

CITY OF HAYSVILLE

Agenda

November 14, 2022

CALL TO ORDER

ROLL CALL

INVOCATION BY: Pastor Dave Vetter, West Haysville Baptist Church

PLEDGE OF ALLEGIANCE

SPECIAL ORDER OF BUSINESS

- A. Presentation of Police Department Life Saving Award

PRESENTATION AND APPROVAL OF MINUTES

- A. [Minutes of October 11, 2022](#)

ITEM #1 CITIZENS TO BE HEARD

ITEM #2 APPROVAL OF LICENSES AND BONDS

- A. [Cereal Malt Beverage License Renewals](#)

ITEM #3 INTRODUCTION OF ORDINANCES AND RESOLUTIONS

- A. [AN ORDINANCE VACATING A PORTION OF THE PLATTED ACCESS CONTROL OF LOT 1, BLOCK, 2 SUNCREST ADDITION TO HAYSVILLE, SEDGWICK COUNTY, KANSAS](#)

ITEM #4 NOTICES AND COMMUNICATIONS

- A. [Governing Body Announcements](#)
- B. [Sedgwick County Fire Department Station 34 Monthly Report](#)
- C. [Memo Re: New Businesses](#)
- D. [KDHE Lead/Copper Communication](#)
- E. [Letter from Tim McDonnell, District Community Forester, SE District](#)
- F. [Email from Cox Communications](#)

ITEM #5 OLD BUSINESS

- A. [Memo Re: Best Value Services Refuse Hauler's License](#)
- B. [Consideration of Personnel Manual Revision Re: Paid Time Off \(PTO\) Policy](#)

ITEM #6 OTHER BUSINESS

- A. [Consideration of Publication of Notice of Public Hearing Re: 2022 Budget Amendment](#)
- B. [Annual Code Revision – First Reading](#)
- C. [Consideration of Gator for Recreation Department](#)

- ITEM #7 DEPARTMENT REPORTS
 - A. Administrative Services – Georgie Carter
 - B. City Clerk – Angie Millspaugh
 - C. [Police – Jeff Whitfield](#)
 - D. [Public Works – Tony Martinez](#)
 - E. Recreation – Rob Arneson
- ITEM #8 APPOINTMENTS
- ITEM #9 OFF AGENDA CITIZENS TO BE HEARD
- ITEM #10 EXECUTIVE SESSION
- ITEM #11 REVIEW OF EXPENDITURES
 - A. [Summary of October Expenditures](#)
- ITEM #12 CONSENT AGENDA
 - A. [Temporary Special Event Permit Application for Consumption on Public Property
Re: Thanksgiving Party at Community Building](#)
 - B. [Temporary Special Event Permit Application for Consumption of Public Property
Re: Paint the Night at HAC](#)
- ITEM #13 COUNCIL ITEMS
 - A. Council Concerns
 - B. Council Action Request Updates
 - a. [7050 Plaza](#)
 - b. [7106 S. Broadway](#)
 - c. [1100 E. Grand](#)
 - d. [1000 Block of W. Summey](#)
- ITEM #14 ADJOURNMENT

CITY OF HAYSVILLE

Regular City Council Meeting

Minutes

October 11, 2022

CALL TO ORDER

The regular meeting of the Haysville City Council was called to order at 7:00 p.m. by Mayor Russ Kessler in the Haysville Municipal Building, 200 West Grand Avenue.

ROLL CALL

Present: DJ Barkley, Danny Walters, Bob Rardin, Daniel Benner, Janet Parton, Steve Crum, and Dale Thompson

Absent: Pat Ewert

INVOCATION – Kurt Henson, Haysville Christian Church

PLEDGE OF ALLEGIANCE

SPECIAL ORDER OF BUSINESS

A. The Red Ribbon Week Proclamation was read.

Motion by Crum, seconded by Benner, to pass the proclamation as presented. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

PRESENTATION AND APPROVAL OF MINUTES

A. The minutes of the September 12, 2022, Regular City Council Meeting were presented for approval.

Motion by Benner, seconded Parton, to approve the minutes of September 12, 2022. The motion carried by the following vote:

Yes: Barkley, Rardin, Benner, Parton, Crum, and Thompson

Abstain: Walters

ITEM #1 CITIZENS TO BE HEARD

A. Cody Charvat, Sedgwick County Emergency Management, presented information regarding the Community Emergency Response Team (CERT) Public Education Program and Mass Notification and Public Alerts. He stated CERT is a weekend class that will prepare and train attendees for a disaster. A class is tentatively scheduled to be held in Haysville in January. Charvat also presented information of a public notification system that will be offered to all cities in Sedgwick County.

ITEM # 2 APPROVAL OF LICENSES AND BONDS

There were none.

ITEM #3 INTRODUCTION OF ORDINANCES AND RESOLUTIONS

- A. Mayor Kessler presented A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO MAIN STREET PLACE SENIOR RESIDENCES, L.L.C. UPON PAYMENT OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS, SERIES A AND SERIES B, 2005.

Motion by Crum, seconded by Rardin, to approve A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO MAIN STREET PLACE SENIOR RESIDENCES, L.L.C. UPON PAYMENT OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS, SERIES A AND SERIES B, 2005. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

- B. Planning Administrator Jonathan Tardiff presented AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE CITY OF HAYSVILLE, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH AMENDMENT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY for property located west of Meridian, north of the Country Lakes Addition. At the September 12, 2022, Council Meeting, council sent this item back to the Planning Commission for additional information. On September 22 the Planning Commission reviewed this item and the information requested by Council was included in the Staff Report. Councilmember Walters stated he had concerns about the data and how it was developed. He also stated he had been contacted by area residents voicing their opposition to the change. Walters said he would rather see the city look into providing more affordable single-family housing. Councilmember Barkley asked USD 261 Superintendent Jeff Hersh about the future of the school district. Hersh stated the district is conducting a facility study to look at projections for the district. He said nationally, birth rates are dropping. He said they calculate this development will add approximately 60 – 70 kids to enter 4 potential schools and that they have the capacity to absorb them. The current projection is that the school population will drop by approximately 105 students in 2030. Councilmember Crum stated several studies have shown that the community wants more business and with Ward IV having the least.

Motion by Crum, seconded by Parton, to approve AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE CITY OF HAYSVILLE, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH AMENDMENT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY.

Councilmember Barkley stated he said everything he needed to say at the last meeting and that he must represent the people. Councilmember Walters said he was not against housing but is interested in affordable single-family housing.

The motion carried by the following vote:

Yes: Rardin, Benner, Parton, Crum, and Thompson

No: Barkley and Walters

- C. Planning Administrator Tardiff presented AN ORDINANCE ADOPTING THE CITY PLANNING COMMISSION RECOMMENDATION TO DENY A REQUEST FOR REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAYSVILLE, KANSAS for land located east of Meridian and south of Grand. This item was sent back to the Planning Commission on September 12 for a reason for denial. He stated planning is recommending denial because the request does not conform to the adopted Meridian Corridor Study. Councilmember Benner asked if the property would remain light commercial. Tardiff responded yes. Councilmember Crum stated he would rather see the property developed than sit empty.

Motion by Parton, seconded by Rardin to follow the Planning Commission's recommendation to deny the zone change.

Council Member Crum requested staff contact the property owners to recommend housing in the back and business in the front.

The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, and Thompson

No: Crum

- D. Planning Administrator Tardiff presented AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE CITY OF HAYSVILLE, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH AMENDMENT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY. He said the Planning Commission is recommending approval with a protective overlay. Councilmember Benner stated he has a conflict of interest and will abstain. Councilmember Rardin asked what action could be taken if the property owners are violating the overlay. City Attorney Josh Pollak stated that would be a zoning violation and action could be taken. Councilmember Crum asked if a faster action could be taken for different types of violations, such as health or animal welfare, which could be resolved quicker. Pollak reviewed the penalties associated with different types of violations.

Motion by Parton, seconded by Rardin, to approve the zone change request from "E" Heavy Commercial to "F" Light Industrial with the protective overlay as discussed. The motion carried by the following vote.

Yes: Barkley, Walters, Rardin, Parton, Crum, and Thompson

Abstain: Benner (Conflict of Interest)

- E Mayor Kessler presented AN ORDINANCE, GRANTING TO KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC., AND ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, PROVIDING DEFINITIONS OF TERMS, PRESCRIBING A FRANCHISE FEE, PROVIDING TERMS AND CONDITIONS FOR THE USE OF PUBLIC RIGHTS-OF-WAY, REQUIRING ADVANCE NOTICE OF WORK AND DUTY TO REPAIR, PROVIDING FOR

INDEMNIFICATION AND A HOLD HARMLESS AGREEMENT, PROVIDING FOR RULES AND REGULATIONS, PRESCRIBING INSURANCE REQUIREMENTS, RESERVING CERTAIN RIGHTS, PROVIDING FOR REVOCATION AND TERMINATION, PROVIDING FOR AN ACCEPTANCE OF THE TERMS OF THE FRANCHISE, PROVIDING FOR A REOPENER, PROVIDING FOR NOTICE OF ANNEXATIONS, PRESCRIBING RELEVANT GOVERNING LAW, PROVIDING FOR TRANSFER AND ASSIGNMENT OF THE FRANCHISE, PROVIDING FOR POINTS OF CONTACT AND NOTIFICATION, PROVIDING FOR AN AGREEMENT TO RENEGOTIATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS THEROF. He stated it is a 20-year agreement with 5-year openers. Councilmember Crum asked if the city had ever used the reopener. Chief Administrative Officer Will Black stated he was unaware of any in the time he has been involved with franchises.

Councilmember Barkley out at 7:46 p.m.

Motion by Crum, seconded by Benner, to approve Ordinance granting Kansas Gas Service franchise as described in the packet. The motion carried by the following vote:

Yes: Walters, Rardin, Benner, Parton, Crum, and Thompson

Absent: Barkley

ITEM #4 NOTICES AND COMMUNICATIONS

- A. Under Governing Body Announcements, Councilmember Crum announced upcoming events at the Haysville Community Library. Councilmember Parton announced Haysville Pride sold out of bierocks and wants to thank those who purchased them. She also announced the Fall Festival is October 21-23. Mayor Kessler announced upcoming events at the Haysville Senior Center and gave an update on Haysville Hustle Usage. He also announced upcoming events in Haysville.

Councilmember Barkley in at 7:51 p.m.

- B. Councilmembers received the Sedgwick County Fire Department Station 34 Monthly Report.
- C. Councilmembers received a Memo Re: New Businesses.
- D. Economic Development Director Danielle Gabor presented the Quarterly Economic Development Report.
- E. Councilmembers received Anonymous Letters written to Council.

ITEM #5 OLD BUSINESS

There was no Old Business.

ITEM #6 OTHER BUSINESS

- A. Mayor Kessler presented a memorandum recommending council consent to the revocation and cancellation of the current license of Best Value Services, LLC under Article 7 of the Haysville City Code. Mayor Kessler also read an email he received from Best Value stating Air Capital Waste would be servicing the residential customers and requesting they be allowed to continue their commercial service until the end of the year. Mark from Air Capital Waste was present and said they have been servicing the customer at no charge, but customers will need to contract with a new company or Air Capital Waste. Mayor Kessler stated he had no knowledge of commercial issues with Best Value.

