISPOSITION OF MONEYS RECEIVED. When and if paid, all moneys received from special assessments levied under the provisions of this article or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(K.S.A. 12-1,115; Ord. 763; Ord. 814; Code 2003)

7-514. CERTIFICATION TO COUNTY APPRAISER. Whenever any structure is removed or demolished under the provisions of this article, the city clerk shall certify to the County Appraiser of Sedgwick County that such structure, describing the same, has been removed or demolished.

7-515. IMMEDIATE HAZARD. When, in the governing body's opinion any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades; causing the property upon which the structure is located or the structure to be vacated, taken down, repaired, shored or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lienholders, occupants or other parties in interest. The authority described within this Section may also be exercised by the Mayor or Chief Administrative Officer, but emergency action ordered by any official other than the governing body, shall be brought to the governing body at the next regular meeting for report. The costs ~~shall be afforded and the costs~~ of any such action shall be assessed in the same manner as provided in ~~section~~Article 4 of this Chapter. Notice of the action, and any decision of the governing body shall be provided as set forth in Article 4 of this Chapter, and shall be published in the City's newspaper within one week of the decision of the governing body.

(Ord. 763; Ord. 814; Code 2003)

7-516. APPEALS FROM ORDER. Any person affected or aggrieved by an order issued by the governing body, or by any final order issued under the authority of this Article, ~~under the authority of this article may,~~ may within thirty (30) days following ~~service of the order~~ such decision, petition the district court of Sedgwick County, Kansas, for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

(Ord. 763; Ord. 814; Code 2003)

7-517. REHABILITION OF ABANDONED PROPERTY; PROCEDURE; REPORTS; REDEMPTION RIGHTS. In the event the governing body declares the property abandoned as defined by and pursuant to this article an organization may file a petition with the district court for an order for temporary possession of the property if (1) the organization intends to rehabilitate the property and use it for housing of low and moderate income persons and families and (2) the organization has sent notice to the enforcing officer and parties in interest by certified mail or registered mail, mailed to their last known address and posted on the property at least three (3) days but not more than sixty (60) days before the petition is filed of the organization's intent to file a petition for possession pursuant to K.S.A. 12-1750 through and including K.S.A. 12-1756(e) and amendments thereto and this article.

(a) The proceeding to obtain temporary possession of the property shall be in accordance with the proceedings prescribed by K.S.A. 12-1756(a) and amendments thereto.

(b) Any organization which has possession of property pursuant to this article and K.S.A. 12-1756(a) and amendments thereto shall file an annual report with the governing body concerning the rehabilitation and use of the property. The city shall require reports and status dates to be filed as it deems appropriate under the circumstances, but no less frequently than once a year. The report shall include

statements of all expenditures made by the organization including, but not limited to, payments for rehabilitation, operation and maintenance of and repairs to the property, and for real estate taxes, and payments to mortgagees and lienholders during the preceding year and shall include statements of all income and receipts from the property for the preceding year.

(c) Redemption rights of organizations in temporary possession of property pursuant to this article shall be as established and set forth in K.S.A. 12-1756(c-e) and amendments thereto.

(K.S.A. 12-1756(a)(c-e); Ord. 763; Ord. 814; Code 2003)

7-518. SAME; ORGANIZATIONS INTERESTED IN REHABILITATION; ENFORCING OFFICER'S DUTIES. The enforcing officer shall maintain a list of all organizations interested in rehabilitating abandoned property who have requested to be included on such list. The enforcing officer may require that requests to be included on such list be submitted annually to the enforcing officer. The enforcing officer shall provide organizations on such list written notice of abandoned property which may be available for rehabilitation by any such organization.

(Ord. 763; Ord. 814; Code 2003)

7-519. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the power of the courts or any department of the city to enforce any provisions of its charter, ordinances or regulations, nor prevent or punish violations thereof, and the powers and authority conveyed and conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution and any other laws, ordinances or regulations. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750 through and including K.S.A. 12-1756 and amendments thereto.

(K.S.A. 12-1750; K.S.A. 12-1756; Ord. 763; Ord. 814; Code 2003)

7-520. SEVERABILITY. In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

(Ord. 763; Ord. 814; Code 2003)

ARTICLE 6
WEEDS

7-601. WEEDS TO BE REMOVED. It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any property or premises to permit weeds as hereinafter defined to exist or remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley including, but not limited to, sidewalks, streets, alleys, easements, rights-of-way and all other public or private areas. All weeds are hereby declared a nuisance and are

subject to abatement as provided in this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in this article.
(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-602. WEEDS DEFINED; PROHIBITED FROM CAUSING BLIGHT OR ADVERSE IMPACT. For the purposes of and to effect this article, Weeds means any of the following:
(a) Brush and woody vines, rank grass, uncultivated plants, and unmaintained vegetation shall be classified as weeds;
(b) Weeds and grasses which may attain such growth as to become a fire menace to adjacent property;
(c) Weeds which bear or may bear seeds of a downy or wingy nature;
(d) Weeds and grasses which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which may or does constitute a menace to health, public safety or welfare;
(e) Weeds and indigenous grasses which, because of their height, have a blighting influence on neighboring property or properties. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed twelve inches in height.
(f) Weeds as defined above growing on lots 1) upon which no dwelling is located or associated and 2) which are not actively being cultivated for agricultural purposes, as defined in K.S.A. 2-3201 et seq., shall be presumed to be blighting if they exceed eighteen inches in height; areas of easement located between sidewalks and roadways shall not exceed twelve (12) inches in height. Alternatively, maintenance plan for subdivision developments under construction may be submitted to the City by the project developer for approval by the Director of Public Works. Such maintenance plans shall be considered for approval if appropriate for specific area and construction timeline of the project. The City may require modification of the maintenance plan at any time to conform to changing environmental and other conditions.
(g) The owner, or lessee, of any large lot which is mowed to preserve grasses and weeds for animal feed purposes (prairie hay) shall notify the City of such intentions, and provide the office of the City Clerk a mowing schedule for such lot. Failure to cut grasses and weeds upon such lot in conformance with the mowing schedule as provided can result in a substantial adverse effect on the public health and safety as set forth in (b) or (d) above, and shall result in a notice to remove as described in this article.
(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855; Ord. 955; Code 2011)

7-603. ENFORCING OFFICER DEFINED. For the purposes of and to effect this article, Enforcing Officer means the Director of Public Works or his designee or designees.
(Ord. 812; Ord. 855; Code 2012)

7-604. SERVICE AGENT DEFINED. For the purposes of and to effect this article, Service Agent means any person and/or entity that the enforcing officer contracts for and obtains such services and equipment to remove and abate the weeds.
(Ord. 855)

7-605. ENFORCING OFFICER; DUTIES; NOTICE TO REMOVE. The enforcing officer shall provide, once per calendar year, written notice to the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this article. Such notice shall be served upon such owner, occupant or agent in charge by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner, and such notice shall be published once in the official city newspaper. Every such notice shall include the following information:

(a) Specific notice that the owner, occupant or agent in charge of the property is in violation of this article.

(b) An order directing the owner, occupant, or agent in charge of the property to cut the weeds within five days of the receipt of this notice;

(c) Notice that the owner, occupant, or agent in charge of the property may appeal the notice by requesting, within five (5) days of receipt of the notice in a written notice of appeal directed to the governing body and sent to the city clerk, a hearing before the governing body or its designated representative;

(d) Notice that if the owner, occupant, or agent in charge of the property fails to cut the weeds within five days of receipt of notice, the city may proceed to cut such weeds and assess the cost of the cutting, including any reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(e) Notice that the owner, occupant, or agent in charge of the property shall be provided an opportunity to pay the assessment and, if the assessment is not paid, the city shall cause an amount equal to such assessment to be assessed against the property as a special assessment as provided by this article.

(f) Notice that no further notice shall be given prior to removal of weeds during the current calendar year; and,

(g) Notice that the enforcing officer should be contacted if there are any questions regarding the order.

Not withstanding any other provision of this article or of law, any and all notices required by this article which may be served upon tenants shall also be served upon the owner.

Should there occur a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for costs of cutting or destroying weeds on such property unless the new record owner of title to such property is provided notice as required by this article.

(Ord. 409, Sec. 2; Code 1984; Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-606. ABATEMENT; ASSESSMENT OF COSTS. (a) If within five (5) days after receipt of the notice required by this article the owner, occupant or agent in charge of the premises neglects or fails to comply with the directives contained in the notice provided for in this article, and such owner, occupant, or agent in charge fails to timely file a notice of appeal as provided in section 7-605(c), the enforcing officer shall cause to be cut, destroyed and/or removed all such weeds and shall abate the nuisance created

thereby at any time during the current calendar year. The City and/or any authorized contractor shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property.

If the property owner is a nonresident, abatement shall take place either five days following the date of receipt provided on the return receipt of mailing, or ten days following the date of publication in the City's newspaper, whichever date is first.

(b) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to sections 7-605 and 7-606 of this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices and publication of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(c) The city clerk shall, within ten (10) days of receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner, occupant or agent in charge of the property of the costs required to be reported by subsection (b) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of such notice. Should the owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the owner, occupant or agent in charge of the property shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(d) Should the costs remain unpaid after thirty (30) days of receipt of the notice provided for in this article, the city clerk shall, at the time required by law for certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the weeds were located.

(e) In addition to levying a special assessment against the property upon which the weeds were located as provided for in this section, the city may also elect to collect the unpaid portion of the costs provided for in herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy special assessment, but only until such time as the full costs and any applicable interest has been paid in full.

(Ord. 409, Sec. 2; Code 1984; Ord. 670; Ord. 670-A; Ord. 670-B; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-607. DISPOSITION OF MONEYS RECEIVED. When and if paid, all moneys received from special assessments levied upon under the provisions of this article, or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(Ord. 812; Ord. 855)

7-608. AUTHORIZATION TO CONTRACT FOR SERVICES. In the event the owner, occupant or owner's agent fails to comply as set forth in section 7-606 of this article

and it becomes necessary for the enforcing officer to remove and abate the weeds, such officer is hereby authorized to contract with a service agent for and obtain such services and equipment, public or private, as the enforcing officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning the procurement of services.

(Ord. 812; Ord. 855)

7-609. RIGHT OF ENTRY. The enforcing officer and/or service agent contracted by the city are hereby authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article, and for the purpose of effecting any other lawful purposes of this article.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-610. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the enforcing officer and/or the service agent from entering upon any property or from proceeding with cutting and destruction of weeds, or from accomplishing any other lawful purpose of this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in section 7-611(b).

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-611. UNIFORM COMPLAINT AND NOTICE TO APPEAR; NON-IMPAIRMENT; FINES AND COSTS. (a) In addition to the notice provided for in section 7-605, the enforcing officer shall issue to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear charging a violation of section 7-601 of this article. Should such owner, occupant or agent in charge of such property contest the charge, the city shall not be precluded from cutting the weeds or otherwise abating the nuisance created thereby during the pendency of the case.

(b) Any person found guilty, or entering a plea of guilty or nolo contendere to violating section 7-601 or section 7-610 shall be fined as follows:

(1) Upon conviction for a first offense, by a fine of $25.00, but the fine shall be waived if the violation was corrected within ten (10) days, and proof of such correction is verified by the enforcing officer.

(2) Upon conviction of a second offense, by a fine of $50.00;

(3) Upon conviction of a third offense, by a fine of $100.00;

(4) Upon conviction of a fourth offense, by a fine of $200.00.

(c) Any person convicted and fined pursuant to this article shall also be assessed court costs as provided by city ordinance chapter 17, fee schedule, of the Haysville city code.

(Ord. 812; Ord. 855)

7-612. NOXIOUS WEEDS; NON-IMPAIRMENT. Nothing in this article shall affect or impair the rights of the city under the provisions of chapter 2, article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds, which include, but is not limited to, kudzu (pueraria lobata), field bindweed

(convolvulus arvensis), russian knapweed (centaurea picris), hoary cress (lepidium draba), canada thistle (cirsium arvense), quackgrass (agropyron repens), leafy spurge (euphorbia esula), burragweed (franseria tomentosa and discolor), pignut (hoffmannseggia densiflora), musk (nodding), thistle (carduus nutans l.), and johnson grass (sorghum halepense).

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

7-613. SEVERABILITY. In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such sections or provisions shall remain valid and enforceable.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

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CHAPTER XI. PUBLIC OFFENSES

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ARTICLE 1. GENERAL PROVISIONS

11-101. DEFINITIONS. The following definitions shall apply when the words and phrases defined are used in this chapter except when a particular context clearly requires a different meaning.

(a) Act: Includes a failure or omission to take action.

(b) Air Gun or Air Rifle: Any device whether or not in the shape and form commonly associated with the terms pistol, sidearm, small arm, rifle, shotgun or any other type of gun designed to forcibly expel from an opening therein any pellet or BB shot, and whether operating from and upon compressed air or mechanical or elastic springwork or otherwise.

(c) Alcohol Concentration: The number of grams of alcohol per one-hundred (100) milliliters of blood per 210 liters of breath.

(d) Alcoholic Beverage or Alcoholic Liquor: Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(e) Another: A person or persons as defined in this chapter other than the person whose act is claimed to be criminal.

(f) Body Piercing: Puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting jewelry or other objects in or through the human body, except puncturing the external part of the human ear shall not be included.

(g) Cereal Malt Beverage: Any fermented but undistilled liquor brewed or made from a malt or a mixture of malt or malt substitute, but shall not include any such liquor which contains more than three and two-tenths (3.2%) percent alcohol by weight.

(h) City or this City: All land and water either within or outside the boundary of the city over which the city has either exclusive or concurrent jurisdiction, and the air space above such land and water.

(i) Conduct: An act or series of acts, and the accompanying finding of guilt.

(j) Conviction: A judgment of guilt entered upon a plea or finding of guilt.

(k) Correctional Officer or Employee: Any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional facility.

(l) Deception: Knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.

(m) To Deprive Permanently: In addition to those provisions set forth within Article 6, Section 6.2 of the Uniform Public Offense Code, the definition of "To Deprive Permanently" shall include:

(1) Take from the owner, or any person with a lawful interest, the possession or use or benefit of the property, without intent to restore the same; or

(2) Retain property without intent to restore the same or with intent to restore to the owner only if the owner purchases or leases it back, or pays a reward or compensation for its return; or

(3) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.

(n) Dwelling: A building or portion thereof, a tent, a vehicle or other enclosed place which is used or intended for use as a human habitation, home or residence.

(o) Dwelling Unit: A single-family residence, multiple-family residence and each living unit in a mixed-use building.

(p) Gamecock: A domesticated fowl that is bred, reared, or trained for the purpose of fighting with other fowl.

(q) Identification Document: Any card, certificate or document which identifies or purports to identify the bearer of such document, whether or not intended for use as identification, and includes, but is not limited to, documents purporting to be drivers' licenses, nondrivers' identification cards, birth certificates, social security cards and employee identification cards.

(r) Intent to Defraud: An intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

(s) Law Enforcement Officer: Any person who by virtue of his or her office of public employment is vested by law with a duty to maintain public order or to make arrest for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(t) Motorboat: Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

(u) Obtain: To bring about a transfer of interest in or possession of property, whether to the offender or to another.

(v) Obtains or Exerts Control Over Property: Includes but is not limited to the taking, carrying away, or the sale or conveyance or transfer of title to, interest in, or possession of property.

(w) Ordinance Cigarette or Tobacco Infraction: A violation of an ordinance that proscribes the same behavior as proscribed by subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto.

(x) Owner: A person who has any interest in public property.

(y) Paint Ball Gun: Any device whether or not in the shape and form commonly associated with the terms pistol, sidearm, small arm, rifle, shotgun or any other type of gun designed to forcibly expel from an opening therein any paint ball, and whether operating from and upon compressed air or mechanical or elastic spring work.

(z) Person: An individual, public or private corporation, government, partnership or unincorporated association or other entity.

(aa) Personal Property: Goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property, real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged or dismissed.

(ab) Property: Anything of value, tangible or intangible, real or personal.

(ac) Prosecution: All legal proceedings by which a person's liability for a crime is determined.

(ad) Public Employee: A person employed by or acting for the city and who is not a public officer.

(ae) Public Offense or Offense: An act or omission defined in this code which, upon conviction, is punishable by fine, confinement or both fine and confinement.

(af) Public Officer: Includes the following whether elected or appointed.

(1) An executive or administrative officer of the city;

(2) A member of the governing body;

(3) A judicial officer, which shall include a judge, municipal judge, magistrate, juror, master or any other person appointed by a judge or court to hear or determine a cause of controversy;

(4) A hearing officer shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;

(5) A law enforcement officer or public safety officer;

(6) Any other person exercising the functions of a public officer under color of right.

(ag) Railroad Property: Includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company.

(ah) Real Property or Real Estate: Every estate, interest and right in lands, tenements and hereditaments.

(ai) Sail Board: A surfboard using for propulsion a free sail system comprising one or more swivel-mounted rigs (mast, sail and booms) supported in an upright position by the crew and the wind.

(aj) Sailboat: Any vessel, other than a sail board, that is designed to be propelled by wind action upon a sail for navigation on the water.

(ak) Smoke Detector: A device or combination of devices which operate from a power supply in the dwelling unit or at the point of installation for the purpose of detecting visible or invisible particles of combustion. Such term shall include smoke detectors approved or listed for the purpose for which they are intended by an approved independent testing laboratory.

(al) Solicit or Solicitation: To command, authorize, urge, incite, request or advise another to commit a crime.

(am) State: The state of Kansas.

(an) Stolen Property: Property over which control has been obtained by theft.

(ao)Tattooing: The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(ap) Telefacsimile Communication: The use of electronic equipment to send or transmit a copy of a document via telephone line.

(aq) Threat: A communicated intent to inflict physical or other harm on any person or on property.

(ar) Throwing Star: Any instrument, without handles, consisting of a metal plate having three (3) or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

(as) Toxic Vapors: The following substances or products containing such substances:

(1) Alcohols, including methyl, isopropyl, propyl or butyl;
(2) Aliphatic acetates, including ethyl, methyl, propyl or methyl cellosolve acetate;
(3) Acetone;
(4) Benzene;
(5) Carbon Tetrachloride;
(6) Cyclohexane;
(7) Freons, including Freon 11 and Freon 12;
(8) Hexane;
(9) Methyl ethyl ketone;
(10) Methyl isobutyl ketone;
(11) Naptha;
(12) Perchlorethylene;
(13) Toluene;
(14) Trichloroethane; or
(15) Xylene.

(at) Written Instrument: Means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information, and any money, tokens, stamps, seal, badge, trademark or identification, which is capable of being used to the advantage or disadvantage of some person.

(K.S.A. 12-4113; 21-3110; K.S.A. 21-3413; K.S.A. Supp. 21-3761; K.S.A. 21-3830; K.S.A. 32-1102; K.S.A. 41-102; K.S.A. 41-2701; K.S.A. 82a-802, as amended; K.S.A.

Supp. 21-3110; Code 2003, Code 2005, Code 2015)

11-102. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Haysville, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2014~~5~~ prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with additions. No fewer then one (1) copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. ~~10~~{the ordinance of the City of Haysville codifying this Chapter}__, Chapter 11-102" and to which shall be attached a copy of the approved ordinance and all of which shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. For purposes of notice of violation of provisions set forth within the Uniform Public Offense Code, violations shall be cited to the applicable ordinance and the specific section(s) included within the Uniform Public Offense Code. Additions and/or Amendments to the Uniform Public Offense Code are set forth within this Chapter and shall be cited as provided within this Chapter. A copy of this Chapter shall be affixed to the Official Copy of the Uniform Public Offense Code.

(Ord. 719, Ord. 822; Code 2003, Code 2005, Code 2006; Code 2007; Code 2008, Code 2009, Code 2010; Ord. 966; Ord. 971; Ord. 983; Code 2012; Ord. 996, Code 2013; Ord. 1018, Code 2015)

11-103. ADDITIONS AND/OR AMENDMENTS. The Uniform Public Offense Code incorporated by reference in section 11-102 of this article is hereby amended to include all of the additions and/or amendments set forth within this Chapter. The Articles of this Chapter are arranged to correlate with the Articles provided within the Uniform Public Offense Code, but such Additions and/or Amendments shall be cited as provided within this Chapter. (Ord. 1018, Code 2015)

11-104 ARTICLE 1. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 1, General Provisions, is hereby amended to include the following sections regarding the disposition of lost, stolen, strayed, abandoned, unclaimed, or confiscated property.

(a) APPLICABILITY. This article relates to and embraces all lost, stolen, strayed, abandoned, unclaimed or confiscated property which of itself is not contraband or the possession of which is not unlawful, which is now or which may hereafter come into the possession of the law enforcement officers of the city.

(b) CUSTODY; RECLAMATION BY OWNER WITHIN THIRTY DAYS. All personal property of the character described in section 11-103(a) shall be delivered to the custody of the chief of police who shall retain the possession of such property for a period of thirty (30) days, except as elsewhere herein provided, unless the owner or person entitled to the possession of such property shall sooner claim such property and

establish his or her ownership and right to possession thereof.

(c) NOTICE OF INTENT TO DISPOSE: REQUIREMENTS. If the owner or person entitled to the possession of property, as described in this article, shall fail to claim such property within thirty (30) days, that at such time or at any time thereafter, the chief of police may cause a notice to be published in the official city newspaper, setting forth a detailed description of such property and stating that unless the same be claimed within ten (10) days, such property will be disposed of pursuant to the terms of this chapter.

(d) FAILURE OF OWNER TO CLAIM BEFORE DISPOSITION. If the owner or person entitled to the possession of property advertised under 11-103(b) shall fail to claim the same within the prescribed time limit set forth in such section, then the same can be converted to city use or can be donated by the city to a non-profit organization, preferably located within the city limits; provided, however, that the following procedures shall be followed by the city in connection with the disposition of such unclaimed property pursuant to this section, such disposition to take place as follows, to wit:

(1) The chief of police, shall, after consultation with the Mayor, determine whether such property shall be converted to use by one or more departments of the city or shall be disposed of by gifting the same to one or more non-profit organizations.

(e) ALTERNATIVE DISPOSITION. As an alternative to the disposition procedure set forth in 11-103(b) and 11-103(d) hereof, the police department is hereby authorized, after following the mandates set forth in 11-103(c) hereof, to sell such property at public auction to the highest bidder therefore for cash. Notice of such auction sale shall be given by the department's placing notice of such auction sale, giving the time, date and place thereof, in a newspaper(s) of circulation in Sedgwick County, such publication(s) to take place no later than ten (10) days prior to such auction date. All proceeds raised at such auction sale shall be paid directly to the general fund of the city.
(Code 2015)

ARTICLE 2.
ANTICIPATORY CRIMES

11-201. RESERVED.
(Code 2003, Code 2006; Code 2007; Code 2008; Code 2009; Code 2012)

ARTICLE 3.
OFFENSES AGAINST PERSONS

11-301. RESERVED.
(Code 2003, Code 2006; Code 2007; Code 2008, Code 2009; Code 2012)

ARTICLE 4.
SEX OFFENSES

11-401. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 4, Sex Offenses, is hereby amended to include the following sections:

(a) WINDOW PEEPING. Any person, other than the occupants of the room, dwelling, apartment, rooming house or apartment house involved, who goes upon private property, without the permission of the owner or lessee thereof, and looks into such room, dwelling, apartment, rooming house or apartment house is guilty of "window peeping," a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than $500 and/or six (6) months imprisonment.
(CODE 2007; CODE 2008, CODE 2009)

ARTICLE 5.
OFFENSES AFFECTING CHILDREN

11-501. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 5, Offenses Against Property is hereby amended to include the following sections:

(a) CURFEW FOR CERTAIN MINOR CHILDREN. It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and buildings, places of amusement or entertainment, eating places, vacant lots or other place unsupervised by an adult having the lawful authority to be at such place during the following periods of time:

(1) For minors age fifteen and under, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except Fridays and Saturdays when the hours shall be 12:00 midnight to 6:00 a.m. of the following day.

(2) For minors age sixteen (16) and seventeen (17), between the hours of 12:00 midnight on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays when the hours shall be 1:00 a.m. and 6:00 a.m. the following day.

(3) The provisions of this section shall not apply in the following instances:

(aa) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;

(bb) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

(cc) When the minor is returning home by the most direct route from a school activity, entertainment, recreational activity or dance; or,

(dd) When the minor is returning home by the most direct route from lawful employment;

(ee) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise right of religion; and

(ff) When the minor is in interstate travel through the city.

(b) RESPONSIBILITY OF PARENT. Except in circumstances set out in section 11-501(a)(3) it shall be unlawful for the parent, guardian or other adult person having care and custody of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places or public buildings, places of amusement or entertainment, eating places, vacant lots or other place unsupervised by an adult having the lawful authority to be at such place during the following periods of time:

(1) For minors age fifteen (15) years of age and under, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays, when the hours shall be 12:00 a.m. to 6:00 a.m. of the following day;

(2) For minors age sixteen (16) and seventeen (17), between the hours of 12:00 a.m. on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays when the hours shall be 1:00 a.m. to 6:00 a.m. of the following day.

(c) PENALTY FOR MINOR. Any minor violating the provisions of this chapter shall be dealt with in accordance with Kansas juvenile court law and procedure. Any police officer finding a minor under the age of eighteen (18) years violating the provisions of this chapter shall warn the child to desist from such violations and immediately return home and may cause written notice to be served upon the parent, guardian or person in charge of said child, setting forth the manner in which the provisions of this section have been violated. For the purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a child if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.

(d) PENALTY FOR PARENT, GUARDIAN OR PERSON HAVING THE CARE AND CUSTODY OF A CHILD. Any parent, guardian or person having the care and custody of a child who shall permit such child to violate the provisions of this section

after receiving written notice that such child has previously violated such provisions may be subject to a minimum fine of $50.00 and a maximum fine of $500.00, plus costs, for a second or subsequent such offense, with a request to the appropriate court that consideration be given to community service for the offending juvenile as an alternative to any set fine. Violation of this section is a Class C misdemeanor.

(Code 2007; Code 2008; Code 2009)

ARTICLE 6.
OFFENSES AGAINST PROPERTY

11-601. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 6, Offenses Against Property is hereby amended to include the following sections:

(a) For the purpose of this section, the following terms shall have the meaning ascribed to them in this section:

(1) Graffiti means any inscription, word, figure or design which is marked, etched, scratched, drawn or painted on any structural component of any building, structure or other facility, without the authorization of the owner of such building, structure or other facility, regardless of the nature of the material used in the application or upon which it is applied.

(2) Graffiti Removal Levy means the charge made by the city and computed by the director of public works for removing graffiti from property, together with any and all penalties for nonpayment of the charges which have accrued.

(3) Owner as used in this section means any person so designated in the current files of the real estate division of the county clerk's office, and also any person having or claiming to have any legal or equitable interest in the premises upon which graffiti is located.

(4) Property or Premises means any lot, parcel, tract or piece of land, improved or unimproved, in the city, and includes any building or other structure located thereon.

(b) ENFORCEMENT – PERSONNEL AUTHORIZED. All law enforcement officers of the city and the public works director or his/her designees are hereby authorized to enforce the provisions of this section.

(c) DEFACEMENT OR DAMAGE OF PROPERTY BY GRAFFITI. Any person who writes, sprays, scratches or otherwise affixes graffiti upon any property, public or private, in which another has an interest and without consent of such other person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $250.00 or more than $1,000.00 or by imprisonment for not more than six

(6) months, or by both such fine and imprisonment. In addition to such penalty the courts may order the defendant to perform the necessary labor to clean up, repair or replace the property damaged by that person, or to pay any costs incurred by the owner related to the cleanup, repair or replacement of property damaged by that person.

(d) GRAFFITI DECLARED PUBLIC NUISANCE – Owner/Occupant's Duty to Remove. The existence of graffiti upon any building, residence or other structure or property within the city is expressly declared to be a public nuisance and it shall be the duty of the owner and/or occupant of any building, residence or other structure or property that has been defaced by graffiti to cleanup or otherwise cover such graffiti, or such graffiti shall be subject to abatement by the city as hereinafter provided. However, no person shall clean up or otherwise cover graffiti without first notifying the Haysville Police Department of the existence of, and affording it the opportunity to photograph said graffiti.

(e) IMMEDIATE REMOVAL OF GRAFFITI WITHOUT NOTICE AUTHORIZED. Whenever any city employee authorized to enforce this article finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee may forthwith, without notice to the owner, temporarily obliterate such graffiti, or cause the same to be temporarily obliterated, by the least destructive or damaging means then available. Such authorized employee shall then send notice to the owner to permanently remove the graffiti, following the procedures set out in section 11-601.

(f) NOTICE-FORM. Whenever any city employee authorized to enforce this article finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee shall cause a notice to remove graffiti to be served upon the owner, as shown in the current files of the real estate division of the county clerk's office. The notice shall be in substantially the following form:

NOTICE TO REMOVE GRAFFITI

TO_____, as owner:

Pursuant to the provisions of section 11-601(f) of the Code of the City of Haysville, Kansas, you are hereby notified to remove from

_____
(Description of Property)

AKA_____
(Address)

all graffiti as defined in the Code of the City of Haysville within seven (7) days from the date of this notice.

*_____ (check if applicable) Action has already been taken by the City to temporarily obliterate this graffiti but the same must be permanently removed within seven (7) days from the date of this notice.

If all graffiti is not permanently removed from the above described property within seven (7) days from the date of this notice, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.

If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.

If you object to the removal of the graffiti from your premises, you may appeal to the Haysville City Council by filing a written notice of appeal in the Office of the City Clerk, 200 West Grand, Haysville, Kansas. Such written notice must be filed within five (5) days from the date of this notice. Failure to appeal shall constitute your acceptance of the determination by the City's authorized employee any and all remedies provided by the Code of the City of Haysville, and a waiver of any and all appeal rights.

Dated:_____

_____
Authorized Employee
City of Haysville

(g) NOTICE – SERVICE. The notice to remove graffiti shall be served upon the person whose name appears as the owner of the premises involved in the files of the real estate records division of the county clerk's office. Such service may be made either by personal delivery or by depositing the notice in the United States mail, postage paid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing in the files of the real estate records division of the county clerk's office. If no address for the owner appears in the file of the real estate records division of the county clerk's office or if no address appears upon the actual premises, then service of the notice to remove graffiti may be made by posting the notice in a conspicuous place upon the property. Proof of service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(h) APPEAL HEARING – SERVICE OF NOTICE. If there is an appeal filed with the city clerk, the city clerk shall forward the appeal to the City Council, which shall at its next regular meeting establish a time certain, to be as soon as practicable, and place for a hearing. The clerk shall then cause a notice of hearing to be served by certified mail

upon the owner who has appealed at least ten (10) days before the hearing. Service shall be deemed completed at the time of deposit of the notice in a receptacle maintained by the United States Postal Service, with postage fully prepaid. The failure of any person to receive such notice of hearing shall not affect the validity of any proceeding under this article.

(i) APPEAL – HEARING – PROCEDURE. (1) On the date fixed for hearing any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lien holders of record, occupants or other parties in interest in the property upon which the graffiti is situated, and all evidence submitted by the city. Upon hearing such evidence, the governing body shall make findings by resolution. The hearing provided for in this section need not be conducted according to formal rules of evidence and may be continued without notice.

(2) Upon conclusion of the hearing, the governing body shall determine whether the premises, as maintained, constitute a public nuisance as set forth in this section and shall make its findings by resolution. If the governing body finds that such public nuisance does exist, the governing body shall determine how the nuisance is to be abated and shall establish a time, not to exceed seven (7) days, within which removal and/or abatement shall take place; and in the event the owner fails to correct the nuisance within the time described, the city shall cause the nuisance to be abated and the costs incurred by the city shall become the personal obligation of the owner and/or tenant and a lien upon the property.

(3) A copy of the governing body's determination by resolution shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

(4) No legal proceeding or action shall lie against the city or any officer, designee or employee of the city to enjoin the enforcement of its determination or orders made pursuant to this section, unless such legal action is commenced within thirty (30) days after the decision of the governing body.

(j) OWNER REMOVAL NOTICE. Every owner served with a notice or order to remove graffiti who upon his or her own account removes the graffiti from his or her own property shall upon completion of the work immediately give written notice thereof to the office of the city clerk. Such notice shall be either delivered or mailed to the office of the city clerk. Upon receipt of such notice any employee of the city authorized to enforce this section shall inspect the property and if no graffiti exists thereon, the owner shall be issued a certificate so stating. If graffiti still exists on the property, the authorized employee of the city shall cause it to be removed and the costs will be assessed against the owner and tenant and become a lien on the property as if no such notice of removal was received from the owner.

(k) CITY REMOVAL – AUTHORIZED. If any owner served with a notice fails to remove the graffiti from such owner's property within the time stated in the notice, or order of the governing body after appeal, the owner shall be deemed to have consented

to such removal by the city whose designated employee will thereupon be authorized to enter upon the property involved and remove the graffiti.

(l) CITY REMOVAL – GRAFFITI ABATEMENT. The public works director or his/her designee shall, after the removal of graffiti from any property by the city, compute all expenses so incurred by the city, including any applicable administrative fees as determined by the office of the city clerk. All expenses shall be charged to and become an indebtedness of the owner of such premises; provided, however, that no such charge or levy shall be made against any property or the owner of property where the office of the city clerk has received a written authorization signed by such owner, or his/her authorized representative, permitting the city, or any other volunteer group or organization engaging in graffiti clean up with the city's consent, to enter upon such owner's property for the purpose of removing any and all graffiti that from time to time might be located on such property. Such written authorization shall be effective until withdrawn in writing by such owner and shall prevent any charge or levy for graffiti cleanup expenses incurred after the date of such written authorization and for as long as it remains effective.

(m) CITY REMOVAL – GRAFFITI ABATEMENT LEVY PAYMENT NOTICE. Upon computing the expenses, the city clerk shall serve the graffiti abatement levy upon the owner of the property where graffiti was removed, as the owner is determined from current files of the real estate division of the county clerk's office. The notice to pay graffiti abatement levy shall be in substantially the following form:

NOTICE TO PAY GRAFFITI ABATEMENT LEVY

In accordance with the provisions of section 11-601 of the Code of the City of Haysville, Kansas, the City of Haysville has caused the graffiti upon

_____
(legal)

AKA _____
(address)

to be removed at the City expense.

You are hereby notified that the total cost of _____ is now due and payable to the City of Haysville, Kansas.

Section 11-601(n) of the Code of the City of Haysville, Kansas provides in part, that the property owner, tenant or any other interested person may demand a hearing within fifteen (15) days of this notice before the Haysville City Council on the reasonableness of the charges. Such demand shall be in writing filed with the office of the city clerk and shall describe the

property involved, the reasons for objecting, and the name, address and interest of the appellant.

If no hearing is so demanded, this payment shall become delinquent within thirty (30) days from this notice and if the amount due is not otherwise collected, a lien for this amount, plus a fee for preparation of the lien and any civil penalty shall be attached on the affected property and thereafter bear interest at the rate of 12% per annum until paid.

(n) HEARING ON CHARGES. Within fifteen (15) days from the date of the notice to pay, the property owner, tenant or any other interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the office of the city clerk. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with the hearing. The city clerk shall thereupon set a date for a hearing of such protest by the governing body. Such hearing shall be scheduled within a reasonable time. The city clerk shall send written notice of such hearing, the governing body shall hear all evidence pertinent to the reasonableness of the charges and shall be final and the city clerk shall certify the cost of such removal upon completion of the appeal hearing, which amount shall then become a tax on the real property upon which the removal occurred. In the event the cost of graffiti removal is not assessed against the real property, the city may thereafter maintain an action in the appropriate court against the owner and/or occupant upon whom notice was served as required by this section to recover the cost of removing such graffiti.

(o) LITTERING. Littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about:

(a) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water except by direction of some public officer or employee authorized by law to direct or permit such acts; or

(b) Any private property without the consent of the owner or occupant of such property.

(Code 2005, Code 2006; Code 2007; Code 2008; Code 2009)

ARTICLE 7.
OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS

11-701. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 7, Offenses Affecting Governmental Functions, is hereby amended to include the following sections:

(a) RESISTING ARREST. (1) It shall be unlawful for any person, by use of force

or violence or threat thereof, to intentionally prevent or attempt to prevent any law enforcement officer from arresting any person.

(2) It is no defense to a prosecution under this section that a law enforcement officer was attempting to make an arrest which was in fact unlawful if he or she was acting under color of his or her official authority and in making the arrest he or she did not resort to such excessive force as to give rise to a right of self-defense under state law.

Violation of this section is a Class A violation.

(b) DUTY TO OBEY POLICE, DUTY TO AID POLICE. (1) No person shall refuse to assist any law enforcement officer in making an arrest or performing any other official duty, when requested to do so by such officer.

(2) It shall be unlawful for any person to willfully disobey a lawful order of law enforcement officer.

Violation of this section is a Class B violation.

(c) INTERFERENCE WITH POLICE. It shall be unlawful for any person to intentionally hinder, obstruct or otherwise interfere with any law enforcement officer acting under color of his or her official authority in the discharge or apparent discharge of his or her official duties.

Violation of this section is a Class A violation.

(d) COMPENSATION FOR PAST OFFICIAL ACTS. (1) Compensation for past official acts is giving or offering to give any public officer or employee any benefit, reward or consideration for having given, in his or her official capacity as such public officer or employee, a decision, opinion, recommendation or vote favorable to the person giving or offering such benefit, reward or consideration, or for having performed an act of official misconduct.

(2) This section shall not apply to the following:

(aa) Gifts or other benefits conferred on account of kinship;

(bb) Other personal, professional or trivial benefits incidental to person, professional or business contacts and involving no substantial risk of undermining official impartiality.

(e) FAILURE TO RETURN LIBRARY MATERIALS. It is unlawful for any person to fail to return any book, newspaper, magazine, pamphlet, manuscript, article, art, painting, phonograph record, film or any other property provided by the Haysville Public Library. It shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material

within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(f) PENALTY. Each day this violation is committed shall constitute a separate violation. Violation of this section is a Class C Misdemeanor.
(Code 2007; Code 2008; Code 2009)

ARTICLE 8.
DENIAL OF CIVIL RIGHTS

11-801. RESERVED.
(Code 2003, Code 2006; Code 2007; Code 2008; Code 2009)

ARTICLE 9.
OFFENSES AGAINST PUBLIC PEACE

11-901. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above Article 9, is hereby amended to include the following sections:

(a) PLACING OF SIGNS PROHIBITED. It shall be unlawful for a person, firm, corporation or other entity to place or cause to be placed on city property within the city limits, any political sign, billboard or advertising, whether it is political or otherwise upon property owned by or controlled by the city.

(b) PUBLIC URINATION. No person shall, within the corporate limits of the city, urinate upon any highway, street, alley or upon the premises of any public place or building or upon private property, in open view of any person, when the same has not been designated or designed as a restroom.

Violation of this section is a Class A violation.

(c) DISTURBANCE OF RELIGIOUS ASSEMBLIES. Disturbance of religious assemblies is the disturbing of any congregation or assembly met for religious worship by making a noise or by rude and indecent behavior within their place of worship or so near the same as to disturb the order and solemnity of the meeting.

Violation of this section is a Class C violation.

(d) LOITERING; STREETS, PUBLIC PLACES. Loitering in streets and other public places is the loitering on the public streets, bridges or walkways, school buildings or school grounds or any other public place or place accessible to the public without being engaged in some business demanding the person's presence upon such street, bridge, pedestrian walkway, school building, school grounds or at such public place or place accessible to the public or habitually lurking in a public place or a place accessible to the public without being engaged in some legal business. Violation of this section is a Class C violation.

(e) LOITERING IN OR ABOUT SCHOOLS OR PUBLIC BUILDINGS OR PLACES PROHIBITED. It shall be unlawful for any person to loiter about or on any public, private or parochial school property or public building or place, either on foot or in or on any vehicle, without having some lawful business therein or thereabout.

(f) ANNOYING OR PREVENTING ORDERLY CONDUCT OR ACTIVITY IN OR ABOUT SCHOOLS OR PUBLIC BUILDINGS OR PLACES. It shall be unlawful for any person to annoy, disturb or otherwise prevent the orderly conduct of activity or classes on or about any public, private or parochial school or public building or place.

(g) ANNOYING, DISTURBING, ASSAULTING OR MOLESTING STUDENTS OR SCHOOL EMPLOYEES PROHIBITED. It shall be unlawful for any person to annoy, disturb, assault or molest any student or employee of any public, private or parochial school while such student or employee is in a school building, on school grounds or in any public building or place when engaged in or participating in any school-related activity.

(h) LEWD, WANTON OR LASCIVIOUS BEHAVIOR IN OR ABOUT SCHOOLS OR PUBLIC BUILDING OR PLACES PROHIBITED. It shall be unlawful for any person to conduct himself or herself in a lewd, wanton or lascivious manner, either in speech or conduct or behavior, in or about any public, private or parochial school building or school grounds, or public building or place.