Motion by Crum, seconded by Walters, to table the discussion to the next meeting to make sure that things are being handled as stated in the email.

Councilmember Parton said she would rather see it pushed to January since he asked for 60 days.

The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Crum, and Thompson

No: Parton

- B. City Clerk Angela Millspaugh presented Consideration of Personnel Manual Revision Re: Paid Time Off (PTO) Policy.

Motion by Rardin, seconded by Crum to table this to the next meeting to allow more time to review the proposal. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

- C. Deputy Administrative Officer Georgie Carter presented a Consideration of Land Use Map Revision. She stated the boundaries of the map were changed in 2020 but the uses were not updated due to limitations of GIS Software. Parton asked if the map included the Meridian Corridor Study. Carter stated it did not.

Motion by Parton, seconded by Benner, to approve the updates. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

- D. Deputy Administrative Officer Carter requested authorization to purchase shade structures for the park in Country Lakes Addition.

Motion by Benner, seconded by Parton, to approve the purchase of the shade structures from USA Shade in the amount of \$12,253. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

- E. Mayor Kessler presented a memo from Public Works Director Tony Martinez requesting authorization to contract with SOLitude Lake Management, LLC for the installation of an aeration system, fountains, lights, plus materials for a total of \$37,072.00. Consideration of Aerators and Fountains for Dorner Park. The city received a grant from the Kansas Department of Wildlife and Parks for 75% of the

project. It was stated the city would pay the total cost and then request reimbursement for the grant portion.

Motion by Parton, seconded by Crum, to approve the contract with SOLitude Lake Management, LLC in the amount of \$37,072.00. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

- F. Mayor Kessler presented a memo from Public Works Director Martinez requesting authorization to accept the quote from Betzen Trenching/Everygy for installation of streetlights in the Grand Avenue Industrial Park 2nd and 3rd Additions.

Motion by Rardin, seconded by Parton, to approve the quote in the amount of \$13,900. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

ITEM #7 DEPARTMENT REPORTS

Deputy Administrative Officer Georgie Carter announced the Haysville Hustle has expanded its service area to include Rock Road in Derby. She stated the pick-up boundaries remain the same. Carter also announced upcoming city events.

City Clerk/Treasurer Angela Millspaugh announced city offices would be closed on November 11 for Veterans Day.

Police Chief Jeff Whitfield introduced visiting officer Nolan Smith. He also informed Council of the upcoming street closures for fall fest. Chief cautioned drivers to be mindful of kids out during Halloween and events and not to drink and drive.

Recreation Director Rob Arneson announced upcoming recreation events and registrations.

ITEM #8 APPOINTMENTS

There were no Appointments.

ITEM #9 OFF AGENDA CITIZENS TO BE HEARD

There were none.

ITEM #10 EXECUTIVE SESSION

None

ITEM #11 SUMMARY OF SEPTEMBER EXPENDITURES

- A. A summary of September expenditures was presented.

Motion by Parton, seconded by Benner to receive and file the September expenditures. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

ITEM #12 CONSENT AGENDA

There were no items on the Consent Agenda.

ITEM #13 COUNCIL ITEMS

- A. Under Council Concerns Councilmember Crum said he appreciated the public works department removing the dead trees from Riggs Park before the Fall Festival.
- B. Deputy Administrative Officer Carter gave an update on Council Action Requests.

ITEM #14 ADJOURNMENT

Motion by Rardin, seconded by Benner, to adjourn. The motion carried by the following vote:

Yes: Barkley, Walters, Rardin, Benner, Parton, Crum, and Thompson

The Regular City Council Meeting ended at 8:20 p.m.

Angela Millspaugh, City Clerk/Treasurer



MEMORANDUM

TO: Honorable Mayor Russ Kessler; City Council

FROM: Trish Greer, Administrative Secretary

DATE: November 14, 2022

RE: Cereal Malt Beverage Renewal 2023

The following businesses have made application for their Cereal Malt Beverage License renewal:

Cash Saver #646 – 201 N. Main St.
Dollar General Store #2551 – 180 N. Main St.
Jump Start Stores #05 – 7200 S. Broadway
Kwik Shop #350776 – 7150 S. Meridian St.

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

Sincerely,

Trish Greer
Administrative Secretary
City of Haysville





CITY OF HAYSVILLE, KANSAS

PLANNING/ZONING DEPARTMENT- 200 W. GRAND AVE., P.O. BOX 404
HAYSVILLE, KANSAS 67060 - (316) 529-5900 (316) 529-5925 - FAX

MEMORANDUM

TO: The Honorable Russ Kessler, Mayor
Haysville City Council Members

FROM: Haysville Planning Commission
Jonathan Tardiff, Planning and Zoning Administrator

SUBJECT: Vacation of a Portion of Access Control in Lot 1 Block 2, Suncrest Addition

DATE: November 10, 2022

On October 13, 2022, the Haysville Planning Commission held a public hearing to consider a request to **Vacate a Portion of Platted Access Control to Hydraulic Court located on LOT 1, BLOCK 2, SUNCREST ADDITION, in Haysville, Sedgwick County, Kansas.**

The planning commission considered a request to vacate the west 100' of access control to Hydraulic Court.

Motion by Adkins
Second by Coleman

To approve the vacation of a portion of complete access control for property located at Lot 1, Block 2 of the Suncrest Addition, subject to the change to the dedication of access control that states; complete access control along Hydraulic and 71st Street

Blood abstain, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye,
Williams aye.
Motion carried

The governing body may take one of the following three actions when the Planning Commission submits a recommendation for approval or disapproval of a zone change request:

- Approve Planning Commission's recommendation by ordinance by a simple majority (5 votes).
- Deny the planning commissioners' recommendation by a simple majority vote. (5 votes)
- Return the recommendation to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove by a simple majority vote (5 votes)



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A

Subject: Vacation of the west 100 feet of platted access control to Hydraulic Court located on the north side of the property located on Lot 1 Block 2, Suncrest Addition.

Location: Suncrest Addition is north of 71st Street, west of Hydraulic Avenue, and south of the MS Mitchell Floodway.

Meeting Date: October 13, 2022

Presented By: Jonathan Tardiff, Planning and Zoning Administrator

Public Hearing: Required to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	10/13/2022	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council Meeting	11/14/2022	Adopt the recommendation of the Planning Commission as presented or deny the recommendation.

AREA MAP

Area of application is marked by an arrow below:



REQUEST

Vacation of the west 100 feet of the platted access control to Hydraulic Court located on the north side of the property located on Lot 1, Block 2, Suncrest Addition.

The previous owner submitted the application, the new owner signed the dedication of access control.

BACKGROUND INFORMATION

The Suncrest Addition of Haysville was first platted in December 1999.

RECOMMENDED ACTION

Staff does not see any negative impact on the residents in the area. Vacating a portion of the platted access control will allow the homeowner's driveway access off Hydraulic Court, and to build a home on the property.

The staff is recommending approval of the vacation request. The owner has signed the dedication of access control that will add complete access control along the east side (Hydraulic Ave) and south side (71st Street) of Lot 1, Block 2 with this action. This was requested by City staff and recommended by Sedgwick County Public Works in their comments.

PUBLIC REVIEW

The public hearing notice was published on September 22, 2022. Any comments received as of October 12, 2022, are attached. Comments received after 4 pm will be distributed at the meeting.

ATTACHMENTS

Application for Vacation
Signed Dedication of Access Control
Everyday Vacation of Platted Access Control Letter
Kansas Gas Map
Copy of the Public Hearing Notice

COMMENTS

- Response from utility companies on the vacation of a portion of the platted access control.
 - 9/16/22 12:16 pm, Evergy commented - that they have no objection, and have no existing equipment in the complete access control area the applicant is wishing to vacate. There is no power to this lot at this time.
 - 9/16/22 12:16 pm 1:45 pm, Kansas Gas commented - no conflicts with Kansas Gas lines or equipment were found.
 - 9/16/22 5:04 pm, Sedgwick County Fire District # 1 commented - no opinion on the vacation request.
 - 9/16/22 5:30 pm, Sedgwick County Public Works commented - not having any comments regarding the vacation of access controls of the west 100' of Lot 1, Block2 of Suncrest Addition. However, they did ask the Planning Commission to consider adding complete access control along the entire east side (Hydraulic Ave) of Lot 1, Block 2 with this action. This will serve the overall safety of the motoring public by removing a potential future access point to a 50 MPH road that currently carries over 7,000 vehicles per day.
 - 9/19/22 12:28 pm, Haysville Public Works commented - that there are no utilities on the west end of this parcel. We would prefer the driveway be constructed further west to keep it away from the intersection of Hydraulic Ave, and Hydraulic Ct.
 - 9/28/22 10:42 am, Cox Communications commented - they have no facilities within the scope of the project.
 - 9/29/22 10:00 am, AT&T commented - that they currently have facilities places placed in the 20' utility easement on the north side of the platted Access Control. AT&T has no objections to the vacation of the Access Control. However, should any facilities need to be relocated due to this vacation request it will be at the expense of the applicant.



CITY OF HAYSVILLE
 PO Box 404
 200 W. Grand
 Haysville, KS 67060
 Phone: 316/529-5900 | Fax: 316/529-5925
www.haysville-ks.com

**Application for
Vacation**

THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF APPLICATION

APPLICANT INFORMATION

Name of Applicant: GEB of Wichita, LLC	Phone: (316) 648-2757
Mailing Address: 6346 S. Broadway Ave	Email: bloodjeff@gmail.com
City, State, ZIP Wichita, KS 67216	
Name of Authorized Agent or Additional Applicant: Jeff Blood - Manager	Phone: (316) 648-2757
Mailing Address: Same	Email: Same
City, State, ZIP Same	
Relationship of applicant to property is that of: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Lessee <input type="checkbox"/> Other	

VACATION INFORMATION

The applicant(s) hereby request(s) vacation of: Vacation of "the west 100 feet of platted access control to Hydraulic Court, Lot 1, Block 2, Suncrest Addition"
Legally Described as Follows: Lot 1, Block 2, Suncrest Addition, Haysville, Sedgwick County, Kansas
The general location is described as follow: Hydraulic Court and Hydraulic Avenue
The vacation described above is requested for the following reasons: The property was originally designed to be a commercial lot before it was annexed into the city, but it is zoned "A" single family residential. Due to this there is complete access control along the north side of the property not allowing a driveway onto Hydraulic Court. The applicant is requesting the vacation of a portion of the complete access control so a home can be built on the property with driveway access off Hydraulic Court. Attached is a signed dedication of access control from the property owner that will close the access along the east and south property lines.

In making this request for vacation of the previously described property now in public ownership, I understand that:


1. Upon consideration of this request by the Planning Commission, I will be responsible for the preparation of an ordinance (or resolution when necessary) for passage by the governing body; such ordinance or resolution to be approved as to form by the City Attorney and delivered to the office of the Planning Commission prior to the scheduling for hearing by the governing body.
2. That the title of this property, if involved, can be vacated only through legal proceedings before the governing body. I further understand and agree that if approved, the vacation proceeding shall be at no cost to the City, or any utility; and I agree if (if request is approved) to pay all costs of the removal and relocation of all underground surface utilities presently located in the public way or easement for which vacation is requested; or to make such other arrangements as may be agreeable to the utilities concerned.

3. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the City and the owners of any lesser property rights for the public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use.

The Applicant herein, or authorized agent, acknowledges:

- a. Receipt for an instruction sheet concerning the filing and hearing of this matter.
- b. Advisement of the fee requirements established by Section 17-378, Code of the City of Haysville, and that the appropriate fee is herewith tendered.
- c. Advisement of the right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in the instructions.

SIGNATURE

Applicant:	Date:
Agent or Additional Applicant:  - Manager	Date: 9-1-22

The Haysville Planning Commission may, in certain instances, recommend zoning or rezoning of property located within the city limits. The following items should accompany all requests:

- 1. Legal description
- 2. Proof of ownership
- 3. Sketch of property
- 4. Certified (prepared by an abstract company) ownership list for all properties within 200 feet of subject property if all property is within the city limits or 1000 feet of subject property if all property is outside the city limits or a combination
- 5. Copy of restrictive covenants (if any)
- 6. Filing fee of \$150.00 paid to the City Clerk as set out in Article 7 of the Zoning Regulations of the City of Haysville

OFFICE USE ONLY	
This application was received at the office of the Planning Commission at 4:22 (am/pm) on September 1, 2022	
2022. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$150.00. <i>waived</i>	
Authorized Signature: 	Title: Planning & Zoning Admin

DEDICATION OF ACCESS CONTROL

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Joey Michael
Avila, being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

Lot 1, Block 2, Suncrest Addition, Sedgewick County, Kansas

does hereby transfer and convey to the City of Haysville, all abutter's rights of access, ingress, and egress to said property from or to Hydraulic Avenue and from or to 71st Street South at the following locations:

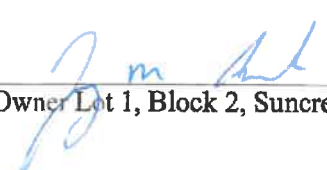
The platted opening to Hydraulic Avenue, being:

The north 150 feet of Lot 1, Block 2, Suncrest Addition.

The platted opening to 71st Street South, being:

The west 100 feet of Lot 1, Block 2, Suncrest Addition.

Executed this 15 day of Sept., 2022.


Owner Lot 1, Block 2, Suncrest Addition

STATE OF KANSAS)
)
COUNTY OF SEDGWICK)

ss

BE IT REMEMBERED, that on this 15th day of September, 2022 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Joey Avila Owner of Lot 1, Block 2, Suncrest Addition, Sedgewick County, Kansas who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Trisha Greer
Notary Public

SEAL

(My Commission Expires: 02-15-23)



September 16, 2022

Jonathan Tardiff
City of Haysville
200 W. Grand Ave
PO Box 404
Haysville KS 67060

Re: Vacation of the west 100' of platted access control to Hydraulic Court on the north side of the property located on Lot 1, Block 2, Suncrest Addition to Haysville, Sedgwick County, Kansas

Dear Mr. Tardiff

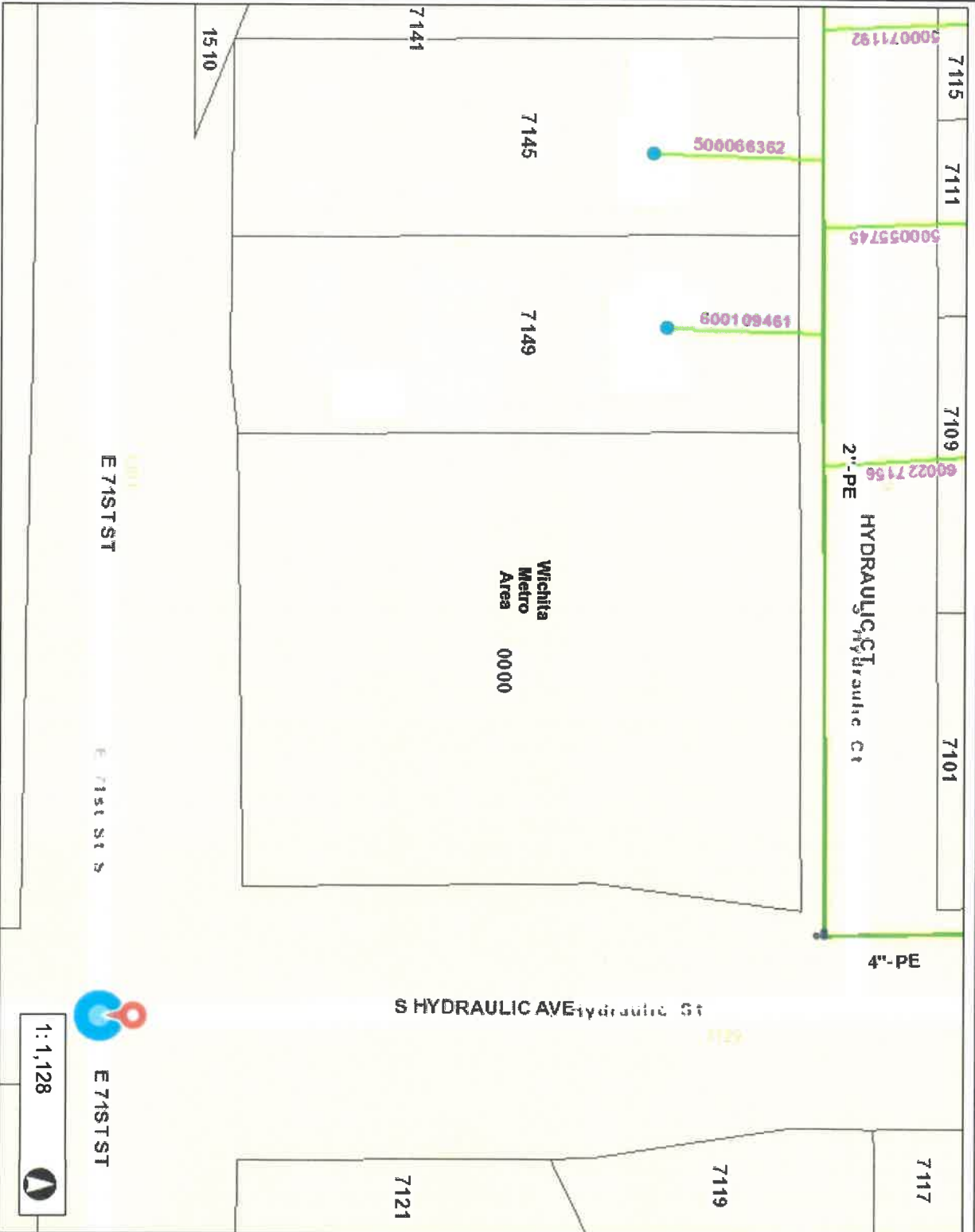
Evergy has no objection, and we do not have existing equipment in the Complete Access Control area they are wanting to vacate. Standard language will apply **should the applicant need to relocate or remove any existing service or equipment due to this vacation request it will be at their expense.** Whitney Rusk, Design Representative, will be the contact for this item and any new project associated to bring power to this lot because **there is no power to this lot at this time.** She can be reached at (785) 508-2695

Thank you for sending us a copy of this request for review It is appreciated.

Sincerely,
Rondee Sutton
Sr. Administrative Assistant.

CC: Whitney Rusk, Evergy

S Hydraulic Ct - Haysville



188.1

94.04

188.1

Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
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DISCLAIMER: This document and information herein is a visual representation and approximation of ONE Gas facilities and is subject to revision at any time without notice. It is an informational tool and is not guaranteed, warranted, or represented to be to scale, complete, accurate, or depicting depth. ONE Gas disclaims any and all liability for same. Call 811 by dialing 811 prior to and excavation.

Notes

1:1,128



E 71ST ST



Legend

- OGS Facilities
- Designer Drip
- Designer Test Point
- Designer Anode
- Designer Rectifier
- Designer Bond Junction
- Designer Ground Bed
- Designer Cable
- Bond Wire
- Rectifier Cable
- Designer Rural Tap
- Designer Gas Pipe Casing
- Casing
- Insertion
- Designer Meter Setting
- Designer Non-Controllable Fitting
- Coupling
- Ell
- End Cap
- Expansion Joint
- Flange
- Reducer
- Reinforcing Sleeve
- Screw
- Tee
- Transition
- Purge Point
- Threaded O-ring
- Unknown
- Designer Gas Valve
- Designer Location Notes
- Designer Controllable Fitting
- Short Stop
- Three-Way Tee
- Designer Regulator Station
- Designer Town Border Station
- Designer Excess Flow Valve
- Designer Utility Easement
- Designer Abandon Service Line
- to be Removed (Contains Gas)
- to be Abandoned (Contains Gas)
- Abandoned (No Longer Contains Gas)
- Abandoned (No Longer Contains Gas)
- Designer Service Line
- Status Not Available
- New Design - Status Pending
- Proposed
- Approved
- Under Construction
- Operating
- Designer Abandon Mains
- to be Removed (Contains Gas)
- to be Abandoned (Contains Gas)
- Removed (No Longer Contains Gas)
- Abandoned (No Longer Contains Gas)
- Designer Mains
- Status Not Available
- New Design - Status Pending

PUBLIC NOTICE

First Published in TSnews September 22, 2022 (16)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 6:00 p.m., Thursday, October 13, 2022, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider the vacation of the west 100' of platted access control to Hydraulic Court located on the north side of the property located on Lot 1, Block 2, Suncrest Addition to Haysville, Sedgwick County, Kansas.

All interested citizens and property owners of the City, as well as other persons of interest, are invited to attend the public hearing and participate in the same. Also, any such interested persons may express his or her opinion concerning the proposed case by delivering, either in person or by mail, a letter addressed to the City of Haysville, Attn. Planning Department, 200 W. Grand Ave, P.O. Box 404, Haysville, Kansas 67060 or email them to jtardiff@haysville-ks.com. Written comments will be accepted up to 4:00 pm on the day of the meeting.

For additional information call 529-5900 or visit www.haysville-ks.com.

Affidavit of Publication

Michelle R. Leidy-Franklin
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas, And published in and of general circulation in Sedgwick County, with a general paid circulation on a yearly Basis in Sedgwick County of Kansas, and that said Newspaper is not a trade, religious, or fraternal Publication. That said newspaper has been published At least weekly 50 times a year, has been so published Continuously and uninterruptedly in said county and state For a period of more than five years prior to the first Publication of said notice and has been admitted to the Post Office of Cheney, Kansas, in Sedgwick County as Second class matter. That the attached is a true copy Thereof and was published on the following dates in the Regular and entire Issue of said newspaper.

First Publication was made
On the 22 Day of Sept, 2022
Second Publication was made
On the _____ Day of _____, 2022
Third Publication was made
On the _____ Day of _____, 2022

Total Publication Fee \$ 64.75

Michelle R. Leidy-Franklin

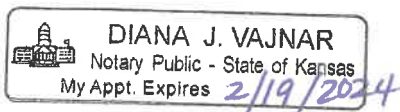
Subscribed and sworn to before me this

23 Day of Sept, 20 22

Diana Vajnar

Notary Public

My Commission expires on 2/19/2024



HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

October 13, 2022

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 6:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were Jeff Blood, Fred Plummer, Nicole Franken, Tim Aziere, Debbie Coleman, Laura Adkins, and Mark Williams. Also present were Planning and Zoning Administrator Jonathan Tardiff, and Deputy Administrative Officer Georgie Carter.