(i) PARKING OR MOVING VEHICLES ON SCHOOL GROUNDS OR IN PUBLIC BUILDINGS OR PLACES FOR PURPOSES OF ANNOYING OR MOLESTING STUDENTS OR SCHOOL EMPLOYEES PROHIBITED. It shall be unlawful for any person to park or move a vehicle in, on or about the grounds of any public, private or parochial school building or grounds, or in or about any public building, public place or street for the purpose of annoying or molesting students or employees of such schools or for the purpose by unauthorized persons to induce, entice or invite students into such vehicles.

(j) UNAUTHORIZED PRESENCE IN SCHOOL BUILDINGS OR ON SCHOOL PREMISES. It shall be unlawful for any person to enter into or upon, or to remain in, on, or within any building, grounds or facilities within the jurisdiction of the Haysville unified

school district which are located within the corporate limits of the city after 11:00 p.m. or before 6:00 a.m. without the specific authorization of the Haysville unified school district, or at any time when said district has determined that said period shall be from 12:00 a.m. to 6:00 a.m. and has given prior notice of such determination to the police department of the city of Haysville.

(k) ERECTION OF TENTS AND BUILDINGS ON CERTAIN SCHOOL DISTRICT PROPERTY PROHIBITED. It shall be unlawful for any person to build or place any tent, building, booth, stand or other structure in or upon any building, grounds or facilities located within the corporate limits of the city and under the jurisdiction of the Haysville unified school district, without having obtained a permit to do so from said district. Such permit shall be in writing, shall include the signature of an official designated by the school district as authorized to issue such permit, and shall be produced by any person receiving such permit on demand of any police officer of the city.

(l) ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE PROHIBITED ON CERTAIN SCHOOL DISTRICT PROPERTY. It shall be unlawful for any person to possess or consume any alcoholic beverage on or in any property, on or in any building or other premises, located within the corporate limits of the city and under the jurisdiction of the Haysville unified school district. For the purposes of this section, "alcoholic liquor" shall have the meaning provided to such term by K.S.A. 1-102 and amendments thereto, and "cereal malt beverage" shall have the meaning provided thereto by K.S.A. 41-2701 and amendments thereto.

(m) ERECTION OF TENTS AND BUILDINGS ON CERTAIN CITY PROPERTIES PROHIBITED. It shall be unlawful to build or place any tent, building, booth, stand or structure in or upon any of the parks or recreation facilities under the jurisdiction of the city for a period exceeding four (4) days without first having obtained approval for such building or placement from the governing body of the city.

(n) ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE ON CERTAIN PUBLIC PROPERTIES PROHIBITED. It shall be unlawful for any person to consume or possess alcoholic liquor or cereal malt beverage on any property or premises under the control of the park board of the city, without prior authorization of the governing body of the city. For the purpose of this section, "alcoholic liquor" shall have the meaning provided by such term by K.S.A. 1-102 and amendments thereto, and "cereal malt beverage" shall have the meaning provided by K.S.A. 41-2701 and amendments thereto.

(o) CLASSIFICATION OF OFFENSES. 11-901(e) through and including 11-901(n) of the above stated unlawful actions shall be a Class C violation and punishable by the same sentence as set forth for Class C violations in Article 13 of this chapter.

(p) LOUD AND UNNECESSARY NOISE PROHIBITED. 11-901(p)(1). It shall be unlawful for any person to permit, make, continue, maintain or cause to be made or continue any excessive, unreasonable or unusually loud noise which disturbs, injures,

endangers the repose, health, peace or safety of other people of ordinary sensitivity within the vicinity of the noise.

11-901(p)(2). It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity.

11-901(p)(3). No person shall permit or participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this ordinance; provided; however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants of the location where the party or gathering occurs shall, upon request of a police officer, cooperate fully in immediately abating the disturbance. Failing to immediately cooperate with law enforcement efforts to remedy and resolve the noise disturbance shall be in violation of this ordinance.

11-901(p)(4). No property owner shall permit their property to be used in violation of this section. Property owners shall make a reasonable effort to notify all tenants, lessees, and invitees of the City's noise restrictions, and shall make every effort to assist law enforcement with immediately abating the disturbance occurring upon their property when requested by law enforcement. Multiple complaints occurring against a single property may be evidence that a property owner is permitting their property to be used in violation of this section.

11-901(p)(5). DEFINITIONS. For purposes of this section, these terms shall be defined as follows:

(A) "Neighboring inhabitants" includes those persons residing in single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms, or businesses within the vicinity of the noise.

(B) "Excessive, unreasonable or unusually loud noise" shall be a determination of legal fact based upon those indicators that a reasonable person would objectively find to 1) disturb the peace, quiet or repose of the area, 2) cause physical injury or property damage, or 3) endanger the safety of the area, when any individual actually experiences such harm.

11-901(p)(6). The following situations are exempt from noise ordinance regulations:

1. Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
2. Emergency vehicles;
3. Alarm systems;

4. Residential trash and waste pickup operations between _6:00 a.m. and _7:00 p.m., and Commercial solid waste collection service between the hours of _3:00 a.m. and _7:00 p.m.;
5. Aircraft or railroads;
6. Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
7. Air conditioners
8. Lawn care equipment operated between 7:00 a.m. and 9:00 p.m.;
9. Construction operations; and
10. Church bells and campanile chimes.

11-901(p)(7). Penalty, Any person who violates any of the provisions of this ordinance within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding $500.00 or be imprisoned in jail for a period not to exceed one (1) month, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
(Ord. 935, Code 2009)

11-901(p)(8). EXCEPTIONS. The following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are exempted from the provisions of this chapter:

(1) Lawn maintenance;
(2) Repair of personal use vehicles;
(3) Home repair of place of residence

11-901(p)(9). PENALTY. Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding $500.00 or be imprisoned in jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
(Code 2007; Code 2009)

ARTICLE 10.
OFFENSES AGAINST PUBLIC SAFETY

11-1001. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 10, Offenses Against Public Safety, is hereby amended to include the following sections:

(a) MOLOTOV COCKTAILS. Unlawful possession, use and transportation of a "molotov cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as a "molotov cocktail."

Unlawful possession, use or transportation of "molotov cocktail" is a Class A violation.

(b) NEGLIGENT STORAGE OF FIREARMS PROHIBITED; MINORS GAINING ACCESS A MISDEMEANOR.

(1) Any person who stores or leaves, on a premises or any location a loaded firearm, or an unloaded firearm in close proximity to ammunition for it, where it is reasonably foreseeable that a minor may gain access to the firearm, shall keep the firearm in a securely locked box, locked safe, locked hard case, locked safe case, locked drawer, locked cabinet or other locked container, or shall secure the firearm by installing a trigger lock or other similar device which prevents the normal function and discharge of the firearm. Such locking device shall be in addition to any built-in safety feature of the firearm. This section shall not apply when a firearm is lawfully being carried on a person's body or within close proximity as to be under the person's immediate control.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor if, as a result thereof, a minor gains access to a firearm and possesses such firearm in violation of K.S.A. 21-4201, and amendments thereto; K.S.A. 1992 Supplements 21-4203, 21-4203(a) or 21-4204, and any amendments thereto. This section shall not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) The following warning shall be conspicuously posted in every place of business where firearms are sold: "It is unlawful to leave a loaded firearm, or an unloaded firearm with ammunition for it nearby, if it is foreseeable that a minor may gain access to the firearm."

(4) As used in this section, the term "minor" means any person under the age of eighteen (18).

(5) As used in this section, the term "firearm" means any pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosion, expanding gases or other combustion. Air rifles, air pistols and BB guns are included in this definition if capable of expelling projectiles by the sudden release of compressed gas. This term shall not include a firearm which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841, et seq., and any amendments thereto.

(c) PENALTY. Any person who violates the provisions of this section shall, upon conviction be punished by a fine of up to $2,000.00 or by imprisonment for up to 1 year, or by both such fine and imprisonment. (Code 2015)

11-1002 Section 10.1.1 of the Uniform Public Offense Code as adopted above, CRIMINAL CARRYING OF A WEAPON, is hereby amended as follows:

(a) Criminal carrying of a weapon is knowingly carrying:

(1) any bludgeon, sandclub, metal knuckles or throwing star;

(2) concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;

(3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb, or molotov cocktail, or projector or any object containing a noxious liquid, gas or substance;

(i) Molotov Cocktails. A container of incendiary or explosive material liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind usually referred to as a "molotov cocktail."

(4) any pistol, revolver or other firearm concealed on one's person except when on the person' land or in the person's abode or fixed place of business; or

(5) on one's person any unconcealed, loaded firearm, while on property open to the public, except when on one's land or in one's abode or fixed place of business, unless the firearm is carried in a holster with its safety in place (if equipped with a safety mechanism) and such weapon remains within the immediate control of the person at all times.

(i) As used in this section, 'under one's immediate control' shall mean within instant reaching distance of the person.

(b) Criminal carrying of a weapon as defined in Subsections (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) is a class A violation.

(c) Subsection (a) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(4) shall not apply to:

(1) Watchmen, while actually engaged in the performance of the duties of their employment.

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment.

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment.

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto.

(6) special deputy sheriffs described in K.S.A. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a, and amendments thereto.

(7) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 75-7c19, and amendments thereto; or

(8) law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C; or

(9) any person carrying a concealed handgun as authorized by K.S.A. 2012 Supp. 75-7c01 through 75-7c17, and amendments thereto. (Code 2015)

11-1003 SEVERABILITY. In the event any section or part of this ordinance is found by a court of competent jurisdiction to be invalid, such findings shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

(Code 2007; Code 2008; Code 2009, Code 2015)

ARTICLE 11.
OFFENSES AGAINST PUBLIC MORALS

11-1101. AMENDMENTS. The Uniform Public Offense Code, such edition as set forth within Section 11-102 above, Article 11, Offenses Against Public Morals, is hereby

amended to include the following sections:

(a) CONFISCATION, DESTRUCTION OF GAMBLING DEVICES. Upon conviction of any person under the provisions of this section, the municipal judge shall, as a part of his or her judgment, order the destruction of all punch boards, slot machines or other gambling devices or material used by or in possession of the defendant, and the chief of police shall execute such judgment by publicly destroying or causing to be destroyed punch boards, slot machines or any other gambling device or equipment by burning or otherwise, which destruction shall take place after the devices are no longer needed as evidence.

(b) OBSCENITY; BUILDING OR STRUCTURE.. It shall be unlawful for any person to write or inscribe any obscene or vulgar picture, design or words at or on any place open to public view.

Violation of this section is a Class C violation.

(c) DRUG PARAPHERNALIA; DEFINITIONS. As used in this article:

(1) Controlled Substance means any drug or substance included in schedules I through V of the Uniform Controlled Substance Act as set forth within chapter 65, article 41, of the Kansas Statutes Annotated.

(2) Drug means:

(i) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States of official national formulary or any supplement to any of them;

(ii) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans and animals;

(iii) Substances (other than food) intended to affect the structure or any function of the human body or animal body; and,

(iv) Substances intended for us as a component of any article specified in clause (i), (ii) or (iii) of this subsection. It does not include devices or their components, parts or accessories.

(3) Marijuana means all parts of all varieties of the plant cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination;

(4) Person means individual, corporation, government or governmental

subdivision or agency, business trust, estate, trust partnership or association or any other legal entity;

(5) Instrument means a device designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance.

For purposes of this subsection, the phrase "intended for use" shall refer to the intent of the person selling, offering to sell, dispensing, giving away or displaying the instrument herein defined.

(d) POSSESSION OR USE OF CERTAIN SUBSTANCES OR PARAPHERNALIA. Any person in the city who has in their possession, cannabis sative 1, otherwise known as marijuana, or any derivative thereof, or has in their possession any paraphernalia for use in the consumption of the above mentioned substance, is guilty of a misdemeanor.

(e) SALE, INHALATION OF TOXIC VAPORS, GLUE, RELATED PRODUCTS.

(1) As used in this section, the phrase "glue containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any glue, cement or other adhesive, the contents of which may include, but are not limited to, one or more of the following chemical compounds; acetone, acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether or toluene (toluol).

(2) No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or other dulling of his or her brain or nervous system, intentionally smell or inhale the fumes from any glue containing a solvent having the property of releasing toxic vapors or fumes. Nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.

(3) No person shall, for the purpose of violating paragraph (2) of this section use or possess for the purpose of so using any glue containing a solvent having the property of releasing toxic vapors or fumes.

(4) No person shall sell, give or offer to sell or give to any person any tube or other container of glue containing a solvent having the property of releasing toxic vapors or fumes, if he or she has knowledge that the product sold, given or offered to be sold or given will be used for the purpose set forth in paragraph (3) of this section.

A violation of this section is a Class B violation.

(Code 2007; Code 2009)

ARTICLE 12.
VIOLATIONS, PENALTIES

11-1201. RESERVED.
(Code 2003, Code 2006; Code 2007; Code 2008; Code 2009)

ARTICLE 13.
MISCELLANEOUS

11-1301. RESERVED.
(Code 2004, Code 2005; Code 2007; Code 2008; Code 2009)

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CHAPTER XII. PUBLIC PROPERTY

Article 1. Parks, Recreational Areas
Article 2. Municipal Swimming Pool
Article 3. Special Events conducted upon Public Property

ARTICLE 1.
PARKS, RECREATIONAL AREAS

12-101. PURPOSE AND INTENT. It is hereby declared necessary for the benefit of the public at large to impose certain rules and regulations upon the use of public parks and recreational facilities. It is the intent of this article that all persons may peacefully enjoy the use of the parks and recreational facilities of the city, and to this end, any permits or authorizations required to be obtained from the park board may not be refused except for valid reasons applied uniformly to all persons. Any denial of permits is intended only for the protection of the citizens' rights to full and peaceful use of the parks and recreational facilities. Permits will be denied where the proposed use will infringe upon the general public's use of the area involved to such an extent as to deprive the general public the use of the parks and recreational facilities for the purposes intended.
(Ord. 278, Sec. 2)

12-102. HOURS, OPENING AND CLOSING, FEES FOR USAGE. City park facilities will be closed to the public from 12:00 midnight to 5:00 a.m. daily, except Kirby Park, Old Oak Park and Timberlane North Park will be closed to the public from 10:00 p.m. to 5:00 a.m. daily. The hours of the Skate Park shall be from 15 minutes after sunrise until 15 minutes before sunset, as those times are provided by any local weather service. Hours of operation of any park facility may be temporarily modified for special events by action of the Governing Body.

The fees for use of such park facilities will be those determined from time to time by the Governing Body in consultation with city administrative personnel.
(Ord. 278-B; Code 2003, Ord. 888; Ord. 972; Code 2015)

12-103. INJURING PROPERTY OR REMOVING EQUIPMENT. It shall be unlawful for any unauthorized person to break, cut, mutilate or injure, remove or carry away, any stone or stonework, bench, chair, seat, bower, stand, structure, fence or property, or anything whatsoever, in or upon any park, playground, golf course or recreational facility, or upon any other property owned or controlled by the city.
(Ord. 278, Sec. 4)

12-104. TRASH, RUBBISH. It shall be unlawful for any person to throw stones, sticks or

rubbish of any kind into any lake, pond, stream or swimming pool and/or to deposit trash or rubbish of any kind in or upon any park, playground, golf course or recreational facility or upon any other property owned or controlled by the city, except in containers or facilities provided therefore.

(Ord. 278, Sec. 5)

12-105. CHASING GAME AND ANIMALS. It shall be unlawful for any person, other than a city officer or employee in the lawful discharge of his or her duty, to chase, kill, set snares for or catch any birds or wild animals in or upon any of the parks, playgrounds, golf courses or recreational facilities or upon any other property owned or controlled by the city.

(Ord. 278, Sec. 6; Code 2003)

12-106a. HUNTING. (a) It shall be unlawful for any person to hunt, or discharge a weapon in an attempt to hunt, in or upon property owned or controlled by the city except in those areas specifically so designated by the governing body. Hunting shall be defined as by state statute and/or regulation.

(b) The taking, catching or killing of bullfrogs is prohibited on all city owned waters.

12-106b. FISHING (a) Fishing shall be in designated areas only, and unless exempt by law, a state issued fishing license is required and must be shown upon request of any law enforcement officer, Kansas Department of Wildlife and Parks Employee, or other state enforcement official.

(b) Fishing is permitted in city owned waters located within the following city parks:

1. Riggs Park
2. Old Oak Park
3. Kirby Park
4. Timberlane North Park

(c) Seining, and use of dip and cast nets, is prohibited on all city owned waters.

(d) Creel limits. A creel limit is the maximum number of a species of fish that can be taken per person in a calendar day.

(e) Length limits. Minimum length limits mean that fish shorter than a certain length cannot be kept.

(f) The following creel and length limits are hereby adopted:

(1) Channel Catfish: 5 per day.

(2) Largemouth Bass: 2 per day creel limit, with an 18 inch minimum length limit.

(3) All other species of fish: 4 per day creel limit.

(Ord. 515; Code 2003, Ord. 888; Ord. 973; Code 2015)

12-107. PERMITS.

(a) Permits will be required to reserve any Park Shelter House, Senior Center,

Dewey Gunzelman Memorial Pool, Haysville Activity Center, Plagens-Carpenter Park, Band Shell, Historic District Gazebo, the Home Town Market facility, or the Haysville Community Building and the fees are as established by Chapter 17. Requests for reservations shall be made in the city clerk's office, and all reservations are subject to availability.

(b) Three (3) copies of the permit will be issued:

1) One to the user of the shelter house, band shell or community building;
2) One to the police department; and
3) One will be filed at the city building.

(c) To reserve a park site for the use of inflatable playground equipment. This permit requires:

1) Proof of liability insurance naming City as additional insured in the amount of $1 million dollars;
2) Proof of business license from the business' originating City;
3) All contact and reservation information required by City Clerk.

(Ord. 278, Sec. 8; Code 2003; Code 2007; *Ord. 941,* Ord. 958)

12-108. HORSEBACK RIDING. Horseback riding shall be permitted only in areas that have been so designated.
(Ord. 278, Sec. 9)

12-109. FIRES. Fires may be built only in ovens, stoves, fireplaces, portable grills or other facilities designed for that purpose and all such fires shall be extinguished before leaving the area. Fires may be prohibited entirely as a protective measure when ordered by the chief of police.

Charcoal briquettes, wood or other materials used for fire or cooking purposes shall be extinguished before being deposited in trash containers. No hot or burning coals or materials of any kind shall be dumped or deposited on the grass.
(Ord. 278, Sec. 10)

12-110. SWIMMING, BATHING, WADING, SKATING OR USE OF A VESSEL. Swimming, bathing, wading, skating, or the use of vessels in any of the ponds, lakes, rivers or waterways in parks or recreational facilities is prohibited except in designated areas, with city approval. The term vessel used herein means "every description of watercraft used or capable of being used as a means of transportation on water."
(Ord. 278, Sec. 11)

12-111. ARCHERY. Archery shall be permitted only in designated areas.
(Ord. 278, Sec. 12)

12-112. MODEL AIRPLANE FLYING. Model airplane flying shall be permitted only in designated areas.
(Ord. 278, Sec. 13)

12-113. MOTOR OR ENGINE-DRIVEN VEHICLES OTHER THAN PARK MAINTENANCE VEHICLES. Motor or engine-driven vehicles, including but not limited to go-carts, motorcycles, motor scooters, mini-bikes and motored bicycles, shall be permitted only in designated areas.
(Ord. 278, Sec. 14)

12-114. FIREWORKS IN THE PARK. The discharging of fireworks in the city park areas will be in compliance with the existing city laws and in designated areas only.
(Ord. 278, Sec. 15)

12-115. ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES. The use or consumption of any cereal malt beverage, alcoholic liquor or controlled substance is prohibited in any park, except in conformance with a lawfully issued Special Event Permit.
(Ord. 278, Sec. 16; Code 2015)

12-116. Reserved.
(Ord. 278, Sec. 17; Code 2015)

12-117. OVERNIGHT CAMPING OR CAMP-OUTS. Overnight camping or camp-outs will be permitted in designated areas only.
(Ord. 278, Sec. 17)

12-118. PENALTY. Any person or persons violating any of the provisions of this article for which a penalty is not otherwise provided shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code.
(Ord. 278, Sec. 20; Code 1984; Code 2003)

ARTICLE 2.
MUNICIPAL SWIMMING POOL

12-201. POOL OPEN, RULES AND REGULATIONS. The municipal swimming pool of the city shall be opened to the public as herein limited at all proper and seasonable times subject to such rules and regulations herein contained and as the governing body of the city may from time to time adopt or authorize and as provided by the rules and regulations of the Kansas State Board of Health. The governing body may from time to time restrict the use of the municipal swimming pool by nonresidents.
(Ord. 278, Sec. 18.2)

12-202. PENALTY. Any person or persons violating any of the provisions of this article for which a penalty is not otherwise provided shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code.
(Ord. 278, Sec. 20; Code 1984; Code 2003)

ARTICLE 3.
SPECIAL EVENTS HELD UPON PUBLIC PROPERTY

12-301. DESIGNATION OF SPECIAL EVENTS: The following special events may be held upon public property following submission of a complete application for a permit to hold such special event within the City of Haysville, and approval by the Chief Administrative Officer (CAO):

1. Fun Runs of no longer than 10 kilometers
2. Concerts, fundraisers, gatherings or public displays of sufficient size
3. Other events deemed to be Special Events by the CAO

12-302. SPECIAL EVENT PERMIT; APPLICATION FOR PERMIT.

1. Any individual desiring to obtain a Special Event Permit to hold an event approved under 12-301 shall complete and submit an Application for a Special Event Permit 28 days prior to the event. Staff shall have up to 28 days to determine whether or not to approve the event.
2. The application fee shall be as set forth within Chapter 17.
3. Upon signature of the Special Event Permit Application by the CAO of the City of Haysville, the Application shall be deemed approved, subject to the terms and conditions set forth within the Application.

12-303. STANDARDS ASSOCIATED WITH APPROVAL OF APPLICATION FOR SPECIAL EVENT PERMIT. The Chief Administrative Officer may approve an application for special event permit after the following conditions have been met:

1. Approval of the event by Public Works Director. The Public Works Director shall review the proposed area to be utilized for the special event and determine if such area may feasibly be blocked from general public use, including limiting or prohibiting traffic use, for the time period designated.
2. Approval of the event by Chief of Police. The Chief of Police shall review the proposed area to be utilized for the special event and determine if such area may feasibly be blocked from general public use, including limiting or prohibiting traffic use, for the time period designated. Such feasibility review shall include determination of law enforcement personnel availability to monitor that appropriate blockades have been placed by special event staff and that special event staff are stationed at critical points to monitor such blockades.
3. Approval of the event by the Recreation Director. The Recreation Director shall determine that no more than two such similar events are held within the City in any given month, that any such events are open to the participation of Haysville residents who may choose to participate, and shall maintain a calendar of such special events to be posted on all City associated media sites.
4. A determination that the Special Event Permit Application has been completed, that all terms and conditions of the Application have been met, and that the insurance required in association with the Special Event has been provided to the City Clerk.

5. The City does require the property be left in the same or better condition than it was before the event. The city may require additional conditions including clean up, security, insurance or bonding. The city council shall have the authority to waive such requirements at their discretion.
6. Other considerations for the approval of the permit may include the number of guests, the amount of noise associated with the event, as well as the time and duration of the event. Also staff will consider other events that are occurring simultaneously, and their affect on City resources.
7. The approved application shall not be considered a contract or guarantee for the event. The city reserves the right to cancel or disband the event at their discretion at any time if circumstances conflict with the health, safety, or welfare of the neighborhood or community.

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CHAPTER XIV. TRAFFIC

Article 1. Standard Traffic Ordinance
Article 2. Bicycles, Skateboards, Roller Skates, and Inline Skates
Article 3. Speed Zones
Article 4. Commercial Vehicle Safety Act

ARTICLE 1.
STANDARD TRAFFIC ORDINANCE

14-101. STANDARD TRAFFIC ORDINANCE INCORPORATED. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Haysville, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities, 201~~4~~5 Edition", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than one (1) copy of the standard traffic ordinance shall be marked or stamped "Official Copy as Adopted by the Ord. No. ~~10~~ {that codification ordinance approved by the Governing Body of the City of Haysville, adopting this Chapter}" and to which shall be attached a copy of the ordinance adopting the standard code with any amendments not otherwise set forth within the Haysville Municipal Code, and such copy shall be 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 cost to the city, such number of official copies of the standard traffic ordinance similarly marked, as may be deemed expedient. All amendments to such Standard Traffic Ordinance as set forth within this Chapter shall be incorporated into the Official Copy of the Standard Traffic Ordinance, including a copy of this Chapter. (Ord. 493-A; Ord. 823; Code 2003, Code 2004, Code 2005, Code 2006; Code 2007; Code 2008; Code 2009; Code 2010, Ord. 971; Ord. 983; Ord. 997, Code 2013; Ord. 1005, Code 2014; Ord. 1018, Code 2015)

14-102. AMENDMENTS. The Standard Traffic Ordinance, such edition as set forth within Section 14-102 above, is hereby amended to include the following amendments and additions. Except as where otherwise provided, these amendments shall be cited as set forth within this Chapter.
(Ord. 823; Code 2003, Code 2005, Code 2006; Code 2007; Code 2008; Code 2009, Ord. 971; Ord. 983; Ord. 997, Code 2013; Ord. 1005, Code 2014; Ord. 1018, Code 2015)

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14-103. LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(a) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(b) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

(c) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.

(2) The vehicle was an emergency or public safety vehicle.

(3) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages or persons in compliance with the code of the city.

(4) The vehicle was used in authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city to grant such approval. (Ord. 823; Code 2003)

14-104. CARELESS DRIVING. No person shall operate or handle any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger or be likely to endanger any person or property. No driver, while driving, shall engage in any activity which interferes with the safe operation and control of his or her vehicle. Provided, that this section shall not apply to a vehicle driven by a person on property owned by him or her. (Ord. 823)

14-105. DEFECTIVE SPEEDOMETER. It shall be unlawful for any person to drive or operate a motor vehicle, or the owner of any motor vehicle to allow or permit any other person to drive or operate such motor vehicle he or she owns, upon any public street, alley, highway or thoroughfare of the city unless such motor vehicle has a properly functioning speedometer.
(Ord. 493, Sec. B; Ord. 823)

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14-106. RESIDENTIAL DISTRICT DEFINED. A residential district shall be defined for purposes of sections 14-106 through 14-108 of this article as any territory, area and/or street located within the corporate limits of the city upon which or in there are located

structures occupied as residential dwellings or other places of abode and the streets, roadways, alleyways, or other ways used for vehicular traffic within said areas are subject to a speed limit of twenty (20) miles per hour. (Ord. 390, Sec. 2; Ord. 823; Code 2003)

14-107. TRUCK AND RECREATIONAL VEHICLES, TRAILERS, PARKING RESTRICTIONS. It shall be unlawful for any owner or operator of a recreational vehicle to park such vehicle on any highway or street within the corporate limits of the city. Except the owner or operator of a recreational vehicle may park on the street at his or her residence for the purpose of loading or unloading for a period not to exceed twelve (12) hours in any one week period. For the purpose of this article, one week shall be defined as Sunday through Saturday. Pickup trucks that have toppers or slide in toppers that do not extend over the cab of the truck are not considered recreational vehicles. It shall be unlawful for any person/persons to park a trailer that is not attached to a motor vehicle on any highway or street within the corporate city limits of the city. Trailers attached to motor vehicles that are parked on any highway or street within the corporate limits of the city shall have reflective lights/tape that is visible for four hundred fifty (450) feet by any approaching vehicle. Trailers attached to motor vehicles that block the view of person/persons operating a motor vehicle will not be allowed to park on any highway or street within the corporate city limits. It shall be unlawful for any person operator of a truck, bus, tractor-trailer unit, trucktrailer unit larger than what is commonly referred to as a 1-ton truck or with a gross vehicle weight rating of 16,001 pounds or more to park the same on any street in any residential district inside the corporate city limits, longer than a period necessary for loading or unloading of merchandise or household goods; PROVIDED, that the vehicle shall be promptly moved upon completion of the loading or unloading. (Ord. 768; Ord. 797; Ord. 806; Code 2003)

14-108. VEHICLES UNATTENDED. It shall be unlawful for any person or business operating or owning any truck, tractor-trailer unit, or other vehicle to leave such vehicle unattended at any time on any public street when such vehicle is actually loaded with or contains gasoline, kerosene, naphtha, ammonia, explosives, volatile chemicals, benzene, or any crude petroleum, toxic or flammable materials other than the fuel load which is designed for and used to propel and power said vehicle. (Ord. 389, Sec. 1; Ord. 823)

14-109. NOTIFICATION. The owner of any property upon which such vehicle referred to in section 14-108 may be parked shall immediately notify the police department of the location of the vehicle, together with the names and addresses of the driver and owner. (Ord. 389, Sec. 2; Ord. 823; Code 2003)

14-110. INOPERABLE VEHICLES. It shall be unlawful for any person to leave an inoperable vehicle upon any public land, street, alley or roadway within the corporate limits of the

city. The police department is hereby authorized to have towed, at the vehicle owner's expense, any vehicle left on any public land, street, alley or roadway for more than twenty-four (24) hours. Definitions of terms as used in this section shall be as follows:

(a) Inoperable - means a condition of being marked junked, wrecked, wholly or partially dismantled, discarded, abandoned, without proper license tag or registration or unable to perform the function or purpose for which it was originally constructed.

(b) Vehicle – means every device in, upon or by which any person or property is or may be transported or drawn upon a highway except in devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1984; Ord. 601; Ord. 823; Code 2003)

14-111. PENALTY FOR SCHEDULE FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $10.00 nor more than $500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in Chapter 17 shall pay a fine fixed by the court not to exceed $500.00.

(Ord. 823; Code 2003; Code 2007)

14-112. PENALTY. Any person violating sections 14-107 through 14-110 for which a penalty is not otherwise provided shall upon conviction be punished by a fine in accordance with the general penalty provisions set out in the ordinances of the city. (Ord. 823; Code 2003)

14-113. BREATH ALCOHOL ANALYSIS FEE. (a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 222906 et seq., or 12-4414 et seq., and amendments thereto, of a violation of K.S.A. 81567 and amendments thereto, shall pay a separate court cost hereinafter known as the breath alcohol analysis fee, such fee to be set forth in Chapter 17.

(b) Such fee shall be deposited into the breath alcohol analysis fee fund of the Haysville Police Department, and all such monies shall be utilized for:

(1) Providing criminalistic analysis services associated with breath alcohol analysis;

(2) The purchase and maintenance of equipment associated with breath alcohol analysis for use by the Haysville Police Department in performing analysis; and

(3) Education, training and scientific development of Haysville Police Department Personnel.

14-114. STOPPING, STANDING OR PARKING IN FRONT OF MAILBOXES

PROHIBITED. Parking in front of mailboxes between the hours of 8:00 a.m. and 5:00 p.m., or blocking a mail delivery vehicle from delivering mail is prohibited, and may be punished by a fine of $ 5 plus court costs.

ARTICLE 2.
BICYCLES, SKATEBOARDS, ROLLER SKATES AND INLINE SKATES

14-201. RESERVED.
(Code 1984; Ord. 823; Code 2003, Ord. 1003)

14-202. RESERVED.
(Ord. 358-A, Sec. 2; Code 1984; Ord. 823; Code 2003, Ord. 1003)

14-203. RESERVED.
(Ord. 358-A, Sec. 1; Ord. 823; Code 2003, Ord. 1003)

14-204. RESERVED.
(Ord. 823; Code 2003, Ord. 1003)

14-205. RESERVED.
(Ord. 358; Sec. 4; Ord. 823, Ord. 1003)

14-206. SKATEBOARDS, ROLLER SKATES, AND INLINE SKATES; USE RESTRICTED. (a) It is unlawful for any person upon a skateboard, roller skates or inline skates:

(1) To go upon any park owned or maintained by the city excluding the hike and bike path, old oak skate park, sidewalks throughout the city and basketball courts located on city owned park properties;

(2) To go upon any parking lot owned or maintained by the city;

(3) To go upon any other parking lot, parking garage or property within the city when such property is clearly and visibly marked by a sign or signs indicating that skateboard, roller skate and inline skate use thereon is prohibited. Such signs shall have lettering at least one and one-half inches high and one-half inch wide. When such signs are present upon privately owned property, the police department shall be authorized thereby to enforce the provisions of this section;

(4) To coast or otherwise move upon a skateboard, roller skates, or inline skates in a reckless manner on any public sidewalk, or without exercising due care for the safety of others using the sidewalk, or to otherwise endanger or interfere with pedestrian traffic.

(b) Responsibility of Parent. No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child in that such failure of supervision or care shall cause, permit, allow, or fail to prevent the child from violating the provisions of subsection (a) as set forth above.

(Ord. 876)

14-207. PENALTY. (a) Any person who violates any provisions of this article, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars ($50.00) for a first offense, and a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for any subsequent offense.

(b) Minors. Any minor violating the provisions of this chapter shall be dealt with in accordance with Kansas juvenile court law and procedure. Any police officer finding a minor under the age of eighteen (18) years violating the provisions of this chapter shall warn the child to desist from such violations and shall cause written notice to be served upon the parent, guardian or person in charge of said child, setting forth the manner in which the provision of this section have been violated. For

purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a child if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.

(c) Penalty for Parent, Guardian or Other Person Having the Care and Custody of a Child. Any parent, guardian or person having the care and custody of a minor less that eighteen (18) years of age, who shall permit or fail to prevent such child from violating the provisions of this section after receiving written notice that such child has previously violated provisions of this section, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars ($50.00) for a first offense, and a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for any subsequent offense. For purposes of determining subsequent offenses, the court shall determine the number of times such parent, guardian, or person having the care and custody of a child has been convicted of violating 14-206(b), and shall not consider 1) whether the minor was charged or convicted in juvenile court, or 2) whether the adult was previously convicted of a violation of such code as a result of the actions of a minor other than the minor involved in such subsequent violation.

(Ord. 358, Sec. 5; Ord. 823; Code 2003, Ord. 876)

ARTICLE 3.
SPEED ZONES

14-301. MAXIMUM SPEED IN SCHOOL ZONES. It shall be unlawful for any person to exceed the speed of twenty (20) miles per hour in any school zone located within the city, during times as set forth in 14-303. (Ord. 823; Code 2003; Ord. 998, Code 2013)

14-302. ESTABLISHING MAXIMUM SPEED LIMITS WITHIN THE CITY PURSUANT TO K.S.A., 8-1558, 8-1559, and 8-1560 AND AMENDMENTS THERETO. Section 33 of the Standard Traffic Ordinance for Kansas Cities is hereby amended to establish the following maximum speed limits, and notification of violation shall be cited to Section 33 of the STO, including the applicable subsection(s) as provided below.

(a) Pursuant to K.S.A.8-1558, 8-1559, and 8-1560, the governing body, having determined on the basis of engineering and traffic investigations as such terms have been interpreted by the Kansas Supreme Court that the maximum speed limits established pursuant to K.S.A. 8-1558 are greater or less than is reasonable or safe under the conditions found to exist within the corporate limits of the city, hereby deems it necessary to alter maximum speed limits established pursuant to K.S.A. 8-1559 and amendments thereto.

(b) Except as otherwise provided in this article establishing the maximum speed limit in school zones, the following maximum speed limits are hereby established.

(1) Grand Avenue (71st Street South) from the east city limits to the west city limits: 35 mph;

(2) Main Street (Seneca South) from the north city limits to the south city limits: 35 mph;

(3) Meridian Street from the centerline of Grand Avenue (71st Street South) north to the northeast corner of the Haysville School Addition, to Haysville, Kansas adjacent to Meridian Street: 35mph;

(4) Broadway (U.S. 81 Highway) from the north city limits to the south city limits as established by the Kansas Secretary of Transportation pursuant to K.S.A. 8-1337: 45 mph;

(5) Any street in a residential district, as defined by K.S.A. 8-1456: 20 mph;

(6) Any street in a public park: 10 mph. The Chief of Police is hereby empowered to make and enforce temporary regulations for up to ninety (90) days regarding where motorized vehicles are permitted to operate, and the speeds at which such vehicles may operate, in order to expedite addressing safety concerns that may arise within parks{See STO, Section 3};

(7) Streets contained within the Grand Avenue Industrial Park Addition, Grand Avenue Industrial Park II Addition and Grand Avenue Industrial Park III Addition: 20 mph.

(c) Except for the speed limit established by the Secretary of Transportation described above in b(4), the maximum speed limits established herein shall be effective if official traffic control devices or signs giving notice of such maximum speed limits are erected upon or at the entrances to the highway or part thereof affected as may be more appropriate.

(d) A fine of double the amount of the fine normally applicable to and levied for exceeding the speed limit within a properly posted and designated construction zone within the city limits.

(e) Any prior ordinance of the city, inconsistent with the provisions herein, shall be deemed repealed.

(K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 693; Ord. 823; Code 2003; Ord. 995; Code 2013; Ord. 1018, Code 2015)

14-303. ESTABLISHING SCHOOL ZONES, DEFINING THE BOUNDARIES, HOURS OF OPERATION AND MAXIMUM SPEED LIMITS OF SUCH SCHOOL ZONES.

(a) Pursuant to K.S.A. 8-1335, 8-1336(a) and 8-1338, the governing body deems it necessary and proper to establish school zones, define the boundaries, hours of operation and maximum speed limits in such school zones. The governing body expressly finds that school children crossing the street or highway as pedestrians create a special hazard which requires a lower maximum speed limit than those set forth in K.S.A. 8-1336 and amendments thereto.

(b) The following school zones and the respective maximum speed limit in such zone are hereby established:

School Zone	Speed Limit
(1) Nelson Elementary School: Grand Avenue from 19 feet east of the east extended curbline of South Delos to a distance of 60 feet east of the extended east curbline of North Delos, a total distance of 277 feet.	20 MPH
(2) Rex Elementary School: Grand Avenue from 58 feet east of the east extended curbline of Western to a distance of 12 feet west of the extended west curbline of Sunset, a total distance of 232 feet.	20 MPH

(c) The school zones established in section (b) above shall be in operation and in force during any day officially established as a school day by the Haysville Unified School District, U.S.D. 261.

(d) The hours of operation of such school zones shall be:

(1) Nelson Elementary School:

(i) 7:45 a.m. to 8:30 a.m.
(ii) 11:10 a.m. to 11:30 a.m.
(iii) 12:30 p.m. to 12:55 p.m.
(iv) 3:30 p.m. to 4:00 p.m.

(2) Rex Elementary School:

(i) 7:20 a.m. to 8:40 a.m.
(ii) 11:10 a.m. to 11:30 a.m.
(iii) 12:30 p.m. to 12:55p.m.
(iv) 2:40 p.m. to 3:10 p.m.
(v) 3:30 p.m. to 4:00 p.m.

(e) The hours of operation of such school zone during summer school hours shall be as set by the Chief of Police after receiving a request for such school zones, or changes to such school zones, from the Haysville Unified School District, U.S.D. 261. Such hours of operation shall be published in the official Newspaper for the City of Haysville one time, and posted on the City's official website for two consecutive weeks prior to beginning enforcement.

(f) The maximum speed limits in a school zone established by or pursuant to sections (b), (c), (d) and (e) above, shall only be effective if official traffic control devices are present indicating time of operation by way of flashing lights and maximum speed limits are posted.

(g) The hours of operations of school zones as set forth within subsection (d) above may be amended by the Chief of Police after receiving a request for changes to such school zones from the Haysville Unified School District, U.S.D. 261, or as deemed necessary for the protection of safety at the determination of the Chief of Police. Such hours of operation shall be published in the official Newspaper for the City of Haysville one time, and posted on the City's official website for two consecutive weeks prior to beginning enforcement.

(K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 771; Ord. 823; Code 2003, Code 2006; Ord. 998, Code 2013; Ord. 1018, Code 2015)

ARTICLE 4.

COMMERICIAL VEHICLE SAFETY ACT

14- 401. FEDERAL MOTOR CARRIER SAFETY REGULATIONS INCORPORATED. The Federal Motor Carrier Safety Regulations, parts 383, 385, 390-397, July 1, 2008 Edition, Management Editions, prepared and published in book form by LabelMaster, 5724 N. Pulaski Rd., Chicago, Illinois, 60646, and amendments thereto, is hereby incorporated by reference and made part of this Chapter, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, and is hereby designated as the "Commercial Vehicle Safety Act."

14-402. OFFICIAL COPY. Pursuant to K.S.A. 12-3010, at least one (1) copy of said book shall be marked or stamped "Official Copy" as incorporated by Ordinance, with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, 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 the enforcement of these regulations shall be supplied, at the cost of the City, such number of official copies of said book as may be deemed expedient.