The first item of business was the Minutes of September 22, 2022.

Coleman noticed that on page 13 that it should read there were no off-agenda items, not three.

Adkins noticed on page 11 the second paragraph, the second sentence that it should read Aziere stated not started.

Motion by Coleman, seconded by Adkins with corrected changes.

To approve the minutes with corrected changes.

Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

Under new business was the vacation request of a portion of complete access control for property located at Lot 1, Block 2, Suncrest Addition.

Aziere read the opening statements.

Motion to open the public hearing by Coleman, and seconded by Adkins.

Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

Aziere asked if any member of the planning commission had a conflict of interest in this case.

Blood stated he had a conflict of interest in the case as he was the previous owner and had submitted the vacation request.

Aziere asked for staff to present the staff report.

Tardiff presented the staff report stating that the previous owner submitted the application and the property was sold in September of this year. The new owner has signed the dedication of access control and is aware of the application. The vacation request is for the west 100 feet of the platted access control to Hydraulic Court located on the north side of the property to allow a home to be built with access on the north side to match residential development.

The Suncrest Addition was platted in 1999 with the County, and due to the cost of providing water to this area, it was annexed by the city after it was platted and construction had begun. This lot was originally platted to be commercial but was annexed as residential. The access control was never corrected on the East and South sides of the lot. For this lot to be commercial, it requires sanitary sewer, and it is not feasible for one lot. The lot has been vacant since 1999.

Utility companies were contacted and their comments are in the report. The public hearing notice was published on September 22 and mailed to area residents on the ownership list. The Deed of Dedication will add complete access control along the East side (Hydraulic Avenue), and to the South side (71st Street) of Lot 1, Block 2 with this action. This was requested by city staff, and recommended by Sedgwick County Public Works in their comments. Staff does not see any negative impact on the residents in the area, and recommends approval of the vacation request. The owner is out of town and is unable to attend.

Aziere asked if any members of the planning commission had questions for the staff. Williams asked how many homes were going there as it is a big lot. Tardiff said just the one home.

Aziere asked if there were any other questions for the staff. There was none. Aziere asked if the applicant was present. Carter stated that the applicant was planning to be here, but his job was delayed. Aziere asked the commission if the applicant was present was there any questions they would ask. There was none.

There was no one present from the public and Aziere entertained a motion to close the public hearing.

Motion to close the public hearing by Williams, and seconded by Coleman.
Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.
Motion carried.

Aziere opened the floor to the Commission's comments. Aziere stated that for clarity there was no graphic showing the dimensions of the lot provided, but had staff print one-off, and the North line that is under question has a full length of 240 feet and we are only vacating the west 100 feet of that. So we would still maintain access control for the first 140 feet, so if cars are accumulating from Hydraulic Court to Hydraulic Street to get out will not block the driveway for this small subdivision would only be a couple of cars at once.

Aziere also stated he had a question about the provided access control asking for the west 100 feet and giving up on the face of this dedication of access control document the north 150 feet of Lot 1, Block 2, against Hydraulic, and the west 100 feet of Lot 1, Block 2 of Suncrest Addition. Looking at the platted dimensions, this does not fully cover what is on that, and we need to amend this document and have a new document signed before we can approve it. Aziere stated we can approve it subject to that action, but it needs complete access control against both 71st Street and Hydraulic.

Aziere entertained a motion.

Motion by Adkins, second Coleman to approve the vacation request of a portion of complete access control for property located at Lot 1, Block 2, Suncrest Addition subject to changes of a new dedication of access control that makes complete access control along Hydraulic and 71st Street.
Blood abstain, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.
Motion carried.

Under new business was the review of the Capital Improvement Plan.

Aziere asked for staff to present the staff report.

Tardiff stated that in the planning commission's packet is a copy of the updated Capital Improvement Plan for the city. The Capital Improvement Plan was developed by staff with direction from the Mayor and city council. As we have stated with other plans, this is a component of the Comprehensive Plan and is just for your review.

Carter stated that this has not been looked at for a couple of years, staff is trying to make sure all the components of the Comprehensive Plan are updated and reviewed this year.

Aziere asked if the first part is all of our existing data, and the back half is all the proposed projects moving forward. Carter said yes. Aziere asked about the Sunset Fields project done in 2020 or 2021, and was trying to remember how it was funded. Carter stated she would look it up. Franken asked if this was a sidewalk project. Aziere stated this was one of the last neighborhoods with dirt roads that was paved end of last year and completed earlier this year.

Aziere stated that if you look at the upcoming projects gives you an idea of the direction the city is heading and what projects to expect in the next few years.

Williams stated that it looks like a lot of it was infrastructure maintenance. Franken stated it looks like some designs for sidewalks. Aziere said yes. Franken asked about if this was Wards Fourth Addition. Carter said yes this was listed in the Bicycle/Pedestrian Plan, it was the sidewalk that included the railroad engineering. Coleman said it would connect with the baseball fields over there. Aziere stated it would connect at Seneca, go across the big ditch, come up to 63rd Street, turn the corner on the south side of 63rd following Sunset Fields around that corner going over the railroad tracks, and into the ball fields. Then there is another project after that picks it up from there and take it all the way to Broadway to make that full connection.

Adkins asked when the pool replacement study is to be done. Carter stated that has been started and was approved in the last two months. Adkins asked if this would be replaced this year. Carter said no, this study is reviewing what we should do. The pool is 26 years old and has equipment that need to be updated. They are looking at possibilities of an indoor or outdoor pool, this is an ongoing process that they are looking into, and information will be presented later.

Aziere asked if there was any other questions or discussion. There was none.

Under new business was the review of the Comprehensive Plan.

Tardiff stated that this is the first review of the Comprehensive Plan and we are currently talking to outside companies to complete an update in 2023. Due to this, we are only suggesting minor changes for this year, such as population updates, adding new parks, referencing updated plans, and addressing items that have been completed. This plan was originally developed to guide the

city to the year 2020. While some references are made to the year 2035, a complete update with the public involved in the process has not taken place since 2006. It is required by state statute to review this yearly. Staff is recommending a thorough update for 2023 to ensure the plan represents the current vision of Haysville's future. If you have any suggested changes, please let me know so they can be presented at the public hearing on Thursday, November 10.

Aziere read on page 13 of the capital improvement plan that the D-21 Study was recently completed in the area around Meridian.

Carter stated this will give us an idea of what to work on that we were going to start in 2020. Aziere commented that staff did this in 2016 with the commissions help, and this was the last overhaul since the 2006 in depth look at. Carter stated that from companies she talked to it does not entail the same number of public meetings as in the past due to changes in technology, social media, and how surveys are done. We will be looking at some type of input from the community through online surveys, paper form, a possible public meeting, and then using that data to have one or two workshops with city council and planning commission together to work on where we want development to go. This should help with some of the zone changes and tie it in with our Land Use Map.

Aziere commented it will start the conversation on how much diversity in housing we want to have as we have had a lot of duplexes come through and some have been more popular than others, but he believes that is the way a lot of residential development is going and if that is something we want maybe finding a spot for it that is more agreeable instead of whatever open parcels are in town. Set aside something maybe along Meridian or along the expanded west side that we can have that there, and then have a buffer between that and whatever single-family residential is next to it can be part of that conversation.

Carter stated what she is looking for are minimal changes, then an extensive review next year. Aziere commented that it definitely needs to be looked at a deeper level.

Aziere asked if there was any other discussion. There was none. Carter stated the public hearing will be on Thursday, November 10 for the Comprehensive Plan.

There was no special order of business.

There was no old business.

There was no correspondence.

Under off-agenda items Carter stated that from July 12, 2021 council agenda Sunset Fields will be paid out of the following funds: Stormwater \$70,000, Street sales tax \$900,030, Street Materials \$40,000, Savings from North Main \$121,000, and Capital Improvements cash flow for street maintenance. Aziere said so it was all paid for in cash.

Franken asked how the council meeting went. Carter stated council agreed with all their

recommendations. The one that was denied we have talked with property owner and believe they will try and sell the property. In that discussion they did inform us the south parcel was the only one they were offered to purchase. Council has directed me to talk to the property owner about the protective overlay.

Coleman stated that Pride's bierocks sales, pick them up this weekend Saturday, October 15 at the Haysville Middle School. Trick or Treat on Main Street will be on Monday, October 31 from 4 to 6 and begins at the Vickers Station.

Motion by Coleman, and Seconded by Williams.

To adjourn tonight's meeting

Blood aye, Plummer aye, Franken aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

The meeting adjourned at 6:20 PM

DEDICATION OF ACCESS CONTROL

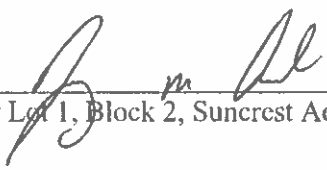
KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Joey Michael Avila, being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

Lot 1, Block 2, Suncrest Addition, Sedgwick County, Kansas

does hereby transfer and convey to the City of Haysville, all abutter's rights of access, ingress, and egress to said property from or to Hydraulic Avenue and from or to 71st Street South.

Executed this 7 day of Nov., 2022.



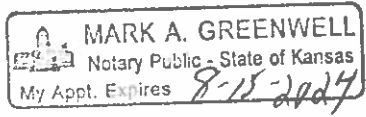
Owner Lot 1, Block 2, Suncrest Addition

STATE OF KANSAS)
)
COUNTY OF SEDGWICK)

ss

BE IT REMEMBERED, that on this 7 day of November, 2022 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Jerry Avila Owner of Lot 1, Block 2, Suncrest Addition, Sedgewick County, Kansas who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Mark A. Greenwell
Notary Public

SEAL

(My Commission Expires: 8-15-2024)

(First Published in the Haysville Sun-Times
On the ____ day of _____, 2022)

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF THE PLATTED ACCESS CONTROL
OF LOT 1, BLOCK, 2 SUNCREST ADDITION TO HAYSVILLE, SEDGWICK
COUNTY, KANSAS**

WHEREAS, the owners of certain platted property have requested vacation of a portion of the platted access control to Hydraulic Court of Lot 1, Block, 2 Suncrest Addition, Haysville, Sedgwick County, Kansas; and

WHEREAS, on October 13, 2022, after providing notice to the public, the Haysville Planning Commission held a public hearing and considered the request to vacate said platted access control at which time all interested persons in attendance were heard; and

WHEREAS, no written objections pursuant to KSA 12-505 to the proposed vacation was received by the Planning Commission at the time of or before the hearing; and

WHEREAS, the Planning Commission determined that due and legal notice of the petition to vacate was given as required by law, that no private rights will be injured or endangered by such vacation, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner, the prayer of the petition ought to be granted; and

WHEREAS, the Governing Body adopts the findings of the Planning Commission and finds that no private rights will be injured by such proposed vacation of the herein described portion of platted access control, and that the same should be granted as provided herein.