14-403. AMENDMENTS. Sections 390.37 and 383.53 of the Federal Motor Carrier Safety Regulations, are hereby amend to read as follows: The court clerk is hereby directed to abstract all convictions of violations committed by persons holding a Commercial Driver's License (CDL) to the Driver's Control Bureau of the Department of Revenue. Any further action to a person's CDL as a result of the abstracted conviction will be at the discretion of the Driver's Control Bureau in accordance with state statutes and regulations.

14-404. PENALITIES FOR VIOLATION OF It shall be unlawful for any person to violate the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397, as herein adopted or amended. The judge of the Municipal Court may, in the manner prescribed by K.S.A. 12-4305 or any amendments thereto, establish a schedule of fines for violations of any section of the Federal Motor Carrier Safety Regulations 383, 385, and 390-397, including adopting the fine schedule utilized by the Kansas Highway Patrol. Any person who violates the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 shall, upon conviction, be fined as set forth in the City's fine schedule. Any person who violates any provision of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 for which a fine is not scheduled shall, upon conviction, shall be fined or otherwise penalized as provided in the Standard Traffic Ordinance as incorporated into the City Code, through Chapter 14, Article 1. (Code 2009)

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CHAPTER XV. UTILITIES

Article 1. Water Department and Regulations
Article 2. Water Rates
Article 3. Sewer Regulations
Article 4. Private Disposal System
Article 5. Wastewater Rates
Article 6. Consolidating
Article 7. Stormwater Management System and Utility
Article 8. Stormwater Management Regulations.

ARTICLE 1.
WATER DEPARTMENT AND REGULATIONS

15-101. NAME OF DEPARTMENT. Water utilities of the city shall be operated as a separate department to be known as the city water department.
(Code 1971, Sec. 12-101)

15-102. DEPARTMENT ORGANIZATION. The water department shall consist of the governing body and the public works director and such officers and employees of the city who shall devote all or part of their time to the conduct of the department. The governing body shall control and operate the department by the passage of such ordinances as may be necessary for the safe, economical and efficient operation and management of the waterworks.
(Code 1971, Sec. 12-103)

15-103. PAYMENT OF CLAIMS. All claims against the city arising from the operation of the department shall be filed with the city clerk and allowed by the governing body as in the case of other claims against the city. The governing body may by proper rule authorize the public works director to employ temporary help and to make purchases of supplies and equipment in accordance with the purchasing policy of the city during the interval between meetings of the governing body.
(Code 1971, Sec. 12-103; Code 2003)

15-104. APPLICATION FOR WATER SERVICE. Before the city shall make any new installation to serve any premises with water, an application for any such connection shall be made in writing by the owner of the premises at the office of the city clerk. All such applications shall be made on a form provided by the city. The application shall give the location of the property to be served by its legal description or otherwise, the type of service desired and the use for which service will be required. If there is no water main to which a

connection can be made as determined by the public works director, the requirements regarding extensions must be met before the application for the service connection will be accepted. The application and its acceptance will constitute a contract between the applicant and the city water department upon the installation of the connection.

(Code 1971, Sec. 12-106; Code 2003)

15-105. APPLICATION FOR NEW WATER SERVICE FROM OUTSIDE THE CITY-AGREEMENT FOR ANNEXATION. Whenever anyone outside the city shall make an application for new water service, the applicant shall agree to petition in writing to annexation of the property for which the new water service is requested. (Code 1984)

15-106. WATER SERVICE INSTALLATION. The rules and regulations regarding the water service installation shall be as follows:

(a) Only authorized city personnel shall be responsible for tapping the main, installing the service line to the meter and setting the meter inside the property line of the premises to be served. If, in the determination of the public works director, the service line request is more than fifty (50) feet from the main, the owner of the premises shall be charged the expense of extending the main.

(Code 1971, Sec. 12-107; Code 1984; Ord. 551; Code 2003)

15-107. TAP CHARGES & CODE COMPLIANCE. The connection charges and code compliance in regard to this article shall be as follows:

(a) Tap Fee. The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for each water meter connection. This fee is to be paid at the time application is made.

(b) Cost of Installation. The cost of any installation and connection of 3/4 inch or 5/8 inch to 1 inch will be as established by Chapter 17. The cost of any installation and connection (including meter cost) larger than one (1) inch shall be borne by the owner and shall be properly installed by such. The meter shall become the property of the city upon final inspection and approval.

(c) Installation and Code Compliance. The installation must be made by workers licensed to perform such work in the city, and the owner shall indemnify, defend, and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the waterworks and connection. All work performed shall comply with the regulations and codes of the city.

(d) Final Inspection. The waterworks connection shall not be covered or otherwise concealed by any material until a final inspection has been made by the public works director or his/her designee and written permission has been given to cover or otherwise conceal such connections to the waterworks system.

(e) Penalty. Any person found to be violating any provisions of this section 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.

Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding two hundred dollars ($200) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this article shall be liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.
(Ord. 659; Code 2003; Code 2007)

15-108. EXTENSION OR ENLARGEMENT OF WATERWORKS SYSTEM. Whenever the owner of real property desires a main to be extended to furnish water to such property for residential, commercial, or industrial use, he or she shall make application therefore to the water department and if such application is approved by the public works director, the owner shall deposit in cash, or cash equivalent, the estimated cost as determined by the public works director of extending such main as designated in section 15-107.
(Code 1971, Sec. 12-109; Code 1984)

15-109. ASCERTAINMENT OF LENGTH OF EXTENSION. The length of the requested extension shall be ascertained by actual field measurement from the terminus of the nearest water main of adequate capacity to the nearest point on the tract of land to be served, plus such additional footage as is deemed necessary by the governing body in order to avoid obstructions, such as culverts, trees, shrubs, other utility lines and such other obstructions as may be encountered.
(Ord. 551; Code 2003)

15-110. DETERMINATION OF DIAMETER OF MAIN. The diameter of the main to be installed shall be determined by the public works director, based upon a consideration of the following factors: provision of adequate service to prospective customers, possible and contemplated future extensions of the main to be installed and fire protection needs existing or anticipated in the area to be served. When the public works director determines that the main needs to be larger than eight (8) inches, the city will pay the cost difference for the larger main.
(Code 1971, Sec. 12-111; Code 1984)

15-111. METHOD OF ESTIMATING COST OF PROPOSED EXTENSION. The total estimated cost of the proposed main extension shall be arrived at by multiplying unit per foot costs by the total length of the proposed extension. The unit or per foot cost shall be determined by the public works director in accordance with experience records reflecting labor, material and other costs of main extension. (Code 1971, Sec, 12-112)

15-112. CASH DEPOSIT OF ESTIMATED COST. For each bona fide standard service, excluding fire protection services to be attached to the proposed main extension to serve premises owned by the depositor, and for which the water department has a signed contract for water service prior to the installation of said main extension there shall be deducted from the total estimated costs an amount equal to four (4) times the annual minimum charge for that particular separate service as fixed and established by ordinance. Such minimum charges shall govern for this purpose, regardless of whether the particular service is within or without the limits of the city. All such deductions shall be reviewed on the fifth anniversary of the date of the execution of the main extension contract and the depositor shall then be charged with an amount equal to that for which initial deductions were made, but for which service has not been maintained, and in effect for at least three (3) years of the five (5) year period. The water department shall recover such charges directly from any refunds to which the depositor would otherwise be entitled under the provisions of section 15-113(a):

113(b).

(Code 1971, Sec. 12-113)

15-113. AMOUNT DEPOSITED OVER ACTUAL COST TO BE REFUNDED. After the installation of such main extension has been completed, if the total actual cost thereof is less than the estimated cost, a refund of the difference shall be made to the applicant. If the actual cost be greater than the estimated cost, the applicant shall not be required to make any additional deposit. The water department shall make refunds of deposits for main extensions in the following manner:

(a) During only the period of ten (10) years following the date of the execution of the contract for particular main extension, there shall be refunded to the depositor for each separate service physically connected to that portion of the main for which deposit shall have been advanced, excepting fire protection services and those services for which deductions have been made pursuant to section 15-112, a sum equal to four (4) times the annual minimum charges for that particular separate service as fixed and established by ordinance as now adopted or hereafter amended. Such minimum charges shall govern for the purpose regardless of whether the particular service is within or without the limits of the city.

(b) In addition, the water department shall refund annually, on or before December 1, to the applicant, an amount equal to twenty-five percent (25%) of the gross annual revenue derived by the water department during the last preceding full calendar year from consumers connected to that portion of the main for which deposit shall have been advanced, excluding connections for public fire protection purposes; such refunds, however, shall terminate upon the expiration of ten (10) years from the date of the execution of the contract for the particular main extension, and any portion of the deposit then unrefunded shall remain the sole property of the water department. In no event shall the aggregate of refunds made exceed the amount of the original deposit.

(Code 1971, Sec. 12-114; Code 2003)

15-114. APPLICATION AND DEPOSIT FOR EXTENSION OF MAIN. Whenever a lessee of a project financed by the issuance of industrial revenue bonds of the city desires that a main be extended to furnish water to property encompassed by such projects for residential, commercial or industrial use, such lessee shall make application as provided by this article to the water departments and deposit, in cash or equivalent, the estimated cost of such extension. The provisions of sections 15109:113 shall apply to properties encompassed by projects financed by industrial revenue bonds in the same manner, and to the same extent, as if the applicant was an individual or other owner of real property applying for such extension. (Code 1971, Sec. 12-115; Code 1984; Code 2003)

15-115. EXISTING INSTALLATION: SERVICE. Application for water service where a connection is in place shall be made at the office of the city clerk in such form as may be required by the rules of the department and in accordance with sections 15108:114. (Code 1971, Sec. 12-116; Code 2003)

15-116. WATER SERVICE SET-UP. There is hereby levied a transfer penalty as set out in Chapter 17 for any customer who transfers water service from one location to another within the corporate city limits. At the time of making application for water service, the customer shall pay a non-refundable setup fee as set out in Chapter 17. (Ord. 551-B; Code 2003; Code 2007)

15-117. CUSTOMER NON-PAYMENT PENALTY. In order to continue water service, a non-payment penalty as set out in Chapter 17 together with all past due amounts due the city shall be paid by any customer who appears on the water shut-off list. The mayor or his or her designee shall be entitled to grant exceptions to this section for hardship cases only. (Ord. 551-C, D; Code 2003; Code 2007)

15-118. RIGHTS RESERVED. The city reserves the right at any time to revise or amend this article, other ordinances or the rules and regulations pertaining to the supply of water thereunder. The city reserves the right to disconnect or refuse service to any customer or consumer who shall be found by the department to have violated any of the provisions of this article or rules and regulations of the department pertaining to the supply and use of water in the city. The city reserves the right for the officers and the employees of the department to inspect any premises at all reasonable hours in connection with the supply of water service to such premises. Members of the department shall have free access at such hours to read the meters, examine the location or conditions of the water lines and pipes or other fixtures and apparatus used in the supplying of water to such premises, and to apply to a court of competent jurisdiction for an order granting access should such access be denied. (Code 1971, Sec. 12-120; Code 2003)

15-119. CERTAIN SUPPLIES OF WATER TO OTHER PARTIES PROHIBITED. It shall be unlawful for any consumer of water service to supply water in any way, by sale, gift or

otherwise to any person, firm, company, corporation or other entity, nor shall any such consumer permit others to attach on to his or her service connection for any purpose except in accordance with the rules and regulations of the department. (Code 1971, Sec. 12-121; Code 2003)

15-120. TAKING WATER WITHOUT AUTHORITY. It shall be unlawful for any person, firm or corporation, partnership, association, or other entity by means of any deception, device, or in any manner except as now or may hereafter be authorized by the city, to receive, consume or in any manner divert or appropriate to his or her own use, or to the use of another, any water belonging to and made available by the city. (Code 1971, Sec. 12-122; Code 2003)

15-121. TEMPORARY RESIDENTIAL WATER SERVICE. Contractors, builders, real estate agents and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a rental, may receive a non-transferable permit in the name of a single individual permitee for such service on the making of an application and payment of a fee for the service in advance to the office of the City Clerk. Such temporary water service may be rendered on the payment in advance of the cost to the City for making the temporary connection which shall be as set out in ~~section 17-381~~ Chapter 17. Where practicable, such water service may be metered as a temporary measure. This service is not intended as an alternative to regular water service for a resident of the property, and shall not be continued upon residential occupation of the property. Violation of this section must be corrected by the permitee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary water service by the City.

15-121.1 TEMPORARY COMMERCIAL WATER SERVICE. Contractors, builders, and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a building, may receive a non-transferable permit in the name of a single individual permitee for such service following the making of an application and payment of a fee for the service in advance to the office of the City Clerk, and inspection of the premises and approval of the application by the code enforcement officer. No recipient of temporary water service may be open for business while using temporary water service. Regular water service must be operational before any business is issued an occupancy permit. Violation of this section must be corrected by the permitee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary

water service by the City. Violation of this section is grounds for immediate revocation of an occupancy permit by the City. Fines for violation of this section shall be not less than $100.00 and not more than $500.00 per offense. Each day shall constitute a separate offense.

Temporary Water Service is provided to the business on a weekly or biweekly basis, for up to 4 weeks. The business owner must reapply for temporary water at the end of each cycle. After 4 weeks, the inspector shall re-evaluate the business and advise the City if additional provision of temporary water service is warranted to permit time for project completion. If approved by the Public Works Director or his/her designee, the City Clerk will allow for temporary water in 2 week increments, with the inspector re-evaluating after each 2 week increment until the project is considered complete by the Public Works Director or his/her designee.

Such temporary water service may be rendered on payment in advance to the City for the costs associated with making the temporary connection. Such costs shall be as set out in Chapter 17. Where practicable such water service may be metered as a temporary measure and costs imposed in accordance with Chapter 17.

15-122. UNLAWFUL ACTS: TAMPERING. It shall be unlawful for any person or persons singularly or jointly by means of any deception or device or in any unlawful manner, to stop, hinder or prevent the water meters registering water supplied to any consumer. It shall be further unlawful for any person or persons to prevent such meters from registering correctly or to make them stop or run backwards or to tamper with or in any manner willfully damage or destroy such meters or registering device. (Code 1971, Sec. 12-124)

15-123. CROSS CONNECTION CONTROL. The public works director or his/her designee shall be responsible for effectively conducting the cross connection control program of the city public potable water supply. If in the judgment of the public works director or his/her designee an approved backflow prevention device is required, the public works director or his/her designee will give notice in writing to the customer to install the proper device. The customer shall immediately install the proper device at the customer's expense. Failure to comply shall be grounds for discontinuing water service to said customer until the device is properly installed. (Ord. 596; Code 2003)

15-124. DEFINITIONS. The following words or phrases shall mean:

(1) Agency: Shall mean the public works department.

(2) Air Gap: Shall mean the unobstructed vertical distance at least twice the diameter of the supply line and no less than one (1) inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

(3) Approved Device: Shall mean devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the public works director.

(4) Backflow: Shall mean the flow of water or other substances into the distribution system of a potable water supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

(5) Backflow Preventer: Shall mean a device or means to prevent backflow.

(6) Backsiphonage: Shall mean the flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in said system.

(7) Contaminant: Shall mean any substance that upon entering the potable water supply would render it a danger to the health and life of the consumer.

(8) Cross Connection: Shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

(9) Double Check Valve: Shall mean a device consisting of two (2) internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.

(10) Dual Check Valve: Shall mean a device consisting of two (2) internally located soft seated check valves. The device does not contain test ports and is acceptable for use only at the meter of residential customers.

(11) Free Water Surface: Shall mean a water surface at atmospheric pressure.

(12) Flood Level Rim: Shall mean the edge of the receptacle from which water overflows.

(13) Frost Proof Closet: Shall mean a hopper with no water in the bowl and with the trap and water supply control valve located at the frost line.

(14) KDHE: Shall mean the Kansas Department of Health and Environment.

(15) Non-Potable Water: Shall mean water that is not safe for human consumption or that is of questionable potability.

(16) Plumbing: Shall meant the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.

(17) Pollution: Shall mean the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

(18) Potable Water: Shall mean water free from impurities in amount sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirement for public water supplies.

(19) Reduced Pressure Zone Backflow Preventer: Shall mean an assembly of two (2) independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

(20) Tester: Shall mean a trained technician certified in the testing and repair of backflow preventers.

(21) Vacuum: Shall mean any absolute pressure less than that exerted by the atmosphere.

(22) Vacuum Breaker: Shall mean a device that permits entrance of air into the water supply distribution line to prevent back-siphonage.

(Ord. 596; Code 2003)

15-125. REQUIREMENT; GENERAL. A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross connection or any piping connection to the system.

(Ord. 596; Code 2003)

15-126. CROSS CONNECTION PROHIBITED. Cross connections are prohibited except when and where as approved by the public works director suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.

(Ord. 596; Code 2003)

15-127. INTERCONNECTIONS. Interconnection between two (2) or more public water supplies shall be permitted only with the approval of the KDHE.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

15-128. INDIVIDUAL WATER SUPPLIES. Connections between a private water supply and the public potable water are prohibited.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

15-129. CONNECTIONS TO BOILERS. Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.

(Ord. 596; Code 2003)

15-130. PROHIBITED CONNECTIONS. Connections to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device.

(a) Bidets.

(b) Operating, dissecting, embalming and mortuary tables or similar equipment- in such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.

(c) Pumps for non-potable substances. Priming only through an air gap.

(d) Building drains, sewers or vent systems.

(e) Commercial buildings or industrial plants manufacturing or otherwise using polluting or contaminating substances.

(f) Any fixture of similar hazard.

(Ord. 596; Code 2003)

15-131. REFRIGERATION UNIT CONDENSERS AND COOLING JACKETS. Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall size.

(Ord. 596; Code 2003)

15-132. PROTECTIVE DEVICES REQUIRED. The type of protective device required under this article shall be determined by the degree of hazard which exists as follows:

(a) Premises having auxiliary water supply shall protect the public system by either an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(b) Premises having water or substances which would be non-hazardous to the health and wellbeing of the consumers shall protect the public system with no less than an approved double check valve assembly.

(c) Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principal backflow prevention assembly.

(d) Premises where cross connections are controlled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principle backflow prevention device at the service connection.

(e) Premises where because of security requirements or other prohibitions it is impossible to complete an in plant cross connection inspection the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

Premises which may fall into one or more of the above mentioned categories may be, but are not limited to the following:

(a) Beverage bottling plants;
(b) Buildings - hotels, apartments, public or private buildings, or other structures having actual potential cross connections;
(c) Car wash facilities.
(d) Chemical manufacturing, handling or processing plants.
(e) Chemically contaminated water.
(f) Dairies and cold storage facilities.
(g) Film or photography processing laboratories.
(h) Fire systems.
(i) Hospitals, medical centers, morgues, mortuaries, autopsy facilities, clinics or nursing and convalescent homes.
(j) Irrigation systems.
(k) Laundries.
(l) Metal cleaning, processing or fabricating plants.
(m) Oil and gas production, storage or transmission facilities.
(n) Packing or food processing plants.
(o) Paper and paper products plants.
(p) Power plants.
(q) Radioactive materials plants or handling facilities.
(r) Restricted or classified facilities.
(s) Rubber plants.
(t) Sand, gravel or asphalt plants.
(u) Schools and colleges.
(v) Sewage and storm drainage facilities and reclaimed water systems.
(w) Solar heating systems.
(x) Temporary service – fire hydrants, air valves, blowoffs and other outlets.
(y) Water front marinas.

(Ord. 596; Code 2003)

15-133. INSTALLATION. Approved devices shall be installed at all fixtures and equipment where backflow or back-siphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and back-siphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.

(a) Connections not subject to backpressure. Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind are given in the following table titled Cross Connections Where Protective Devices are Required.

Cross Connections Where Protective Devices are Required
and Critical Level (C-L) Settings for Vacuum Breakers

Fixtures or Equipment	Method of Installation
Aspirator and ejectors	C-L at least 6 inches above flood level of receptacle served.
Dental Units	On models without built in vacuum breakers C-L at least 6 inches above flood level rim of bowl.
Commercial Dishwashing Machine	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Garbage Can Cleaning Machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Hose Outlets	C-L at least 6 inches above highest point on hose line.
Commercial Laundry Machines	C-L at least 6 inches above flood level of machine. Installed on both hot and cold water supply lines.
Lawn Sprinklers	C-L at least 6 inches above highest sprinkler head of discharge outlet.
Steam Tables	C-L at least 6 inches above flood level rim.
Tanks and Vats	C-L at least 6 inches above flood level rim.

Through Urinals	C-L at least 30 inches above perforated flush pipe.
Flush Tanks	Equipment with approved ball cock, installed according to manufacturer's instruct.
Hose Bibs	C-L at least 6 inches above flood level of receptacle served.

(b) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat pump or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an air gap cannot be installed, the public works director may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table "Partial List of Cross Connections Subject to Backpressure".

Partial List of Cross Connections Subject to Back Pressure

Chemical Lines	Pumps
Dock Water Outlets	Steam Lines
Industrial Water Supplies	Swimming Pools
Industrial Process Water Lines	Pressure Tanks
Tanks and Vats – Bottom Inlets	Hose Bibs

(c) Barometric Loop. Water connections where an actual or potential back-siphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall provide the point of connection.

(d) Dual Check Valve. Dual Check Valves may be installed at the meter. These valves shall be inspected and repaired not less than every third year. These valves shall be installed only in situations where the public works director is assured that the only contaminating substances are subject to backflow into the potable system.

(e) Vacuum Breakers. Atmospheric vacuum breakers shall be installed with the critical level at least six (6) inches above the flood rim of the fixture they serve on the discharge side of the control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least twelve (12) inches above the flood rim but may have control valves downstream from the vacuum breaker.

For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the discharge side of the pressure vacuum breaker.

(Ord. 596; Code 2003)

15-134. MAINTENANCE AND REPAIR. It shall be the responsibility of the building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing backflow devices. Testing and repair of these devices should be made by qualified technicians. (Qualified technicians are those who have completed a KDHE approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The public works director shall certify the device testers after ascertaining the technician meets the above qualifications. The public works director will also insure the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year and overhaul intervals shall not exceed five (5) years.

(a) Certified Tester/Repair Technicians. All certified tester/repair technicians shall be recertified at no less than three (3) year intervals.

(Ord. 596; Code 2003)

15-135. PENALTIES AND FINES. The public works director shall notify the owner or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The public works director or his/her designee shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the city shall cease delivery of water to the building or premises until the violation shall be satisfactorily corrected. Violations of this article shall result in fines being imposed upon conviction thereof by the municipal court judge of the city.

(Ord. 596; Code 2003)

15-136. CARE OF WATER METERS. Customers shall be responsible for any accidental of willful damage to water meters, their connections, meter box and cover, whether by their own acts or those of others not in the employ of the city, and they shall protect the meter from freezing and hot water. In the event of accidental or willful damage from any of the causes herein mentioned, the customer shall promptly notify the department which shall make the necessary repairs and charge the same to the customer, which charge shall be billed and payable on the succeeding monthly bill. The city reserves the right to require check or relief valves to be installed upon all services as determined by the public works director or his/her designee.

(Code 1971, Sec. 12-125)

15-137. COVERING OF MANHOLES. It shall be unlawful to cover or conceal or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

15-138. WATER FEES DUE; DELINQUENCY. Water bills for water service rendered by the city become due and payable at the office of the city clerk on the 1st of each month as specified on the billing date thereon at the office of the city clerk. Any bill which shall remain unpaid after the 20th of the month shall become delinquent and a late charge of five percent (5%) of the bill shall accrue. When any water customer shall for any unjustified reason fail to pay when due any account for water service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full. The notice shall indicate:

(a) The amount due, plus late charges;
(b) The type of service and the date on which such service will be terminated if the amount due is not paid (to be at least five (5) days from the date of notice);
(c) The customer's right to a hearing, if requested;
(d) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the date for termination. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant, customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.

If the officer before whom the hearing is held shall find service should not be terminated, he or she shall so order and advise the city clerk. If the officer finds service should be terminated, he or she shall so order, and the customer shall be notified in person, posting notice on the premises by attaching a red tag or by mail, unless such order is made at the hearing in the presence of the customer. Extension of the termination date, up to ten (10) working days from the order, may be granted by the hearing officer for good cause shown.

Hearing may be conducted by any of the following officers: The public works director, the city clerk, the director of governmental services or such hearing officer as may be appointed by the mayor. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Ord. 551; Code 2003)

15-139. WATER BILL ADJUSTMENT POLICY. The director of public works or his/her designee shall hear and determine adjustments of water bills in connection with leaks and/or defects in customer service lines within the city limits. The director of public works or his/her designee have set forth a policy to adjust bills as heretofore mentioned. The director of public works or his/her designee is hereby authorized, upon approval of the governing body, to amend such policy from time to time as the best interest of the city and customers may appear or dictate.

(Ord. 725; Code 2003)

15-140. WATER METERS; TESTED. When a consumer requests that his or her water meter be tested for accuracy, the city shall replace said meter at no cost to the consumer if said meter, after testing, is found to be in faulty working condition and inaccurate. However, if the meter is found to be accurate and in good working condition, a service charge as set out in Chapter 17 shall be charged for each request within a one (1) year period, shall be made to the consumer by the public works director and be payable at the office of the city clerk and deposited in the appropriate funds of the city. The public works director shall maintain a permanent record of all water meters tested.

(Ord. 551; Code 2003; Code 2007)

15-141. PETTY CASH FUND. There is hereby established by the governing body a petty cash fund for the use of the water department. The fund shall be deposited in a depository bank of the city and paid out on checks drawn on such fund by the city clerk as provided by law.

(Code 1971, Sec. 12-129; Code 1984)

15-142. ADDITIONAL REGULATIONS. In cases that are not specifically provided for herein, the public works director is authorized to make special written rules or requirements which shall be binding upon the city and the water customers, the same as if incorporated herein, when the same shall have been approved by the governing body.

(Code 1971, Sec. 12-130)

15-143. SUBDIVISION OWNERS; REQUEST ANNEXATION. When the owners of any subdivision or area, platted and developed for residential sites or planned for such development, shall request the governing body to annex such subdivision or area to the territorial limits of the city, such owners shall, at their own cost, construct or cause to be constructed, complete water distribution facilities that shall comply with all city codes and specifications for the entire subdivision or area so to be annexed and to convey and transfer to the city the ownership of and title to such water distribution facilities upon the acceptance by the city of the development plat and annexation of the subdivision or area involved.

(Code 1971, Sec. 12-131; Code 1984)

15-144. APPLICATION FOR CONNECTION TO WATER SYSTEM: ACCOMPANIED BY MAP. All applicants for connection to the city's water system shall furnish to the city a detailed map of the proposed system sufficient to permit the city to know generally the nature of the user's system. This map will be submitted for a plan review and written approval by the public works director or his or her designee. At such time as the system is completed, the applicant shall provide a detailed engineering "as built" map at no cost to the city.
(Code 1984)

15-145. SUBDIVISION OWNERS; AGREEMENT WITH CITY. The city will not hereafter annex to the city any subdivision or area platted and developed for residential sites or planned for such development without requiring the owners of such subdivision or area to enter into an agreement of the kind referred to in section 15-143 of this article.
(Code 1971, Sec. 12-132)

15-146. WATER USERS TO MAINTAIN CONNECTION WITH WATER AND SEWER SYSTEM. Any residence, family unit, dwelling unit, apartment or commercial building which is or shall be connected to the water system of the city and is connected to or shall be connected to the sewer system and sewage disposal facilities of the city shall maintain both the connection with the city's water system and the connection with the city's sewer system as long as such service is available, and the owner or occupant thereof shall remain liable for the payment of minimum water and minimum sewer fees and charges as established by the governing body. (Code 1971, Sec. 12-133)

15-147. WATER WELLS. Nothing in this article shall prevent a customer of the city's municipal water system from using water from wells or other source for irrigation, the watering of lawns or gardens, or other use except household uses. The permit fee for water wells shall be as set out in Chapter 17.
(Code 1971, Sec. 12-134; Code 1984; Code 2007)

15-148. COMMINGLING OF WATER; WATER SYSTEM, PRIVATE SOURCES; UNLAWFUL. No residence or customer of the city's water system may create any system of water piping, water connections or cross connections within or outside a dwelling which will in any way permit the commingling of water from the city's water system with any water obtained from other sources.
(Code 1971, Sec. 12-135)

15-149. WATER USE RESTRICTED OR STOPPED. The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the public works director determines the public exigency so requires. (Code 1971, Sec. 12-136; Code 1984)

15-150. EMERGENCY WATER RATIONING: IMPOSING RESTRICTIONS.

Whenever the governing body, upon the recommendation of the public works director, determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.

(Code 1971, Sec. 12-137; Code 1984)

15-151. WATER RATIONING: WATER RESTRICTIONS. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

(a) Watering lawns, gardens, trees, shrubs, plants, and watering outside dwellings for such purposes as car, boat or trailer washing or washing exterior of dwellings;
(b) Industrial uses of water, including but not limited to car wash operations and packing plant operations;
(c) Business uses other than industrial;
(d) Home uses other than those set forth in subsection (a).

(Code 1971, Sec. 12-138; Code 1984)

15-152. FIRE HYDRANT LOCATION. Fire hydrants shall be located no further than seven (7) feet from the curb line of the street and the height of the lowest discharge cap shall be no lower than fifteen (15) inches from the finished grade of the ground. (Code 1984)

15-153. PENALTY. Any person, firm or corporation who shall violate any of the provisions of this article, shall upon conviction thereof be fined in accordance with the provisions in this code in section 1-121.

(Code 1971, Sec. 12-139; Code 1984; Code 2003)

ARTICLE 2.
WATER RATES

15-201. RATES FOR WATER SERVICE. Charges for water used from the municipal waterworks and distribution system shall be as set out in Chapter 17.

(Ord. 348-B; Ord. 349-A; Ord. 538; Ord. 556-A; Code 2003; Code 2007)

15-202. BUSINESSES CLOSE TOGETHER; ONE METER. When businesses which are closely related to each other are carried on at one location or adjoining locations by a corporation, co-partnership, individual, or managed by one manager and are supplied with water by

one meter, each business shall be considered as one business and there shall be one minimum charge made for each unit.
(Code 1971, Sec. 12-202)

15-203. FAMILY UNITS; APARTMENTS. For the purpose of this article, family unit or dwelling unit, or apartment shall be charged a minimum fee for water service only when there is plumbing or sewer connections to the premises so used as a family unit or dwelling unit, business unit or apartment.
(Code 1971, Sec. 12-203)

15-204. TRAILER CAMPS; TOURIST. When water is supplied through one master meter for a licensed commercial tourist or transit service such as house trailer camps, temporary house trailer parks, and such similar locations the proprietor or manager of such house trailer camp or park may establish an average consumption by written agreement with the city clerk and the minimum charge provided for in section 15-201 and as set out in Chapter 17.
(Code 1971, Sec. 12-204; Code 2003; Code 2007)

15-205. WATER METERS; NUMBER NEEDED. The duty for determining the number of separate family or dwelling units, business units, or apartments supplied by one meter shall be upon the public works director who shall at such time as he or she sees fit, upon presenting the statements for the monthly meter readings to the city clerk for billing, therefore shall furnish the city clerk with a statement upon such consumers as he or she feels should be charged more than one minimum as provided for in section 15-201 and as set out in Chapter 17.
(Code 1971, Sec. 12-205; Code 2003)

15-206. SEPARATE METER INSTALLATION FOR BUSINESS UNITS OR DWELLINGS. Any consumer of water may have a separate meter installed for any such separate family or dwelling unit, business unit or apartment that he or she may so desire. When separate meter installation is made it shall be governed by the provisions of the installation of meters as provided for by other laws of the city. (Code 1971, Sec. 12-206)

15-207. WATER BILL. The foregoing charges shall be payable upon bills rendered each month by the city clerk in accordance with the rules and regulations therefore as provided in this article.
(Code 1971, Sec. 12-207)

15-208. RIGHTS RESERVED. The city reserves the right to change the foregoing rates.
(Code 1971, Sec. 12-208; Code 1984)

15-209. SPECIAL WATER RATES. The foregoing rates are fixed subject to the authority of the governing body to enter into special contracts for the supply of water to industrial and other large users of water. The governing body may authorize the public works director to contract for the sale of water without metering the same at a rate to be fixed by the gallon, barrel or tank wagon loads. The city clerk shall collect all sums due for the sale of unmetered water and shall account monthly for such sums.

(Code 1971, Sec. 12-209)

ARTICLE 3.
SEWER REGULATIONS

15-301. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(1) Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(2) Director: Shall mean the public works director of the city or his/her authorized deputy, designee or representative.

(3) Sewage: Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(4) Sewer: Shall mean a pipe or conduit for carrying sewage.

(5) Public Sewer: Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(6) Combined Sewers: Meaning sewers receiving both surface runoff and sewage, are not permitted.

(7) Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(8) Storm Sewer or Storm Drain: Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(9) Sewage Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.

(10) Industrial Wastes: Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

(11) Garbage: Shall mean solid wastes from preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(12) Properly Shredded Garbage: Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(13) 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 feet outside the innerface of the building wall.

(14) Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal.

(15) B.O.D. (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 twenty (20) degrees centigrade, expressed parts per million by weight.

(16) PH.: Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(17) Unit: Shall mean that portion or portions of a property which is used or designed for use as a single family dwelling place, business, commercial, fraternal, religious or other facility.

(18) Suspended Solids or "SS": Shall mean solids that either float on the surface of, or are removable by laboratory filtering.

(19) Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(20) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(21) Person: Shall mean any individual, firm, company, association, society, corporation or group.

(22) Shall is mandatory; May is permissive.

(23) Normal Domestic Wastewater: Shall mean wastewater that has a BOD concentration of not more than 300mg/l and a suspended solids concentration of not more than 350mg/l.

(24) Operation and Maintenance: Shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

(25) Replacement: Shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

(26) Treatment Works: Shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquefied industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems,, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as

standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary water and sanitary sewer systems.

(27) Useful Life: Shall mean the estimated period during which a treatment works will be operated.

(28) Water Meter: Shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by others approved by the city.

(29) Slug: Shall mean any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average of twenty-four (24) hour concentration or flows during normal operation.

(30) Contributor: Shall mean each housing unit, business, building, parcel of real estate or other unit which contributes waste water to the city sewer system and which is assessed a monthly base sewer fee and a monthly user charge.

(31) Subsidized High Density Residential Contributor: Shall mean any contributor to the city's treatment works, who resides in a building in which exceeds four (4) floors above street grade and where said building is used for the purpose of providing low income living quarters for those persons qualifying for the same.

(32) User Charge: Shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(33) User: Shall mean a contributor of wastewater to the city's treatment works by way of connection to the city's sewage system.

(Code 1971; Code 1984; Ord. 750; Code 2003)

15-302. UNLAWFUL DEPOSITS UPON PROPERTY. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
(Code 1971, Sec. 9-102)

15-303. UNLAWFUL DISCHARGE; NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the city, or in any areas under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Code 1971, Sec. 9-103)

15-304. CONSTRUCTION OF PRIVY UNLAWFUL. 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.

(Code 1971, Sec. 9-104; Code 1984)

15-305. CLEAN OUT. When a building drain (sewer) is installed or replaced in the city an approved clean out shall also be installed within two (2) feet of the exterior structure. When the flow line of a sewer is greater than four (4) feet below grade, the clean out shall be installed with a combination fitting, wye and 1/8th bend, or other approved fittings which assure directional entry into the sewer. When such sewers installed in areas within the city, which have clay sewer mains, new sewer taps shall be made with the use of a core drill bit and shall provide a coupon of the pipe. Such coupon shall be made available at the time of inspection.

(Code 2004)

15-306. CONNECTION TO SANITARY SEWER REQUIRED. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting 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 the owner's 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 article, within ninety (90) days after date of official notice to do so if the public sewer is within one-hundred (100) feet of the property line.

(Code 1971, Sec. 9-105; Code 2003)

15-307. SEWER SYSTEM TAP FEE. The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for any connection by any person, persons, business or organization into the sewer system of Haysville. This fee is to be paid at the time application is made.

(Ord. 406; Sec. 1; Ord. 406-A; Code 2003; Code 2007)

15-308. CONSTRUCTION OF ARTICLE: HEALTH OFFICER. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Code 1971, Sec. 9-113)

15-309. PERMIT: ALTER PUBLIC SEWER. 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 public works director.

(Code 1971, Sec. 9-113)

15-310. CLASSES OF PLUMBING PERMITS FOR CONSTRUCTING BUILDING SEWERS: FEE. There shall be three classes of plumbing permits for constructing a building sewer:

(a) Residential;

(b) Commercial service; and

(c) Service to establishments producing industrial wastes.

The applicant 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 public works director. A permit and inspection fee as set out in Chapter 17 for residential, for an industrial plumbing permit for constructing a building sewer shall be paid to the city clerk at the time the application is filed.

(Code 1971, Sec. 9-114; Code 2003)

15-311. INSTALLATION, CONNECTION TO BUILDING SEWERS; EXPENSE BY OWNER. All costs and expense of the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify, hold harmless and defend the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1971, Sec. 9-115; Code 2003)

15-312. SEPARATE SEWERS. In accordance with the plumbing chapter of this code 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 and except for duplexes which shall have one building sewer for each dwelling unit.

(Code 1971, Sec. 9-116; Code 1984)

15-313. USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city engineer, to meet all requirements of this article.

(Code 1971, Sec. 9-117)

15-314. BUILDING SEWER MATERIAL. All materials used in building sewers shall be in accordance with the current plumbing code of the city of Haysville.

(Code 1984)

15-315. CONNECTION INTO PUBLIC SEWER. The connection of the building sewer into the public sewer shall be made in the "Y" branch, if such branch is available at a suitable

location. Where the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available as verified by the public works director, the owner shall at his or her expense have installed a "Y" branch or a tap through the use of a saddle, approved by the public works director in the public sewer at the location specified by the public works director. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is verified as being available by the public works director, a neat hole may be made in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the public works director or his/her designee.

(Code 1971, Sec. 9-124; Code 2003)

15-316. INSPECTION OF BUILDING SEWER. The applicant for the plumbing permit to construct a building sewer shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his or her designee.

(Code 1971, Sec. 9-125; Code 2003)

15-317. EXCAVATIONS; BARRICADES, LIGHTS. 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.

(Code 1971, Sec. 9-126)

15-318. STORM WATER NOT DISCHARGEABLE INTO SANITARY SEWER. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Code 1971, Sec. 9-127; Code 2003)

15-319. COVERING OF MANHOLES. It shall be unlawful to cover or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

15-320. STORM WATER INTO STORM SEWERS. Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director, to a storm sewer, or natural outlet. In no case does this authorize any city sanction of illegal procedures or practices which may be in violation of State Water Pollution Statutes or Kansas State

Board of Health regulations.

(Code 1971, Sec. 9-128)

15-321. UNLAWFUL DISCHARGE; STORM SEWER; PENALTY. No person, persons, business or other entity shall discharge or place or cause to be discharged or placed into any public storm sewer, any substance or obstruction other than storm water and surface runoff water. Any person, persons or business found in violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding $1,000 for each violation; each day in which such violation shall continue shall be deemed a separate offense. Any person in violation of this section shall become liable to the city for any expense, loss or damage occasioned to the city by reason of such violation.

(Ord. 398; Ord. 648)

15-322. UNLAWFUL DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or waste 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 in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any water 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. (Ord. 470, Art. V, Sec. 3)

(e) Depositing any such substance into the City's sanitary sewage system is hereby declared a nuisance in accordance with Chapter 7 of this Code. The Director of Public Works, or such Director's designee, may require any party owning or leasing property from which prohibited substances are being discharged into the City's sewers,

sewage treatment plant, or any part of the sanitary sewer system, to obtain the services of an independent lab to test such wastewater emissions to determine the products discharged into the city's sanitary sewer system and the levels of such discharges. The independent lab must be instructed to provide a copy of any results directly, and immediately, to the Director of Public Works of the City of Haysville, Kansas. Failure to obtain the required tests within the amount of time allowed for by the Director may result in the City turning off water service to such property. All costs associated with such testing shall be paid by the party obtaining such testing. If the property owner or lessee refuses to obtain such testing, the City may obtain such testing, and charge such costs back to the property owner in accordance with Chapter 7 of this Code.

(Code 2015)

15-323. SAME. 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 public works director 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 or her opinion as to the acceptability of these wastes, the public works director 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, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150EF (65EC).

(b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150EF (0 and 65EC).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the public works director.

(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 public works director for such materials.

(f) Any waters or wastes containing phenols of other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a PH in excess of 9.5. (i) 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 or 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 low or concentration of wastes constituting "slugs" as defined herein.

(j) 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.

(k) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent (2%) of the average sewage flow of the city, shall be subject to the review of the public works director. Where necessary in the opinion of the public works director the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the public works director and no construction of such facilities shall be commenced until the approvals are obtained in writing.

(Ord. 470, Art. V, Sec, 4)

15-324. MINIMUM DIAMETER. No building sewer, drain or private sewer shall be less than four (4) inches in diameter. Larger sizes shall be used when the calculated volume of sewage will require larger sizes. The current plumbing code shall be used to calculate any required volumes, but in no case shall the diameter of the building sewer be less than that of the soil pipe which is stubbed out from the building.

15-325. VIOLATIONS, PENALTIES. Violations of any provision of this Chapter shall be addressed in accordance with Section 15-421 of this Chapter, unless a specific penalty provision shall have been made applicable to any specific section of this Chapter.

(Code 2003; Code 2015)

ARTICLE 4.
PRIVATE DISPOSAL SYSTEM

15-401. PROHIBITED SUBSTANCES. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess characteristics which in the judgment of the public works director, 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 public works director 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;
(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 15-416.

If the public works director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the public works director, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 470, Ord. 648; Art. V, Sec. 5, Code 2004)

15-402. INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, 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 public works director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 470, Art. V, Sec. 6)

15-403. TAP TO SANITARY SEWERS. Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer may be connected to a private sewage disposal system complying with the provisions of this article and with written approval of the public works director.

(Code 1971, Sec. 9-106; Code 1984)

15-404. SEWER SYSTEM; COST OF INSTALLATION, CODE COMPLIANCE. The cost and expense of the installation and connection must be borne by the owner. Such installation

and connection must comply with all the provisions of this code and all other applicable regulations and laws. The tap fee shall be as set out in Chapter 17.

(Ord. 406, Sec. 2; Code 2003; Code 2007)

15-405. SEWER SYSTEM INSTALLATION. Any installation as provided for by this article shall be made by persons licensed to perform such work in the city and the owner shall indemnify, defend and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer tap and connection.

(Ord. 406, Sec. 3; Code 2003)

15-406. SEWER SYSTEM, FINAL INSPECTION. The sewer connection shall not be covered by any material until a final inspection has been made by the public works director or his or her authorized designee and written permission has been given to cover such connections to the sewer system.

(Ord. 406, Sec. 4)

15-407. PERMIT REQUIRED. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the public works director. 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 public works director. A permit and inspection fee as set out in Chapter 17 shall be paid to the city at the time the application is filed.

(Ord. 470, Art. III, Sec. 2; Code 2003)

15-408. SAME. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works director. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the public works director provided that the twenty-four (24) hour notice will allow the inspection to occur during normal working hours.

(Ord. 470, Art, III, Sec. 3)

15-409. SYSTEM; COMPLIANCE WITH COUNTY HEALTH DEPARTMENT. The type, capacities, location, layout and lot area for construction of private sewage disposal systems shall comply with all recommendations and requirements of the Sedgwick County Community Health Department and the State Department of Health and Environment. 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 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

(Code 1971, Sec. 9-109, Ord. 470, Art. III, Sec. 4; Code 2003)

15-410. CONNECTION TO PUBLIC SEWER REQUIRED WHEN AVAILABLE. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with gravel or dirt, Provided that the waste produced can be processed by the wastewater treatment facility as determined by the public works director.

(Code 1971, Sec. 9-110; Ord. 470, Art. III, Sec. 5)

15-411. CONSTRUCTION STANDARDS FOR SEPTIC SYSTEM ABSORPTION, AND OTHER PRIVATE SEWAGE FACILITIES.

There is hereby adopted by reference by the city of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the construction standards for septic system absorption fields, and other private sewage facilities, all such regulations as promulgated by, and adopted by, Sedgwick County, Kansas, the most recent version of which ~~that~~ became effective within the unincorporated portions of Sedgwick County, Kansas, on ~~January 1, 2004~~June 20, 2014, to be applied where such systems are permitted within the city of Haysville, Kansas. ~~Three copies~~ One copy of construction standards for septic system absorption fields, and other private sewage facilities, as promulgated by Sedgwick County, Kansas, ~~that became effective within the unincorporated portions of Sedgwick County, Kansas, on January 1, 2004, have been and are now~~shall be filed in the office of the city clerk and ~~the said construction standards for septic system absorption fields as promulgated by Sedgwick County, Kansas, is~~ are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

(Ord. 882)

15-412. OPERATE PRIVATE SEWAGE FACILITIES AT OWN EXPENSE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Private sewage facilities are all such facilities regulated pursuant to those standards adopted in 15-411 above, and include: septic systems and laterals, sewage lagoons, advanced wastewater systems, remediation units. Owners of property upon which private sewage facilities are to be located, or upgraded, shall sign an easement and restrictive covenant with the City, in conformance to the regulations adopted in 15-411 above, prior to receiving a permit for such construction.

(Code 1971, Sec. 9-111; Ord. 470, Art. III, Sec. 6)

15-413. PRE-TREATMENT. 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 or her expense.

(Ord. 470, Art. V, Sec. 7)

15-414. MANHOLE REQUIRED. When required by the public works director, 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 shall be installed by the owner at his or her expense, and shall be maintained by him or her. It is unlawful to cover or conceal manholes.

(Ord. 470, Art. V, Sec. 8; Code 2003)

15-415. TESTS; ANALYSIS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the 18th 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 the 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 customary 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 grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas PH are determined from periodic grab samples.

(Ord. 470, Art. V, Sec 9; Code 2003)

15-416. SPECIAL AGREEMENTS. 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 normally requiring pretreatment before acceptance may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(Ord. 470, Art. V, Sec. 10)

15-417. PROTECTION FROM DAMAGE. No 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 municipal sewage works. Any person or entity violating this section shall be subject to criminal prosecution therefore and liable for payment of any damages caused by such violations.

(Ord. 470, Art. V, Sec. 10; Code 2003)

15-418. RIGHT OF ENTRY; INSPECTIONS. The public works director 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 article, and such persons shall be

authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. The public works director or his or her representatives shall have no authority to inquire into any process 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.

(Ord. 470, Art. VII, Sec. 1; Code 2003)

15-419. SAME. While performing the necessary work on private properties referred to in section 15-418, the public works director 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 and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by section 15-413. (Ord. 470, Art. VII, Sec. 2)

15-420. SAME. The public works director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, and such persons shall be authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 470, Art. VII, Sec. 3; Code 2003)

15-421. VIOLATIONS AND PENALTIES. (a) Any person who shall violate the provisions of this Chapter or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor and shall be punished by a fine of not more than $500.00 for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment, unless a specific penalty provision shall have been made applicable to any specific section of this Chapter. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) Penalty Clause Not Exclusive. The imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by the State law, this article or any provision of this code.

(Code 1971, Sec. 9-139; Code 1984, Ord. 882; Code 2015)

15-422. ENFORCEMENT. Enforcement of this code within the boundaries of the city shall be by the code enforcement official(s) designated by the City, and jurisdiction for prosecution of any violations of this code shall be in the Haysville Municipal Court.
(Ord. 882)

15-423. LIABILITY. Requirements of this code and article in force shall not be construed as imposing on the city, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
(Ord. 882)

ARTICLE 5.
WASTEWATER RATES

15-501. CHARGES ESTABLISHED. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.
(Ord. 450, Art. I)

15-502. SAME. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the city may by ordinance designate to be paid by the user charge system.
(Ord. 450, Art. III, Sec. 1)

15-503. SAME. The city is authorized under the laws of the state of Kansas to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the system, provided the principal and interest on such revenue bonds shall be payable solely from the net revenues derived by the city from the operation of the system.
(Ord. 450, Art. II, Sec. 2; Code 2003, Ord. 711, Code 2004)

15-504. YEAR-END BALANCES. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary

shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective account within the fiscal year following the fiscal year in which the moneys were borrowed.
(Ord. 450, Art. II, Sec. 3)

15-505. USER CHARGES. Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city.

For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential contributor has not established a January, February and March average, his or her monthly user charge shall be the average charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense, and in a manner acceptable to the city.
(Ord. 450, Art. IV, Secs. 1:3; Code 2003)

15-506. USER CHARGES. Each contributor, residential, commercial or industrial, shall pay a user charge rate for operation and maintenance, including replacement, a sum as set out in Chapter 17. In addition, each contributor shall pay a base rate sewer fee as set out in Chapter 17.
(Ord. 556-D; Ord. 751; Ord. 832; Code 2003, Code 2004; Code 2007; *Ord. 942*)

15-507. CHARGES FOR SERVICE BEYOND THE CITY LIMITS. Any contributors, whose property being serviced by the sewer system is outside the corporate city limits, shall pay, in addition to the above charges, an amount as set out in the approved schedule of fees.
(Ord. 450, Art. IV, Sec. 4; Code 2003)

15-508. ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.
(Ord. 450, Art. IV, Sec. 5)

15-509. USER CHARGES. The user charge rates established in this article apply to all users of the city's treatment works regardless of their location.
(Ord. 450, Art. IV, Sec. 5)

15-510. SAME. The city will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
(Ord. 450, Art. VI, Sec. 1)

15-511. SAME. The city will notify each user, in conjunction with a regular bill, of any change of rate to be charged for operation, maintenance including replacement of the treatment works.
(Ord. 450, Art. VI, Sec. 2)

15-512. SAME. The city is hereby authorized to establish and enforce sewer user charges on all existing or future users of the system, whether located inside the city limits or outside the city limits, pursuant to K.S.A. 12-631, et. seq., and other applicable laws and amendments thereto.
(Ord. 450, Art. VI, Sec. 3; Code 2003)

15-513. BILLING. The city water department shall render bills for sewer service charge to the person or legal entity designated to receive the water bill for water and water service furnished to the premises. If there is no city water connection on such premises then such bill for sewage service charge shall be rendered to the person or legal entity owning premises. If there is no city water connection on such premises then such bill for sewerage service charge shall be rendered to the person or legal entity owning premises. All bills for sewerage system charges shall be payable on or before the date shown on the statement.
(Ord. 345, Sec. 5)

15-514. SEWER FEES DUE; DELINQUENCY. Sewer bills for sewer service rendered by the city become due and payable on the 1st of each month as specified on the billing date thereon at the office of the city clerk, provided that any bill which shall remain unpaid after the 20th of the month as indicated thereon shall become delinquent and a late charge of five-percent (5%) of the bill shall accrue; provided further that when any sewer customer shall for unjustified reason fail to pay when due any account for sewer service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full.

The notice shall indicate:

(a) The amount due plus late charge;
(b) The customer's right to a hearing, if requested;
(c) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the bill is due. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.

Hearing may be conducted by any of the following officers: The director of governmental services, public works director, mayor, the city clerk, or such hearing officer as may be appointed by the director of governmental services. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Code 1984; Code 2003, Code 2004)

15-515. FAILURE OR REFUSAL TO PAY. In the event any person, firm, corporation, political unit (except the United States and the state of Kansas) or organization owning, living or operating on premises connected to the city sewerage system, shall neglect, fail or refuse to pay the service charge levied herein, such charge shall constitute a delinquency which shall be collected by a collection agency or by assessing a lien upon the real estate serviced by the connection to the sewer system, and shall be certified by the city clerk to the county clerk of Sedgwick County, to be placed on the tax rolls for collection, subject to the same penalties and collection in like manner as other taxes as by law are collectible.

(Ord. 345, Sec. 6; Code 1984)

15-516. IF CUSTOMER IS NOT OCCUPANT. If the customer of record is not the occupant where water service is provided, then the water department of the city shall provide similar notice to the occupant. The request for a hearing must be no later than three (3) working days before the date the bill is due, such hearing will be conducted by the governing body of the city or such person or persons as the governing body shall designate. Customers are responsible for furnishing the department with their correct address and the correct names and addresses of the owners of the property for billing purposes. The owners of the property shall ultimately be responsible for payment of sewer charges which can be assessed as a lien on the real estate serviced by the connection to the sewer system if not paid.

(Ord. 345, Sec. 6; Code 1984)

15-517. CHARGES PAID INTO SEWER REVENUE. Revenues generated from the collection of sewerage service charges shall be paid into the sewer revenue fund by the city clerk.

(Code 1984)

15-518. STATEMENTS FOR SERVICE CHARGES. The officers or employees of the city, who may be designated from time to time, shall cause all statements for sewer service charges of the city to be rendered monthly at the same time as statements for water and water service provided by the city are rendered.
(Code 1971, Sec. 9-203)

15-519. PLANS REVIEW: APPLICATION FOR CONNECTION TO SANITARY SEWER SYSTEM ACCOMPANIED BY MAP. All applicants shall furnish to the city a detailed map, detailed plans and specifications of the proposed system sufficient to permit the city to know generally the nature of the user's system. This map shall be submitted for a plan review and written approval by the public works director or his or her designee. At such time as the system is completed, the applicant will provide a detailed engineering "as built" map. Both maps are to be furnished to the city without cost to the city.
(Code 1971, Sec. 9-205; Code 1984)

15-520. PENALTY. It shall be a violation of this code for any person or persons to tamper with any sewer line constituting any part of the city's sewage disposal system, or to make any connection therewith without written permission from the city or to reconnect sewer service when such service shall have been disconnected until such time as a reconnection shall be authorized by the city. Each day the violation is committed shall constitute a separate offense. Any person so convicted shall be subject to a fine to be assessed according to the general penalty provisions of this code in section 1-121.
(Code 1971, Sec. 9-206; Code 2003)

ARTICLE 6.
CONSOLIDATING

15-601. COMBINING OF EXISTING WATERWORKS AND WASTEWATER UTILITY SYSTEMS. It is hereby deemed and declared to be necessary to combine the Water System and the Sewer System into a combined Water and Wastewater Utility System (the "System"). The System revenues will secure future financing for System improvements; however, the city shall maintain separate financial records for water operations and sewer operations. (Ord. 707; Code 2003)

ARTICLE 7.

STORMWATER MANAGEMENT SYSTEM AND UTILITY

15-701. Definitions.

In addition to the words, terms and phrases defined elsewhere within this code, the following words, terms and phrases, as used herein, shall have the following meanings:

"Bonds" means obligations of the City, for which the principal of and the interest on is paid in whole or in part from special assessments, user fees, sales tax, general ad valorem taxes, or any available City or Stormwater Utility revenues heretofore or hereafter issued to finance the Costs of Capital Improvements.

"City" means the City of Haysville, Kansas.

"Costs of Capital Improvements" means costs incurred by the Stormwater Utility in providing capital improvements as part of the Stormwater Management Program, including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the Public Storm Sewers, professional services and studies connected therewith; principal and interest on Bonds heretofore or hereafter issued, including payment of any delinquencies; studies related to the operation of the system; costs related to water quality enhancements, costs related to complying with federal, state or local regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise; and for the costs associated with purchasing equipment, computers, furniture and all other items necessary or convenient for the operations of the Stormwater Utility.

"Debt Service" means an amount equal to the sum of all interest payable on Bonds during any fiscal year or years, and any principal installments payable on the Bonds during such fiscal year or years.

"Director" means the Director of the City's Public Works Department or the Director's designee.

"Director of Governmental Services" means the Director of Governmental Services of the City or the Director of Governmental Services' designee.

"Dwelling Unit" means an enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one Family, as defined in Chapter 16, Article 4, of the Haysville Municipal Code.

"Equivalent Residential Unit" or "ERU" means a unit of measure that is equal to the average Impervious Area per Dwelling Unit located on Residential Property within the City limits.

"Equivalent Residential Unit Rate" or "ERU Rate" means the amount charged for each ERU in calculating the Stormwater Utility User Fee.

"Exempt Property" means public right-of-way, public trails, public streets, public alleys, public sidewalks, and public lands and/or easements in or upon which the Public Storm Sewers are constructed and/or located.

"Fiscal Year" means a twelve-month period commencing on the first day of January of any year.

"Governing Body" means the Governing Body of the City.

"Impervious Area" means the total number of square feet of hard surface area on a given property that either prevents or retards the entry of water into the soil matrix, or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under conditions similar to those on undeveloped land. "Impervious Area" includes but is not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

"Nonresidential Property" means all property other than Single Family Property.

"Operating Budget" means the annual budget established for the Stormwater Utility for the succeeding Fiscal Year.

"Operations and Maintenance" means, without limitation, the current expenses, paid or secured, by the Stormwater Utility, for operation, maintenance and repair and minor replacement of the Public Storm Sewers or for implementing the Stormwater Management Program, as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.

"Public Storm Sewers" means all storm sewers within the City, and all appurtenances and ancillary structures thereto, which have been dedicated to and accepted by the City for ownership and maintenance or otherwise owned by the City.

"Residential Property" means property used primarily for Single Family Dwelling Units.

"Stormwater Management Program" means all aspects of work necessary to perform and provide storm and surface water services in the City, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvement of Stormwater Management Systems, plus such expenses as reserves and bond debt service coverage as are associated with provision of the Stormwater Management Program and/or System.

"Stormwater Management System," means surface water and storm sewers and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, infiltration, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

"Stormwater Utility" means the utility created by this ordinance for the purpose of implementing and funding the Stormwater Management Program.
"Stormwater Utility User Fee" means a fee authorized by Charter Ordinance No. 18 and this ordinance, charged to owners of property served and benefited by the Stormwater Utility, which may be updated or modified by Resolution approved by the Governing Body.

"Undeveloped Land" means land that has not been built upon or altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

15-702. Findings and Statements of Policy.

A. The City of Haysville, Kansas, desires to create a Stormwater Management Program pursuant to Charter Ordinance No. 18.

B. A Stormwater Management Program will provide both general and specific benefits to all property within the City and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the Stormwater Management System and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on stormwater and appropriate balancing between development and preservation of the natural environment.

C. The Stormwater Management Program will also initiate innovative and proactive approaches to stormwater management within the City to address problems in areas of the City that currently are prone to flooding, protect against replication of these types of problems and the creation of similar problems in newly developing areas of the City, protect property in the City from stream bank erosion and the attendant loss of natural resources and the reduction of property values, conserve natural stream assets within the City, enhance water quality, and assist in meeting the mandates of the National Pollutant Discharge Elimination System as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.

D. Both standard and innovative stormwater management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the City.

E. Implementation of the Stormwater Management Program will require the expenditure of significant amounts of public money.

F. All property in the City will benefit from the Stormwater Management Program.

G. The City desires to fairly distribute costs of the Stormwater Management Program implementation among all developed property which generates the need therefor.

H. The City has determined that the establishment of a Stormwater Utility is an appropriate method of funding certain portions of the costs of implementing the Stormwater Management Program.

I. The City has adopted Charter Ordinance No. 18, which grants to the City the authority to adopt, by ordinance or resolution, rules and regulations providing for the management and operation of a Stormwater Utility, fixing Stormwater Utility User Fees, requiring security for the payment thereof, providing methods and rules relating to the calculation and collection of the fees and for credits against the fees, and providing for the disposition of the revenues derived therefrom.

L. The Stormwater Utility User Fee imposed by this Ordinance, is calculated by a formula that reasonably relates classes of property within the City to their anticipated use of or benefit from the Stormwater Management System, and such fee is neither a tax nor a special assessment, but a charge (in the nature of tolls, fees or rents) for services rendered or available.

M. The City has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the Stormwater Utility User Fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the Governing Body for those properties not utilizing other city utilities.

15-703. Creation of a Stormwater Management Program; Establishment of a Stormwater Utility.

Pursuant to City Charter Ordinance No. 18, the City's general home rule authority, its nuisance abatement authority, its police powers and all other authority, the Haysville Governing Body does hereby create a Stormwater Management Program and does hereby establish a Stormwater Utility and declares its intention to operate the same.

15-704. Administration.

The Director shall have the power to undertake the following activities to implement the Stormwater Management Program:

A. Advise the Governing Body on matters relating to the Stormwater Management Program and to make recommendations to the Governing Body concerning the adoption of ordinances, resolutions, policies, guidelines and regulations in furtherance of the objectives of the Stormwater Management Program.

B. To undertake studies, acquire data, prepare master plans, analyze policies or undertake such other planning and analyses as may be needed to address concerns related to stormwater within the City and to further the objectives of the Stormwater Management Program, and to undertake activities designed to communicate, educate and involve the public and citizens in addressing these issues or in understanding and abiding by the elements of the Stormwater Management Program.

C. Acquire, design, construct, operate, maintain, expand, or replace any element or elements of the Public Storm Sewers, including funding the acquisition of easements by eminent domain, and obtaining title or easements other than by eminent domain, over any real or personal property that is part of, will become part of or will protect the Public Storm Sewers, or is necessary or convenient for the implementation of the Stormwater Management Program.

D. Regulate, establish standards, review, and inspect the design, construction or operation and maintenance of any Stormwater Management System that is under the control of private owners, whether or not such systems are required or intended for dedication to the Public Storm Sewer system, when such systems have the potential to impact, enhance, damage, obstruct or affect the operation and maintenance of the Public Storm Sewers or the implementation of the Stormwater Management Program.

E. Regulate, establish standards, review and inspect land use or property owner activities when such activities have the potential to affect the quantity, timing, velocity, erosive forces, quality, environmental value or other characteristics of stormwater which would flow into the Stormwater Management System or in any way affect the implementation of the Stormwater Management Program.

F. Undertake any activities related to stormwater management when such activities are recommended by applicable federal, state or local agencies or when such activities are required by any permit, regulation, ordinance, or statute governing stormwater or water quality concerns.

G. Analyze the cost of services and benefits provided by the Stormwater Utility and the structure of fees, service charges, credits, and other revenues on an annual basis and make recommendations to the Governing Body regarding the same.

H. Undertake expenditures as required by the Governing Body to implement these activities, including all Costs of Capital Improvements, Operations and Maintenance, Debt Service, and other costs as required.

15-705. Budget.

The operating budget shall conform with State law, City policy and generally accepted accounting practices. The City, as part of its annual budget process, may adopt capital and operating budgets for the Stormwater Utility, and may utilize enterprise funds, special revenue funds or reserve funds as deemed reasonable and appropriate by the Governing Body of the City. The operating budget will commence in January of each year.

15-706. Stormwater Utility User Fee.

A. Fee Established. There is hereby imposed on each and every residential developed property and nonresidential developed property, other than property that is not serviced by the stormwater management system or exempt property, a stormwater utility user fee. Such stormwater utility user fee shall be determined and set in accordance with the ERU and ERU rate both of which shall be established by resolution of the Governing Body and may be amended from time to time by the Governing Body.

B. Stormwater utility user fee for Residential Developed Property. The stormwater utility user fee for residential developed property shall be the ERU rate as set forth by Resolution of the Governing Body. In the event of a newly constructed dwelling unit, the charge for the stormwater utility user fee attributable to that dwelling unit shall commence upon the issuance of the certificate of occupancy for that dwelling unit, or if construction is at least fifty percent complete and is halted for a period of three months, then that dwelling unit shall be deemed complete for purposes of this Code and the stormwater utility user fee shall commence at the end of the three-month period.

C. Stormwater utility user fee for Nonresidential Developed Property.

(1) The stormwater utility user fee for nonresidential developed property shall be the divided into ten tiers as determined by property size. A standard multiplier shall be associated with each tier, so that the tier shall be charged a fee of the ERU rate times such multiplier.

CLASS	PROPERTY SIZE	STANDARD MULTIPLIER
I	0 to 2500 square feet	ERU x 1.26
II	2501 to 5000 sq. feet	ERU x 2.53
III	5001 to 7500 sq. feet	ERU x 3.79
IV	7501 to 10,000 sq. feet	ERU x 5.05

V	10,001 to 20,000 sq. feet	ERU x 10.10
VI	20,001 to 30,000 sq. feet	ERU x 15.15
VII	30,001 to 40,000 sq. feet	ERU x 20.20
VIII	40,001 to 50,000 sq. feet	ERU x 25.25
IX	50,001 to 75,000 sq. feet	ERU x 37.88
X	75,001+ sq. feet	ERU x 50.51

D. Dwelling Unit and Impervious Surface Calculation. The Director or Director's designee shall initially, and from time to time, determine the number of dwelling units located on residential developed property within the City in order to provide the information to the Governing Body necessary to establish the stormwater utility user fee provided by subsection B of this section. Nonresidential real property in the city shall have its square footage of impervious area calculated in order to establish the stormwater utility user fee provided by subsection C of this section. The Director or the Director's designee shall make the initial calculation and may from time to time change this calculation from such information and data deemed pertinent by the Director or the Director's designee at the direction of the Governing Body;

E. Stormwater utility user fee Credit. The Governing Body may by resolution adopt guidelines that establish credits and/or incentives that reduce the stormwater utility user fee that would otherwise be assessed against properties that utilize privately owned and maintained retention or detention facilities, if it is determined that the existence of such retention or detention facilities results in a reduction in the operating budget of the utility.

15-707. Appeal Procedure.

A. Any persons disagreeing with the calculation of the Stormwater utility user fee, disagreeing with whether their property is served by the Stormwater Utility or who believe they are entitled to a credit pursuant to guidelines adopted by the City Council, may appeal such calculation or finding to the Director. Appeals must be in writing. The Director or his/her designee shall thereafter hold an informal hearing. The Director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing Dwelling Units, total property area, and Impervious Area as appropriate, if such information is deemed to be material by the Director or designee. Based on information provided, the Director or designee shall make a determination as to whether the Stormwater utility user fee should be adjusted or eliminated for such property. The Director shall notify parties in writing of the Director's or his/her designee's decision.

B. (1) A person shall have the right to appeal the decision of the Director to the Stormwater Appeals Board. Such appeal shall be made within twenty days of the date the Director notifies the person of the Director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The Stormwater Appeals Board shall consist of the following members: Director of Governmental Services and the City Comptroller.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. Although the standards of a court of law are not necessary for this administrative appeals hearing, generally, the appellant shall present evidence concerning the stormwater utility user fee for the property in question and the Director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The Stormwater Appeals Board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing.

If the decision of the Stormwater Appeals Board is not resolved to the satisfaction of the appellant, the appellant may make a written appeal of the decision of the Stormwater Appeals Board to the Mayor within five days of the receipt of the decision of the Stormwater Appeals Board. Such appeal shall be filed through the City Clerk. Based on the written testimony, reports, file documents, etc., the Mayor shall make a decision within five working days of the receipt of the appeal and provide a written response to the appellant. This response shall serve as the final administrative decision of the City.

The decision of the Mayor shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the state of Kansas by way of the provisions of K.S.A. 602101(d).

15-708. Stormwater Utility User Fee Collection.

A. The operation and maintenance of the stormwater utility shall be combined with the existing water/wastewater utility. The stormwater utility user fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the director for those properties not utilizing other city utilities. The stormwater utility user fee for those properties utilizing other city utilities shall be part of a consolidated statement for utility customers which shall be paid by a single monthly payment. In the event that a partial payment is received, the payment shall be applied to the water and sewer portion of the account first and then to the stormwater utility user fee portion of the account. Unless otherwise provided for herein, all bills for stormwater utility user fees shall become due and payable in accordance with sections of the code of the city and with rules and regulations that pertain to the Haysville water and sewer utility that relates to the collection of utility charges. Stormwater utility user fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If the property is not using water and/or sewer services, then stormwater utility user fees shall be the responsibility of the person in possession of the property, unless other arrangements are made. If no person is in possession of the property, then the stormwater utility user fees shall be the responsibility of the property owner. The property owner is responsible for the stormwater utility user fees not paid by the occupant.

B. Stormwater utility user fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the city, failure of any user of the stormwater management system to pay such charges promptly when due shall subject such user to discontinuance of water services and the Director of Governmental Services, or his/her designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provision(s) applicable to Water and Sewer Utility Services.

C. Stormwater utility user fees authorized to be charged in this chapter when delinquent may be certified by the clerk of the city to the county clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, there after, constitute a lien upon the real estate served by the stormwater utility and against which such charges were made, regardless of whether the stormwater utility user fees were incurred when a property owner was in possession of the property or a nonowner was in possession of the property.

15-709. Stormwater Utility Fund.

Stormwater utility user fees collected by the city shall be paid into an enterprise, special revenue fund, and/or reserve fund which will be known as the "stormwater utility fund." Such fund shall be used for the purpose of paying the extension and replacement, operations and maintenance and debt service of the stormwater management system and to carry out all other purposes of the utility.

15-710. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 8.
STORMWATER MANAGEMENT REGULATIONS

15-801. General provisions.

A. Purposes. The purpose and objective of this chapter are as follows:

1. To maintain and improve the quality of surface water and groundwater within the city;
2. To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city;
3. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
4. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
5. To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the city;
6. To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.

B. Administration. Except as otherwise provided in this chapter, the Director, or his appointed representative, shall administer, implement, and enforce the provisions of this chapter.

C. Abbreviations. The following abbreviations when used in this chapter shall have the designated meanings:

BMP	Best Management Practices
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
HHW	Hazardous Household Waste
mg/l	Milligrams per liter
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank
SWP3	Stormwater Pollution Prevention Plan
USC	United States Code

D. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

1. "Best management practices (BMPs)" mean schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the city's MS4. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas. The BMPs required in this chapter will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches or ponds.
2. "City" means the city of Haysville, Kansas.
3. "Commencement of construction" means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. "Commercial" means pertaining to any business, trade, industry, or other activity engaged in for profit.
5. "Construction general permit." See "Kansas general permit for stormwater discharges from construction sites."
6. "Contractor" means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.
7. "Director" means the Director of Public Works, or his or her duly authorized representative.
8. "Discharge" means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.
9. "Discharger" means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.
10. "Domestic sewage" means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.
11. "Earthwork" means the disturbance of soils on a site associated with clearing, grading or excavation activities.
12. "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.
13. "Extremely hazardous substance" means any substance listed in the appendices to 40 CFR Part 355, emergency planning and notification.

14. “Facility” means any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.
15. “Fertilizer” means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.
16. “Final stabilization” means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of seventy percent coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions or geotextiles).
17. “Fire protection water” means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
18. “Garbage” means putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
19. “Harmful quantity” means the amount of any substance that will cause a violation of a State Water Quality Standard or any adverse impact to the city’s drainage system.
20. “Hazardous household waste (HHW)” means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(h)(1), would be classified as a hazardous waste under 40 CFR Part 261.
21. “Hazardous substance” means any substance listed in Table 302.4 of 40 CFR Part 302.
22. “Hazardous waste” means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
23. “Hazardous waste treatment, disposal, and recovery facility” means all contiguous land, and structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.
24. “Individual building sites” mean and include sites of building construction or earthwork activities that are not a part of a new subdivision development and any individual lot within a newly developing subdivision.
25. “Industrial General Permit.” See “Kansas general permit for stormwater discharges associated with industrial activity.”
26. “Industrial waste” means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.
27. “Industry” means and includes: (a) municipal landfills; (b) hazardous waste treatment, disposal, and recovery facilities; (c) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (d) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity.

28. “Kansas general permit for stormwater discharges associated with industrial activity” and “Industrial general permit” mean the industrial general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
29. “Kansas general permit for stormwater discharges from construction sites” and “construction general permit” mean the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
30. “Landfill” means an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, or an injection well.
31. “Municipal separate storm sewer system (MS4)” means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, drainage easements or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
32. “Municipal solid waste” means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.
33. “NPDES permit” means for the purpose of this chapter, this is a permit issued by EPA or the state of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
34. “Nonpoint source” means the source of any discharge of a pollutant that is not a point source.
35. “Notice of intent (NOI)” means the notice of intent that is required by either the industrial general permit or the construction general permit.
36. “Notice of termination (NOT)” means the notice of termination that is required by either the industrial general permit or the construction general permit.
37. “Notice of violation” means a written notice provided to the owner or contractor detailing any violations of this chapter and any clean-up action expected of the violators.
38. “Oil” means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.
39. “Owner” means the person who owns a facility, part of a facility or land.
40. “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns, including all federal, state and local governmental entities.
41. “Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant or desiccant.
42. “Petroleum product” means a petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle, or

aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

43. "Petroleum storage tank (PST)" means any one or combination of aboveground or underground storage tanks that contain petroleum product and any connecting underground pipes.
44. "Point source" means any discernable, confined, and discrete conveyance including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
45. "Pollutant" means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, anti-freeze, litter, and industrial, municipal, and agricultural waste discharged into water.
46. "Pollution" means the alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation or property, or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
47. "Qualified personnel" means persons who possess the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.
48. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.
49. "Reportable quantity (RQ)" means, for any hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; for any extremely hazardous substance, the quantity established in 40 CFR Part 355.
50. "Rubbish" means nonputrescible solid waste, excluding ashes, that consist of: (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred to one thousand eight hundred degrees Fahrenheit).
51. "Sanitary sewer" means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).
52. "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

53. “Service station” means any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from pumps.
54. “Sewage” means the domestic sewage mid and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.
55. “Site” means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
56. “Solid waste” means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including: solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, agricultural operations, and community and institutional activities.
57. “State” means the state of Kansas.
58. “Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
59. “Stormwater discharge associated with industrial activity” means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR Section 122.26(b)(14), and which is not excluded from EPA’s definition of the same term.
60. “Stormwater pollution prevention plan (SWP3)” means a plan required by a NPDES stormwater permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.
61. “Subdivision development” means and includes activities associated with the platting of any parcel of land into two or more lots and includes all construction taking place thereon.
62. “Used oil (or used motor oil)” means any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage or handling; has become unsuitable for its original purpose because of impurities or the loss of original properties.
63. “Water of the state” and “water” mean any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.
64. “Water quality standard” means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses.
65. “Waters of the United States” mean all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the

United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

66. "Wetland" means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
67. "Yard waste" means leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

15-802. General prohibition.

A. No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater, except as allowed in subsection B of this section.

B. The following non-stormwater discharges are deemed acceptable and not a violation of this section:

1. A discharge authorized by, and in full compliance with, a NPDES permit (other than the NPDES permit for discharges from the MS4);
2. A discharge or flow resulting from emergency firefighting;
3. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
4. A discharge from water line flushing;
5. A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
6. A discharge or flow from a diverted stream flow or natural spring;
7. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
8. Uncontaminated groundwater infiltration;
9. Uncontaminated discharges or flow from a foundation drain, crawl space pump, footing drain or sump pump;
10. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
11. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
12. A discharge or flow from individual residential car washing;
13. A discharge or flow from a riparian habitat or wetland or natural spring;
14. A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

15. Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
16. Swimming pool water that has been dechlorinated so that it contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
17. Heat pump discharge waters (residential only).

C. Notwithstanding the provisions of subsection B of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director to be a source of pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice.

15-803. Specific prohibitions and requirements.

A. The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in Section 13.24.020 of this chapter.

B. No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a KDHE water quality standard, the city's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.

C. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced the following substances into the MS4:

1. Any used motor oil, antifreeze or any other petroleum product or waste;
2. A harmful quantity of industrial waste;
3. Any hazardous waste, including household hazardous waste;
4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
5. Any garbage, rubbish or yard waste;
6. Wastewater that contains a harmful quantity of soap, detergent, degreaser, solvent, or surfactant based cleaner from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment, by a business or public entity that operates more than five such vehicles;
7. Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
8. Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any surfactant based cleaner;

9. Any wastewater from commercial floor, rug, or carpet cleaning;
10. Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
11. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;
12. Any ready-mixed concrete, mortar, ceramic, asphalt base material or hydromulch material, or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
13. Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;
14. Any swimming pool water containing a harmful level of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
15. Any discharge from water line disinfection by super chlorination if it contains a harmful level of chlorine at the point of entry into the MS4 or waters of the United States;
16. Any water from a water curtain in a spray room used for painting vehicles or equipment;
17. Any contaminated runoff from a vehicle wrecking yard;
18. Any substance or material that will damage, block, or clog the MS4; or
19. Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received a NPDES permit from the state.

D. No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.

E. No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.

F. Regulation of Pesticides and Fertilizers.

1. No person shall use or cause to be used any pesticide or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.

2. No person shall dispose of, discard, store, or transport a pesticide or fertilizer, or its container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.

G. Used Oil. No person shall discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater or water course.

H. Vegetative Waste and Structures.

1. No person shall construct, maintain, or allow any natural or non-natural structures or vegetative barriers including but not limited to trees, shrubbery, berms, fences (including chain link), and walls upon any MS4 which, the Director finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.
2. No person shall deposit leaves, grass, trash or other such materials upon any MS4 if such deposit shall be determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.
3. No owner or occupant of property which abuts upon any MS4 shall permit or allow the accumulation of leaves, grass, trash or other such materials upon such MS4 if such accumulation is determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.

I. Cleanup.

1. Should it be determined by the Director that any person or business has allowed any pollutant into the MS4 or waters of the United States, immediate measures will be taken by the responsible party to remove the pollutants. If the pollutants are not removed within the time period specified by the Director, the city may remove the pollutants and assess the cost thereof to the responsible party. The city may use any legal means to collect such costs, should the responsible party fail to pay such cost within forty-five days.
2. The responsible party may also be issued a citation for such violation of this Code in the manner set forth and described in this Stormwater Code.

15-804. Release reporting and cleanup.

A. Any person responsible for any release of any hazardous material that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

B. As soon as possible following such release, a written report shall be obtained by the Director from all City, County, and State agencies with authority over reporting, cleanup, containment, and any other appropriate remedial action associated with such release.

15-805. Stormwater discharges from construction activities.

A. General Requirements (All Sites).

1. The owners of construction sites shall ensure that best management practices are used to control and reduce the discharge of pollutants into the MS4 and waters of the United States to the maximum extent possible under the circumstances.
2. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of a storm that is one-half inch or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, the best management practices shall be revised as appropriate as soon as practicable. These inspections, along with a description of revisions, will be documented in writing and available for inspection by the Director upon request.
3. Should it be found that soil or pollutants have already or may be carried into the MS4 or waters of the United States, immediate measures will be taken by the owner to remedy the violation and/or remove the pollutants. If the owner fails to remove pollutants within the time period prescribed in the notice of violation from the city, the city may remove the pollutants and assess the cost thereof to the responsible owner. Failure of the owner to pay such costs will be grounds for the denial of further approvals or the withholding of occupancy certificates.
4. When determined to be necessary for the effective implementation of this section, the Director may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (A)(1) of this section that will be implemented at the construction site. Should the proper BMP's not be installed or if the BMP's are ineffective, upon reasonable notice to the owner, the city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy.
5. The owner of a site of construction activity is responsible for compliance with the requirements in this subsection. In the case of new subdivisions, builders on individual lots can operate under the developer's NPDES permit if the developer's SWP3 deals with individual lots and the contractor's certification has been signed.
6. Any contractor on a construction site will also be required to use best management practices so as to minimize pollutants that enter into the MS4.

7. All persons shall avoid damaging BMP devices once in place. Any person damaging a BMP device shall be responsible for the repair of the damaged BMP device. Malicious destruction of a BMP device or failure of such responsible person to repair BMP device will be deemed a violation of this chapter.

B. Sites Requiring Federal and/or State NPDES Stormwater Discharge Permits. All owners of and contractors on sites of construction activity, that require a federal or state NPDES stormwater discharge permit, or that are part of a common plan of development or sale requiring such permit(s), shall comply with the following requirements (in addition to those in subsection A of this section):

1. Any owner who intends to obtain coverage for stormwater discharges from a construction site under the Kansas general permit for stormwater discharges from construction sites ("the construction general permit") shall submit a signed copy of its notice of intent (NOI) and Stormwater Runoff Management Plan to the Director when a building permit application is made. If the construction activity is already underway upon the effective date of this chapter, the NOI shall be submitted within thirty days. When ownership of the construction site changes, a revised NOI shall be submitted within fifteen days of the change in ownership.
2. A stormwater pollution prevention plan (SWP3) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this chapter and any other city chapter.
3. The SWP3 shall be prepared by a qualified personnel and shall comply with State NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the permit issued.
4. The SWP3 shall be completed prior to the submittal of the NOI to the Director and for new construction, prior to the commencement of construction activities. The SWP3 shall be updated and modified as appropriate and as required by the NPDES permit.
5. The Director may require any owner who is required by subsection (B)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review at any time.
6. Upon the Director's review of the SWP3 and any site inspection that he or she may conduct, if the SWP3 is not being fully implemented, the Director or his or her representative may upon reasonable notice to the owner, deny approval of any building permit, grading permit, site development plan, final occupancy certificate, or any other city approval necessary to commence or continue construction. A stop work order may also be issued.
7. All contractors working on a site subject to a NPDES permit shall sign a copy of the following certification statement before beginning work on the site: "I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with construction activity from the construction site identified as part of this certification and with the stormwater pollution prevention ordinance of the city, and I agree to implement and follow the provisions

of the Stormwater Pollution Prevention Plan (SWP3) for the construction site." The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. All contractors will be responsible for their own activities to ensure that they comply with the owners' SWP3. Failure to comply with the SWP3 or malicious destruction of BMP devices is deemed to be a violation of this chapter.