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

Section 1. The portion of the platted access control described as:

THE WEST 100 FEET OF THE PLATTED ACCESS CONTROL TO
HYDRAULIC COURT OF LOT 1, BLOCK, 2 SUNCREST ADDITION TO
HAYSVILLE, SEDGWICK COUNTY, KANSAS

Is hereby ordered to be vacated subject to the requirement(s) and reservation(s) contained in Section 2 herein.

Section 2. Any lesser property rights, rights-of-ways, and easements for public service facilities originally held and currently in existence within the above-described portion of platted

access control are hereby reserved to the city and the owners of any lesser property rights for public utilities.

Section 3. Should any section, clause, sentence or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provision herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law.

Section 5. The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, et. seq. and amendments thereto.

Passed and Approved by the Governing Body of the City of Haysville, Kansas this _____ day of _____ 2022.

Approved by the Mayor this _____ day of _____, 2022.

Russ Kessler, Mayor

ATTEST:

Angela Millspaugh, City Clerk

Approved as to form:

Joshua Pollak, City Attorney



Sedgwick County Fire Department

Incident Type Report for City Council Mtg

Alarm Date Between {10/1/2022} And {10/31/2022}
and Citylimits = 9

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
142 Brush or brush-and-grass mixture fire	1	0.99%	\$0	0.00 %
143 Grass fire	4	3.96%	\$100	100.00 %
	5	4.95%	\$100	100.00 %
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	35	34.65%	\$0	0.00 %
3112 Disregard on scene by EMS	10	9.90%	\$0	0.00 %
321 EMS call, excluding vehicle accident with injury	16	15.84%	\$0	0.00 %
322 Motor vehicle accident with injuries	3	2.97%	\$0	0.00 %
	64	63.37%	\$0	0.00 %
4 Hazardous Condition (No Fire)				
424 Carbon monoxide incident	1	0.99%	\$0	0.00 %
441 Heat from short circuit (wiring), defective/worn	1	0.99%	\$0	0.00 %
	2	1.98%	\$0	0.00 %
5 Service Call				
511 Lock-out	1	0.99%	\$0	0.00 %
531 Smoke or odor removal	1	0.99%	\$0	0.00 %
551 Assist police or other governmental agency	3	2.97%	\$0	0.00 %
553 Public service	1	0.99%	\$0	0.00 %
554 Assist invalid	9	8.91%	\$0	0.00 %
	15	14.85%	\$0	0.00 %
6 Good Intent Call				
6113 Dispatched & cancelled en route to a Medical	2	1.98%	\$0	0.00 %
6116 Dispatched & cancelled en route to a Good Intent	1	0.99%	\$0	0.00 %
6117 Dispatched & cancelled en route to a System Alarm	2	1.98%	\$0	0.00 %
621 Wrong location	1	0.99%	\$0	0.00 %
622 No Incident found on arrival at dispatch address	6	5.94%	\$0	0.00 %
653 Smoke from barbecue, tar kettle	1	0.99%	\$0	0.00 %
671 HazMat release investigation w/no HazMat	1	0.99%	\$0	0.00 %
	14	13.86%	\$0	0.00 %
7 False Alarm & False Call				

Sedgwick County Fire Department

Incident Type Report for City Council Mtg

Alarm Date Between {10/1/2022} And {10/31/2022}
and Citylimits = 9

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
7 False Alarm & False Call				
700 False alarm or false call, Other	1	0.99%	\$0	0.00 %
	<u>1</u>	<u>0.99%</u>	<u>\$0</u>	<u>0.00 %</u>

Total Incident Count: 101

Total Est Loss:

\$100



MEMORANDUM

TO: Honorable Mayor Russ Kessler; City Council

FROM: Trish Greer, Administrative Secretary

DATE: 11/14/22

RE: 2022 New Businesses

The following businesses have applied for a new business license and passed all the requirements for the City of Haysville. No action is required.

Joe Vail LLC – 7135 S. Broadway – Machine Shop

Main Street Snacks LLC d/b/a Main Street Liquor Outlet – 237 N.

Main St. – Retail Liquor Store (new owner)

**We Wag Happy Tails, 517 Alexander Dr. – Online Pet Shop & Fair
(Home Business)**

Sincerely,

Trish Greer
Administrative Secretary
City of Haysville





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, Russ Kessler
Haysville City Councilmembers

From: Tony Martinez
City of Haysville
Director of Public Works

Date: November 9, 2022

Re: KDHE Lead and Copper Communication

The EPA/KDHE has revised the Lead and Copper Rule. The revision to the rule requires every public water supply system to develop a material service line inventory of both the water system owned and privately owned service lines. Lead was banned nationally in plumbing material in 1986. Therefore, this inventory only includes service lines installed before 1986. The KDHE letter is communicating to the public that water systems will be required to visually inventory all service lines including the private service line.



Tony Martinez
City of Haysville
Public Works Director

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Acting Secretary

Laura Kelly, Governor

February, 2022

Please help us protect your health...

The U.S. Environmental Protection Agency (EPA) recently issued regulations requiring all public water supply (PWS) systems to develop a Lead Service Line Inventory (LSLI) of both water system owned and your privately owned service lines. Your PWS system must submit this inventory to the Kansas Department of Health and Environment (KDHE) by October 16, 2024.

Representatives of your water system may contact you in the near future to ask you to answer some questions such as the date your home was built or if you know what materials were used in your home's plumbing and service line, among other questions. Please take the time to respond to their inquiries as this will help determine if you or your family have a lead exposure risk. If you are unsure, your water system should be able to help identify materials. The goal is to remove all lead containing service lines to your home.

Piping containing lead can become a potential health risk in drinking water. Some homes (typically built before 1988 in Kansas) may have lead service lines on the customer's property that connect to your water system's main lines. On the back of this letter is a schematic of where lead sources in drinking water may be found.

Young children, infants, and fetuses are particularly vulnerable to lead in drinking water and water used for formula because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults.

Additional information on the Lead and Copper Rule and identifying lead pipes and plumbing can be found on the KDHE website at: <https://www.kdhe.ks.gov/547/Lead-Copper-Rule>

Or at the EPA Website at: <https://www.epa.gov/dwreginfo/lead-and-copper-rule>

Kansans working together will get the lead out of our water systems.

Thank you for your cooperation,

Kansas Department of Health & Environment
Public Water Supply Section
1000 SW Jackson, Suite 420
Topeka, KS 66612
<https://www.kdhe.ks.gov/409/Public-Water-Supply>



Kansas Forest Service
2610 Claflin Road
Manhattan, KS 66502
785-532-3300



DATE: September 26, 2022

City of Haysville

401 S. Jane

Haysville, KS 67060

Dear Kourtney,

My name is Tim McDonnell and I have been the District Community Forester for the Southeast District for the Kansas Forest Service for the last 20 years. We are reaching out today to share data on the amount of tree cover in Haysville. As our project brief explains, canopy cover can be a vital way to assess the health and vitality of your community.

Keep in mind this is a broad perspective of tree canopy cover and other land cover classes. This does not include tree species, condition (health) and age of the overall canopy. These could be determined by a street tree inventory. It is important to have species and age diversity for a healthy, sustainable and climate resilient tree canopy.

Unfortunately, most Kansas communities lack tree species diversity, and three species alone can comprise 45-50% of the overall canopy. Those same communities may also have more mature to over mature trees than they have young trees. Both of these can make your canopy more prone to current and impending pest issues and less resistant to storm damage.

As one of the first community forestry programs in the country, the Kansas Forest Service Community Foresters are committed to supporting municipalities and volunteer efforts to plant, protect, maintain, and manage trees on public properties for the benefit of all who spend time in the community.

In addition to the attached information, we will also host two informational meetings this fall to help answer questions about the data and provide further information about ways communities can increase canopy cover and community tree health. We will host a training on Nov. 10th at the KSRE Southeast Research and Extension Center, 25092 Ness Rd., Parsons, KS 67537, and on Nov. 21st at the Sedgwick County Ext. Office, 7001 West 21st St. North, Wichita, KS 67205. We will be emailing a brochure and registration for this training soon. Please email me to RSVP for either training if you do not receive the brochure. There will be a five-dollar registration to cover refreshments. The trainings will start at 8:30 am and last until 1 pm.

I sincerely hope you find this information helpful as you plan community programs impacting water quality, community health and revitalization or improvement projects. Trees are a critical aspect of healthy and sustainable communities, and we look forward to working with you on forestry efforts.

Thank you,

Tim McDonnell

District Community Forester, SE District

tmcdonne@ksu.edu

c) 785-313-2293

Kansas Community Tree Canopy Assessment Project

Project

This project sought to collect baseline data for future decision-making and is intended to guide tree planting and canopy enhancement in your community. Tree cover is not equally spread throughout a community so identifying where shade and canopy protection is not present can be a starting point to developing short and long-term canopy goals for your community.

Using 2015 high resolution land cover data, natural features and impervious surfaces were analyzed for 669 communities in Kansas by the Kansas Forest Service from funding provided by the USDA Forest Service. Land cover in each community was digitally represented from 1-meter aerial imagery from the National Agriculture Imagery Program.

Why it Matters

Trees cover impacts individuals and communities in substantial ways. Tree cover reduces energy use for home and businesses and help to cool sidewalks, parking lots and other heat islands. Air pollutants are intercepted by trees reducing health conditions ranging from asthma to chronic health conditions. Trees can help to make business districts more desirable for shoppers and increase home and property value when part of a managed landscape. Trees impact water quality, soil quality and support wildlife.

How to Use This Information

Canopy data can help cities achieve goals in related project such as stormwater management, air quality, community health programs, sustainability efforts and overall community improvement. Specifically, data can be used to:

- Create short and long-term budget projections to increase canopy coverage throughout the community
- Plant and maintain (establish) trees along streets and in parks to fill canopy voids
- Target tree establishment programs in neighborhoods where structures require shade or energy conservation
- Educate residents about the benefits of canopy coverage to encourage tree protection and new tree establishment on private property

By protecting, planting, maintaining, and managing community trees, you make the Great Plains environment more livable and enjoyable for the people in your city. As might be expected, canopy coverage estimates for northeast and southeast Kansas is between 24% and 28% while southwest and northwest Kansas are below 16%. Even in the toughest of conditions, 25% to 35% canopy coverage is possible in any Kansas community. ***Will your city join us in protecting and enhancing canopy coverage in your community?*** We hope your city will join us in this effort and attend one of our fall workshops to further explain this data and its potential uses in your community.

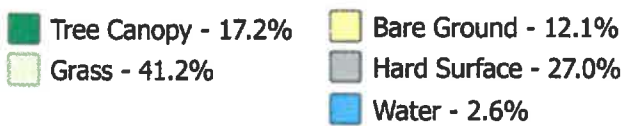
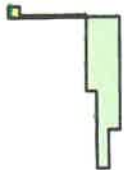
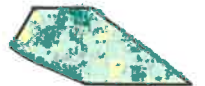
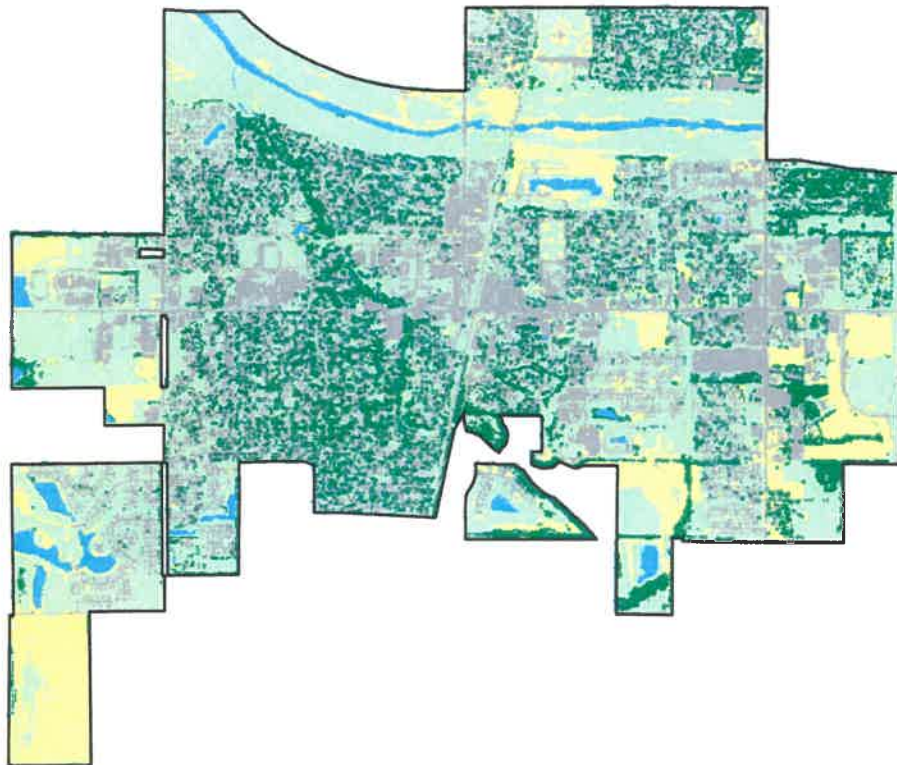
Land Cover Classes

Each city's features were categorized into the following land cover classes: Tree Cover, Bare Ground, Grass, Hard Surface, and Water. Land cover classes with bare ground and grass likely contain some areas suitable for tree planting while the hard surface class may offer a few locations suitable for planting with modifications. The following printed community map identifies the percentage of canopy cover in your community. See the attached map to view your community's tree canopy cover.

To view your city's map online, visit the Kansas Forest Service website:

https://www.kansasforests.org/community_forestry/urbantreecanopy.html

Haysville 2015 Community Land Use



Dear Local Franchising Authority,

We wanted to let you know that effective 12/06/22, we are increasing the rates of some of our services to reflect the increased costs of doing business, particularly the rising costs of TV programming. We will begin communications to our customers 30 days prior to the increase, which will appear as a message on their bill.

We don't make this decision lightly as we know that any bill increase can have an impact. With that in mind, we remain strongly committed to helping our customers however we can during these unprecedented times.

Listed below is a list of our upcoming price changes.

- Basic Starter (BASICSTR) will change from \$53.00 to \$56.00
- Cox TV Starter (CC) (COXTVSTRCC) will change from \$53.00 to \$56.00
- Cox TV Starter (COXTVSTR) will change from \$53.00 to \$56.00
- Contour Starter (CNTRTVSTR) will change from \$53.00 to \$56.00
- Basic Preferred (BASICPRF) will change from \$92.00 to \$99.00
- Cox TV Preferred (CC) (COXTVPRFCC) will change from \$92.00 to \$99.00
- Cox TV Preferred (COXTVPRF) will change from \$92.00 to \$99.00
- Contour Preferred (CNTRTVPRF) will change from \$92.00 to \$99.00
- Cox TV Ultimate (CC) (CONTVULTCC) will change from \$132.00 to \$139.00
- Cox TV Ultimate (COXTVULT) will change from \$132.00 to \$139.00
- Contour Ultimate (CNTRTVULT) will change from \$132.00 to \$139.00
- Lifestyle Pack (352) will change from \$10.00 to \$12.00
- Economy Pack (156) will change from \$20.00 to \$21.50
- Sports & News Pack (350) will change from \$25.00 to \$30.00
- Contour Flex Economy (CONFLXECON) will change from \$50.00 to \$51.50
- TV Economy (CTVECONOMY) will change from \$50.00 to \$51.50
- TV Essential (CTVESS) will change from \$94.50 to \$98.50
- Contour TV (Advanced) (ADVTV, CONTOURTV) will change from \$99.50 to \$103.50
- Contour TV Ultimate (CONTOURUL3) will change from \$168.00 to \$172.00
- Contour TV Preferred (ADTVPRF, CONTOURPRF) will change from \$111.50 to \$115.50
- Advanced TV/Contour TV Premier (ADVTVPMR, CONTOURPMR) will change from \$123.50 to \$127.50
- Advanced TV Ultimate (ADTVULT) will change from \$169.48 to \$173.48
- Advanced TV Ultimate with 4 Premiums (ADTVULT4) will change from \$178.48 to \$182.48
- Advanced TV with Record 6 DVR (ADTVULT6) will change from \$175.00 to \$179.00
- Contour TV Ultimate with Record 6 DVR (CONTOURULT) will change from \$175.00 to \$179.00
- CTV Ultimate (CONTOURUL2) will change from \$168.00 to \$172.00
- Super Mix (ADTVSMX) will change from \$109.50 to \$113.50
- TV Economy Latino (LATINOECON) will change from \$53.00 to \$54.50
- Contour Flex Economy Latino (CONFLXECLT) will change from \$60.00 to \$61.50
- Contour TV Latino (LATINOCTV) will change from \$109.50 to \$113.50
- Contour TV Latino Preferred (LATINOPRF) will change from \$121.50 to \$125.50
- Contour TV Latino Ultimate (LATINOULT) will change from \$191.51 to 195.51
- The Broadcast Surcharge (BFS) will change from \$19.00 to \$22.00
- Regional Sports Surcharge (RSS) will change from \$3.00 to \$3.25

We are truly grateful for the opportunity to serve your community. If you have any questions regarding these changes, please contact me.

Sincerely,

Megan Bottenberg
Director, Government Affairs
Cox Communications Central Region



MEMORANDUM

TO: The Honorable Russ Kessler, Mayor
Haysville City Council Members

FROM: Angela Millspough, City Clerk/Treasurer

DATE: October 6, 2022

SUBJECT: Best Value Services, LLC - 1939 E Emmett Ave, Haysville, KS 67060

Introduction:

Best Value Services, LLC is currently a licensed refuse hauler under Chapter 7, Article 3 of the Haysville City Code. The City has received numerous complaints from residents regarding trash not being picked up, which is a sanitation and public health concern.

Summary of Issues:

City staff was able to talk to the owner of Best Value Services on 09/22/22. At that time, two of its five trucks were down and only 300 out of 1,000 customers were having their trash collected. Best Value Services was not rotating the working trucks to pick up the routes usually serviced by the broken-down vehicles – it was just not picking up those routes. Some routes had not been collected in three weeks, which is a sanitation and public health concern. No timeline was stated for fixing the issues.

Applicable City Ordinances:

7-210. SOLID WASTE COLLECTION VEHICLE STANDARDS, MAINTENANCE AND LICENSING. (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.

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.

Recommendation:

The City Clerk recommends that the governing body consents to the revocation and cancellation of the current license of Best Value Services, LLC under Article 7 of the Haysville City Code, effective upon ten (10) days' notice to Best Value Services, LLC due to its violations of the provisions of Article 7 including but not limited to its failure to regularly collect solid waste from its customers located in the City of Haysville.

Message from Best Value Services Phone Recording:

City staff called Best Value Services on 10/05/22 and 10/06/22 in an attempt to let the owner know of the discussion City Council would be having at the 10/11/22 regular meeting. Best Value Services has a message on its answering machine acknowledging its service delays and indicating its plan to recover (pick up all outstanding routes) by the end of the week ending 10/07/22 and issue refunds to customers. City staff did not speak to the owner of Best Value Services on 10/05/22 or 10/06/22 due to no one answering the phone, but staff did speak to another licensed refuse hauler that is working with Best Value Services to ensure all outstanding routes are picked up by 10/07/22.



PO Box 780184
Wichita KS 67278-0184

Phone 316-440-1048
Fax 316-440-1049

The Honorable Russ Kessler, Mayor
Haysville City Councilmembers
City of Haysville

October 10, 2022

Dear Mayor Kessler and Haysville City Councilmembers:

Thank you for the opportunity to serve you and the residents of Haysville for the past ten years.

Best Value Service has turned over responsibility for servicing its active, residential customers to Air Capital Waste (On-Site, Inc). They have, in fact, been picking up on our behalf for the last week and will continue to do so. Effective immediately, we will no longer engage in residential trash and recycling business in the City of Haysville. We will not apply for renewal of our City of Haysville Refuse Hauler's License which will expire December 31, 2022.

We respectfully request the City of Haysville allow Best Value Service, LLC continue servicing commercial customers until a suitable replacement can be found (not past the end of this year) and to operate from our business location in Haysville until all operations can be brought to an orderly closure.

We will work as quickly as possible to wind up all refuse and recycling operations at Haysville in less than 60 workdays --- by 12/31/2022.

Very Respectfully,

A handwritten signature in black ink that reads "Solomon Tafesse".

Solomon Tafesse
Managing Member



MEMORANDUM

TO: The Honorable Russ Kessler, Mayor
Haysville City Council Members

FROM: Angela Millspaugh, City Clerk/Treasurer

DATE: October 6, 2022

SUBJECT: Revisions to Personnel Manual - PTO

Attached for your consideration are proposed revisions to the Personnel Manual which will put in place a Paid Tim Off policy (PTO) for all new hires. Existing employees will have the option to remain on the current Vacation Leave, Sick Leave and Personal Holiday Leave policies. The proposed effective date for these changes is January 9, 2023, the beginning of the first full pay period in January.

Studies have shown that using a PTO system significantly reduces unscheduled absences, makes the employer more attractive to current and potential employees, reduces administrative costs of tracking leaves, and empowers employees to make their own decisions regarding the amount of vacation and personal time spent away from work.

Revisions are shown in red; deletions are struck-through, and additions are underlined (typographical, grammatical, formatting and lettering/numbering changes are not included).

Please let me know if you have any questions.

SECTION III - VACATION AND LEAVES

A. LEAVES OF ABSENCE WITH PAY:

Includes sick, vacation, military reserve, and other (as defined in the following sections). Administrative leave with pay may be authorized by a Department Head (or Mayor if the employee reports to the Mayor) when deemed appropriate.

B. PROMOTION, DEMOTION OR TRANSFER:

When an employee is promoted, demoted or transferred, all sick leave, vacation leave, and wellness leave remains to his/her credit and is transferred with the employee. When an employee changes departments or has a status change from non-exempt to exempt, all compensatory time will be paid out to employee.

C. REQUESTS FOR LEAVE OF ABSENCE:

All requests for leave of absence shall be made according to the procedures designated on the following pages for that particular leave.

D. REPORTING LEAVE FOR PAYROLL:

Leave, with or without pay, is to be reported to the Assistant City Clerk through ~~an Absence Report~~ Leave Request or ~~on the face of the~~ time sheet submittal.