8. The SWP3 and the certifications of contractors required by subsection (B)(7) of this section, and with any modifications attached, shall be retained at the construction site from the date of construction commencement through the date of final stabilization.
9. The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit issued or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or this chapter which are not being met by the SWP3, and identify which provisions of the SWP3 require modification in order to meet such requirements. Within thirty days of such notification from the Director, the owner shall make the required changes to the SWP3 and shall submit to the Director a written certification from the owner that the requested changes have been made.
10. The owner shall amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWP3, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
11. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of the storm that is one-half inch or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
12. Based on the results of the inspections required by subsection (B)(11) of this section, the pollution prevention measures identified in the SWP3 shall be revised as appropriate. Such modifications shall provide for timely implementation of any changes to the SWP3 within ten calendar days following the inspection.
13. A report summarizing the scope of any inspection required by subsection (B)(11) of this section, and the names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3, and actions taken in accordance with subsection (B)(12) of this section shall be made and retained on site

as part of the SWP3. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWP3, the facility's NPDES permit, and this chapter. The report shall be certified and signed by the person responsible for making it.

14. The owner shall retain copies of any SWP3 and all reports required by this chapter or by the NPDES permit for the site, and records of all data used to complete the NOI for a period of at least three years from the date that the site is finally stabilized.
15. Upon final stabilization of the construction site, the owner shall submit written certification to the Director that the site has been finally stabilized. The city may withhold the final occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the Director has determined, following any appropriate inspection, that final stabilization has occurred and that any required permanent structural controls have been completed.

15-806. Stormwater discharges associated with industrial activity.

All operators of: (1) municipal landfills; (2) hazardous waste treatment, disposal, and recovery facilities; (3) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (4) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity, shall comply with the following requirements:

A. Any owner who intends, after the effective date of this chapter, to obtain coverage for a stormwater discharge associated with industrial activity under the Kansas general permit for stormwater discharges associated with industrial activity ("the industrial general permit") shall submit a signed copy of its notice of intent (NOI) to the Director.

B. When required by their NPDES permit, all industries listed in this section shall prepare a stormwater pollution prevention plan (SWP3) and implement such plan in accordance with the requirements of their state or federal NPDES permit.

C. The SWP3, when required, shall be prepared and signed by a qualified individual and will comply with all state NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the NPDES permit.

D. The SWP3, when required, shall be updated and modified as appropriate and as required by the NPDES permit and this chapter.

E. A copy of any NOI that is required by subsection (A)(1) of this section shall be submitted to the city in conjunction with any application for a permit or any other city approval necessary to commence or continue operation of the industrial facility.

F. The Director may require any operator who is required by subsection (A)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review.

G. Upon the Director's review of the SWP3 and any site inspection that he or she may conduct, the Director may upon reasonable notice to the owner, deny approval necessary to commence or continue operation of the facility, on the grounds that the SWP3 does not comply with the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Also, if at any time the Director determines that the SWP3 is not being fully implemented, upon reasonable notice to the owner, he or she may deny approval of any application for a permit or other city approval necessary to commence or continue operation of the facility.

H. The SWP3, if required, with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required notice of termination (NOT) has been submitted.

I. The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or chapter, which are not being met by the SWP3, and identify which provisions require modification in order to meet such requirements. Upon thirty days of such notification from the Director, the owner shall submit to the Director a written certification that the requested changes have been made.

J. The owner shall amend the SWP3, if required, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.

K. As may be required by the facilities NPDES permit, qualified personnel (provided by the owner) shall inspect equipment and areas of the facility specified in the SWP3 at appropriate intervals or as may be specified in their NPDES permit. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.

L. Industrial facilities will implement a sampling and testing program as required by their individual NPDES permits. The Director may require written reports of any such monitoring and testing to be submitted to him or her.

M. The owner shall retain the SWP3 and all sampling and testing reports until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or the operator is no longer operating the facility, and a notice of termination (NOT) has been submitted.

N. For discharges subject to the semi-annual or annual monitoring requirements of the industrial general permit, in addition to the records-retention requirements of this chapter, owners are required to retain for a six year period from the date of sample collection, records of all sampling and testing information collected. Owners must submit such monitoring results, and/or a summary thereof, to the Director upon his or her request.

O. After the effective date of this chapter, no stormwater discharge shall contain any hazardous metals in a concentration that would result in the violation of any Kansas Surface Water Quality Standard.

15-807. Ditches and ponds.

A. Duty to Maintain. The owner of any private drainage ditch or pond that empties into the city's MS4 or the waters of the United States has a duty to use BMPs on the ditches or pond to minimize the pollutant levels downstream. Such BMPs include, but are not limited to, removing excessive build-up of silt, repairing bank erosion, maintaining vegetative cover, the cleaning of inlet and outlet works, and the like.

B. Inspection and Notice by City. The city will periodically inspect these privately owned ditches and ponds. Should conditions be found that cause the pollution of downstream receiving waters, the Director shall so notify the owners, and state what actions are expected by the owners to remedy the problem.

C. Failure to Repair. Should the owners fail to make the necessary repair within one hundred twenty days after notice, the city is authorized to do the repairs at the expense of the owner. Should the owner fail to reimburse the city for the cost of the repairs upon demand, the city may assess the cost thereof to the owner and initiate any collection proceedings authorized by law.

15-808. Compliance monitoring.

A. Right of Entry. The Director or his or her authorized representatives, shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States at any reasonable time to determine if the discharger is complying with all requirements of this chapter, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. The director or his designee is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her by this Code

and may apply to a court of competent jurisdiction for an order granting such entry in the event it is denied.

B. Records. Subject to the requirements of subsection A of this section, dischargers shall make available, upon request, any SWP3s, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

C. Sampling. The Director shall have the right to set up on the discharger's property such devices that are necessary to conduct sampling of stormwater discharges.

15-809. Subdivision development.

A. The developer of any subdivision requiring a federal or state NPDES stormwater discharge permit will be responsible for obtaining the required permit and developing and implementing an overall SWP3 for the subdivision. Such SWP3 shall include BMPs to be used on individual lot building sites.

B. City contractors installing public streets; water, sanitary sewer, storm sewer lines; and/or sidewalks will be required to comply with the developers' SWP3s and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the city shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

C. Any utility company installing utilities within a new subdivision will also be required to comply with the developers' SWP3's and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the utility company shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

D. The purchasers or individual lots within the subdivision for construction purposes shall comply with the developers' SWP3 and shall sign a certification statement agreeing to do so.

15-810. Enforcement actions.

A. The discharge of, or potential discharge of, any pollutant to the MS4 or waters of the United States; failure to properly apply for a federal or state stormwater discharge permit; the failure to prepare or implement a SWP3 when required by a federal or state permit; the failure to use effective BMP devices; the malicious destruction of BMP devices; failure to repair BMP devices; the failure to comply with any directive, citation, or order issued under this chapter; are violations of this chapter for which enforcement action may be taken.

B. The enforcement actions to be taken under this chapter are as follows:

1. Criminal Penalty. Any person violating any provision of this chapter shall be prosecuted in the City's municipal court as set forth below. First and second offenses shall be prosecuted as code violations punishable by a fine of not more than one thousand dollars. Third and subsequent convictions of violations of the City's stormwater regulations shall be misdemeanors, punished by a fine of not more than one thousand dollars and/or by imprisonment for not more than six months, or by both such fine and imprisonment. Each and every day during which any violation of any provision of this chapter is committed, continued, or permitted is a separate violation.
2. Stop Work Order. Notwithstanding other penalties provided by this chapter, whenever the Director, or their designees, finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this chapter or any order issued thereunder, the Director may after reasonable notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Such order should also be distributed to all city departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the city associated with the building permit, grading permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this chapter and grounds for refusal to issue the Contractor any construction permits for future projects.
3. Administrative Penalty Process.
    a. When the Director finds that any stormwater discharger has violated or continues to violate the provisions set forth in this chapter, or the discharger's NPDES permit or any order issued thereunder, the Director may issue an order for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the MS4.
    b. The Director, with the approval of the Governing Body, is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.
    c. Notwithstanding any other remedies or procedures available to the city, any discharger who is found to have violated any provision of this chapter, or any NPDES permit or any order issued under this chapter, may be assessed an administrative penalty as follows:

i. Failure to properly apply for a required NPDES permit: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;

ii. Failure to prepare stormwater pollution prevention plan: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;

iii. Failure to install best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;

iv. Failure to maintain best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;

v. Failure to perform required sampling and testing or provide testing reports: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation.

Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Upon assessment of any administrative penalty, the city will bill the violator for such charge and the Director shall have such collection remedies as are available at law. No further construction permits shall be issued to a violator until all such administrative penalties are paid.

15-811. Applicability of enforcement actions.

A. Illegal dumping will be subject to criminal penalties process.

B. Illegal connections will be subject to either the criminal or administrative penalty processes.

C. Industrial violations will be subject to the administrative penalty process.

D. Individual building sites not requiring a federal or state NPDES permit will be subject to the criminal penalty and the stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.

E. Individual building sites requiring a federal or state NPDES permit will be subject to the administrative penalty process.

F. Subdivision developers in subdivisions not requiring a federal or state NPDES permit will be subject to the criminal penalty and stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.

G. Subdivision developers of subdivisions requiring a federal or state NPDES permit will be subject to the administrative penalty process.

H. City contractors and utility companies working on projects not requiring a federal or state NPDES permit will be subject to the criminal penalty process.

I. City contractors and utility companies working on projects requiring federal or state NPDES permit will be subject to the administrative penalty process.

15-812. Hearing and appeal.

Any violator that is subjected to the administrative penalty or stop work order processes may request an administrative hearing and appeal as follows:

A. Any party affected by a penalty, order, directive or determination issued or made, pursuant to this chapter may, within seven days of the issuance of such penalty, order, directive, or determination request a hearing before the Director to show cause why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the Haysville City Clerk, 200 W. Grand, Haysville, Kansas, 67060. The Director or his designee shall hold the requested hearing as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Director shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, directive, or determination issued or made.

B. Any party aggrieved by the decision of the Director may appeal such decision to the Governing Body within seven days of receipt of the decision by filing notice of appeal with the City Clerk. The Governing Body may affirm, modify, or reverse the decision of the Director. Any appeal of the Governing Body's decision shall be as provided by state law.

C. Any hearing or appeal as described in this section to either the Director or Governing Body shall not be required to conform to the rules of a judicial hearing, shall be deemed an administrative hearing or appeal, and shall allow the aggrieved party an opportunity to explain his/her position. A reasonable time limit may be set upon such hearing.

15-813. Enforcement personnel authorized.

The following personnel employed by the city shall have the power to issue notices of violations, criminal citations and implement other enforcement actions under this chapter:

A. The Director and his/her designees;

B. All authorized code enforcement officers.

15-814. Other remedies.

Notwithstanding any other remedies or procedures available to the city, if any person discharges into the MS4 in a manner that is contrary to the provisions of this chapter, or any NPDES permit or order issued hereunder, the city attorney may commence an action for appropriate legal and equitable relief including damages and costs in the district court of Sedgwick County. The city attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

15-815. Falsifying information.

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or any NPDES permit, or who falsifies, or tampers with any monitoring device or method required under this chapter shall, upon conviction in the City's municipal court, be found guilty of a Class A misdemeanor, punished by a fine of not more than two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

15-816. Supplemental enforcement actions.

A. Performance Bonds. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance with this chapter. The city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.

B. Liability Insurance. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value reasonably determined by the Director, that is sufficient to remediate, restore, and abate any damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.

15-817. Severability.

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect.

15-818 Through 15-825 Are Reserved.

SECTION 2. PROCEDURE FOR THE SUBMISSION, REVIEW, AND APPROVAL OF STORMWATER RUNOFF MANAGEMENT PLANS

15-826. **General**. No development shall increase the quantity and rates of stormwater emanating from said land areas except in accordance with an approved stormwater management plan as provided in these regulations. The stormwater management plan shall be prepared by a licensed professional engineer in the state. No building permits shall be issued prior to the approval of the stormwater management plan by the Director. The definitions utilized under 15801 et seq. shall be utilized within this portion of the Haysville Municipal Code.

15-827. Preliminary Stormwater Management Plan.

A. A preliminary stormwater management plan shall accompany all preliminary applications for land development. This preliminary plan shall contain but not be limited to the following information and data:

1. A site plan of suitable scale and contour interval showing topographical information of the land to be developed and adjoining land whose topography may affect the proposed layout or drainage patterns for the development. A general plan of final contours of the site development shall also be shown as shall all existing streams, waterways, channels and the extent of the established floodplains;
2. The location and calculated flow rates of all adjacent storm drainage facilities;
3. A general discussion of the type and characteristics of soils contained in the development area;
4. A discussion of the concepts to be considered in the development to handle anticipated stormwater runoff including the methods to be utilized to detain or control increased stormwater runoff generated by the proposed development;
5. A preliminary plan of proposed storm drainage facilities including preliminary calculations of runoff to be handled by such facilities;
6. A discussion of the possible effects that the proposed development could have on areas adjoining the development.

B. Following the receipt of the preliminary stormwater management plan, a general review meeting shall be conducted and shall include the Director and representatives of the developer and the developer's engineer. The City Engineer and City Planner may be included at the discretion of the Director. The purpose of this review shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed development on existing or future adjacent developments.

15-828. Final Stormwater Management Plan.

A. Following the review of the preliminary stormwater management plan and after the general approval of the preliminary plan by the Director, a final stormwater management plan shall be prepared for each phase of the proposed project as each phase is developed. The submittal of the final plan shall coincide with the application for final approval of the development and shall constitute a refinement of the concepts approved in the preliminary plan. It is important to note that if a project is to be phased, the total area of the conceptual project is to be considered in all calculations and that facilities should be designed for each phase which would be compatible with those of the total development plan. The final stormwater management plan for any development shall include but not be limited to the following additional information unless specifically allowed to be excluded by the Director:

1. A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high-water elevations, the shoreline of lakes, ponds, swamps, and detention basins including their inflow and outflow structures, if any;
2. The location and flowline elevation of all existing sanitary and storm sewers, and the location of any existing sewage treatment facilities, which fall within the project limits and within a distance of five hundred feet beyond the exterior boundaries of the project;
3. Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and review of the criteria which has been used by the design engineer;
4. A layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high-water elevation;
5. The slope, type, size, and flow calculations for all existing and proposed storm sewers and other waterways;
6. For all detention basins, if any, plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;
7. For all detention basins, if utilized, design hydrographs of inflow and outflow for the differential runoff from the site under proposed development conditions;
8. A grading and sediment and erosion control plan for the project site;
9. A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high-water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

B. The final stormwater management plan shall be reviewed by the Director. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the Director shall approve the plan or conditionally approve the plan, setting forth the conditions thereof. If approved, a drainage permit for the development shall be granted. If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations the Director shall disapprove the stormwater management plan. If disapproved, the application and data shall be returned to the applicant for corrective action and resubmittal.

15-829. Design Criteria. Unless otherwise approved, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

A. Methods Of Determining Stormwater Runoff. In determining the amount of stormwater runoff from a development, it is important for the designer to relate the methodology to be used in his calculations to the proportionate size of the tributary watershed area. In developments where the area contributing runoff is twenty-five acres or less, the rational method of calculating the quantity of runoff shall be used. Developments where the area contributing runoff is greater than twenty-five acres and up to two hundred acres shall be designed using the unit hydrograph method. The preferred method of hydrograph development shall be as described in the Soil Conservation Service publication "Urban Hydrology For Small Watersheds" (Technical Release No. 55 - January, 1975). Use of methods other than those described shall be only upon approval of the Director.

B. Development Design. Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

C. Enclosed Systems And Open Channels. The Design Criteria for Storm Drainage Facilities, latest edition, of the city, which by reference is made a part hereof as though repeated verbatim in this ordinance, shall govern the design of enclosed systems and open channels within the city.

D. Methods Of Controlling Downstream Flooding. The Director shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities and an analysis of stormwater runoff prior to and after the proposed development. If the Director determines that the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

E. Downstream Improvements. Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.

F Detention Basins. Temporary detention of stormwater runoff may be used in developments in order to minimize downstream flooding conditions. Generally, stormwater detention basins shall be designed and constructed for the attenuation of the peak rate of runoff to an amount not greater than that occurring prior to development. Temporary storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment or where the site discharges directly into a major stream or system component. The design of temporary detention facilities shall be in accordance with the following design criteria:

1. Storage volume requirements: Sufficient storage volume shall be provided to prevent local flooding damage. Such volume shall be adequate to contain the differential volume of runoff which would result from the design storm occurring on a fully developed site over the maximum allowable release rate. Inflow rates into the storage basin shall be determined utilizing either the rational method or the unit hydrograph method dependent on the development size limitations and methodologies described in subsection (1) of this section. The minimum rainfall event to be utilized in determining the detention storage volume shall be based upon the planned land usage and intensity within the tributary area and shall be as follows:
    (a) Residential development, ten-year rainfall event.
    (b) Commercial and industrial, twenty-five-year rainfall event.
2. Minimum rainfall events shall be based upon the twenty-four-hour point rainfall as indicated in Technical Paper No. 40 published by the Department of Commerce, Weather Bureau.
3. In the event of special circumstances the Director may require the use of storms of greater magnitude. When utilizing the rational method for runoff computations the rainfall intensity (i) and runoff coefficient (c) shall be based upon the area being fully developed in accordance with the planned land usage.
4. Associated with the analysis will be the routing of the storm hydrograph through the basin to determine the effect of the temporary storage on the rate of inflow.
5. As a result of the flood routing procedure, a determination of the required combination to temporary storage volume and outlet control required to reduce post development peak outflows to no more than the maximum allowable release rate may be made.

G. Maximum allowable release rate: The basic design factor used in the determination of the maximum release rate of a detention facility shall be the capability of the downstream system to handle the flow adequately. In general, the maximum release rate shall be defined as the rate of runoff occurring prior to the proposed development taking place and shall be determined mathematically as the runoff resulting from a ten-year return-frequency rainfall calculated using the rational formula. Deviations from the use of this rainfall frequency in design calculations shall be only where approved by the Director. Actual rainfall intensity (i) shall be determined for the time of concentration of the tributary area in its undeveloped and natural state. The runoff coefficient (c) shall likewise be determined for the land in its undeveloped state. In no case shall the release rate exceed the existing "safe" storm drainage capacity of the downstream system or watercourse.

H. Freeboard: The minimum elevation of the top of the detention storage basin embankment shall be at least one foot above the water surface with the emergency spillway flowing at design, or a minimum of two feet above the crest of the emergency spillway.

I. Sediment storage: A sediment storage volume of at least five percent of the total required temporary storage volume for runoff detention shall be provided.

J. Outlet control works: Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer system within twenty-four hours after the end of the design rainfall.

K. Emergency overflow: A method of emergency overflow shall be designed and provided to permit the safe passage of runoff generated from a one-hundred-year storm.

L. Other design considerations: All stormwater detention basins shall be designed with the capability of passing a one-hundred-year hydrograph from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate, but to assure the integrity and safety of the structure.

M. Design data submittal: In addition to complete plans, the following design data shall be submitted to the Director for all projects including temporary detention facilities:

1. Rainfall hydrograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas;
2. Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas;
3. Area: capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas;
4. Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (cfs) as abscissas; as ordinates, and time from the start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

N. Other detention methods: In addition to the above criteria, the following detention methods may be utilized to provide temporary detention storage:

1. Wet-bottom basins: The minimum normal depth of water before the introduction of excess stormwater shall be four feet. If fish are to be used to keep the basin clean, at least one quarter of the area of the permanent pool must have a minimum depth of ten feet. For emptying purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage. All surface area within the fluctuating limits of the basin storage or that which is susceptible to or designed as overflow

areas from storms with a higher return frequency than those utilized in the design of the facility shall be seeded and mulched, sodded or paved.

2. Dry-bottom basins: Where possible these shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding. To facilitate interior drainage, concrete paved swales shall be required from the inflow to the outlet structures.
3. Rooftop storage: Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.
4. Paved parking lots: May be designed to provide temporary storage of stormwater on all or a portion of their surfaces to a maximum depth of nine inches. Outlets will be designed so as to empty the stored waters in such a time to create the least amount of inconvenience to the public. Minimum slopes of one percent and maximum slopes of four percent are to be utilized. The minimum freeboard from the maximum water ponding elevation to lowest sill elevation of adjacent buildings or structures shall be one foot.

15-830. Performance Standards.

A. Stormwater Channel Location. Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include but not be limited to the following:

1. In a depressed median of a double roadway, street, or parkway provided the median is wide enough to permit maximum three-to-one side slopes;
2. Centered on back lot lines or entirely within the rear yards of a single row of lots or parcels;
3. In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. No structures will be allowed to be constructed within or across stormwater channels.

B. Storm Sewer Outfall. The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

C. Lot Lines. Whenever the plans call for the passage and/or storage of floodwater, surface runoff, or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters. No structure may be erected in these areas which will obstruct the flow of stormwater. Additionally, installation of fences and the planting of shrubbery or trees within the areas will not be permitted. Changes in the grade and contours of the floodwater or stormwater runoff channels will not be permitted unless approved in writing by the Director.

D. Manholes. All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood-water or stormwater shall be provided with either a watertight manhole cover or be constructed with a rim elevation of one (1) foot above the high water elevation of the design storm, whichever is applicable to the specific area.

E. Easements. Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city.

F. Drainage Permits. A drainage permit for projects including detention facilities can be granted by the Director only after the final stormwater management plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed.

15-831. General Information Concerning Plans For Grading And Sedimentation And Erosion Control.

A. Prior to the approval and recording of the final subdivision or land development plan, a plan depicting proposed site grading within the development shall be submitted to the Director for review and approval.

B. Stripping of vegetation or earthmoving shall not be permitted nor will building permits be issued prior to approval of this plan by the Director.

C. For major subdivision developments consisting of more than ten lots, the grading plan shall be accompanied by a detailed sedimentation and erosion control plan.

15-832. Grading Plan--Subdivision. The grading plan shall be prepared by a licensed professional engineer in the state. The contents of the plan shall include but not be limited to the following information:

A. Contours of existing grades at intervals not more than five feet. Intervals less than five feet may be required dependent on the character of the topography;

B. Property lines identified as to existing or proposed lot and block number;

C. Elevation and location of nearest bench mark (U.S.G.S. datum);

D. Final grading contours drawn at sufficient intervals of not more than five feet to depict major subdivision drainage patterns. In addition, final grading spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and upon approval of the Director may be revised at the time of plot plan submittal;

D. One-hundred-year floodplain line with elevation;

E. Easement and right-of-way information including drainage easements required for off-site drainage ways;

F. Existing or proposed utility information.

15-833. Grading Plan--Individual Lots. Applications for individual building permits shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into the plot plan and shall contain as a minimum, the following information:

A. Property lines identified as to existing or proposed lot and block number, and/or proposed or assigned street address with distances to property Lines, building setback lines, easements;

B. Proposed location of structure;

C. Proposed type of structure (i.e. bi-level, split-level, etc,);

D. Elevations of the top of foundation, proposed grade at principal structure corners and at lot corners, flowline of adjacent gutters, elevations of culverts, inlets, if applicable, and lowest opening "minimum pad elevation", if applicable;

E. Approximate location of drainage swales indicated by directional arrows depicting flow patterns. Spot elevations may be utilized in lieu of arrows. Additional information may be required by the Director to assure protection of adjacent property.

15-834. Minimum Grading Standards.

A. The following minimum criteria for site grading shall apply to all applications for site grading:

1. Protective slopes around structures:
   a. Downward slope from structure foundations to drainage swales,
   b. Minimum gradients:
      i. Impervious surfaces shall be one-eighth inch per foot (one percent), ii. Pervious surfaces shall be one-fourth inch per foot (two percent),
   c. Maximum gradient shall be four horizontal to one vertical for a minimum four feet from foundation walls;
2. Lawn areas:
   a. Minimum gradient shall be one-eighth inch per foot (one percent),
   b. Maximum gradient shall not be greater than three horizontal to one vertical;
3. Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building.

B. In specific cases the use of gradients less than or greater than those specified may be required. Variance from these requirements may be allowed where justified and approved by the Director.

15-835. Sediment And Erosion Control. In major developments, or as specifically required by the Director, a detailed sediment and erosion control plan shall accompany all grading plan applications. The implementation of the approved plan shall be concurrent with site grading activities for the proposed development and shall remain in effect until the completion of the subdivision or development. The plan submitted shall address the type and characteristics of the soils within the development and an indication shall be made of the potential erodibility of the site during construction operations. Methods to prevent sedimentation and erosion of the site shall include, but not be limited to, chemical treatment of the soil, siltation basins, mulches and netting. Protective measures proposed to be utilized should be dependent upon the degree of erodibility of the site.

15-839. Appeals. Any person aggrieved by a decision of this chapter shall have the right to appeal in the manner set forth in Haysville Municipal Code 15-812.

15-840. Penalty for Violations--Actions. The violation of any provision of this Code is a misdemeanor, enforceable under any of the provisions of Haysville Municipal Code 15-810, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a

fine not to exceed Five Hundred Dollars ($500.00); and the city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this Code shall continue shall constitute a separate offense.

15-841. Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect.

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CHAPTER XVII. FEE SCHEDULE

Article 1. Charges, Taxes, Fees and Certain Salaries
Article 2. Expiration and Renewal
Article 3. Specific Charges, Taxes, Fees and Certain Salaries

ARTICLE 1.
CHARGES, TAXES, FEES AND CERTAIN SALARIES

17-101. CHARGES, TAXES AND FEES ESTABLISHED. Unless established elsewhere in this code, there are hereby established by chapter section the amounts of various charges and fees required by this code to be paid to the city.

ARTICLE 2.
EXPIRATION AND RENEWAL

17-201. EXPIRATION AND RENEWAL. Unless expressly provided otherwise by this code, all annual licenses shall expire on December 31 of each year, irrespective of the date of original issuance. All license renewal fees shall become due on December 1st of each year, and shall be overdue if paid after January 1st of the year for which the renewal license is issued.

ARTICLE 3.
SPECIFIC CHARGES, TAXES, FEES AND CERTAIN SALARIES

17-301. ADULT ENTERTAINMENT ESTABLISHMENTS. The annual license fee required by section 5-704 of this code for adult entertainment establishments shall be two hundred fifty dollars ($250.00).

17-302. ADULT HOTELS. The annual license fee required by section 5-704 of this code for adult hotels shall be two hundred fifty dollars ($250.00).

17-303. ALCOHOLIC LIQUOR; TEMPORARY PERMITS TO SELL OR SERVE. The fee required by section 3-420 of this code to be paid to the city by each applicant for a temporary permit to sell or serve alcoholic liquor by the drink (including beer

containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) shall be one hundred dollars ($100.00) (K.S.A. 41-310 et seq.).

17-304. AMUSEMENT CENTERS, BILLIARD HALLS, AND POOL HALLS. (a) The annual license fee required by section 5-204 of this code for amusement centers, billiard halls, and pool halls shall be fifty dollars ($50.00), shall become due on December 1st of each year, and shall be overdue if paid after January 1st of the year for which the renewal license is issued, and shall authorize a maximum of five (5) billiard or pool tables, a maximum of five (5) domino tables, and a maximum of ten (10) coin-operated amusement devices which are not billiard, pool or domino tables. Any additional pool, billiard or domino tables, or other coin-operated amusement devices shall be subject to an annual fee of $7.50 per table or device payable together with the annual fifty dollar ($50.00) minimum licensing fee as described above. Tables or devices not in use shall be dismantled, removed, or a license fee paid therefore pursuant to this section.

(b) The special supervision fee provided for by section 5-212 of this code shall be assessed at the rate of thirty-five dollars ($35.00) for each hour, or fraction thereof, that special supervision is required and provided.

17-305. RESERVED.

17-306. ANIMAL IMPOUNDMENTS. The animal impound fees required to be paid by section 2-211 of this code are separate from fines or costs assessed for conviction of any section of this code, and shall be charged to the individual claiming such animal from the City's impound facility. The fees as provided in this section shall be:

(a) First impoundment. A twenty five dollars ($25.00) impound fee, together with a food fee of one dollar ($1.00) per day for each day of impoundment, shall be charged for each animal impounded for the first time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars ($5.00) per day of impoundment.

(b) Second impoundment, within the same calendar year. A fifty dollar ($50.00) impound fee, together with a food fee of one dollar ($1.00) per day for each day of impoundment, shall be charged for each animal impounded for a second time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars ($5.00) per day of impoundment.

(c) Third impoundment, within the same calendar year. A seventy five dollar ($75.00) impound fee, together with a food fee of one dollar ($1.00) per day for each day of impoundment, shall be charged for each animal impounded for a third time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars ($5.00) per day of impoundment.

(d) Fourth and subsequent impoundments, within the same calendar year. A one hundred dollar ($100.00) impound fee, together with a food fee of five dollars ($5.00)

per day for each day, or partial day, of impoundment, shall be charged for each animal impounded for a fourth and any subsequent time within a calendar year.

(e) All impound fees and City animal registration fees shall be collected by the City, and the receipt shown to the City Animal Control Officer(s) or their designee, prior to any animal being released from impound. Such fee may only be waived by court order.

(f) Owners/harborers of impounded animals shall not avoid liability for the costs incurred in impoundment of their animal by failing to recover such animal(s) from the City or due to lawful destruction of the animal pursuant to any provision of this Code. Such fees are administrative and mandatory and are separate from any sentence imposed in an action for violation of this code. Such unpaid fees may be submitted to the municipal court for collection as part of a code violation or to the city clerk for collection in the manner of unpaid utilities.

(Code 2015)

17-307. AUCTIONS. Each applicant to whom the city clerk issues an auction permit pursuant to section 5-502 of this code shall pay to the city clerk a permit fee of fifty dollars ($50.00).

17-308. RESERVED. ~~BICYCLE LICENSES. The annual license fee for each bicycle required to be licensed by section 14-203 of this code shall be five dollars ($5.00)~~.

17-309. BOARD OF ZONING APPEALS; FEES. For the purpose of defraying costs of the board of zoning appeals (BZA) proceedings, the governing body establishes the following schedule of fees to be paid at the time of filing for the application:

(a) Appeals of administrative interpretations. A filing fee of $100.00 and a publication fee of $50.00.

(b) Variances. A filing fee of $100.00 and a publication fee of $50.00.

17-310.1. BUILDING PERMITS. Fees for building permits shall be set forth in the Commercial and Residential Building Code as adopted by the City of Haysville

(Code 2015)

17-311. BUILDING REINSPECTION FEE/NON-BUSINESS HOURS. There shall be charged for the re-inspection of any building pursuant to section 4-202 of this code an inspection fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, of such re-inspection.

17-312. BUSINESS REGISTRATION FEES. Each person, firm, association, corporation or entity required by section 5-101 of this code to register with the city shall pay to the city an initial registration fee of ten dollars ($10.00) and shall each year thereafter pay

an annual registration renewal fee of five dollars ($5.00). Registration fees shall become due on December 1st of each year, and shall be overdue if paid on or after January 1st of the year for which the renewal registration is issued. A ten dollar ($10.00) late fee shall be assessed on January 1st, and an additional ten dollar ($10.00) late shall be assessed for every subsequent month such fee is overdue, beginning on the first of each subsequent month. The cumulative amount of late fee is due at the time such business registration is made current by payment of the registration fee.

(Code 2015)

17-313. CATERERS SELLING OR SERVING ALCOHOLIC LIQUOR. The biennial fee required by section 3-415 of this code to be paid to the city clerk by each applicant for a caterer's license authorizing said applicant to sell or serve alcoholic liquor by the drink (including beer containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) shall be five hundred dollars ($500.00). (Code 2012)

17-314 CEREAL MALT BEVERAGES. The annual license fees required for the sale at retail of cereal malt beverages, as required by section 3-103 of this code, shall be as provided in this section.

(a) General Retailer. For each place of business selling cereal malt beverages at retail (as set forth within K.S.A. 41-2702(d)(1)) there shall be an initial license fee of one hundred and fifty dollars ($150.00) which shall be valid for the balance of the calendar year for which it was issued. Licenses are issued for the calendar year and must be renewed prior to January 1st of each year. An annual renewal fee shall be one hundred and fifty dollars ($150.00) if the renewal license fee is paid prior to November 30th of the preceding year; and two hundred dollars ($200.00) if the renewal license fee is paid any after November 30th of the preceding year.

(b) Limited Retailer. Each place of business selling cereal malt beverages (as set forth within K.S.A. 41-2702(e)) at retail in original and unopened containers, and not for consumption on the business premises, shall pay an initial license fee of fifty dollars ($50.00) which shall be valid for the balance of the calendar year for which it was issued. An annual renewal fee shall be fifty dollars ($50.00) and shall be due and collectable any time after November 30th of the year prior to which the license shall be valid. Licenses are issued for the calendar year and must be renewed prior to January 1st of each year.

(c) The annual license fee for such license shall be in addition to the State Stamp fee of $25 mandated by K.S.A. 41-2702(e).

(d) The full amounts of the license fees established by this section shall be paid regardless of the time of the year in which the application is made, and the licensee shall be authorized to operate under said license only for the remainder of the calendar year in which the license is issued. No refunds shall be paid in the event a licensee ceases to do business prior to the end of the calendar year in which the fee was paid.

(e) Non-transferability. No license issued under this section shall be transferable to any person, or entity.

(f) Change of location. The fee assessed for changing the location of a business for which a cereal malt beverage license has been issued as provided for by Section 3-113 of this code shall be ten dollars ($10.00).

(g) Special Event Retailers' Permit. The assessed fee for a Special Event Retailers' Permit shall be one hundred dollars per day of operation of the Special Event site. For purposes of determining the fee amount, each day or part of day shall be subject to the daily operating fee. Such amount shall be payable by permittee within seven days following approval by the Governing Body of the Special Event Retailers' Permit application, but in no case less than five (5) days prior to the proposed special event. A Special Event Retailers' Permit is not valid until such fee is paid, and a permit is obtained from the City Clerk.

(Code 2015)

17-315. COMMUNITY BUILDING. The city shall charge and receive for the use of the community building pursuant to section 12-107 of this code the fees provided for in this section.

(a) Refundable deposit. Each person or entity applying to use the community center shall pay at the time of application a refundable deposit of fifty dollars ($50.00) to secure payment of any damages or cleanup costs incurred by the city for such use. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the applicant.

(b) Single use. The fee for a single, non-recurring use of the community building shall be seventy five dollars ($75.00) for persons residing in the city or business located therein, and one hundred dollars ($100.00) for all others.

(c) Monthly use. The fee for use of the community building once per month shall be six hundred seventy five dollars ($675.00) per year for persons residing in the city or business located therein, and (nine hundred ($900.00) per year for all others.

(d) Twice-monthly use. The fee for use of the community building twice per month shall be one thousand three hundred fifty dollars ($1,350.00) per year for persons residing in the city or business located therein, and one thousand eight hundred dollars ($1,800.00) per year for all others.

(e) Weekly use. The fee for use of the community building once per week shall be two thousand nine hundred twenty five dollars ($2,925.00) per year for persons residing in the city or business located therein, and three thousand nine hundred dollars ($3,900.00) per year for all others.

(Code 2003; Code 2007)

17-316. CONDITIONAL USE PERMITS. A filing fee of two hundred dollars ($200.00) and a publication fee of seventy-five dollars ($75.00) shall be paid to the city clerk upon the filing of each application for each lot, tract, or parcel included in the application for the purpose of defraying the costs of the proceedings prescribed in Article 7, Section 702 of the Zoning Regulations of the City of Haysville, Kansas. A written receipt shall be

issued to the person making such payment and records thereof shall be kept in such a manner prescribed by law.
(Code 2007)

17-317. CONTRACTORS PERFORMING WORK WITHIN THE CITY. Contractors shall pay to the city clerk, prior to performing any work within the city, fees in accordance with the following schedule:

Class A Contractor	$125.00	(over $30,000)
Class B Contractor	$100.00	($30,000 or less)
Class C Contractor	$ 75.00	(Roofing & Siding)
Class D Contractor	$ 50.00	(Porch & Fencing)
Pool Contractor	$ 50.00	
Wrecking Contractor	$ 30.00	
Concrete Contractor	$ 30.00	
Drain Layer	$ 50.00	
Drain Cleaner	$ 20.00	
Electrical Contractor		
License	$ 75.00	
Master Certificate	$ 20.00	
Journeyman's Certificate/	$ 10.00	
Mechanical Contractor		
License	$ 75.00	
Master Certificate	$ 20.00	
Journeyman's Certificate	$ 10.00	
Certificate Fee	$ 5.00	
Plumbing Contractor		
License	$ 75.00	
Master Certificate	$ 20.00	
Journeyman's Certificate	$ 10.00	
Certificate Fee	$ 5.00	
Water Treatment	$ 30.00	
Solar Heat	$ 30.00	
Fire Sprinkler	$ 30.00	
Gas Fitter	$ 20.00	
Irrigation		
License	$ 50.00	
Master Certificate	$ 20.00	
Journeyman's Certificate	$ 10.00	
Swimming pools	$ 50.00	
Right Of Way Maintenance	$ 25.00	

Submitted after February 15th $ 75.00

(Code 2003; Code 2007; Code 2012)

17-318. COUNCILPERSONS SALARY. The monthly salary to be paid to each city councilperson pursuant to section 1-308 of this code shall be one hundred dollars ($100.00).

(Code 2003; Code 2007)

17-319. COURT FEES; MISCELLANEOUS. The following fees are hereby adopted to defray the costs associated with the following specific processes carried out by the municipal court.

(a) Diversions. The fee required to be paid by any defendant requesting a diversion in connection with any case filed in the city municipal court pursuant to section 9-108 of this code shall be one-hundred dollars ($100.00). Said fee shall be non-refundable. Additionally, the fee charged by the providing agency to complete a pre-diversion evaluation shall be paid to the providing agency at the time of such evaluation.

(b) Court costs assessed pursuant to section 9-106 of this code shall be eighty-one dollars ($81.00), which shall include those costs that the City must remit to the State under K.S.A. 12-4117, and docket and administrative fees.

(c) Pre-Sentence Investigations. The fee to be paid to the city by each defendant convicted in the city's municipal court and concerning whom a pre-sentence investigation is ordered shall be $150.00, unless such PSI fee is paid directly to the provider. Probation Administrative fees as set forth within shall be assessed separately from the PSI fee.

(d)	Registered letter fee	$ 10.00
(e)	Notice letter for FTO/FTA	$ 5.00
(f)	Warrant Fee	$ 25.00
(g)	Warrant Service Fee if served other than at court or police station/traffic stop	$ 20.00
	Mileage per Mile for Warrant Service	As determined by State
(h)	Witness Fee (per person)	$ 10.00
	Mileage from home address per Mile for	
(i)	Witness Under Subpoena, Except first 10 miles	As determined by State
(j)	Administration Fee for Post-Conviction Remedy	$ 100.00
(k)	Copying fee for court records (see 17-368 below)	25 cents/page
(l)	Copying fee for each DVD, audio or video tape (see 17-368 below)	$ 25.00

(Code 2012)

17-320. COURT FINES; PUBLIC OFFENSES. Fines for violations of municipal ordinances shall be assessed pursuant to such ordinance, in conformance with K.S.A. 12-4305, the

Uniform Public Offense Code, the Standard Traffic Ordinance, or as otherwise set forth by this Code. The description of offenses contained in this schedule of fines is for reference only and is not a legal definition. Pursuant to K.S.A. 12-4305, the municipal court judge is permitted to impose any fine within the minimum and maximum approved by ordinance.

(Code 2012)

ANIMALS

2-102	Animal at large	
	First offense	$ 25.00
	Second offense, within the same calendar year	$ 50.00
	Third offense, within the same calendar year	$ 75.00
	Fourth and subsequent offense, within the same calendar year	$100.00
2-112	Cruelty or Neglect	$100.00
2-202	Barking dog	$ 25.00
2-201	No tag attached	$ 25.00
2-213	Rabies vaccination required	$ 50.00

NUISANCE OFFENSES

Burning (unlawful)	$500.00

MISCELLANEOUS

Failure to obey notice or summons Class C violation
A sum not exceeding $500.00 and/or one (1) month in custody.

Failure to appear in court Class B violation
A sum not exceeding $1000.00 and/or six (6) months in custody.

(Code 2012)

17-321. CULVERT PERMIT. The permit fee for a culvert within the city shall be sixty dollars ($60.00).

(Code 2003; Code 2007)

17-322. CURB CUT PERMIT. The permit fee for a curb cut within the city shall be fifty dollars ($50.00).

(Code 2003; Code 2007)

17-323. DANCES AND DANCE HALLS. The fee for any dance for which section 5-404 of this code requires a license shall be ten dollars ($10.00) for any dance approved for a

duration not exceeding three (3) days, and fifty ($50.00) for any dance approved for a duration exceeding three (3) days. The licensing fee for any dance hall required to be licensed by this code shall be fifty dollars ($50.00) for the initial license. and fifty dollars ($50.00) for each annual renewal license. Renewal license fees shall become due on December 1st of each year, and shall be overdue if paid after January 1st of the year for which the renewal license is issued. The special supervision fee provided for by Section 5-408 of this code shall be thirty-five dollars ($35.00) per hour.

(Code 2003; Code 2007)

17-324. DOG LICENSES. The annual licensing fee for any license required to be obtained by section 2-201 of this code shall be as provided for by this section, shall expire with the rabies vaccination and shall be renewed with the city within thirty (30) days after the expiration of the rabies vaccination. Such licensing fees shall be as follows:

(a) Unspayed females. The annual license fee for each unspayed female dog shall be twenty dollars ($20.00).
(b) Spayed females. The annual license fee for each properly spayed female dog shall be ten dollars ($10.00).
(c) Non-neutered males. The annual license fee for each non-neutered male dog shall be twenty dollars ($20.00).
(d) Neutered males. The annual license fee for each neutered male dog shall be ten dollars ($10.00).
(e) If thirty (30) or more days have elapsed since the date of the rabies vaccination or thirty (30) or more days have elapsed since the dog became six (6) months old or thirty (30) or more days have elapsed since the dog was acquired, a penalty fee shall be assessed in the amount of two dollars ($2.00) for each month, or portion of month, during which the animal was not licensed pursuant to this code. (Code 2003, Code 2004; Ord. 852, Ord. 862, Ord. 864)

17-325 DOOR TO DOOR SALES. The registration fee required to be paid for persons or entities engaging in door to door sales pursuant to section Chapter 5, Article 13 of this code shall include the cost of background investigations upon up to five individuals. All additional individuals shall be assessed the cost of such background investigation as set forth below.

thirty (30) day permit	$100.00
six (6) month permit	$300.00
one (1) year permit	$500.00
background investigation for each individual not included within permit fee:	$10.00/person

(Code 2003; Code 2007)

17-326. DRAIN CLEANER. There shall be charged twenty dollars ($20.00) for a drain cleaner's license.
(Code 2003; Code 2007)

17-327. DRAIN LAYING REINSPECTION/NON-BUSINESS HOURS; FEE. There shall be charged for the reinspection of any drain laying pursuant to section 4-705 of this code an inspection fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, of such reinspection.
(Code 2003; Code 2007)

17-328. DRINKING ESTABLISHMENTS. Each drinking establishment located in the city and operating pursuant to a drinking establishment license issued by the state of Kansas and the provisions of this code regulating such establishments shall pay to the city a biennial license fee of five hundred dollars ($500.00) pursuant to section 3-407. The city license shall run concurrently with the state drinking establishment license and must be obtained within five (5) days of issuance of the state license. If more than five (5) days elapse before purchase of the city license, a penalty of fifty dollars ($50.00) is hereby established.
(Code 2003; Code 2007; Ord. 976)

17-329. Reserved.

17-330. Reserved.
(Code 2003; Code 2007; Code 2015)

17-331. ELECTION FILING FEE; WAIVER. The filing fee required of each person seeking election to city office pursuant to section 1-206 of this code shall be ten dollars ($10.00), except that no fee shall be required of any such candidate who presents, at the time such person files for election, a petition supporting such person's candidacy signed by fifty (50) qualified electors of the city or by a number of such electors equal to not less than one-percent (1%) of the ballots cast and counted in the most immediately preceding city election, whichever is less.
(Code 2003; Code 2007)

17-332. ELECTRICAL PERMITS. Fees for building permits shall be set for in the Electrical Code as adopted by the City of Haysville and enforced by Sedgwick County.
(Code 2003; Code 2007; Code 2012)

17-333. ELECTRICAL REINSPECTION/NON-BUSINESS HOURS; FEE. There shall be charged for electrical reinspections pursuant to section 4-507 of this code an inspection fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, for such reinspections.

(Code 2003; Code 2007)

17-334. ENTERTAINER. The annual license fee for entertainers, as described in section 3-201 of this code, shall be twenty-five dollars ($25.00), payable to the city clerk.
(Code 2003, Code 2004; Code 2007)

17-335. EROTIC DANCE STUDIOS. The annual license fee required by section 5-803 of this code for erotic dance studios shall be one-hundred dollars ($100.00).
(Code 2003; Code 2007)

17-336. EXCAVATION REINSPECTION/NON-BUSINESS HOURS; FEE. There shall be charged for excavation inspections pursuant to section 13-204 of this code an inspection fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, of such inspections.
(Code 2003; Code 2007)

17-337. EXCAVATION PERMITS. There shall be charged for each excavation permit issued pursuant to section 13-206 of this code the sum of fifty dollars ($50.00).
(Code 2003; Code 2007)

17-338 RESERVED.

17-339. FENCE PERMITS. The fee required by section 4-1108 of this code to be paid to the city by each applicant for a fence permit shall be twenty-five dollars ($25.00).
(Code 2003; Code 2007)

17-340. FINGERPRINT PROCESSING FEES. A processing fee of twenty dollars ($20.00) shall be paid to and collected by the city from each person requesting to be fingerprinted prior to such service being performed pursuant to section 10-104.
(Code 2003; Code 2007)

17-341. FIREWORKS SALES PERMITS. There shall be collected for each location within the city for which a fireworks sales permit has been issued pursuant to section 5-1102 of this code, permit fees based upon the square footage of the structure from which fireworks are to be sold:

(a) For structures not exceeding 400 square feet	$ 2,500.00
(b) For structures having square footage of 401, but not exceeding 800 square feet	$ 5,000.00
(c) For structures greater than 800 square feet, but not exceeding 1,500 square feet	$ 7,500.00
(d) For structures exceeding 1,500 square feet	$10,000.00

For the purposes of this section, square footage shall be determined by the interior dimension measurement of the structure.

(Code 2003; Code 2007)

17-342. HAYSVILLE ACTIVITY CENTER AND POOL USAGE AND RENTAL

Admission and rental fees associated with the Haysville Activity Center and the Dewey Gunzelman Swimming Pool Facility shall be set by the Governing Body. Unless the Governing Body takes action to change any established admission or rental fee, such fees shall remain the same from year to year. The categories of the memberships and admissions shall be as follows:

1. HAC: One Day Admission - Daily rate for one individual

    a. Single: Individuals in the 6th grade or older that are not USD 261 students.

    b. Seniors: Any person over the age of fifty-five (55).

    c. Campus/HMS Student: A current student attending USD 261 Campus, Alternative High School or any Haysville Middle School.

    d. Youth (6 years - 5th Grade): Any person between 6 yrs of age and fifth (5th) grade.

    e. Children (5 Years and younger): Any person aged five (5) years or younger.

    f. Weekly Pass (7 consecutive days): Any individual regardless of age may purchase a weekly pass.

2. HAC: Memberships - Annual (12 months), Six-months (6), and Three-month (3):

    a. Family: A family shall be individuals related to each other and living within the same home and/or claimed as a deduction on current year individual income tax.

    b. Single: Limited to one person.

    c. Senior: Limited to one person, aged fifty-five (55) and older.

    d. Campus HS Student: Any student attending Campus HS or Alternative High School. Limited to one person.

    e. Haysville MS Student: Any student attending Haysville Middle Schools. Limited to one person.

3. HAC: Activity Center Rentals - Center and Community Room/Deposits

a. Center Rental: Rental of the gym and lounge area shall be based on the residency of participants, and the number of participants using the facility.

b. Community Room Rental: Rental of the community room only shall be based on the residency of participants and the number of uses.

c. Damage Deposit: Each person or entity applying to rent the HAC shall pay at the time of application for such use a refundable deposit to secure payment of any damages or cleanup costs incurred by the City in association with such use. Groups not utilizing a DJ or live music shall pay a Damage Deposit of fifty dollars ($50.00). Groups utilizing a DJ or live music shall pay a Damage Deposit of one hundred dollars ($100.00). Any portion of said deposit not used to repair damages or applied toward venue cleanup shall be refunded to the applicant.

4. Dewey Gunzelman Swimming Pool. The categories of swimming pool passes shall be as follows:

a. Daily passes.
   1. Preschooler: less than six (6) years of age;
   2. School Age and Adult: less than sixty-one (61) years of age;
   3. Senior: persons sixty-two (62) years of age or older.

b. Season Passes
   1. A family shall be individuals related to each other and living within the same home and/or claimed as a deduction on current year individual income tax.
   2. Individual: Any single individual, limited to only one person.

c. Ticket books: Ticket books containing twenty (20) daily admission tickets or fifty (50) daily admission tickets.

5. Dewey Gunzelman Swimming Pool Rental and Deposit. The Governing Body shall establish rules and procedures for permitting the swimming pool facility to be rented for private events. Fees for rental of the swimming pool may be based upon the number of people in attendance at the rental event, and whether additional swimming facilities, equipment, and personnel are requested for the event. The deposit and rental fee are due at the time of the rental request. This entire amount will be refunded if the City determines that the requested date(s) are unavailable.

6. Dewey Gunzelman Swimming Pool Rental Deposit. Each person or entity applying to rent the swimming pool shall pay at the time of application a refundable deposit to secure payment of any damages or cleanup costs incurred by the City

arising out of such use. Any portion of said deposit not applied to repairs or cleanup shall be refunded to the applicant. Such deposit shall be as follows:

$50 (Rentals < than 100 people)

$100 (Rentals > 100 people or if a DJ/Band is utilized)

(Code 2003, Code 2004, Code 2007, Code 2009; Ord. 941; Code 2015)

17-343. HISTORIC DISTRICT APPEAL. A fifty dollar ($50.00) fee shall be paid when submitting an application for an appeal to the Historic District Committee.
(Code 2003; Code 2007)

17-344. ICE CREAM VENDOR – MOBILE; LICENSE. Each applicant for an ice cream vendor's license shall be charged an annual license fee of fifty dollars ($50.00) for each vehicle operating within the city limits pursuant to section 5-904.
(Code 2003; Code 2007)

17-345. INSUFFICIENT FUNDS CHECK CHARGE. A service charge of thirty dollars ($30.00) shall be charged for any check returned to the city pursuant to section 1-404.
(Code 2003; Code 2007)

17-346. KENNEL LICENSE. As required by section 2-206 there shall be an annual license fee of one-hundred dollars ($100.00) for any kennel operating in the city.
(Code 2007)

17-347. LANDLORD GUARANTEE. For each landlord guarantee there shall be charged a fee of forty dollars ($40.00).
(Code 2003; Code 2007)

17-348. LANDSCAPE PLAN REVIEW. A fee of one-hundred dollars ($100.00) shall be paid when submitting a landscape plan for review.
(Code 2003; Code 2007)

17-349. MANUFACTURED HOME INSPECTION FEE. For each inspection of a manufactured home prior to occupancy being granted a fee of twenty-five dollars ($25.00) shall be charged and collected pursuant to section 8-106.
(Code 2003; Code 2007)

17-350. MANUFACTURED HOME PARKS, TRAILER PARKS; FEE. For manufactured home parks or trailer parks located within the city limits, there shall be an annual fee in the amount of five dollars ($5.00) for each space, whether occupied or not, pursuant to section 8-107.
(Code 2003; Code 2007)

17-351. MAYOR'S SALARY. The monthly salary to be paid to the mayor of the city pursuant to section 1-307 of this code shall be seven hundred fifty dollars ($750.00).
(Code 2003; Code 2007)

17-352. MECHANICAL PERMITS. Fees for mechanical permits shall be set forth in the Mechanical Code as adopted by the City of Haysville and enforced by Sedgwick County.

17-353. MECHANICAL REINSPECTION/NON-BUSINESS HOURS; FEE. There shall be charged for mechanical re-inspections pursuant to section 4-807 of this code a fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, of such re-inspections.
(Code 2003; Code 2007)

17-354. RESERVED.

17-355. OIL AND GAS WELL DRILLING; APPLICATION AND ANNUAL LICENSE. The fee to be paid to the city clerk by each applicant for a permit to drill an oil or gas well within the city pursuant to section 5-303 of this code shall be five hundred dollars ($500.00). In the event such permit is not granted, the city shall retain and credit to the city general fund the sum of one-hundred dollars ($100.00) to defray the costs of processing such application, and shall refund the balance of the fee to the applicant. In addition to the application fee prescribed by this section, and pursuant to section 5-315 of this code, each applicant to whom a drilling permit is issued shall pay to the city an annual license fee of one hundred fifty dollars ($150.00) for each oil or gas well located within the city and which has not been plugged; each such license shall expire on December 31 of each year and shall be paid by January 1 of each year.
(Code 2003; Code 2007)

17-356. PARK SHELTERS. The fees for use of city park shelters shall be as provided in this section.

(a) For use of the Riggs, Timberlane, Police, Kirby, Orchard Acres, Pear Tree and/or Plagens-Carpenter Park shelters with electricity, twenty dollars ($20.00);
(b) For use of the Riggs, Timberlane, Police, Kirby, Orchard Acres, Pear Tree, Plagens-Carpenter, Brady Shelter and/or Whisler shelters without electricity, ten dollars ($10.00);
(c) For use of the Lions Club Shelter, the sum of thirty-five dollars ($35.00);
(d) For use of the Gazebo, ten dollars ($10.00);
(e) For use of the Band Shell with electricity, twenty dollars ($20.00);
(b) For use of the Band Shell without electricity, ten dollars ($10.00);

(c) For use of Historical District Gazebo, or Home Town Market facility, twentyfive dollars ($25.00). The Home Town Market community open-air market establishes fees for booth rental in a manner established for that program.

(d) The fee charged for a lost key shall be ten dollars ($10.00).

(Code 2003, Code 2004; Code 2007*;* Code 2008)

17-357. PAWNBROKERS AND PRECIOUS METAL DEALERS. The application and subsequent annual license fee required by section 5-1002 of this code to be paid to the city for persons or entities seeking to engage or engaging in the businesses of pawnbroking or dealing precious metals shall be fifty dollars ($50.00).
(Code 2003; Code 2007)

17-358. PERMITS FOR CONSTRUCTION OF PUBLIC SIDEWALKS, CURBS, GUTTERS OR PRIVATE DRIVEWAYS CUTTING THROUGH OR PASSING OVER PUBLIC SIDEWALKS, CURBS OR GUTTERS. The fee required by section 13-105 of this code for permits for the construction of public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, curbs or gutters shall be forty cents ($0.40) per lineal foot for all such construction.
(Code 2003; Code 2007)

17-359. PLAGENS-CARPENTER SPORTS COMPLEX USAGE FEES. Fees for the usage of the Plagens-Carpenter Sports Complex may be annually set by regular action of the Governing Body. Rental fees are anticipated to include costs associated with regular maintenance, lights, and usage. A standard damage/clean-up Deposit Schedule shall also be established.
(Code 2003; Code 2009; Ord. 941)

17-360. PLAN REVIEW. Unless a fee in another amount is expressly provided for elsewhere in this code, the city shall charge and receive a fee of fifty dollars ($50.00) for the review of each plan required by this code to be submitted to the city or its representatives for review.
(Code 2003; Code 2007)

17-361. PLUMBING PERMITS. Fees for building permits shall be set forth in the Plumbing Code as adopted by the City of Haysville and enforced by Sedgwick County.
(Code 2003; Code 2007; Code 2012)

17-362. PLUMBING REINSPECTION/NON-BUSINESS HOURS; FEE. There shall be charged for plumbing re-inspections pursuant to section 4-610 of this code an

inspection fee at the rate of thirty-five dollars ($35.00) per hour for each hour, and fraction thereof, of such inspections.
(Code 2003; Code 2007)

17-363. RESERVED.

17-364. PRIVATE CLUBS. The biennial license fee to be paid to the city by each private club located within the city pursuant to section 3-411 of this code shall be five hundred dollars ($500.00). Said fee shall be paid before commencing business under an originally-issued state license, and within five (5) days after the effective renewal date of any subsequently granted state license.
(Ord. 976)

17-365. PRIVATE SEWAGE DISPOSAL SYSTEMS; PERMIT AND INSPECTION.
The permit and inspection fee required to be paid to the city before commencement of construction of a private sewage disposal system pursuant to Section 15-407 of this code shall be two-hundred dollars ($200.00).
(Code 2003; Code 2007)

17-366 Reserved.

17-367 PROBATION VIOLATION. The fine assessed for a probation violation shall be not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), per violation charged.

17-368. RECORDS INSPECTION AND COPYING. The fees provided for by Chapter 1, Article 8 of this code for the inspection and copying of records shall be as follows:

(a) Inspection. The fee for inspections provided for by section 1-802 of this code may be an amount equal to the hourly rates of compensation, including benefits, for the city employee or employees involved in the inspection multiplied by the hours, or fractions thereof, such employee or employees were required to be so involved.

(b) Copying. The fees for copying records provided for by section 1-803 of this code may be an amount equal to the hourly rates of compensation, including benefits, for the city employee or employees involved in the copying multiplied by the hours, or fractions thereof, such employee or employees were required to be so involved. An additional fee of twenty five cents ($0.25) per page copied may also be charged, and an additional fee of $25.00 shall also be charged for each Video/CD/DVD/Audio/VHS or other media form copied. Photographs will be reproduced digitally and provided on the appropriate media form. The employee time associated with providing the media form shall be in addition to the $5.00 media cost.
(Code 2003; Code 2007; Code 2009)

17-369. RECREATIONAL VEHICLE TEMPORARY PERMIT FEE.

A temporary permit may be issued for a manufactured home, mobile home, or recreational vehicle to be occupied other that within a park or camp, permitted in accordance with sections 8-102b and 8-118 for a period not to exceed 30 days, upon the payment of a fee of $15.00. There shall not be more than two such permits issued for the placement of a manufactured home, mobile home, or recreational vehicle in accordance with sections 8-102b and 8-118 on the same property in any 12 month period.

(Code 2007)

17-370. REFUSE HAULERS. The annual fee to be paid to the city by each person or entity licensed to collect and/or dispose of solid waste within the city pursuant to section 7-311 of this code shall be one hundred fifty dollars ($150.00) for each vehicle used by such person or entity in such collection and/or disposal.

(Code 2003; Code 2007)

17-371. RETAIL LIQUOR OCCUPATION/LICENSE TAX. (a) There is hereby levied, pursuant to section 3-301, a biennial occupation tax on each retailer of alcoholic liquor within the city (including beer containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) and for consumption off the premises (sales in the original packages only), and to whom the state of Kansas has issued a retailer's license, of five hundred dollars ($500.00) payable within five (5) days of the issuance of the state license.

(b) Special Event Retailers' Permit. The assessed fee for a Special Event Retailers' Permit associated with a Temporary Alcohol Beverage Permit issued by the State shall be one hundred dollars per day of operation of the Special Event site. For purposes of determining the fee amount, each day or part of day shall be subject to the daily operating fee. Such amount shall be payable by permittee within seven days following approval by the Governing Body of the Special Event Retailers' Permit application, but in no case less than five (5) days prior to the proposed special event. A Special Event Retailers' Permit is not valid until such fee is paid, and a permit is obtained from the City Clerk.

(Code 2003; Code 2007; Ord. 976; Code 2015)

17-372. ROOFING AND SIDING PERMITS. Fees Roofing and Siding Permits shall be set forth in the Building and Residential Code as adopted by the City of Haysville and enforced by Sedgwick County.

17-373. SENIOR CENTER ROOM RENTAL. The city shall charge and receive for the rental of senior center rooms the fee provided for in this section and authorized by this code.

Rental of the Senior Center is for citizens sixty-five (65) years of age or older or for functions benefiting senior citizens.

(a) The fee for the rental of one room shall be fifty dollars ($50.00) for residents of the city and sixty-five dollars ($65.00) for non-residents;

(b) The fee for the rental of all rooms shall be seventy-five dollars ($75.00) for residents of the city and one-hundred dollars ($100.00) for non-residents.

(c) The fee for meetings held once-a-month shall be three hundred sixty dollars ($360.00) for residents of the city and four hundred seventy dollars ($470.00) for non-residents.

(d) The fee for twice-a-month rentals shall be seven hundred twenty dollars ($720.00) for residents of the city and nine hundred forty dollars ($940.00) for nonresidents.

(e) The fee for weekly meetings shall be one thousand five hundred dollars ($1,500.00) for residents of the city and one thousand nine hundred fifty dollars ($1,950.00) for non-residents.

(f) Senior Center rental deposit. Each person or entity applying to rent the Senior Center shall pay at the time of application for such use a refundable deposit of ~~fifty~~one hundred dollars ($~~5~~100.00), for both residents and non-residents, to secure payment of any damages or cleanup costs incurred by the City for such use. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the applicant.

(Code 2003, Code 2004; Code 2007; Code 2009)

17-374. SEWER SYSTEM TAP. The fee to be paid to the city clerk by any person or entity for a connection to the city's sewer/wastewater treatment system pursuant to section 15-307 of this code shall be two hundred fifty dollars ($250.00).

(Code 2003; Code 2007)

17-375. SIGN PERMITS. The total annual fee to be paid by a portable sign permit owner shall be one-hundred dollars ($100.00) regardless of the number of signs owned. The fees to be submitted with the application for a sign permit shall be twenty-five dollars ($25.00) for a temporary sign, twenty dollars ($20.00) for a commercial or civic portable sign, and seventy-five ($75.00) for a permanent sign.

(Ord. 902; Code 2007)

(SIDING PERMITS. See Section 17-372, Roofing and Siding Permits.)

17-376. SPECIAL EVENT PERMITS. The fee charged for special event permits shall be twenty-five dollars ($25.00) pursuant to section 12-302. Upon issuance of a special event permit, a refundable deposit of one hundred dollars ($100.00) shall be paid by the permit holder to secure payment of any damages or cleanup costs incurred by the city related to the permitted special event. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the permit holder.

17-377. SPRINKLER SYSTEMS; UNDERGROUND. The fee charged for underground sprinkler permits shall be sixteen dollars ($16.00) pursuant to section 4-1003.
(Code 2003; Code 2007)

17-378. SUBDIVISION APPLICATION FILING FEES. For the purpose of defraying the costs of subdivision applications and proceedings, the governing body establishes the following fees:

(a) Applications. Upon the filing of each application for subdivision approval the following shall be paid:

(1) Preliminary Plat. The preliminary plat shall not be accepted for filing until a filing fee therefore has been paid by the sub-divider. Such fee shall be computed at $40.00 plus $2.00 for each lot over one.

(2) Lot Split. Upon the filing of each application for lot split approval a fee of $50.00 shall be paid.

(3) Vacation. The filing fee for vacation applications shall be $150.00.

(4) Street Name Change. The fee for processing a street name change request shall be $25.00.

(b) Additional Costs. For the applications listed above, the charges associated with recording documents are in addition to the filing fees. These will be billed to the applicant.
(Code 2007)

17-379. TAXICABS. The annual license fee required to be paid to the city by taxicab licensees pursuant to section 5-603 of this code shall be twenty-five dollars ($25.00) for each taxicab; in the event a licensee operates more than one cab pursuant to said license, fees of twenty-five dollars ($25.00) for one taxicab and ten dollars ($10.00) per taxicab for all other taxicabs shall also be paid.
(Code 2003; Code 2007)

17-380 TEMPORARY COMMERCIAL WATER SERVICE RATES. The charges authorized by section 15-121.1 of this code for temporary provision of water for non-residential purposes from the municipal water works and distribution system shall be as provided by this section.

(a) Payment must be made in advance of any service provided.

(b) Payment shall be in the amount of fifteen dollars ($15.00) per week plus any applicable sales tax, not to exceed four (4) total weeks of temporary service, except for extensions as provided in 15-121.1, and shall be distributed as follows:

(1) $ 6.00 to Water,

(2) $ 4.00 to Sewer,
(3) $ 3.00 to Sewer Fee,
(4) $ 2.00 to Stormwater Fee, and
(5) applicable sales tax.

(c) In lieu of the standard costs set forth above, where practicable such water service may be metered as a temporary measure and costs imposed in accordance with 17-387.

17-381. TEMPORARY PORTABLE BUSINESS PERMIT FEES. The permit fee required by Chapter 5, Article 12 of this code for Temporary Portable Business Permits shall be fifty dollars ($50.00).
(Code 2003; Code 2007)

17-382. TEMPORARY RESIDENTIAL WATER SERVICE. The fee for being afforded temporary residential water service pursuant to section 15-121 of this code shall be paid in advance and shall be in the amount of ten dollars ($10.00) per week plus applicable sales tax, not to exceed two (2) weeks and distributed as follows:

$4.00 to water
$3.00 to sewer
$3.00 to sewer fee

Where practicable, such water service may be metered as a temporary measure.

17-383. TEMPORARY SALES FEES. Each applicant to whom the city clerk issues a sales from residence permit pursuant to section 5-502 of this code shall pay to the city clerk a permit fee of three dollars ($3.00) per day for up to three (3) consecutive days.
(Code 2003; Code 2007)

17-384. TRAFFIC FINES. Pursuant to K.S.A. 12-4305 the municipal judge shall establish a schedule of fines which shall be imposed for municipal ordinance violations that are classified as ordinance traffic infractions. Also, the municipal judge may establish a schedule of fines which shall be imposed for the violation of certain other ordinances. Any fine so established shall be within the minimum and maximum allowable fines established by ordinance for such offenses by the governing body.

17-385. TRANSIENT GUEST TAX. The transient guest tax shall be levied at a rate of 6% upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental service or facilities, in any hotel, motel, or tourist court, and shall be collected as provided in K.S.A. 12-1698.

(Ord. 969)

17-386. WASTEWATER RATE. Each user of the city's sewer/wastewater treatment system shall pay for the services provided by the city pursuant to Sections 15-506, 15-507 and 15-508 of this code at a rate based on their use of the wastewater treatment works as determined and measured by meters acceptable to the city. The monthly user charges charged to residential contributors shall be based on their average monthly water usage during the months of January, February and March. Residential contributors who have not established a January, February and March average shall be charged a charge equal to the average charge for all other residential contributors. The monthly user charge charged to industrial and commercial contributors shall be based on current month water usage. If a commercial or industrial contributor has a consumptive water usage, or in some other manner uses water which is not returned to the city's wastewater collection system, the user charge for such contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense and in a manner acceptable to the city.

In any event, the minimum monthly user charge shall be thirteen dollars and eighty-five cents ($13.85) for each residential, industrial or commercial contributor, except that each such contributor defined as a subsidized high density residential contributor shall pay a minimum monthly charge of six dollars ($6.00). In addition, each contributor paying in-city rates shall pay an additional rate for operation and maintenance, including replacement, of four dollars ($4.00) per one-thousand (1,000) gallons of water (or wastewater) in 2010, $4.65 in 2011, $5.30 in 2012, $5.95 in 2013, $6.60 in 2014 and $7.25 in 2015 and thereafter. Each contributor paying out-of-city rates shall pay an additional rate for operation and maintenance, including replacement, of six dollars ($6.00) per one-thousand (1,000) gallons of water (or wastewater) in 2010, $6.98 in 2011, $7.95 in 2012, $8.93 in 2013, $9.90 in 2014 and $10.88 in 2015 and thereafter.

When the wastewater user charge of thirteen dollars and eighty-five cents ($13.85) is removed in October 2016, a five dollar ($5.00) maintenance fee will be implemented."
(Code 2003, Ord. 878; Code 2007; Code 2009; Ord. 950; Code 2010)

17-387. WATER TAP FEES. For each tap to the city waterworks system made pursuant to section 15-107 of this code, the city clerk shall charge and collect, prior to such tap, a fee of one thousand five hundred dollars ($1,500.00) for each meter connection of ¾inch or 5/8-inch, a fee of one thousand six hundred twenty-five dollars ($1,625.00) for each meter connection of 1-inch, and a fee of two thousand two hundred dollars ($2,200.00) for each meter connection of two (2)-inches.
(Code 2003; Code 2005; Code 2007; Code 2008; Code 2015)

17-388 WATER CUSTOMER NON-PAYMENT PENALTY. Water service to or for any customer whose name appears on the city's water shut-off list pursuant to section 15-117 shall not be continued until such customer pays to the city a twenty dollar ($20.00) non-payment penalty, together with all past due amounts owing to the city. The mayor or the mayor's designee may grant exceptions to this section only in hardship cases.
(Code 2003; Code 2007)

17-389. WATER METER CALIBRATION. The fees provided for by section 15-140 of this code for testing of water meters shall be five dollars ($5.00) for the first test if the meter was found accurate within two percent (2%) and ten dollars ($10.00) for subsequent tests within a one (1) year period.
(Code 2003; Code 2007)

17-390. WATER SERVICE RATES. The charges authorized by section 15-201 of this code for water used from the municipal water works and distribution system shall be as provided by this section.

(a) Users located inside city limits. The charges for water users within the city limits shall be $2.82 per 1,000 gallons.

(b) Users located outside city limits. The charges for water users located outside the city limits shall be $3.24 per 1,000 gallons.

(c) Bulk users. The charges for bulk users of water shall be $2.82 per 1,000 gallons.
(Code 2003, Code 2004; Code 2007; Ord. 949; Code 2010)

17-391. WATER SET-UP AND SERVICE TRANSFER FEES. Pursuant to section 15-116 of this code, each applicant for city water service shall pay a set-up fee of twentyfive dollars ($25.00), together with any applicable taxes, to establish service, and any such customer who subsequently transfers water service from one (1) location in the city to another location in the city shall pay a transfer fee of fifteen dollars ($15.00), together with any applicable tax.
(Code 2003; Code 2007)

17-392. WELL PERMITS; WATER. The fee for each well permit required to be paid to the city shall be five dollars ($5.00).
(Code 2003; Code 2007)

17-393. ZONING DISTRICT BOUNDARY CHANGES AND LOT, TRACT, OR PARCEL RECLASSIFICATIONS. A filing fee of two hundred dollars ($200.00) and a publication fee of seventy-five dollars ($75.00) shall be paid to the city clerk upon the filing of each application for each lot, tract or parcel included in an application to change zoning district boundaries or to reclassify an area pursuant to Article 7, Section 701 of the Zoning Regulations of the City of Haysville, Kansas.

(Code 2003; Code 2007; Code 2008)

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Memo

To: Haysville City Council

From: James Oltman, Economic Development Director

Subject: Build Haysville

Date: 12/11/15

For the last two years the City of Haysville has offered the Build Haysville new home incentive program. This program has been instrumental in increasing the number of new homes built within the city limits of Haysville and helping the city increase its tax base. Listed below are the building permit numbers from the last three years, including 2013 when the Build Haysville program was not offered.

2013 (prior to Build Haysville)	4
2014	13
2015 (as of 12/9/15)	10

2015 Total estimated construction value	$1,883,250

As a reminder, be aware that this program does not increase the tax burden on any current property owner in the City of Haysville. This program helps ensure we continue to expand our tax base on a yearly basis to reduce the potential for property tax increases in the future.

As we move forward, we recommend Council renew the Build Haysville program for 2016. Not only has it had a positive effect the past two years, but the ability to pair this program with the lots that will soon be listed for sale through the City Land Bank will not only assist in the sale of the City owned property but help ensure we can continue our growth as one of the premier communities in South Central Kansas.

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Memo

To: Haysville City Council

From: James Oltman, Economic Development Director

Subject: 7106 S Broadway

Date: 12/11/15

The appraisal for the property on 7106 S Broadway (Haysville Activity Center) has been completed and a full report has been compiled. Attached you will find the summary of the Appraisal Report. The full report can be viewed upon request.

Based off the results of the Real Estate Appraisal report we recommend Council begin marketing the property (7106 S Broadway) for sale with an asking price of $500,000.

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MARTENS APPRAISAL

Section Eight - Reconciliation and Final Value Opinion

Reconciliation is the process by which the appraiser weighs the relative significance, defensibility, and applicability of each approach as it pertains to the type of property appraised. The detailed analysis of all pertinent facts and data which were assembled and verified and which were considered to influence the value of the subject property have led to the following value estimates.

VALUE OPINIONS AND CONCLUSIONS

Income Approach	$470,000
Direct Capitalization Method	$470,000
Yield Capitalization Method	$0
Sales Comparison Approach	$525,000
Cost Approach	Not applied
Final Opinion of Market Value - As Is	**$500,000**

- *Please refer to the Extraordinary Assumptions & Hypothetical Conditions in Section 1 and the Contingent & Limiting Conditions in Section 9.*

Income Approach

In the income approach, the net operating income was estimated for the subject property relying on market rents. A market extracted capitalization rate was applied to the net operating income to estimate value. The data analyzed was reliable and applicable to the appraisal problem and provides a meaningful conclusion. This type of analysis is most relevant to income producing properties.

Sales Comparison Approach

In the sales comparison approach, six sales of comparable properties were analyzed to estimate the market value of the subject property. The sales were analyzed based a price per square foot. The quality and quantity of the comparables was good. This type of analysis is most relevant for owner-occupied properties.

Cost Approach

The cost approach is not necessary to produce a credible value opinion and was not applied in this appraisal. The age/condition of the improvements makes accurately estimating accrued depreciation difficult. Therefore, with the permission of the client, the cost approach to value has been omitted from the scope of work. This omission was discussed with the client and agreed upon before completing this assignment, and it does not have a material impact on my opinion of market value.

Conclusion to Value - As Is

The sales comparison approach to value has been given primary consideration in this analysis, with secondary weight placed on the income approach. As a result of my investigation and analyses, it is my opinion that the market value of the legal interests appraised herein, exclusive of FF&E, is estimated to be:

$500,000
FIVE HUNDRED THOUSAND DOLLARS

MARTENS APPRAISAL

ESTIMATED MARKET EXPOSURE TIME

The market exposure time is presumed to precede the effective date of appraisal. Exposure time may be defined as follows: *The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based on an analysis of past events assuming a competitive and open market.*[7] Exposure time is a function of price, time and use. It must be noted that the concept of reasonable exposure time encompasses not only adequate, sufficient and reasonable time, but adequate, sufficient and reasonable effort.

The estimated exposure time presented herein is based on analysis of the following factors:

- statistical information about days on market;
- information gathered through sales verification;
- interviews with market participants; and
- anticipated changes in market conditions.

Based on the data presented in this report, and the fact that the market value estimated herein is representative of a price based on current acceptable returns indicated by market participants, the reasonable exposure time for the subject property would be approximately 12 to 24 months, given adequate marketing efforts.

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[7] Uniform Standards of Professional Appraisal Practice - 2014-2015 Edition, © The Appraisal Foundation, p. U-79.

CITY OF HAYSVILLE, KANSAS

401 S. JANE - P.O. BOX 404 - HAYSVILLE, KANSAS 67060
(316) 529-5940 - FAX (316) 529-5945
WWW.HAYSVILLE-KS.COM

TO: The Honorable Mayor, Bruce Armstrong
Haysville City Councilmembers

FROM: Randal Dorner
City of Haysville
Public Works Director

DATE: December 10, 2015

SUBJECT: Authorization to Purchase

We received a quote for purchase of a 2009 5500 Chevy Regular Cab 4 x 4 Cab and Chassis with the following features:

Summit White Exterior	Allison Transmission
Power Steering	Duramax Diesel
Air Conditioning	
AM/FM Radio	
Raupe Sales Company	$22,530.00

We are asking authorization to purchase the truck from Raupe Sales Company, Inc. for a total of $22,530.00. This truck will handle the salt/sand spreader and snow plow. It will be used for salt/sand/dirt and mulch. This will be an upgrade from our current 1 ton dump truck which has a GVW of 11,000 lbs. This 5500 Chevy has a GVW of 26,000 lbs.

This truck has cab and chassis only and we will be purchasing a bed for this at a later time. The 1 ton will then be moved to the Parks Dept. for use with grass, tree limbs and brush. Funds for this will come from the Equipment Reserve account.

Thank you,

Randal Dorner

Randal Dorner
City of Haysville
Public Works Director

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CITY OF HAYSVILLE, KANSAS

RECREATION DEPARTMENT - 7106 S BROADWAY/ P.O. BOX 404
HAYSVILLE, KANSAS 67060 – (316) 529-5922 (316) 529-5923 – FAX

TO: **The Honorable Mayor Bruce Armstrong**
City Council Members

FROM: **Georgie Carter, Recreation Director**

SUBJECT: **Plagen's Carpenter Scoreboards**

DATE: **December 9, 2015**

The scoreboards at Plagen's Carpenter Sports Complex on fields #2, #3 and #4 have been having problems for the past 4-5 years. These were originally installed in 2001 and are currently outdated in regards to technology.

We are looking at replacing these with 3 new scoreboards that have LED lights and wireless controllers. The quotes below are from Athco (Fair-Play - where we originally purchased the scoreboards from), Dak-Tronics and Nevco. The new scoreboards will mount on the current poles we have and all have a 5-year warranty. The scoreboards at the Campus football field, Campus High School gyms and Haysville Middle School gyms are all from Nevco. Nevco is based out of Illinois with a local representative out of El Dorado who does not charge for service calls.

Due to information/recommendations from other recreation departments on service and quality we are suggesting to purchase the scoreboards from Nevco for a total of $13,517.42. This cost does not include installation, the City will install the scoreboards in the spring of 2016.

Dak-Tronics	$ 14,750.00
Athco (Fair-Play)	$ 13,197.00
Nevco (Handheld)	$ 13,517.42

Funding for this project would be paid from the Park Sales Tax monies. This is before you for your consideration.