E. PAID TIME OFF POLICY:

Paid Time Off (PTO) provides you with the flexibility to use your time off to meet your personal needs, while recognizing your individual responsibility to manage your paid time off. PTO combines vacation and sick leave into one flexible, PTO policy.

You will accumulate a specified amount of PTO each pay period worked and it is up to you to allocate how you will use it for vacation, illness, caring for children, school activities, personal business or emergencies. The amount of PTO earned will depend on your length of service with the city.

Employees must work or use authorized PTO for at least 50% of their regularly scheduled work days in a pay period to accrue PTO credit for such pay period.

PTO must be approved in advance, except in circumstance where the employee is unable to anticipate the absence. PTO may be used in 15 minute increments or higher.

1. Eligibility:

You are eligible to receive PTO if you are a regular status employee that works an average of 32 hours per week.

2. Deposits Into Your Leave Account

The amount of PTO you accrue each year is based on your length of service and accrues according to the Accrual Schedule for full time employee's chart below. PTO is accrued as you work. You will not accrue PTO time while you are on leave of absence or suspension. PTO is capped at 480 hours. Employees will lose any PTO over the 480 cap.

3. Accrual Schedule for Full Time Employees

<u>Years of Service</u>	<u>Per Pay Period Accrual</u>
<u>1-2 years</u>	<u>5.24</u>
<u>3-6 years</u>	<u>6.77</u>
<u>7-12 years</u>	<u>8.31</u>
<u>13-20 years</u>	<u>9.85</u>
<u>20 plus</u>	<u>11.39</u>

4. Payout of PTO Hours Upon Termination and/or Retirement

Employees whose employment with the City is terminated voluntarily with 2 weeks' notice are entitled to payment of their PTO balance as of the termination/retirement date up to the maximum permitted carry amount.

Employees separating from service prior to six months of employment will not be eligible for payment of leave of any kind.

Employees who were hired before January 9, 2023, will have the option of remaining on Vacation Leave, Sick Leave and Personal Holiday Leave system. All employees hired on or after January 9, 2023, are not eligible for the Vacation Leave, Sick Leave and Personal Holiday Leave system

E. VACATION LEAVE, SICK LEAVE, AND PERSONAL HOLIDAYS:

Employees who were hired before January 9, 2023 will have the option to remain on the vacation, sick leave and personal holiday leave system as set forth below.

1. Vacation Leave

a. Employees in full-time positions with the City are granted vacation leave credited annually on the employee's anniversary (hire-in) date. The following list shows the correlation between year of employment and hours available:

Year (start of)	Hours	Year	Hours
First	Zero	Eleventh	120
Second	40	Twelfth	120
Third	80	Thirteenth	160
Fourth	80	Fourteenth	160
Fifth	80	Fifteenth	160
Sixth	80	Sixteenth	160
Seventh	120	Seventeenth	160
Eighth	120	Eighteenth	160
Ninth	120	Nineteenth	160
Tenth	120	Twentieth	160

After the twentieth year of employment, 200 hours are granted.

Vacations are scheduled through the Department Heads or their designees and can be taken in 15-minute increments.

Department Heads may take their vacations at any time subject to the approval of the Chief Administrative Officer.

An employee leaving the employment of the City shall receive pay for vacation credited and unused to the date of his/her separation or resignation, provided he/she has been in service of the City for at least one year. (See Article B, Section II, I, for Pay on Termination.)

At times, circumstances may prevent an employee from taking all of his/her vacation that is accumulated within the year. Any request for carryover must be submitted, in writing, and be approved by the Department Head. The carryover request must be accompanied by a Leave Request that schedules the usage of all requested carryover days. Department Heads must have carryover vacation approved by the Chief Administrative Officer. Employees reporting directly to the Mayor must have carryover vacation approved by the Mayor.

Waiving Vacation Prohibited: Employees shall not be permitted to waive vacation leave for the purpose of receiving double pay.

Holidays Occurring During Vacation Period: Any official holiday, as set forth in this article, which shall occur during an employee's scheduled vacation period, shall not be counted as a day of vacation.

Employees must work or use authorized paid leave for at least 50% of their regularly scheduled work days in a month to accrue vacation credit for such month.

~~F. SICK LEAVE~~ Sick Leave:

1. For purposes of sick leave, immediate family is defined as an individual with any of the following relationships to the employee:

a. Spouse, and their parents;

Sons and daughters, and their spouses;

Parents, and their spouses;

Brothers and sisters, and their spouses;

Grandparents and grandchildren, and their spouses;

Domestic partner and their parents, including domestic partners of any individual in 2 through 5 of this definition; and

Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Accumulations: Sick leave benefits are granted on the basis of eight (8) hours per month. Sick leave may be accumulated to a maximum of eight hundred (800) hours. Any employee accumulating more than eight hundred (800) hours may, by November 15, request to receive 50% sick leave pay for hours in excess of eight hundred (800) or take 50% vacation for the hours in excess of eight hundred (800). If the 50% vacation is elected, the time must be taken within the next calendar year.

Sick leave is not earned but is a benefit granted to full-time employees to accommodate the occasional need to remain at home due to illness. Employees must work or use authorized paid leave for at least 50% of their regularly scheduled work days in a month to accrue sick leave for such month. Regarding the granting of sick leave in the first month of employment: if the hire date falls in the first half of the month (1st through the 15th with the exception of February which is 1st through the 14th), eight (8) hours will be granted. If the hire date falls in the last half of the month, zero (0) hours will be granted.

Uses of Sick Leave: Sick leave is available to an employee when:

The employee or an immediate family member is ill or has a medical appointment;

An employee who has used all accrued leave but must be off work for any of the reasons listed under “Uses of Sick Leave” may request that other employees be given the option of donating some of their accrued sick leave to the employee who is without accrued leave. A request for donated sick leave will be sent twice by the Assistant City Clerk. Employees who have accumulated 240 hours of sick leave may donate at least one full day (8 hours) but not more than two days (16 hours) to another employee who has depleted all paid leave but has an illness or medical condition, or whose immediate family member has an illness or medical condition, that prevents that employee from working. Forms are available from the Assistant City Clerk; or

Department Heads may make exceptions, with approval from the Chief Administrative Officer. If an employee has no available leave other than sick leave, the Department Head has the discretion to grant, eight (8) hours at a time, up to sixteen (16) hours of special personal time to be deducted from accrued sick leave.

Sick leave will be rounded up to the nearest quarter-hour.

Reporting of Sick Leave: If a personal or immediate family member illness prevents any employee from performing assigned duties, said employee shall notify his/her supervisor of the problem. The call should be placed prior to scheduled beginning of the employee’s workday. If an employee is absent from work and has not notified the supervisor, sick leave will be granted only by specific Department Head approval. Leave will not be recorded as sick leave unless it has been approved. A doctor’s note may be required at the discretion of the Department Head for any sick leave. The doctor’s note shall be turned in with the associated time sheet.

Return-to-Work Release Form: Before an employee can be permitted to perform duties after having sustained an injury or undergone any surgery that prevents the employee from satisfactorily performing the essential functions of his/her job or having been ill beyond thirty (30) consecutive calendar days, said employee must present the Department Head with a City-issued Return-to-Work release form, stating that the employee is fit for work. If restrictions are included on the Return-to-Work release form, a note will be needed to clear the restrictions. If a leave other than sick leave is used to cover this type of absence, the requirement of a Return-to-Work release form, stating that the employee is fit for work, still applies.

Sick Leave on Termination: Upon voluntary termination of employment, if two (2) weeks’ notice has been given, an employee may receive pay for one-half of credited sick leave. If an employee resigns without giving two weeks’ notice, no payment for sick leave will be made. If the employer terminates employment, no payment for sick leave will be made. An employee retiring from City service shall receive pay for all accrued, credited, sick leave. Retirement from City service shall be

recognized when an employee files official retirement paperwork with KPERS or when an employee has completed at least twenty-five (25) years of service with the City. (See Article B, Section II, I, for Pay on Termination.)

Abuse: An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal. The City reserves the right to discipline employees who abuse this policy, for example, by: falsifying documents submitted to support leave; being untruthful about the reasons for requested leave; or repeatedly using paid sick leave immediately before or after weekends, City holidays, or vacations. The City reserves the right to request a signed statement from a licensed health care practitioner verifying the employee's inability to perform their duties because of illness or injury if the Supervisor or Department Head suspects abuse of sick leave.

Personal Holidays:

All employees in regular full-time positions shall receive two (2) personal holidays each year.

Personal holidays in year of hire: Employees hired before July 1 are allowed two personal holidays a year; employees hired July 1 or after, but before October 1 are allowed one personal holiday; employees hired October 1 or after do not receive personal holidays until the following year.

Personal holidays shall be scheduled through the Department Heads and/or Supervisors, are credited on a calendar year basis, and cannot be carried over from one year to the next. Personal holidays can be taken in 15-minute increments.

G. FUNERAL LEAVE:

1. Eligibility: In the event of the death of an employee's spouse, spouse's parent, son, daughter, parent, brother, sister, grandparent, grandchild, or domestic partner, the employee shall be allowed funeral leave with pay up to a maximum of forty (40) hours. In the event of the death of the spouse or domestic partner of any of the above-listed relations or the death of any individual related to the employee by blood or affinity whose close association with the employee is the equivalent of a family relationship, the employee shall be allowed funeral leave with pay up to a maximum of eight (8) hours. This leave must be approved by the Department Head and is not charged against any other leave accumulations. The Department Head may extend up to an additional sixteen (16) hours of funeral leave for out of state travel. Any additional leave granted must have Department Head approval and may be taken from any accrued leave. Only full-time employees are eligible for Funeral Leave.

2. Reporting Funeral Leave: An employee who is unable to work because of a death in the immediate family must, prior to the employee's scheduled time to report, notify his/her office or immediate supervisor, who will then notify the Department Head.

H. WORKPLACE INJURY LEAVE:

1. Eligibility: Full-time employees who are eligible to receive workers' compensation are entitled to work-related injury leave with full pay for up to five scheduled work days (40 hours or the normal number of hours scheduled in a week). Leave for a covered workers' compensation illness or injury arising out of and in the course of employment, is not charged to vacation leave or sick leave.

Reporting Injury Leave and Explanation of Benefits: In order for an employee to be eligible for paid injury leave, the nature of the injury must be reported to the employee's supervisor and Department Head within twenty-four (24) hours (1 working day); the location where the injury took place; the materials the employee was using at the time of the injury; the extent of damage, if any, to City equipment; the work procedure the employee was following at the time of the injury; the extent of supervision at time of injury; and a statement as to how the injury could have been avoided. This report, exclusive of any workers' compensation form, must be completed and filed with the Assistant City Clerk within twenty-four (24) hours of the injury, if at all possible, before an employee is eligible for injury leave. Further, an employee must notify his/her supervisor at the beginning of the shift that the employee will be absent due to an injury on the job. Injury leave shall not be granted without written verification that the employer's workers' compensation doctor recommended the time off work. In the event an employee is injured and receives injury leave pursuant to this section, the employee shall be compensated at his/her full rate of pay for a maximum of twelve weeks. If workers' compensation benefits are discontinued, the employee on injury leave shall no longer receive a regular paycheck from the City. During the time an employee on injury leave receives a full paycheck from the City, the weekly payments authorized by the Kansas Workers' Compensation (two thirds [2/3] of gross average weekly wage) will be returned to the City Clerk no later than forty-eight (48) hours after their receipt. If an employee continues on injury leave after the twelfth week, the employee will then receive only the workers' compensation payments and not a City paycheck. Any payroll deductions for health insurance must be paid by the employee to the City in a timely manner to continue insurance coverage, and any other optional deductions can be continued or terminated at the request of the employee.