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VENDOR NO	NAME	PAYMENT AMT
10	A & E ANALYTICAL	1,660.00
100	SUPPLYWORKS	295.26
215	AIRGAS USA LLC	583.90
266	ALL SEASONS SPORTSWEAR	78.00
290	AMERI-GRAPHICS SPECIAL T	3,507.10
369	ANDALE READY MIX	415.00
450	APAC KANSAS INC	185.72
460	ASSOCIATED BUSINESS FORMS	401.98
680	BAYSINGER POLICE SUPPLY	12,980.00
695	BEALL & MITCHELL LLC	1,000.00
798	BLACK EAGLE MARTIAL ARTS	75.00
830	B-R-C BEARING COMPANY INC	63.57
836	BRENNTAG SW	551.90
972	CONSOLIDATED ELECTRICAL D	4,931.83
996	CAPITAL ONE BANK N A	6,916.11
1133	CHART MARKETING, INC.	447.50
1155	CINTAS CORPORATION	2,409.66
1180	CCMFOA OF KANSAS	50.00
1235	COCA-COLA BTLG OF MID-AME	217.90
1430	D & D EQUIPMENT #1	1,668.40
1487	DATA TECHNOLOGIES INC	18,542.36
1589	DON SPRAGUE SALES	102.00
1593	DONOVAN AUTO & TRUCK CTR	229.36
1618	DURFEY, GEORGE L.	35.00
1674	E GRAF-X INC	400.00

VENDOR NO	NAME	PAYMENT AMT
1950	FOLEY INDUSTRIES	2,631.82
1975	FRY & ASSOCIATES INC	4,040.14
2150	GRAINGER	36.14
2168	GRAYBAR	256.94
2230	HACH COMPANY	513.57
2246	HAMPEL OIL	3,600.00
2266	HASTY AWARDS	325.33
2345	HAYSVILLE RENTAL CENTER	418.00
2425	HIGH SCHOOL SPORTS MAG	1,308.00
2491	HOME FITNESS EXERCISE	5,148.00
2500	HAC DBA HOMELAND	291.85
2560	HUBER M S	129.90
2586	HUTCHINSON SALT COMPANY	895.29
2770	J D'S GRAPHICS	1,314.00
2838	JOLIVET ROY	35.00
2844	JOHN DEERE FINANCIAL	404.44
2860	JONES, DAN	35.00
2874	K & A PROPERTY MAINT	1,725.00
2875	KACE	398.00
2973	KS BG INC	1,163.82
3150	KDOR WATER SALES TAX	566.29
3248	KANSASLAND TIRE	1,686.24
3295	KS ONE-CALL SYSTEM	99.00
3310	KS PEACE OFFICERS ASSN	500.00
3350	KS STATE TREASURE REINST	1,778.00

VENDOR NO	NAME	PAYMENT AMT
3413	KECK, JORDAN	60.00
3440	KEY EQUIPMENT & SUPPLY CO	21.16
3482	KLEAN KUT INC	532.40
3495	KONE INC	973.00
3500	KONICA MINOLTA BUS SYS	602.15
3670	LEAGUE OF KS MUN	3,806.41
3744	LOGO DEPOT	281.50
3770	LOWE'S BUSINESS ACCOUNT	831.90
3810	MADRIGAL & ASSOCIATES INC	50.00
3840	MARTINEZ, ANTONIO JR.	35.00
3906	MCCONNELL & ASSOCIATES	125.80
3910	MCDANIEL COMPANY INC	545.15
3947	MCMILLAN, LEVI	35.00
3980	MICRO-COMM INC	1,689.78
4035	MIDWEST ELECTRIC & MACH.	33,585.17
4048	MIDWEST SINGLE SOURCE INC	3,078.49
4150	MORE'S EXCAVATING	882.00
4200	MURDOCK COMPANIES INC	380.07
4317	NRP	1,680.00
4340	NDF CO	20.00
4348	NEW MEDICAL HEALTH CARE	45.00
4355	BRUCE NYSTROM, PHD	405.00
4370	OFFICE DEPOT	112.95
4377	OLTMAN JAMES	35.00
4396	O'REILLY AUTOMOTIVE INC	420.67

VENDOR NO	NAME	PAYMENT AMT
4520	PETTY CASH	2,129.54
4648	POORMAN'S AUTO SUPPLY #5	14.79
4750	PROFESSIONAL ENGINEERING	2,650.00
4780	PRO-KEM SUPPLIES INC	96.00
5056	RINEHART SEAN	35.00
5119	ROEHR SAFETY PRODUCTS	177.75
5231	SAM'S CLUB	2,506.52
5330	SEDGWICK COUNTY ELECTRIC	1,362.43
5335	SEDG CTY FIN-JAIL FEES	994.50
5381	SEDGWICK COUNTY TREASURER	4,855.58
5434	SHRM	190.00
5435	SHIRTS PLUS	44.00
5444	SIMONS JOHNATHAN	35.00
5536	SOUND ADVICE LLC	200.00
5540	SOUTHEASTERN SECURITY	166.50
5680	STANION WHOLESALE ELECTRI	687.41
5770	SUPERIOROFFICE	49.26
5892	TEAM ELECTRIC SUPPLY, INC	250.00
5916	TIMES-SENTINEL NEWSPAPERS	355.00
5917	TIRE DEALERS WAREHOUSE	501.08
6234	VERIZON WIRELESS	265.42
6290	WALDINGER CORPORATION	597.63
6300	WAL-MART COMMUNITY	45.54
6310	WAMPO	1,108.00
6340	WASTE DISPOSAL LLC	137.80

VENDOR NO	NAME	PAYMENT AMT
6345	WASTE CONNECTIONS INC	862.09
6355	WATCHGUARD VIDEO	57.00
6383	WELLBEATS	149.00
6630	WICHITA WINWATER	646.30
6700	WILLIAMS JANITORIAL SUPPL	1,941.50
6765	ZEAGER BROTHERS INC	2,434.18
10135	LONG CHRISTOPHER	100.00
10190	MUSGROVE DUSTIN	45.00
10720	YBARRA JESSIE	100.00
	REPORT TOTAL	163,070.74

FUND	NAME	TOTAL
01	GENERAL FU	47,572.78
10	SEWER FUND	47,487.97
11	WATER FUND	8,713.20
12	MUNICIPAL	3.44
21	STREET FUN	12,902.04
28	SPECIAL AL	3,078.49
29	OFFICE EQU	47.98
30	RECREATION	8,428.24
32	HAYSVILLE	940.01
33	FEDERAL LA	12,980.00
36	CAPITAL IM	5,220.70
92	TR GUEST T	2,155.50
98	ST PARK RE	2,434.18
99	ST REC RES	11,106.21
	TOTAL	163,070.74

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INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				INTRUST				
				10 A & E ANALYTICAL LAB INC.				
1501458	1	12/15/15	12/02/15	WATER TESTING	420.00	10	10-30-2040	1
				INVOICE TOTAL	420.00			
1501496	1	12/15/15	12/07/15	WATER TESTING	520.00	10	10-30-2040	1
				INVOICE TOTAL	520.00			
1501501	1	12/15/15	12/07/15	WATER TESTING	360.00	10	10-30-2040	1
				INVOICE TOTAL	360.00			
1501504	1	12/15/15	12/07/15	WATER TESTING	360.00	10	10-30-2040	1
				INVOICE TOTAL	360.00			
				VENDOR TOTAL	1,660.00			
				100 SUPPLYWORKS				
352706436	1	12/15/15	12/01/15	MISC. JANITORIAL SUPPLIES	98.42	11	11-31-2009	1
	2			MISC. JANITORIAL SUPPLIES	98.42	10	10-30-2009	1
	3			MISC. JANITORIAL SUPPLIES	98.42	21	21-41-2009	1
				INVOICE TOTAL	295.26			
				VENDOR TOTAL	295.26			
				215 AIRGAS USA, LLC				
9042711404	1	12/15/15	12/01/15	.045" STL WIRE 33LBS-LED SIGN	103.71	10	10-30-2080	1
				INVOICE TOTAL	103.71			
9044959096	1	12/15/15	12/01/15	300A STL CLMP GRND 1 EA.	8.30	11	11-31-2009	1
	2			300A STL CLMP GRND 1 EA.	8.31	10	10-30-2009	1
	3			300A STL CLMP GRND 1 EA.	8.31	21	21-41-2009	1
				INVOICE TOTAL	24.92			
9045482570	1	12/15/15	12/01/15	MISC. WELDING SUPPLIES	154.28	11	11-31-2006	1
	2			MISC. WELDING SUPPLIES	154.28	10	10-30-2006	1
	3			MISC. WELDING SUPPLIES	154.29	21	21-41-2006	1
				INVOICE TOTAL	462.85			
9045666690	1	12/15/15	12/01/15	.045" WIRE 33 LBS.	33.63	11	11-31-2009	1
	2			.045" WIRE 33 LBS.	33.64	10	10-30-2009	1
	3			.045" WIRE 33 LBS.	33.64	21	21-41-2009	1
				INVOICE TOTAL	100.91			
9600335969	1	12/15/15	12/01/15	0.45" WIRE - CREDIT MEMO	36.16-	11	11-31-2009	1
	2			0.45" WIRE - CREDIT MEMO	36.17-	10	10-30-2009	1
	3			0.45" WIRE - CREDIT MEMO	36.16-	21	21-41-2009	1
				INVOICE TOTAL	108.49-			
				VENDOR TOTAL	583.90			
				266 ALL SEASONS SPORTSWEAR				
046534	1	12/15/15	12/04/15	EMBROIDERY - INSP. UNIFORMS	78.00	01	01-20-2016	1
				INVOICE TOTAL	78.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	78.00			
				290 AMERI-GRAPHICS SPECIAL T'S				
6549	1	12/15/15	12/01/15	PERF. LONG SLEEVE CREW 5 EA.	82.50	30	30-50-2016	1
	2			PERF. LONG SLEEVE CREW 1 EA.	12.60	30	30-50-2016	1
				INVOICE TOTAL	95.10			
6550	1	12/15/15	12/01/15	PERF. LONG SLEEVE CREWS 55EA.	852.50	30	30-50-2092	1
	2			PERF. LONG SLEEVE REPRINTS-12	234.00	30	30-50-2092	1
				INVOICE TOTAL	1,086.50			
6560	1	12/15/15	12/10/15	BASKETBALL SHIRTS 227 EA.	1,929.50	30	30-50-2092	1
	2			XXL/XXXL UPCHARGE	18.00	30	30-50-2092	1
				INVOICE TOTAL	1,947.50			
6561	1	12/15/15	12/10/15	PERF. STAFF SHIRTS, NAVY, 36EA	378.00	30	30-50-2094	1
				INVOICE TOTAL	378.00			
				VENDOR TOTAL	3,507.10			
				369 ANDALE READY MIX CENTRAL INC				
84194	1	12/15/15	12/01/15	4000PSI, RES NO ASH CRACK FILL	415.00	21	21-41-2009	1
				KARLA STREET REPAIRS				
				INVOICE TOTAL	415.00			
				VENDOR TOTAL	415.00			
				450 APAC KANSAS INC				
8001533908	1	12/15/15	12/01/15	BM-2 WARM MIX - KARLA CT. PROJ	185.72	21	21-41-2009	1
				INVOICE TOTAL	185.72			
				VENDOR TOTAL	185.72			
				460 ASSOCIATED BUSINESS FORMS INC				
34731	1	12/15/15	12/01/15	WATER/SEWER RCPT. BOOKS 250LT	84.34	11	11-31-2004	1
	2			WATER/SEWER RCPT. BOOKS 250LT	84.34	10	10-30-2004	1
	3			HAC RCPT. BOOKS 1.5M	233.30	30	30-50-2004	1
				INVOICE TOTAL	401.98			
				VENDOR TOTAL	401.98			
				680 BAYSINGER POLICE SUPPLY INC				
1003610	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33	33-53-2012	1
				INVOICE TOTAL	590.00			
1003611	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33	33-53-2012	1
				INVOICE TOTAL	590.00			
1003612	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33	33-53-2012	1
				INVOICE TOTAL	590.00			
1003613	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33	33-53-2012	1
				INVOICE TOTAL	590.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST GL ACCOUNT	CK SQ
1003614	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003615	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003616	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003617	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003618	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003619	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003620	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003621	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003622	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003626	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003627	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003628	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003629	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003630	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003631	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003632	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003633	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		
1003634	1	12/15/15	12/01/15	BODY ARMOUR/VEST CARRIER 1 EA.	590.00	33 33-53-2012	1
				INVOICE TOTAL	590.00		

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	12,980.00			
				695 BEALL & MITCHELL LLC				
NOV 2015	1	12/15/15	12/01/15	PROSECUTING SERVICES	1,000.00	01	01-06-1100	1
				INVOICE TOTAL	1,000.00			
				VENDOR TOTAL	1,000.00			
				798 DOJANG LLC				
DEC 2015	1	12/15/15	12/15/15	5 STUDENTS FOR LESSONS @ $15EA	75.00	30	30-50-1100	1
				INVOICE TOTAL	75.00			
				VENDOR TOTAL	75.00			
				830 B-R-C BEARING COMPANY INC				
0485939-IN	1	12/15/15	12/01/15	FIELD DISCS	63.57	10	10-30-2006	1
				INVOICE TOTAL	63.57			
				VENDOR TOTAL	63.57			
				836 BRENNTAG SOUTHWEST INC				
BSW673636	1	12/15/15	12/01/15	CHLORINE 600LBS.	551.90	11	11-31-2009	1
				INVOICE TOTAL	551.90			
				VENDOR TOTAL	551.90			
				972 CED - COLUMBIA				
9444605339	1	12/15/15	12/01/15	LED LIGHTS 12 EA. - STREET	3,240.00	21	21-41-2006	1
				INVOICE TOTAL	3,240.00			
9444609204	1	12/15/15	12/01/15	FLOURESCENT LAMPS 49EA.	351.11	01	01-09-2009	1
				CITY HALL & POLICE DEPT.				
				INVOICE TOTAL	351.11			
9444609665	1	12/15/15	12/01/15	POWER FUSE 2EA-AERATOR (SLDG)	200.96	10	10-30-2006	1
				INVOICE TOTAL	200.96			
9444610388	1	12/15/15	12/01/15	HINKLEY LIGHTS-GLOBES ONLY (6)	1,139.76	21	21-41-2009	1
				INVOICE TOTAL	1,139.76			
				VENDOR TOTAL	4,931.83			
				996 CAPITAL ONE BANK N A				
NOV 2015	1	12/15/15	12/01/15	UPSTREAM - CH. 7	49.00	01	01-18-2012	1
	2			PAYPAL - ONLINE UTIL. BILLING	17.77	10	10-30-2040	1
	3			PAYPAL - ONLINE UTIL. BILLING	17.78	11	11-31-2040	1
	4			AMAZON GIGITAL-ADOBE PHOTOSHOP	10.84	01	01-22-2064	1
	5			GODADDY.COM-YRLY WEBSITE HOST	83.88	01	01-18-2012	1
	6			NEWEGG.COM - 4G MEMORY ADDT'N	47.98	29	29-49-2044	1
	7			KTA - PW K-TAG	37.29	10	10-30-2015	1
	8			KTA - PW K-TAG	37.29	11	11-31-2015	1
	9			KTA - PW K-TAG	37.30	21	21-41-2015	1
	10			KTS - PD K-TAG	88.12	01	01-02-2015	1
	11			CASEY'S - COOKIES (EMPLOY MTG)	3.64	01	01-01-2015	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
	12			CASEY'S - COOKIES (EMPLOY MTG)	10.15	01	01-02-2015	1
	13			CASEY'S - COOKIES (EMPLOY MTG)	5.79	01	01-18-2015	1
	14			CASEY'S - COOKIES (EMPLOY MTG)	7.24	10	10-30-2015	1
	15			CASEY'S - COOKIES (EMPLOY MTG)	7.24	11	11-31-2015	1
	16			CASEY'S - COOKIES (EMPLOY MTG)	7.24	21	21-41-2015	1
	17			CASEY'S - COOKIES (EMPLOY MTG)	3.64	30	30-50-2015	1
	18			HILTON - ROOM & BOARD (POWERS)	401.97	01	01-02-2015	1
	19			HINKLE LAW FIRM-SEMINAR FEES	250.00	01	01-01-2015	1
	20			HINKLE LAW FIRM - CREDIT	100.00-	01	01-01-2015	1
	21			ATWOODS - MISC. SUPPLIES	8.77	10	10-30-2006	1
	22			ATWOODS - MISC. SUPPLIES	8.77	11	11-31-2006	1
	23			ATWOODS - MISC. SUPPLIES	8.77	21	21-41-2006	1
	24			JIMMY JOHNS - LUNCH	10.14	01	01-18-2015	1
	25			SLEEP INN - ROOM & BOARD	87.98	01	01-18-2015	1
	26			HOMELAND - GROCERIES	44.18	01	01-00-5013	1
	27			DOLLAR GENERAL - SNACKS	13.83	01	01-00-5013	1
	28			DOLLAR GENERAL - SNACKS	20.72	01	01-00-5013	1
	29			SOUTHERN ECO DEV. - MEMBERSHIP	200.00	01	01-18-2012	1
	30			PADDAGE SALON - GIFT CERT.	50.00	92	92-66-3001	1
	31			JOHNNY B'S - GIFT CERT.	25.00	92	92-66-3001	1
	32			ORIENTAL TRDG - HALLOWEEN SUPP	354.64	30	30-50-2092	1
	33			MICHAELS - HALLOWEEN SUPPLIES	91.78	30	30-50-2092	1
	34			HOBBY LOBBY - HALLOWEEN SUPP	6.58	30	30-50-2092	1
	35			COX FARM - HALLOWEEN SUPPLIES	7.00	30	30-50-2092	1
	36			HOMELAND - HALLOWEEN SUPPLIES	3.19	30	30-50-2092	1
	37			AMAZON - PORT. SOCCER COALS	1,740.16	99	99-66-3001	1
	38			AMER. RED CROSS - CPR/AED	25.00	30	30-50-2004	1
	39			AMER. RED CROSS - CPR/AED	25.00	30	30-50-2004	1
	40			AMAZON - PORT TEAM BENCH	109.89	99	99-66-3001	1
	41			HALLOWEEN COST.-GRINCH RENTAL	49.99	30	30-50-2094	1
	42			MICHAELS - RTRN HALLOWEEN SUPP	61.57-	30	30-50-2092	1
	43			TEAM ELECTR.- CONTACT BLOCKS	28.00	10	10-30-2009	1
	44			DOLLAR GENERAL - MISC. SUPPLIE	18.45	10	10-30-2012	1
	45			ALLIED BATTERY - MAINT LIFT	80.00	10	10-30-2006	1
	46			BESTBUY - 120V 10 OUTLET	149.99	10	10-30-2009	1
	47			DICK'S SPORTS - HAC UNIFORMS	294.86	30	30-50-2094	1
	48			AMAZON - MINI BSKTBALLS	180.58	30	30-50-2092	1
	49			AMER RED CROSS - CPR/AED	25.00	30	30-50-2004	1
	50			TARGET - VILLAGE CHRISTMAS	197.81	32	32-52-2012	1
	51			BEST BUY - CABLES/SOFTWARE	94.98	10	10-30-2012	1
	52			FRED MEYER JWLRY - RETIRE GIFT	368.89	10	10-30-2012	1
	53			LITTLE CEASARS - PIZZA	18.45	01	01-03-2012	1
	54			COX FARM - HALLOWEEN SUPPLIES	38.00	30	30-50-2092	1
	55			AMER RED CROSS - CPR/AED	25.00	30	30-50-2004	1
	56			ORIENTAL TRDNG.-VILL CHRISTMAS	602.73	32	32-52-2012	1
	57			STAR SHOWER - CHRISTMAS LIGHTS	199.98	01	01-03-2009	1
	58			LANDSEND - UNIFORMS	188.80	01	01-20-2012	1
	59			MINNESOTE WORKWEAR - UNIFORMS	90.92	01	01-20-2012	1
	60			INSP - UNIFORMS	211.48	01	01-20-2012	1
	61			T-MOBILE - GPS EQUIP.	20.00	10	10-30-2012	1
	62			CNTY TREASURER - 08 EQUINOX	28.12	10	10-30-2012	1
	63			ATLANTIC FOUNTAIN - LED SIGN	200.00	10	10-30-2080	1
	64			ROUNDING PRICE ADJUSTMENT	.09	10	10-30-2012	1
				INVOICE TOTAL	6,916.11			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	6,916.11			
				1133 CHART MARKETING, INC.				
17985	1	12/15/15	12/01/15	PROMO ADVERT-DERBY PLAZA THTR.	447.50	92	92-66-3001	1
				INVOICE TOTAL	447.50			
				VENDOR TOTAL	447.50			
				1155 CINTAS CORPORATION #451				
451181385	1	12/15/15	12/01/15	SHOP TOWELS & SUPPLIES	41.84	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	41.84	11	11-31-2009	1
	3			SHOP TOWELS & SUPPLIES	41.83	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	39.64	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	11.65	01	01-20-2016	1
	6			UNIFORM CLEAN & RENT	123.77	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	51.80	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	34.68	21	21-41-2016	1
				INVOICE TOTAL	387.05			
451183790	1	12/15/15	12/01/15	SHOP TOWELS & SUPPLIES	41.18	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	41.18	11	11-31-2009	1
	3			SHOP TOWELS & SUUPLIES	41.17	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	39.64	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	13.90	01	01-20-2016	1
	6			UNIFORM CLEAN & RENT	47.92	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	49.29	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	32.15	21	21-41-2016	1
				INVOICE TOTAL	306.43			
451186144	1	12/15/15	12/01/15	SHOP TOWELS & SUPPLIES	41.18	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	41.18	11	11-31-2009	1
	3			SHOP TOWELS & SUPPLIES	41.17	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	39.64	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	11.65	01	01-20-2016	1
	6			UNIFORM CLEAN & RENT	48.67	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	52.29	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	32.90	21	21-41-2016	1
				INVOICE TOTAL	308.68			
451188522	1	12/15/15	12/01/15	SHOP TOWELS & SUPPLIES	41.18	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	41.18	11	11-31-2009	1
	3			SHOP TOWELS & SUPPLIES	41.17	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	39.64	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	11.65	01	01-20-2016	1
	6			UNIFORM CLEAN & RENT	47.92	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	49.29	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	34.40	21	21-41-2016	1
				INVOICE TOTAL	306.43			
451190876	1	12/15/15	12/01/15	SHOP TOWELS & SUPPLIES	42.32	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	42.32	11	11-31-2009	1
	3			SHOP TOWELS & SUPPLIES	42.31	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	308.83	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	11.65	01	01-20-2016	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
	6			UNIFORM CLEAN & RENT	53.48	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	253.31	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	37.73	21	21-41-2016	1
				INVOICE TOTAL	791.95			
451193298	1	12/15/15	12/08/12	SHOP TOWELS & SUPPLIES	42.32	10	10-30-2009	1
	2			SHOP TOWELS & SUPPLIES	42.32	11	11-31-2009	1
	3			SHOP TOWELS & SUPPLIES	42.31	21	21-41-2009	1
	4			UNIFORM CLEAN & RENT	33.55	01	01-03-2012	1
	5			UNIFORM CLEAN & RENT	11.65	01	01-20-2016	1
	6			UNIFORM CLEAN & RENT	53.48	10	10-30-2016	1
	7			UNIFORM CLEAN & RENT	45.76	11	11-31-2016	1
	8			UNIFORM CLEAN & RENT	37.73	21	21-41-2016	1
				INVOICE TOTAL	309.12			
				VENDOR TOTAL	2,409.66			
			1180	CCMFOA OF KANSAS				
2016DUES	1	12/15/15	12/01/15	2016 ANNUAL MEMBERSHIP DUES	50.00	01	01-01-2064	1
				INVOICE TOTAL	50.00			
				VENDOR TOTAL	50.00			
			1235	COCA-COLA BTLG OF MID-AMERICA				
5101535208	1	12/15/15	12/09/15	MONTHLY BEVERAGE CONCESSIONS	217.90	30	30-50-2031	1
				INVOICE TOTAL	217.90			
				VENDOR TOTAL	217.90			
			1430	D & D EQUIPMENT #1				
315330	1	12/15/15	12/01/15	BOOMLIFT RENTAL 11/02/15	1,650.00	01	01-09-2025	1
				CHRISTMAS DECORATIONS				
				INVOICE TOTAL	1,650.00			
316227	1	12/15/15	12/01/15	BOOMLIFT RENTAL 11/02-12/1	18.40	01	01-09-2009	1
				FUEL CHARGE ONLY				
				INVOICE TOTAL	18.40			
				VENDOR TOTAL	1,668.40			
			1487	DATA TECHNOLOGIES INC				
40344	1	12/15/15	12/01/15	2016 SUMMIT LICS. FEE	11,029.95	01	01-10-2040	1
	2			2016 SUMMIT SUPPORT FEE	7,060.90	01	01-10-2040	1
	3			2016 REPORT WRITER SUPPORT	451.51	01	01-10-2040	1
				INVOICE TOTAL	18,542.36			
				VENDOR TOTAL	18,542.36			
			1589	DON SPRAGUE SALES				
11/3/15	1	12/15/15	12/01/15	MOLE/GOPHER TRAPS - P/C PARK	102.00	01	01-03-2046	1
				INVOICE TOTAL	102.00			
				VENDOR TOTAL	102.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				1593 DONOVAN AUTO & TRUCK CENTER				
180605BUW	1	12/15/15	12/03/15	MISC. REPAIR PARTS - TRK #51	229.36	10	10-30-2006	1
				INVOICE TOTAL	229.36			
				VENDOR TOTAL	229.36			
				1618 GEORGE L. DURFEY				
NOV 2015	1	12/15/15	12/01/15	PERSONAL CELL PHONE REIMBURSE	35.00	10	10-30-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
				1674 E GRAF-X				
11111	1	12/15/15	12/07/15	POLICE DECAL / HPD & LABOR	400.00	01	01-02-2035	1
				INVOICE TOTAL	400.00			
				VENDOR TOTAL	400.00			
				1950 FOLEY INDUSTRIES				
000058576	1	12/15/15	12/01/15	MISC. PARTS-120G ROAD GRADER	1,639.86	21	21-41-2006	1
				INVOICE TOTAL	1,639.86			
000058577	1	12/15/15	12/01/15	DTO 30W/50W OIL - 120G RD GRDR	364.56	21	21-41-2006	1
				INVOICE TOTAL	364.56			
000058578	1	12/15/15	12/01/15	DTO 50W OIL - 120G RD GRDR	91.14	21	21-41-2006	1
				INVOICE TOTAL	91.14			
000059698	1	12/15/15	12/01/15	MISC. PARTS - 924GZ LOADER	103.52	11	11-31-2006	1
	2			MISC. PARTS - 924GZ LOADER	103.52	10	10-30-2006	1
	3			MISC. PARTS - 924GZ LOADER	103.52	21	21-41-2006	1
				INVOICE TOTAL	310.56			
000059699	1	12/15/15	12/01/15	BOLT-FLANGE 2EA. - 924GZ LOAD	4.83	21	21-41-2006	1
	2			BOLT-FLANGE 2EA. - 924GZ LOAD	4.83	11	11-31-2006	1
	3			BOLT-FLANGE 2EA. - 924GZ LOAD	4.84	10	10-30-2006	1
				INVOICE TOTAL	14.50			
000059836	1	12/15/15	12/01/15	ELEMENTS - 924GZ LOADER	15.85	11	11-31-2006	1
	2			ELEMENTS - 924GZ LOADER	15.85	10	10-30-2006	1
	3			ELEMENTS - 924GZ LOADER	15.87	21	21-41-2006	1
				INVOICE TOTAL	47.57			
000059837	1	12/15/15	12/01/15	PRECLEANER - 924GZ LOADER	54.54	11	11-31-2006	1
	2			PRECLEANER - 924GZ LOADER	54.55	10	10-30-2006	1
	3			PRECLEANER - 924GZ LOADER	54.54	21	21-41-2006	1
				INVOICE TOTAL	163.63			
				VENDOR TOTAL	2,631.82			
				1975 FRY & ASSOCIATES INC				
28347	1	12/15/15	12/01/15	HALF BUCKET SEAT - PARK SWING	80.98	01	01-03-2012	1
				INVOICE TOTAL	80.98			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
Q57952	1	12/15/15	12/01/15	15' BLEACHER PLANKS 20 EA.	2,457.40	99	99-66-3001	1
	2			15' BLEACHER PLANKS 8 EA.	763.76	99	99-66-3001	1
	3			SHIPPING	738.00	99	99-66-3001	1
				INVOICE TOTAL	3,959.16			
				VENDOR TOTAL	4,040.14			
			2150	GRAINGER				
9905127008	1	12/15/15	12/01/15	CHECK VALVE, PVC, 2IN. 1 EA.	36.14	10	10-30-2006	1
				INVOICE TOTAL	36.14			
				VENDOR TOTAL	36.14			
			2168	GRAYBAR				
982159059	1	12/15/15	12/01/15	WIRING TOOLS & SUPPLIES	118.98	11	11-31-2009	1
	2			WIRING TOOLS & SUPPLIES	118.98	10	10-30-2009	1
	3			WIRING TOOLS & SUPPLIES	18.98	21	21-41-2009	1
				INVOICE TOTAL	256.94			
				VENDOR TOTAL	256.94			
			2230	HACH COMPANY				
9689079	1	12/15/15	12/01/15	MISC. TEST STRIPS - WW LAB	296.93	10	10-30-2009	1
				INVOICE TOTAL	296.93			
9695650	1	12/15/15	12/03/15	RGT SET,AMVER/NITRVER TEST KIT	216.64	10	10-30-2009	1
				INVOICE TOTAL	216.64			
				VENDOR TOTAL	513.57			
			2246	HAMPEL OIL				
90740404	1	12/15/15	12/01/15	DIESEL FUEL 600 GAL.	1,110.00	10	10-30-2009	1
	2			UNLEADED FUEL 1500 GAL.	2,490.00	01	01-02-2010	1
				INVOICE TOTAL	3,600.00			
				VENDOR TOTAL	3,600.00			
			2266	HASTY AWARDS				
11152239	1	12/15/15	12/08/15	GOLD BSKTBALL MEDALS 185EA.	325.33	30	30-50-2092	1
				INVOICE TOTAL	325.33			
				VENDOR TOTAL	325.33			
			2345	HAYSVILLE RENTAL CENTER				
30393	1	12/15/15	12/01/15	RENTAL:BOOMLIFT 11/25/15	250.00	01	01-09-2012	1
				CLOCK TOWER CAMERAS				
				INVOICE TOTAL	250.00			
30579	1	12/15/15	12/03/15	PURCHASE:PROPANE 12/3/15	7.67	11	11-31-2009	1
	2			PURCHASE:PROPANE 12/3/15	7.67	10	10-30-2009	1
	3			PURCHASE:PROPANE 12/3/15	7.66	21	21-41-2009	1
				INVOICE TOTAL	23.00			
30653	1	12/15/15	12/08/15	RENTAL:BOOMLIFT 12/8/15 (PARK)	145.00	01	01-03-2009	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				INVOICE TOTAL	145.00			
				VENDOR TOTAL	418.00			
				2425 HIGH SCHOOL SPORTS MAGAZINE				
3619	1	12/15/15	12/01/15	HALF PAGE AD IN VYPE SEPT 2015	379.00	92	92-66-3001	1
				INVOICE TOTAL	379.00			
3649	1	12/15/15	12/01/15	FULL PAGE AD IN VYPE OCT 2015	550.00	92	92-66-3001	1
				INVOICE TOTAL	550.00			
3728	1	12/15/15	12/01/15	HALF PAGE AD IN VYPE DEC 2015	379.00	92	92-66-3001	1
				INVOICE TOTAL	379.00			
				VENDOR TOTAL	1,308.00			
				2491 HOME FITNESS EXERCISE EQUIP CO				
092115B	1	12/15/15	12/10/15	OCTANE SEATED ELLIPTICAL XR600	5,148.00	99	99-66-3001	1
				INVOICE TOTAL	5,148.00			
				VENDOR TOTAL	5,148.00			
				2500 HAC INC				
DEC 2015	1	12/15/15	12/01/15	MONTHLY GROCERIES	22.33	01	01-02-2015	1
	2			MONTHLY GROCERIES	33.87	01	01-06-2015	1
	3			MONTHLY GROCERIES	35.41	01	01-10-2054	1
	4			MONTHLY GROCERIES	25.68	01	01-10-2088	1
	5			MONTHLY GROCERIES	11.59	01	01-18-2012	1
	6			MONTHLY GROCERIES	35.19	30	30-50-2004	1
	7			MONTHLY GROCERIES	101.42	30	30-50-2092	1
	8			MONTHLY GROCERIES	26.36	32	32-52-2012	1
				INVOICE TOTAL	291.85			
				VENDOR TOTAL	291.85			
				2560 HUBER MAINTENANCE SUPPLY				
036881	1	12/15/15	12/11/15	BUCKEYE TERMINATOR BOTTLE 1EA.	129.90	30	30-50-2009	1
				INVOICE TOTAL	129.90			
				VENDOR TOTAL	129.90			
				2586 HUTCHINSON SALT COMPANY				
115727	1	12/15/15	12/01/15	13.82 TONS SALT	456.06	21	21-41-2009	1
				INVOICE TOTAL	456.06			
115780	1	12/15/15	12/01/15	13.31 TONS SALT	439.23	21	21-41-2009	1
				INVOICE TOTAL	439.23			
				VENDOR TOTAL	895.29			
				2770 J D'S GRAPHICS				
3371	1	12/15/15	12/07/15	RED TOLL NOTIFICATIONS 500EA.	119.00	01	01-02-2004	1
				INVOICE TOTAL	119.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
3372	1	12/15/15	12/03/15	COURT RCPT. BOOKS 65 EA.	285.00	01	01-06-2004	1
	2			INSP. RCPT. BOOKS 25 EA.	150.00	01	01-20-2004	1
	3			GENERAL RCPT. BOOKS 120 EA.	460.00	01	01-10-2077	1
	4			WATER SVC NOTICE - 100 EA.	150.00	11	11-31-2012	1
	5			WATER LINE NOTICE - 100 EA.	150.00	11	11-31-2012	1
				INVOICE TOTAL	1,195.00			
				VENDOR TOTAL	1,314.00			
			2838	ROY JOLIVET				
NOV 2015	1	12/15/15	12/01/15	REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	10	10-30-2002	1
	2			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	11	11-31-2002	1
	3			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.66	21	21-41-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
			2844	JOHN DEERE FINANCIAL				
1217034	1	12/15/15	12/01/15	OIL/FUEL FILTERS - TRACTORS	134.81	11	11-31-2006	1
	2			OIL/FUEL FILTERS - TRACTORS	134.82	10	10-30-2006	1
	3			OIL/FUEL FILTERS - TRACTORS	134.81	21	21-41-2006	1
				INVOICE TOTAL	404.44			
				VENDOR TOTAL	404.44			
			2860	DAN JONES				
NOV 2015	1	12/15/15	12/01/15	REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	10	10-30-2002	1
	2			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	11	11-31-2002	1
	3			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.66	21	21-41-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
			2874	K & A PROPERTY MAINTENANCE LLC				
4033	1	12/15/15	12/01/15	CLEAN CITY BLDG.	528.00	01	01-09-2040	1
	2			CLEAN PD	440.00	01	01-09-2040	1
	3			CLEAN COMM. BLDG.	132.00	01	01-09-2040	1
	4			CLEAN SR. CNTR.	425.00	01	01-12-2025	1
				INVOICE TOTAL	1,525.00			
4046	1	12/15/15	12/07/15	CLEAN COMM. BLDG. 12/6/15	100.00	01	01-09-2079	1
				INVOICE TOTAL	100.00			
4047	1	12/15/15	12/07/15	CLEANING AFTER HAC DANCE 12/11	100.00	30	30-50-2092	1
				INVOICE TOTAL	100.00			
				VENDOR TOTAL	1,725.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
			2875	KACE SKIP MOON, PRESIDENT				
12/15/15	1	12/15/15	12/15/15	MEMBERSHIP/CONF. FEE-BETTLES	219.00	01	01-20-2015	1
	2			CONF. FEE-CORBY	179.00	01	01-20-2015	1
				INVOICE TOTAL	398.00			
				VENDOR TOTAL	398.00			
			2973	KANSAS BG INC				
200033	1	12/15/15	12/08/15	SUPERCHARGE II FUEL ADDITIVE	113.34	11	11-31-2006	1
	2			SUPERCHARGE II FUEL ADDITIVE	113.34	10	10-30-2006	1
	3			SUPERCHARGE II FUEL ADDITIVE	113.34	21	21-41-2006	1
				INVOICE TOTAL	340.02			
29990	1	12/15/15	12/01/15	SUPERCHARGE II/DFC+HP ADDITIVE	274.60	11	11-31-2006	1
	2			SUPERCHARGE II/DFC+HP ADDITIVE	274.60	10	10-30-2006	1
	3			SUPERCHARGE II/DFC+HP ADDITIVE	274.60	21	21-41-2006	1
				INVOICE TOTAL	823.80			
				VENDOR TOTAL	1,163.82			
			3150	KANSAS DEPT OF REVENUE				
NOV 2015	1	12/15/15	12/01/15	WATER SALES TAX RETURN	566.29	11	11-31-2022	1
				INVOICE TOTAL	566.29			
				VENDOR TOTAL	566.29			
			3248	KANSASLAND TIRE				
161044	1	12/15/15	12/01/15	R265/60R17 TIRES 10 EA. - PD	1,269.40	01	01-02-2035	1
				INVOICE TOTAL	1,269.40			
161274	1	12/15/15	12/01/15	P215/70R16 TIRE 2EA-CAR #14-13	196.30	01	01-02-2035	1
				INVOICE TOTAL	196.30			
161719	1	12/15/15	12/10/15	P235/65R17 TIRES 2EA.-CAR #02	220.54	01	01-02-2035	1
				INVOICE TOTAL	220.54			
				VENDOR TOTAL	1,686.24			
			3295	KANSAS ONE-CALL SYSTEM INC				
5110287	1	12/15/15	12/01/15	99 LOCATES @ $1.00 EA.	33.00	10	10-30-2040	1
	2			99 LOCATES @ $1.00 EA.	33.00	11	11-31-2040	1
	3			99 LOCATES @ $1.00 EA.	33.00	21	21-41-2040	1
				INVOICE TOTAL	99.00			
				VENDOR TOTAL	99.00			
			3310	KANSAS PEACE OFFICERS ASSN				
2016DUES	1	12/15/15	12/01/15	2016 DUES - 25 MEMBERS @ $20EA	500.00	01	01-02-2012	1
				INVOICE TOTAL	500.00			
				VENDOR TOTAL	500.00			
			3350	KANSAS STATE TREASURER				
DEC 2015	1	12/15/15	12/01/15	REINSTATEMENT FEES	368.50	01	01-06-2060	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
	2			JUDICIAL BRANCH SURCHARGE	110.00	01	01-06-2060	1
	3			JUDICIAL BRANCH EDUCATION FUND	24.50	01	01-06-2073	1
	4			COURT COSTS/LAW ENF TRNG FUND	1,025.00	01	01-06-2074	1
	5			DUI FEES	250.00	01	01-06-2075	1
				INVOICE TOTAL	1,778.00			
				VENDOR TOTAL	1,778.00			
			3413	JORDAN KECK				
12/15/15 A	1	12/15/15	12/15/15	REFEREE BASKETBALL 4 HR 12/5	60.00	30	30-50-1100	1
				INVOICE TOTAL	60.00			
				VENDOR TOTAL	60.00			
			3440	KEY EQUIPMENT & SUPPLY CO				
244734	1	12/15/15	12/01/15	TENSION SPRING 2 EA.	7.05	11	11-31-2009	1
	2			TENSION SPRING 2 EA.	7.05	10	10-30-2009	1
	3			TENSION SPRING 2 EA.	7.06	21	21-41-2009	1
				INVOICE TOTAL	21.16			
				VENDOR TOTAL	21.16			
			3482	KLEAN KUT INC				
25170	1	12/15/15	12/08/15	PROPERTY CLEANUP:243 S. TURKLE	500.00	01	01-28-2012	1
	2			DUMP FEE	32.40	01	01-28-2012	1
				INVOICE TOTAL	532.40			
				VENDOR TOTAL	532.40			
			3495	KONE INC				
1157054512	1	12/15/15	12/01/15	S/C 9/14 CITY HALL ELEVATOR DOOR OPERATOR CONVERSION	973.00	01	01-09-2040	1
				INVOICE TOTAL	973.00			
				VENDOR TOTAL	973.00			
			3500	KONICA MINOLTA BUSINESS				
9001953965	1	12/15/15	12/01/15	COPIER MAINT. - ADMIN.	152.02	01	01-10-2040	1
				INVOICE TOTAL	152.02			
9001954065	1	12/15/15	12/01/15	COPIER MAINT. - ADMIN. (COLOR)	9.61	01	01-10-2040	1
	2			COPIER MAINT. - PW	76.75	01	01-20-2004	1
				INVOICE TOTAL	86.36			
9001963529	1	12/15/15	12/01/15	ADMIN. COPIER MAINT.	165.55	01	01-10-2040	1
	2			PD COPIER MAINT.	165.55	01	01-02-2040	1
	3			PW COPIER MAINT.	32.67	01	01-20-2004	1
				INVOICE TOTAL	363.77			
				VENDOR TOTAL	602.15			
			3670	LEAGUE OF KANSAS				
16-69	1	12/15/15	12/01/15	2016 CITY MEMBERSHIP DUES	1,162.13	01	01-01-2064	1
	2			2016 CITY MEMBERSHIP DUES	1,162.14	01	01-18-2012	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
	3			2016 CITY MEMBERSHIP DUES	387.38	10	10-30-2012	1
	4			2016 CITY MEMBERSHIP DUES	387.38	11	11-31-2012	1
	5			2016 CITY MEMBERSHIP DUES	387.38	21	21-41-2012	1
	6			1-KS GOVT JRNL SUBSCRIPTION	20.00	01	01-02-2012	1
	7			1-KS GOVT JRNL SUBSCRIPTION	20.00	01	01-01-2064	1
	8			10-KS GOVT JRNL SUBSCRIPTION	200.00	01	01-18-2012	1
	9			2-KS GOVT JRNL SUBSCRIPTION	40.00	01	01-06-2064	1
	10			1-KS GOVT JRNL SUBSCRIPTION	20.00	30	30-50-2015	1
	11			1-KS GOVT JRNL SUBSCRIPTION	6.67	10	10-30-2012	1
	12			1-KS GOVT JRNL SUBSCRIPTION	6.67	11	11-31-2012	1
	13			1-KS GOVT JRNL SUBSCRIPTION	6.66	21	21-41-2012	1
				INVOICE TOTAL	3,806.41			
				VENDOR TOTAL	3,806.41			
			3744	LOGO DEPOT				
OEH 72375	1	12/15/15	12/01/15	PERF. POLO S/S 4 EA.-POLICE	202.50	01	01-02-2016	1
	2			ADD EMBLEM 4 EA.	25.00	01	01-02-2016	1
	3			PERSONALIZATION 4 EA.	20.00	01	01-02-2016	1
	4			REFLECTIVE POLICE STAR 4 EA.	34.00	01	01-02-2016	1
				INVOICE TOTAL	281.50			
				VENDOR TOTAL	281.50			
			3770	LOWES BUSINESS ACCT/GECRB				
DEC 2015	1	12/15/15	12/01/15	MONTHLY SUPPLIES	36.73	01	01-02-2047	1
	2			MONTHLY SUPPLIES	26.48	01	01-02-2006	1
	3			MONTHLY SUPPLIES	82.46	01	01-03-2009	1
	4			MONTHLY SUPPLIES	120.73	01	01-09-2012	1
	5			MONTHLY SUPPLIES	25.58	01	01-09-2079	1
	6			MONTHLY SUPPLIES	503.45	10	10-30-2009	1
	7			MONTHLY SUPPLIES	3.41	10	10-30-2080	1
	8			MONTHLY SUPPLIES	13.16	10	10-30-2006	1
	9			MONTHLY SUPPLIES	9.95	11	11-31-2009	1
	10			MONTHLY SUPPLIES	9.95	21	21-41-2009	1
				INVOICE TOTAL	831.90			
				VENDOR TOTAL	831.90			
			3810	MADRIGAL & ASSOCIATES, INC.				
64317	1	12/15/15	12/01/15	NOTARY BOND - L. VARGAS (PD)	50.00	01	01-02-2004	1
				INVOICE TOTAL	50.00			
				VENDOR TOTAL	50.00			
			3840	MARTINEZ, ANTONIO JR.				
NOV 2015	1	12/15/15	12/01/15	REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.66	11	11-31-2002	1
	2			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	10	10-30-2002	1
	3			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	21	21-41-2002	1
				INVOICE TOTAL	35.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	35.00			
			3906	MCCONNELL & ASSOCIATES				
95364	1	12/15/15	12/01/15	TACK COAT, 5GAL. PAIL 4 EA.	125.80	21	21-41-2009	1
				INVOICE TOTAL	125.80			
				VENDOR TOTAL	125.80			
			3910	MCDANIEL COMPANY INC				
22151	1	12/15/15	12/01/15	ANNUAL FIRE INSP. - CITY HALL	260.00	01	01-09-2040	1
				INVOICE TOTAL	260.00			
22192	1	12/15/15	12/02/15	S/C 11/23 CITY HALL SPRNKLR SY	285.15	01	01-09-2025	1
				INVOICE TOTAL	285.15			
				VENDOR TOTAL	545.15			
			3947	LEVI MCMILLAN				
NOV 2015	1	12/15/15	12/01/15	CELL PHONE REIMBURSEMENT	35.00	11	11-31-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
			3980	MICRO-COMM INC				
0038597-IN	1	12/15/15	12/01/15	BACKUP TRANSDUCERS-LIFT STAT.	1,689.78	10	10-30-2006	1
				INVOICE TOTAL	1,689.78			
				VENDOR TOTAL	1,689.78			
			4035	MIDWEST ELECTRIC & MACHINE				
9509E	1	12/15/15	12/01/15	WW PLANT AERATOR REPAIR	33,585.17	10	10-30-3001	1
				INVOICE TOTAL	33,585.17			
				VENDOR TOTAL	33,585.17			
			4048	MIDWEST SINGLE SOURCE INC				
89586	1	12/15/15	12/01/15	D.A.R.E. T-SHIRTS 456 EA.	2,931.90	28	28-48-2032	1
	2			SHIPPING/HANDLING FEES	146.59	28	28-48-2032	1
				INVOICE TOTAL	3,078.49			
				VENDOR TOTAL	3,078.49			
			4150	MORE'S EXCAVATING				
1536	1	12/15/15	12/01/15	RED LANDSCAPING SHALE-P/C PARK	882.00	01	01-03-2046	1
				INVOICE TOTAL	882.00			
				VENDOR TOTAL	882.00			
			4200	MURDOCK COMPANIES INC				
1024418-00	1	12/15/15	12/01/15	1/2 X 26 V-BELT 1 EA.	6.65	10	10-30-2006	1
				INVOICE TOTAL	6.65			
1024445-00	1	12/15/15	12/01/15	REPAIR PARTS - SAND/SALT SPRDR	373.42	21	21-41-2006	1
				INVOICE TOTAL	373.42			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	380.07			
			4317	NRP				
2775	1	12/15/15	12/01/15	DEC 2015 FOG CONTROLS	1,680.00	10	10-30-2040	1
				INVOICE TOTAL	1,680.00			
				VENDOR TOTAL	1,680.00			
			4340	N D F CO				
E4679	1	12/15/15	12/01/15	PRINT CREDIT	20.00	01	01-02-2004	1
				INVOICE TOTAL	20.00			
				VENDOR TOTAL	20.00			
			4348	NEW MARKET HEALTH CARE LLC				
271367	1	12/15/15	12/01/15	R. TUCKER DOT UA	45.00	10	10-30-2012	1
				INVOICE TOTAL	45.00			
				VENDOR TOTAL	45.00			
			4355	BRUCE NYSTROM, PHD				
11/10/15	1	12/15/15	12/01/15	FITNESS FOR DUTY EVALUATION 1E	405.00	01	01-02-2012	1
				INVOICE TOTAL	405.00			
				VENDOR TOTAL	405.00			
			4370	OFFICE DEPOT				
804767147	1	12/15/15	12/01/15	RTRN - RUBBERBANDS, SZ33 1 LB.	1.87-	01	01-10-2077	1
				INVOICE TOTAL	1.87-			
804767148	1	12/15/15	12/01/15	RUBBERBANDS, SZ 33, 1 LB	1.87	01	01-10-2077	1
	2			BINDER, 2", WHT	2.19	01	01-10-2077	1
				INVOICE TOTAL	4.06			
804767149	1	12/15/15	12/01/15	RTRN - BINDER, 2", WHT.	2.19-	01	01-10-2077	1
				INVOICE TOTAL	2.19-			
805441872	1	12/15/15	12/01/15	DELL 113X, TONER CART, BLK, 1E	59.83	01	01-12-2004	1
				INVOICE TOTAL	59.83			
808709891	1	12/15/15	12/01/15		6.79	01	01-20-2004	1
	2			MISC. OFFICE SUPPLIES	6.79	10	10-30-2004	1
	3			MISC. OFFICE SUPPLIES	6.49	11	11-31-2004	1
	4			MISC. OFFICE SUPPLIES	7.10	21	21-41-2004	1
				INVOICE TOTAL	27.17			
808709934	1	12/15/15	12/01/15	BASKET, SUPPLY, LRG 2 PACK	25.95	01	01-20-2004	1
				INVOICE TOTAL	25.95			
				VENDOR TOTAL	112.95			
			4377	JAMES OLTMAN				
NOV 2015	1	12/15/15	12/15/15	CELL PHONE REIMBURSEMENT	35.00	01	01-18-2002	1
				INVOICE TOTAL	35.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	35.00			
				4396 O'REILLY AUTOMOTIVE INC				
4814138298	1	12/15/15	12/01/15	HEADLIGHT CAPSULE - CAR #02	6.39	01	01-02-2035	1
				INVOICE TOTAL	6.39			
4814139395	1	12/15/15	12/01/15	HOSE MENDER/CLAMP SET - PW	2.44	11	11-31-2006	1
	2			HOSE MENDER/CLAMP SET - PW	2.44	10	10-30-2006	1
	3			HOSE MENDER/CLAMP SET - PW	2.44	21	21-41-2006	1
				INVOICE TOTAL	7.32			
4814139505	1	12/15/15	12/01/15	BRAKE HOSE - TRK #49	13.73	01	01-03-2006	1
				INVOICE TOTAL	13.73			
4814140150	1	12/15/15	12/01/15	HEATER FTG. - TRK #46	5.99	11	11-31-2006	1
				INVOICE TOTAL	5.99			
4814140169	1	12/15/15	12/01/15	ABSORBENT 6EA. BAGS - PW	12.98	11	11-31-2009	1
	2			ABSORBENT 6EA. BAGS - PW	12.98	10	10-30-2009	1
	3			ABSORBENT 6EA. BAGS - PW	12.98	21	21-41-2009	1
				INVOICE TOTAL	38.94			
4814140181	1	12/15/15	12/01/15	RTRN. - BRAKE HOSE (TRK #49)	13.73-	01	01-03-2006	1
				INVOICE TOTAL	13.73-			
4814140305	1	12/15/15	12/01/15	5AMP GLASS FUSES- MDT (POLICE)	7.38	01	01-02-2035	1
				INVOICE TOTAL	7.38			
4814140410	1	12/15/15	12/03/15	BATTERY - TRK #51 (PARK DEPT)	99.58	01	01-03-2006	1
				INVOICE TOTAL	99.58			
4814140428	1	12/15/15	12/03/15	INTR DOOR HANDLE - TRK #51	23.86	01	01-03-2006	1
				INVOICE TOTAL	23.86			
4814140478	1	12/15/15	12/03/15	BAND CLAMP 1EA. - TRK #51	9.89	01	01-03-2006	1
				INVOICE TOTAL	9.89			
4814140537	1	12/15/15	12/04/15	RPLCMNT GLASS - TRK #51	12.99	01	01-03-2006	1
				INVOICE TOTAL	12.99			
4814140561	1	12/15/15	12/04/15	RPLCMNT GLASS - TRK #51	2.00	01	01-03-2006	1
				INVOICE TOTAL	2.00			
4814140562	1	12/15/15	12/04/15	1.5OZ SILICONE - TRK #51	5.79	01	01-03-2006	1
				INVOICE TOTAL	5.79			
4814140882	1	12/15/15	12/07/15	STARTER - TRK #35 (STR DEPT.)	91.15	21	21-41-2006	1
				INVOICE TOTAL	91.15			
4814140963	1	12/15/15	12/08/15	REPAIR PARTS - TRK #42	43.98	01	01-03-2006	1
				INVOICE TOTAL	43.98			
4814140966	1	12/15/15	12/08/15	SPARK PLUGS - TRK #42	17.43	01	01-03-2006	1
				INVOICE TOTAL	17.43			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
4814141129	1	12/15/15	12/10/15	BOOSTER CABLES/BATTERIES	47.98	10	10-30-2006	1
				INVOICE TOTAL	47.98			
				VENDOR TOTAL	420.67			
			4520	PETTY CASH				
12/15/15	1	12/15/15	12/15/15	REIMBURSE FUND	35.00	01	01-00-5008	1
	2			REIMBURSE FUND	875.00	01	01-00-5016	1
	3			REIMBURSE FUND	67.50	01	01-00-5059	1
	4			REIMBURSE FUND	25.00	01	01-02-2004	1
	5			REIMBURSE FUND	35.84	01	01-03-2012	1
	6			REIMBURSE FUND	300.00	01	01-10-2088	1
	7			REIMBURSE FUND	74.97	01	01-20-2012	1
	8			REIMBURSE FUND	50.00	01	01-20-2016	1
	9			REIMBURSE FUND	50.00	01	01-28-2012	1
	10			REIMBURSE FUND	27.12	10	10-30-2012	1
	11			REIMBURSE FUND	16.67	10	10-30-2016	1
	12			REIMBURSE FUND	74.00	11	11-00-5012	1
	13			REIMBURSE FUND	47.00	11	11-31-2015	1
	14			REIMBURSE FUND	16.66	11	11-31-2016	1
	15			REIMBURSE FUND	16.67	21	21-41-2016	1
	16			REIMBURSE FUND	65.00	30	30-00-5077	1
	17			REIMBURSE FUND	200.00	30	30-00-5078	1
	18			REIMBURSE FUND	40.00	30	30-50-2092	1
	19			REIMBURSE FUND	113.11	32	32-52-2012	1
				INVOICE TOTAL	2,129.54			
				VENDOR TOTAL	2,129.54			
			4648	POORMAN AUTO SUPPLY #5				
522868	1	12/15/15	12/01/15	A10 10-9116 DEX01 3 EA.	14.79	11	11-31-2006	1
				INVOICE TOTAL	14.79			
				VENDOR TOTAL	14.79			
			4750	PROFESSIONAL ENGINEERING				
512775	1	12/15/15	12/01/15	MONTHLY RETAINER	66.67	10	10-30-2040	1
	2			MONTHLY RETAINER	66.67	11	11-31-2040	1
	3			MONTHLY RETAINER	66.66	21	21-41-2040	1
				INVOICE TOTAL	200.00			
512776	1	12/15/15	12/01/15	2015 DWR WATER APPR. PERMIT	2,450.00	11	11-31-2040	1
				INVOICE TOTAL	2,450.00			
				VENDOR TOTAL	2,650.00			
			4780	PRO-KEM SUPPLIES INC				
10391	1	12/15/15	12/01/15	PULSE SVC. - PD 5EA.	40.00	01	01-02-2004	1
	2			PULSE SVC. - CITY BLDG.	40.00	01	01-09-2012	1
	3			PULSE SVC. -SR. CNTR.	16.00	01	01-12-2025	1
				INVOICE TOTAL	96.00			
				VENDOR TOTAL	96.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				5056 SEAN RINEHART				
NOV 2015	1	12/15/15	12/01/15	REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	10	10-30-2002	1
	2			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.67	11	11-31-2002	1
	3			REIMBURSE CELL PHONE USE ON CALL PERSONNEL	11.66	21	21-41-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
				5119 ED ROEHR SAFETY PRODUCTS				
439322	1	12/15/15	12/01/15	TASER BATTERY 4 EA.	177.75	01	01-02-2006	1
				INVOICE TOTAL	177.75			
				VENDOR TOTAL	177.75			
				5231 SAM'S CLUB / GECRB				
NOV 2015	1	12/15/15	12/01/15	MONTHLY SUPPLIES	200.00	01	01-09-2009	1
	2			MONTHLY SUPPLIES	83.76	01	01-10-2088	1
	3			MONTHLY SUPPLIES	347.16	01	01-03-2009	1
	4			MONTHLY SUPPLIES	33.69	01	01-03-2012	1
	5			MONTHLY SUPPLIES	52.22	10	10-30-2012	1
	6			MONTHLY SUPPLIES	223.55	11	11-31-2012	1
	7			MONTHLY SUPPLIES	33.69	21	21-41-2012	1
	8			MONTHLY SUPPLIES	96.63	30	30-50-2009	1
	9			MONTHLY SUPPLIES	11.52	30	30-50-2031	1
	10			MONTHLY SUPPLIES	155.67	30	30-50-2092	1
	11			MONTHLY SUPPLIES	1,018.63	30	30-50-2094	1
	12			MONTHLY SUPPLIES	250.00	01	01-09-2079	1
				INVOICE TOTAL	2,506.52			
				VENDOR TOTAL	2,506.52			
				5330 SEDGWICK COUNTY ELECTRIC COOP				
NOV 2015	1	12/15/15	12/01/15	ELECTRIC USE @ EAST WATER WELL	750.04	11	11-31-2003	1
				INVOICE TOTAL	750.04			
NOV 2015-	1	12/15/15	12/01/15	ELECTRIC USE @ WEST WATER WELL	612.39	11	11-31-2003	1
				INVOICE TOTAL	612.39			
				VENDOR TOTAL	1,362.43			
				5335 SEDGWICK COUNTY DIV OF FINANCE				
NOV 2015	1	12/15/15	12/01/15	PRISONER HOUSING 425 HRS.	994.50	01	01-06-3066	1
				INVOICE TOTAL	994.50			
				VENDOR TOTAL	994.50			
				5381 SEDGWICK COUNTY TREASURER				
141578257	1	12/15/15	12/01/15	202 S. MAIN ST. - LOT 17	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151460879	1	12/15/15	12/01/15	LOT 2 BLK A - FREEMAN SCHOOL	4.58	01	01-09-2012	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				INVOICE TOTAL	4.58			
151465613	1	12/15/15	12/01/15	700 W. SARAH LN.	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151466263	1	12/15/15	12/01/15	702 W. SARAH LN DRAINAGE	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151466531	1	12/15/15	12/01/15	525 W. SARAH LN.	3.44	12	12-32-2012	1
				INVOICE TOTAL	3.44			
151466565	1	12/15/15	12/01/15	200 W. GRAND AVE.- CITY HALL	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151466574	1	12/15/15	12/01/15	7106 S. BRDWY AVE. - HAC	4.58	30	30-50-2012	1
				INVOICE TOTAL	4.58			
151466657	1	12/15/15	12/01/15	HILLCREST ADDT'N - TIMBERLANE	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151466942	1	12/15/15	12/01/15	IRREG. LAND S. OF P/C PARK 120 X 284 FT.	6.87	01	01-03-2012	1
				INVOICE TOTAL	6.87			
151466981	1	12/15/15	12/01/15	130 W. GRAND AVE. - PD/COURT	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151467191	1	12/15/15	12/01/15	IRREG. LAND S. OF P/C PARK 260 X 80 FT.	6.87	01	01-03-2012	1
				INVOICE TOTAL	6.87			
151467258	1	12/15/15	12/01/15	350 N. PARK DR.	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151467489	1	12/15/15	12/01/15	6545 S. MABEL ST. - P/C SPORTS	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151475518	1	12/15/15	12/01/15	FARMLAND - E. OF TIMBERCREEK	202.82	10	10-30-2012	1
				INVOICE TOTAL	202.82			
151476072	1	12/15/15	12/01/15	NW 1/4 SE 1/4 SEC 5-29-1E	352.63	10	10-30-2012	1
				INVOICE TOTAL	352.63			
151477448	1	12/15/15	12/01/15	220 S. MAIN ST. - LOT 18 & 19	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151477560	1	12/15/15	12/01/15	LOT 11 & 12	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151477651	1	12/15/15	12/01/15	102 S TURKLE AVE-TORNADO SIREN	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151477702	1	12/15/15	12/01/15	LOT 16	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
151477751	1	12/15/15	12/01/15	102 S. HAYS AVE.	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151477967	1	12/15/15	12/01/15	215 S. HAYS AVE.	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151477969	1	12/15/15	12/01/15	140 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151477993	1	12/15/15	12/01/15	130 E. 2ND ST.-COMM. BLDG.	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151478016	1	12/15/15	12/01/15	210 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478020	1	12/15/15	12/01/15	LOTS 21-22-23-24-25-26-27-28	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151478048	1	12/15/15	12/01/15	WASTEWATER PROPERTY	4.58	10	10-30-2012	1
				INVOICE TOTAL	4.58			
151478050	1	12/15/15	12/01/15	LOT 18-19-20	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151478057	1	12/15/15	12/01/15	LOT 11 HAYS FIRST ADDT'N	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478068	1	12/15/15	12/01/15	226 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478148	1	12/15/15	12/01/15	200 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478189	1	12/15/15	12/01/15	126 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478300	1	12/15/15	12/01/15	138 S. HAYS AVE.	3.44	01	01-09-2012	1
				INVOICE TOTAL	3.44			
151478375	1	12/15/15	12/01/15	240 S. MAIN ST.	1,501.72	36	36-56-3001	1
				INVOICE TOTAL	1,501.72			
151478523	1	12/15/15	12/01/15	429 S. JANE ST. - PW	4.58	10	10-30-2012	1
				INVOICE TOTAL	4.58			
151478706	1	12/15/15	12/01/15	7310 S. BRDWY. AVE.	1,899.16	36	36-56-3001	1
				INVOICE TOTAL	1,899.16			
151478984	1	12/15/15	12/01/15	ORCHARD ACRES RES A	4.58	01	01-03-2012	1
				INVOICE TOTAL	4.58			
151479004	1	12/15/15	12/01/15	601 S. WAYNE AVE.	4.58	10	10-30-2012	1
				INVOICE TOTAL	4.58			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
151479114	1	12/15/15	12/01/15	1200 E. DIRCK ST.- SO. FIELD	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151484600	1	12/15/15	12/01/15	LOT 1 BLK A, GRAND 4TH ADDT'N	4.58	10	10-30-2012	1
				INVOICE TOTAL	4.58			
151487810	1	12/15/15	12/01/15	OLD OAKS ESTATES RES D	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151488357	1	12/15/15	12/01/15	OLD OAKS ESTATES RES C	4.58	01	01-03-2012	1
				INVOICE TOTAL	4.58			
151495811	1	12/15/15	12/01/15	KIRBY PARK RES B	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151510910	1	12/15/15	12/01/15	WATER WELL PROPERTY	4.58	11	11-31-2012	1
				INVOICE TOTAL	4.58			
151511098	1	12/15/15	12/01/15	WATER WELL PROPERTY	4.58	11	11-31-2012	1
				INVOICE TOTAL	4.58			
151511348	1	12/15/15	12/01/15	PEACHWOOD 9TH ADDT'N RES A	1.85	01	01-09-2012	1
				INVOICE TOTAL	1.85			
151511367	1	12/15/15	12/01/15	FARMLAND-S. OF COUNTRY LAKES 79TH/MERIDIAN AREA	711.82	36	36-56-3001	1
				INVOICE TOTAL	711.82			
151512851	1	12/15/15	12/01/15	OLD OAKS ESTATE RES A 3RD ADDT	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
151515395	1	12/15/15	12/01/15	ALONG HAYS AVE.	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151519114	1	12/15/15	12/01/15	140 N. MAIN ST.	4.58	01	01-09-2012	1
				INVOICE TOTAL	4.58			
151520615	1	12/15/15	12/01/15	608 S. CHATTA ST.- S. HAMPTON	3.44	01	01-03-2012	1
				INVOICE TOTAL	3.44			
				VENDOR TOTAL	4,855.58			
			5434	SOCIETY FOR HUMAN				
12/15/15	1	12/15/15	12/15/15	2016 MEMBERSHIP DUES	190.00	01	01-01-2064	1
				INVOICE TOTAL	190.00			
				VENDOR TOTAL	190.00			
			5435	SHIRTS PLUS				
23721	1	12/15/15	12/01/15	CITY OF HAYSVILLE LOGO EMBROID	44.00	10	10-30-2016	1
				INVOICE TOTAL	44.00			
				VENDOR TOTAL	44.00			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				5444 JOHNATHAN SIMONS				
NOV 2015	1	12/15/15	12/01/15	REIMBURSE CELL PHONE USE ON CALL PERSONNEL	35.00	21	21-41-2002	1
				INVOICE TOTAL	35.00			
				VENDOR TOTAL	35.00			
				5536 SHANNON REED				
12/15/15	1	12/15/15	12/15/15	HOSTED DJ SHOW W/LIGHTS 12/11	200.00	30	30-50-2092	1
				INVOICE TOTAL	200.00			
				VENDOR TOTAL	200.00			
				5540 SOUTHEASTERN SECURITY				
101475	1	12/15/15	12/01/15	BACKGROUND/CRIMINAL CHECK 9EA.	166.50	30	30-50-2092	1
				INVOICE TOTAL	166.50			
				VENDOR TOTAL	166.50			
				5680 STANION WHOLESALE ELECTRIC CO				
3992046-00	1	12/15/15	12/01/15	ELECTRICAL SUPPLIES - PD	158.15	01	01-09-2009	1
				INVOICE TOTAL	158.15			
3992775-00	1	12/15/15	12/01/15	MISC. ELECTRICAL SUPPLIES	44.19	11	11-31-2009	1
	2			MISC. ELECTRICAL SUPPLIES	44.19	10	10-30-2009	1
	3			MISC. ELECTRICAL SUPPLIES	44.19	21	21-41-2009	1
	4			MISC. ELECTRICAL SUPPLIES	44.20	01	01-03-2009	1
				INVOICE TOTAL	176.77			
3993922-00	1	12/15/15	12/01/15	MISC. ELECTRICAL SUPPLIES	52.80	11	11-31-2009	1
	2			MISC. ELECTRICAL SUPPLIES	52.80	10	10-30-2009	1
	3			MISC. ELECTRICAL SUPPLIES	52.81	21	21-41-2009	1
				INVOICE TOTAL	158.41			
400521-00	1	12/15/15	12/09/15	RPLCMNT LIGHTS FOR SR CNTR/HAC	97.04	01	01-09-2009	1
	2			RPLCMNT LIGHTS FOR SR CNTR/HAC	97.04	30	30-50-2009	1
				INVOICE TOTAL	194.08			
				VENDOR TOTAL	687.41			
				5770 SUPERIOR OFFICE				
319547-0	1	12/15/15	12/01/15	PD VEHICLE SVC. FORM 2 PACKS	49.26	01	01-02-2004	1
				INVOICE TOTAL	49.26			
				VENDOR TOTAL	49.26			
				5892 TEAM ELECTRIC SUPPLY, INC.				
89224	1	12/15/15	12/01/15	CLEANING/ANALYZING VFD	250.00	10	10-30-2006	1
				INVOICE TOTAL	250.00			
				VENDOR TOTAL	250.00			
				5916 TIMES-SENTINEL NEWSPAPERS				
21739	1	12/15/15	12/01/15	PUBLIC HEARING AD 11/19/15	30.00	01	01-04-2014	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
	2			NEW HOMES AD 11/12/15	100.00	92	92-66-3001	1
				INVOICE TOTAL	130.00			
21868	1	12/15/15	12/02/15	DECEMBER ADVERTISING 12/2/15	180.00	92	92-66-3001	1
				INVOICE TOTAL	180.00			
21904	1	12/15/15	12/03/15	HAM GIVEAWAY 12/3/15	45.00	92	92-66-3001	1
				INVOICE TOTAL	45.00			
				VENDOR TOTAL	355.00			
			5917	TIRE DEALERS WAREHOUSE				
705697	1	12/15/15	12/01/15	215/85R16 TIRES 4EA. - TRK #48	501.08	10	10-30-2006	1
				INVOICE TOTAL	501.08			
				VENDOR TOTAL	501.08			
			6234	VERIZON WIRELESS				
NOV 2015	1	12/15/15	12/01/15	POLICE DEPT.- MOBILE BROADBAND	80.02	01	01-02-2040	1
				INVOICE TOTAL	80.02			
NOV 2015*	1	12/15/15	12/01/15	PUBLIC WORKS DATA PLAN	61.80	10	10-30-2002	1
	2			PUBLIC WORKS DATA PLAN	61.80	11	11-31-2002	1
	3			PUBLIC WORKS DATA PLAN	61.80	21	21-41-2002	1
				INVOICE TOTAL	185.40			
				VENDOR TOTAL	265.42			
			6290	THE WALDINGER CORPORATION				
5541926-1	1	12/15/15	12/01/15	HASTINGS MUA CHECK-S/C 11/9	217.00	10	10-30-2006	1
				INVOICE TOTAL	217.00			
5543733-0	1	12/15/15	12/01/15	HEATER CHECK - S/C 11/17/15	380.63	10	10-30-2006	1
				INVOICE TOTAL	380.63			
				VENDOR TOTAL	597.63			
			6300	WAL-MART COMMUNITY/GECRB				
OCT 2015	1	12/15/15	12/01/15	MONTHLY SUPPLIES	31.58	30	30-50-2092	1
	2			MONTHLY SUPPLIES	13.96	30	30-50-2094	1
				INVOICE TOTAL	45.54			
				VENDOR TOTAL	45.54			
			6310	WAMPO				
2015120811	1	12/15/15	12/01/15	2016 ANNUAL ASSESSMENT FEE	1,108.00	36	36-56-3001	1
				INVOICE TOTAL	1,108.00			
				VENDOR TOTAL	1,108.00			
			6340	WASTE DISPOSAL LLC				
113015	1	12/15/15	12/01/15	SOLID WASTE DISPOSAL FEE	137.80	10	10-30-2009	1
				INVOICE TOTAL	137.80			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				VENDOR TOTAL	137.80			
				6345 WASTE CONNECTIONS INC				
10790307	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - CITY BLDG	40.17	01	01-09-2040	1
	2			MONTHLY TRASH SVC. - CITY BLDG	40.18	10	10-30-2040	1
	3			MONTHLY TRASH SVC. - CITY BLDG	40.18	11	11-31-2040	1
				INVOICE TOTAL	120.53			
10790309	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - HAC	86.99	30	30-50-2003	1
				INVOICE TOTAL	86.99			
10790310	1	12/15/15	12/01/15	MONTHLY TRASH SVC - SR. CNTR.	128.40	01	01-12-2003	1
				INVOICE TOTAL	128.40			
10790311-2	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - PW	57.08	10	10-30-2040	1
	2			MONTHLY TRASH SVC. - PW	57.09	11	11-31-2040	1
	3			MONTHLY TRASH SVC. - PW	57.09	21	21-41-2040	1
				INVOICE TOTAL	171.26			
10790313	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - COMM BLDG	81.45	01	01-09-2040	1
				INVOICE TOTAL	81.45			
10790314	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - RIGGS	152.15	01	01-03-2012	1
				INVOICE TOTAL	152.15			
10790315	1	12/15/15	12/01/15	MONTHLY TRASH SVC. - P/C SPORT	121.31	30	30-50-2046	1
				INVOICE TOTAL	121.31			
				VENDOR TOTAL	862.09			
				6355 WATCHGUARD VIDEO				
0006259	1	12/15/15	12/02/15	RE-INSTALL KIT,FORD EXPL 2016	57.00	01	01-02-2035	1
				INVOICE TOTAL	57.00			
				VENDOR TOTAL	57.00			
				6383 WELLBEATS				
233507	1	12/15/15	12/01/15	ELEMENTS BASIC PACKAGE	149.00	99	99-66-3001	1
				INVOICE TOTAL	149.00			
				VENDOR TOTAL	149.00			
				6630 WICHITA WINWATER WORKS				
204486 01	1	12/15/15	12/01/15	3/4" DUAL PURPOSE ASSY. 7EA.	62.09	11	11-31-2009	1
				INVOICE TOTAL	62.09			
209316 00	1	12/15/15	12/01/15	2X7.5" REPAIR CLAMP 1 EA.	52.19	11	11-31-2009	1
				INVOICE TOTAL	52.19			
209741 00	1	12/15/15	12/01/15	6X20 PVC40 PIPE - PW BLUE SHED	94.80	11	11-31-2009	1
				INVOICE TOTAL	94.80			
7438888	1	12/15/15	12/01/15	MISC. FURNACE FILTERS	321.60	01	01-09-2009	1
				INVOICE TOTAL	321.60			

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
7447035	1	12/15/15	12/01/15	LINE VOLTAGE TSTAT 1 EA.	61.02	10	10-30-2006	1
				INVOICE TOTAL	61.02			
7447036	1	12/15/15	12/01/15	18OZ EVAP FOAM SPRAY-TRK #40	18.20	11	11-31-2009	1
	2			18OZ EVAP FOAM SPRAY-TRK #40	18.20	10	10-30-2009	1
	3			18OZ EVAP FOAM SPRAY-TRK #40	18.20	21	21-41-2009	1
				INVOICE TOTAL	54.60			
				VENDOR TOTAL	646.30			
			6700	WILLIAMS JANITORIAL SUPPLY				
0503466-IN	1	12/15/15	12/01/15	ICE MELT 50# BAG - 110 EA.	1,941.50	21	21-41-2009	1
				INVOICE TOTAL	1,941.50			
				VENDOR TOTAL	1,941.50			
			6765	ZEAGER BROS., INC.				
504	1	12/15/15	12/01/15	WOODCARPET - TOP PARK'S OFF	2,434.18	98	98-66-3001	1
				INVOICE TOTAL	2,434.18			
				VENDOR TOTAL	2,434.18			
			10135	CHRISTOPHER LONG				
12/15/15 A	1	12/15/15	12/15/15	REFEREE BSKTBALL 5 HRS 12/5/15	100.00	30	30-50-1100	1
				INVOICE TOTAL	100.00			
				VENDOR TOTAL	100.00			
			10190	DUSTIN MUSGROVE				
12/15/15 A	1	12/15/15	12/15/15	REFEREE BSKTBALL 3 HRS 12/5/15	45.00	30	30-50-1100	1
				INVOICE TOTAL	45.00			
				VENDOR TOTAL	45.00			
			10720	JESSIE YBARRA				
12/15/15 A	1	12/15/15	12/15/15	REFEREE BSKTBALL 5 HRS 12/5/15	100.00	30	30-50-1100	1
				INVOICE TOTAL	100.00			
				VENDOR TOTAL	100.00			
				INTRUST TOTAL	163,070.74			

TOTAL MANUAL CHECKS	.00
TOTAL E-PAYMENTS	.00
TOTAL PURCH CARDS	.00
TOTAL ACH PAYMENTS	.00
TOTAL OPEN PAYMENTS	163,070.74
GRAND TOTALS	163,070.74

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PETTY CASH CHECKS FROM 11/24/15 THRU 12/10/15
Checks #44792 thru #44827

CK #	DATE	PAYEE	DESCRIPTION	DEPARTMENT	AMOUNT
44792	11/24/2015	Mark Standifer	Reimburse Overpayment on Water Bill - A/C #7330002	Water Revenue - Miscellaneous	74.00
44793	11/24/2015	Rosemarie Corby	Boot Reimbursement	Inspection - Uniforms	50.00
44794	11/25/2015	KDHE - Bureau of Water	Water Class III - Javon Baker	Water - Training/Educ/Travel	25.00
44795	11/25/2015	Crown Carriage Co.	Village Christmas Carriage Rides	Sp Funds - Historic District	300.00
44796	11/25/2015	Angel Gaynor	Village Christmas Photography	Historic - Miscellaneous Expense	50.00
44797	11/25/2015	Angel Gaynor	Pet Portraits - HAC	Recreation - Programs	40.00
44798	11/25/2015	Diana Vaught	Refund Deposit on Comm. Bldg. Rental - Rcpt. #95858	General Revenue - Bldg. Rentals	50.00
44799	11/25/2015	Angie Wickham	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96032	General Revenue - Bldg. Rentals	50.00
44800	11/25/2015	Kimberly Hook	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96085	General Revenue - Bldg. Rentals	50.00
44801	11/25/2015	Linda Garner	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96348	General Revenue - Bldg. Rentals	50.00
44802	11/25/2015	Amber Nice	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96400	General Revenue - Bldg. Rentals	50.00
44803	11/25/2015	Lillian Kay Scott	Refund Deposit on Senior Center Rental - Rcpt. #700	General Revenue - Bldg. Rentals	100.00
44804	11/25/2015	Brandi Rinke	Refund Coach Fee for Youth Soccer - Rcpt. #65681	Recreation Revenue - Programs	35.00
44805	12/2/2015	Mel Miller	Yard Cleaning	Noxious Weeds Miscellaneous	50.00
44806	12/3/2015	Tony Martinez	Boot Reimbursement	Water - Uniforms	16.66
				Sewer - Uniforms	16.67
				Street - Uniforms	16.67
44807	12/3/2015	Kirby Manny	Meal Reimbursement - Lawn/Sprinkler Class	Park - Miscellaneous	35.84
44808	12/3/2015	Rosemarie Corby	Reimburse Purchase of Uniforms	Inspection - Miscellaneous	74.97
44809	12/3/2015	Dawn Flower	Reimburse Purchase of Office Christmas Decorations	Sewer - Miscellaneous	27.12
44810	12/3/2015	Phillip Brickley	Refund Deposit on Senior Center Rental - Rcpt. #661	General Revenue - Bldg. Rentals	100.00
44811	12/3/2015	Joseph Lopez	Refund Deposit on HAC Rental - Rcpt. #67117	Recreation Revenue - Misc.	50.00
44812	12/3/2015	Kristy Wisely	Refund Gobble Wobble Registration - Rcpt. #67495	Recreation Revenue - Programs	30.00
44813	12/3/2015	Teresa Martinez	Refund Deposit on HAC Rental - Rcpt. #66801	Recreation Revenue - Misc.	50.00
44814	12/3/2015	Janet White	Refund Deposit on Comm. Bldg. Rental - Rcpt. #94740	General Revenue - Bldg. Rentals	50.00
44815	12/3/2015	Joyce Metzinger	Refund Deposit on Comm. Bldg. Rental - Rcpt. #93718	General Revenue - Bldg. Rentals	50.00
44816	12/3/2015	Megan Pfingsten	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96097	General Revenue - Bldg. Rentals	50.00
44817	12/3/2015	Melissa Longpine	Refund Deposit on Comm. Bldg. Rental - Rcpt. #96145	General Revenue - Bldg. Rentals	50.00
44818	12/8/2015	Javon Baker	Travel Advance - KS Certification Testing	Water - Training/Educ/Travel	11.00
44819	12/8/2015	Kyle Lyons	Travel Advance - KS Certification Testing	Water - Training/Educ/Travel	11.00
44820	12/8/2015	Hannelor Hansen	Restitution - Case #2015/18	General Revenue - Court Restitution	67.50
44821	12/8/2015	Bowers Plumbing	Refund Plumbing Permit - Rcpt. #17592	General Revenue - Permits	35.00
44822	12/8/2015	Ks Secretary of State	Notary Bond - Lidia Vargas	Police - Office Expense	25.00
44823	12/10/2015	Luetta Yoder	Equipment for Village Christmas	Historic - Miscellaneous Expense	63.11
44824	12/10/2015	Joyce Metzinger	Refund Deposit on Comm. Bldg. Rental - Rcpt. #93718	General Revenue - Bldg. Rentals	125.00
44825	12/10/2015	Sharon Schott	Refund Deposit on HAC Rental - Rcpt. #66786	Recreation Revenue - Misc.	50.00
44826	12/10/2015	Chad Edgar	Refund Deposit on HAC Rental - Rcpt. #67429	Recreation Revenue - Misc.	50.00
44827	12/10/2015	Joyce Mann	Refund Deposit on Senior Center Rental - Rcpt. #662	General Revenue - Bldg. Rentals	100.00
				TOTAL CHECKS WRITTEN	**2,129.54**

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VENDOR NO	NAME	PAYMENT AMT
1325	COX COMMUNICATIONS	1,209.24
3230	KS GAS SERVICE-PRIMARY	831.11
5859	T-MOBILE	30.00
6407	WESTAR ENERGY	27,127.33
	REPORT TOTAL	29,197.68

FUND	NAME	TOTAL
01	GENERAL FU	12,259.93
10	SEWER FUND	10,917.95
11	WATER FUND	3,344.23
12	MUNICIPAL	136.07
21	STREET FUN	1,064.88
30	RECREATION	1,474.62
	TOTAL	29,197.68

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INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
				INTRUST				
			1325	COX COMMUNICATIONS				
DEC 2015	1	12/10/15	12/10/15	SR. CNTR. CABLE/DATA SVC.	202.48	01	01-12-2003	1
	2			HAC CABLE SVC.	125.03	30	30-50-2003	1
	3			HAC DATA SVC.	159.00	30	30-50-2002	1
	4			CITY/PD/CRT DATA SVC.	110.39	01	01-01-2002	1
	5			CITY/PD/CRT DATA SVC.	335.58	01	01-02-2002	1
	6			CITY/PD/CRT DATA SVC.	11.31	01	01-04-2002	1
	7			CITY/PD/CRT DATA SVC.	27.60	01	01-06-2002	1
	8			CITY/PD/CRT DATA SVC.	33.12	01	01-18-2002	1
	9			CITY/PD/CRT DATA SVC.	11.31	01	01-21-2002	1
	10			CITY/PD/CRT DATA SVC.	11.31	01	01-22-2002	1
	11			CITY/PD/CRT DATA SVC.	11.31	01	01-18-2002	1
	12			PW CABLE/DATA SVC.	34.16	01	01-03-2002	1
	13			PW CABLE/DATA SVC.	34.16	01	01-20-2002	1
	14			PW CABLE/DATA SVC.	34.16	10	10-30-2002	1
	15			PW CABLE/DATA SVC.	34.16	11	11-31-2002	1
	16			PW CABLE/DATA SVC.	34.16	21	21-41-2002	1
				INVOICE TOTAL	1,209.24			
				VENDOR TOTAL	1,209.24			
			3230	KANSAS GAS SERVICE				
NOV 2015	1	12/10/15	12/10/15	MONTHLY GAS SERVICE	55.11	01	01-02-2013	1
	2			MONTHLY GAS SERVICE	126.29	01	01-09-2003	1
	3			MONTHLY GAS SERVICE	141.45	01	01-12-2003	1
	4			MONTHLY GAS SERVICE	123.74	10	10-30-2003	1
	5			MONTHLY GAS SERVICE	122.44	11	11-31-2003	1
	6			MONTHLY GAS SERVICE	91.27	21	21-41-2003	1
	7			MONTHLY GAS SERVICE	170.81	30	30-50-2003	1
				INVOICE TOTAL	831.11			
				VENDOR TOTAL	831.11			
			5859	T-MOBILE				
NOV 2015	1	12/10/15	12/10/15	MOBILE INTERNET - GPS EQUIP.	10.00	11	11-31-2002	1
	2			MOBILE INTERNET - GPS EQUIP.	10.00	10	10-30-2002	1
	3			MOBILE INTERNET - GPS EQUIP.	10.00	21	21-41-2002	1
				INVOICE TOTAL	30.00			
				VENDOR TOTAL	30.00			
			6407	WESTAR ENERGY				
NOV 2015	1	12/10/15	12/10/15	MONTHLY ELECTRIC UTILITIES	87.07	01	01-02-2013	1
	2			MONTHLY ELECTRIC UTILITIES	1,077.32	01	01-03-2003	1
	3			MONTHLY ELECTRIC UTILITIES	792.46	01	01-08-2003	1
	4			MONTHLY ELECTRIC UTILITIES	1,681.51	01	01-09-2003	1
	5			MONTHLY ELECTRIC UTILITIES	363.46	01	01-12-2003	1
	6			MONTHLY ELECTRIC UTILITIES	10,750.05	10	10-30-2003	1
	7			MONTHLY ELECTRIC UTILITIES	3,177.63	11	11-31-2003	1
	8			MONTHLY ELECTRIC UTILITIES	136.07	12	12-32-2003	1
	9			MONTHLY ELECTRIC UTILITIES	929.45	21	21-41-2003	1
	10			MONTHLY ELECTRIC UTILITIES	782.95	30	30-50-2003	1
	11			MONTHLY ELECTRIC UTILITIES	236.83	30	30-50-3065	1

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE		PAYMENT AMOUNT	DIST	GL ACCOUNT	CK SQ
					INVOICE TOTAL	20,014.80			
NOV 2015S	1	12/10/15	12/10/15	MONTHLY ELECTRIC	UTILITIES	7,112.53	01	01-08-2003	1
					INVOICE TOTAL	7,112.53			
					VENDOR TOTAL	27,127.33			
				INTRUST TOTAL		29,197.68			
				TOTAL MANUAL CHECKS		.00			
				TOTAL E-PAYMENTS		.00			
				TOTAL PURCH CARDS		.00			
				TOTAL ACH PAYMENTS		.00			
				TOTAL OPEN PAYMENTS		29,197.68			
				GRAND TOTALS		29,197.68			

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No Supporting Documents