Return to work/light duty program: If an employee is injured and is placed on restrictions by a physician that impede or prevent the employee from resuming regular job duties, the City may offer the individual a limited term job assignment or light duty assignment which will comply with the statement from the physician regarding job duty restrictions. The return to work/light duty program is not available to Part-Time Employees. The differing job assignment or light duty assignment will be 1) actual open positions with the City, and 2) limited to a specific length of time based upon the availability of such assignment and the specific injuries of the employee. Permanent restrictions

shall not qualify for this short-term accommodation. Return to work/light duty jobs are temporary employment and may be limited in time and/or eliminated at the City's discretion at any time. The City expects the same standards, performance, and attendance from an employee who is performing a return to work/light duty job as it does from a regular or full-time employee.

ADA Accommodations: The City will actively seek to return disabled, but qualified employees covered by workers' compensation to productive work as quickly as possible in cooperation with the City's physician or health care provider. Any accommodations will be handled in accordance with ADA requirements. In recognition of the need to maintain that level of staffing necessary to carry out the business of the City, an employee in a non-critical job position who has been unable to work for six continuous months for any reason, even if the employee is continuing to draw workers' compensation benefits, may be terminated. Employees holding critical positions as defined by the City may be terminated prior to the conclusion of six continuous months of leave if the City deems it necessary to fill the position in order to continue to operate safely. All department head positions are considered critical positions, as well as higher level supervisors within the various departments. The City reaffirms that it is an at-will employer and reserves the right to terminate employment at its discretion.

Medical Appointments. An employee who is receiving treatment during regularly-scheduled work hours as a direct result of an injury on the job, shall coordinate with their supervisor any time spent receiving treatment as "Workers' Compensation doctor's appointment" to ensure that personal accruals are not diminished. An employee will be eligible for compensation only if the treatment has been authorized by the designated medical provider and only for the time the employee is actually receiving the medical treatment. An employee shall not receive any compensation for time spent receiving medical treatment that falls outside the employee's regularly-scheduled work hours.

I. MILITARY LEAVE:

1. Leaves of absence shall be granted to employees whose United States Uniformed Services (military) obligations necessitate their absence from work. These leaves are applicable to all such obligations, including Reserve and National Guard assignments, and are governed pursuant to the *Uniformed Services Employment and Reemployment Rights Act* (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees who are subject to multiple military duty assignments may, at their option, present leave requests covering all such obligations or individual leave notices.

Any employee who receives orders for military duty shall be placed on military leave without pay. The employee may choose to substitute paid leave during military leave. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay.

Continuation of health insurance benefits will be as required by and in accordance with USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was more than 31 days, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military for over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

J. OTHER LEAVES WITH PAY:

1. Other leaves with pay may be granted for employees to attend professional conferences and meetings, or to visit other cities in the interest of the home City.

Requests for such leave must be made to the Department Head stating the date of absence, purpose of the leave, and the function to be attended.

The travel expense and authorization form should be used in requesting this leave with pay.

Upon returning from an approved other leave with pay, the employee must complete and forward to the City Clerk a travel expense report in accordance with the rules set forth for same.

K. CIVIL LEAVE:

1. Jury Duty or Witness For the City Under Subpoena: Upon receipt of the order requiring the employee to report for jury duty or placing the employee under subpoena, the order will be shown to the immediate supervisor who shall receive the required permission from the Department Head. Upon receipt of pay for jury duty or witness fee, the employee shall endorse or cash the check and deliver the funds to the assistant city clerk. The employee may retain reimbursement for personal travel expenses or meals. The employee shall receive full pay for the time spent on jury duty. Employees not regularly working a full-time schedule shall receive pay for upcoming scheduled work. If jury duty extends beyond the current work schedule, employee shall receive pay based on average hours worked. If the employee is serving or appearing for jury duty on their own time, the employee may retain any payments received.
2. Court Appearance: Upon receipt of the order requiring the employee to make a court appearance, arrangements shall be made by the employee with the employee's supervisor

to receive permission from the Department Head to comply with the order. An employee who is required to make a court appearance in an official capacity in connection with the City of Haysville or as expert witness either because of the employee's profession or observed knowledge will be considered on duty and no charge is made against civil leave. The employee shall file for fees where a fee is paid. The employee shall turn such fees over to the City when testimony arises out of employment with the City of Haysville when testimony is given during duty hours. If the employee uses his/her own transportation the employee may keep travel expenses.

3. Employees Involved In A Personal Case: If an employee is involved in court in a personal case, either as plaintiff or defendant, the employee shall be granted leave but the time off must be charged to an available, accrued leave. The use of sick leave must be approved by the Department Head and can only be used if all other accrued leave is exhausted. If all available leave has been exhausted, the time off may be charged to leave of absence without pay.

L. SELECTIVE SERVICE INFORMATION:

1. Employees ordered by their Selective Service Board to appear for a physical examination shall be given the required time off with pay, not to exceed forty-eight working hours.
2. Immediately upon receipt of the Selective Service Board's orders, the employee will present the order to his/her supervisor so approval may be granted by the Department Head.

M. LEAVES OF ABSENCE WITHOUT PAY:

Occasionally, for medical, personal or other reasons, employees may need to be temporarily released from the duties of their job with the City. Leaves of absence without pay not specifically covered by this manual or federal, state or local law will be considered only when no paid leave is available. A Department Head may grant leaves of absence without pay.

1. Leaves of absence without pay will not be granted for more than 2 hours of absence until all available leave has been exhausted.
2. Requests for leave for personal reasons shall be submitted in writing to the Department Head stating reasons for the request, the date the leave shall begin and the probable date of return.
3. If an employee is no longer able to meet the requirements of his/her position, the employee may be placed on leave without pay until again qualified, for up to six (6) months, or employment may be terminated immediately.

4. Employees on an approved extended leave of absence without pay pursuant to this policy will not accrue vacation, sick leave or other benefits during the leave of absence.

Generally, the City will continue its contribution toward dental and health insurance during the leave of absence without pay; provided that in cases of extended leaves of absence, continuation of benefits will be evaluated on a case by case basis.

Failure to return to work as scheduled from an approved leave of absence or to inform the supervisor of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment.

N. FMLA (Family and Medical Leave Act) LEAVE:

1. Purpose: The City of Haysville (the “City”) has adopted this Family & Medical Leave Policy (the “Policy”) because the City is a covered employer under the Family and Medical Leave Act (the “FMLA”). This Policy provides an employee with important information when he/she requests leave under FMLA (“FMLA Leave”).

Compliance with FMLA and Other Family Leave Laws: It is the intent of this Policy to comply with the FMLA and the U.S. Department of Labor’s FMLA regulations. In the case of a conflict with this Policy, the FMLA and the FMLA regulations control. Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply. This Policy is not to be construed to offer more benefits to employees than the FMLA and state or local family and medical leave laws require. Additional information regarding the FMLA is found on the Department of Labor’s FMLA poster. A copy of the poster is included as an Appendix to this Personnel Manual. The poster can also be found in the areas of the City premises where employment law posters are posted.

Definitions: Most of the defined words and phrases used in this Policy are set forth later in this Policy, in a separate section.

Eligible Employees: An employee is eligible to take FMLA Leave and to be restored to the same position or to an equivalent position upon returning from FMLA Leave if the employee satisfies the following conditions:

The employee has worked for the City for at least twelve (12) months, measured as of the date the requested FMLA Leave is to begin;

The employee has worked for the City for at least one thousand two-hundred fifty (1,250) hours in the last twelve (12) months, measured as of the date the requested FMLA Leave is to begin; and

The employee is employed at a City worksite that has fifty (50) or more employees within seventy-five (75) miles, measured as of the date FMLA Leave is requested.

Such an employee is referred to in this Policy as an “Eligible Employee.”

For purposes of determining whether the employee has worked for the City for at least twelve (12) months, employment periods prior to a break in service of at least seven (7) years are not counted, unless an exception in the FMLA regulations (such as for USERRA-covered service) requires some or all of that prior employment to be counted.

Notifications to Employees by City.

Notification of Eligibility: When an employee files a request for FMLA Leave, the City will notify the employee as to whether he/she is an Eligible Employee within five (5) business days of the date of such request. If the requesting employee is an Eligible Employee, the notice from the City will notify him/her of any additional information that the FMLA requires to be provided to Eligible Employees, including written information regarding his/her rights and responsibilities under the FMLA. If the employee is not an Eligible Employee, the notice from the City will notify the employee of the reason(s) for ineligibility.

Status of Requested Leave: The City will inform an Eligible Employee as to whether the requested leave is FMLA Leave and, if so, the amount of FMLA Leave that will be counted against the FMLA Leave entitlement. If the City determines that the requested leave is not FMLA Leave, it will notify the Eligible Employee that the request does not qualify as FMLA Leave.

Entitlement for 12-Week FMLA Leave: An Eligible Employee may take up to 12 weeks of unpaid FMLA Leave within any 12-month period (as that period is described in Section 9) and is entitled to be restored to the same position or to an equivalent position upon returning from FMLA Leave for any of the following reasons:

Birth. For the birth of the Eligible Employee’s Son or Daughter and in order to care for such newborn Son or Daughter;

Adoption or Foster Care Placement. For the placement of a Son or Daughter with the Eligible Employee for adoption or foster care;

Serious Health Condition of Family Member. To care for the Eligible Employee’s Spouse, Son, Daughter, or Parent with a Serious Health Condition;

Employee’s Own Serious Health Condition. Because of the Eligible Employee’s own Serious Health Condition which makes the Eligible Employee unable to perform the essential functions of the job;
or

Qualifying Exigency. Because of “any qualifying exigency” arising out of the fact that an Eligible Employee’s Spouse, Son, Daughter, or Parent is a Covered Servicemember on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty). Qualifying exigencies

include attending military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Expiration of Entitlement for Birth, Adoption, or Foster Care Placement: Entitlement to FMLA Leave because of the reasons set forth in Section 6(a) or Section 6(b) (i.e., birth, adoption, or foster care placement) expires twelve (12) months after the date of birth, adoption, or foster care placement.

Rule for Spouses who are Co-Workers: Spouses employed by the City who request FMLA Leave because of the reasons set forth in Section 6(a) or Section 6(b) (i.e., birth, adoption, or foster care placement) or to care for a Parent due to the Parent's Serious Health Condition (see Section 6(c)) may only take a combined total of 12 weeks of FMLA Leave during any 12-month period.

12-Month Period Measured Forward for 12-Week FMLA Leave: The 12-month period during which an Eligible Employee's 12 weeks of FMLA Leave may be taken begins on the first day the Eligible Employee takes FMLA Leave and ends twelve (12) months after that date. After that 12-month period, the Eligible Employee has a new 12-month period that begins the first time FMLA Leave is taken after completion of the prior 12-month period. For example, if an employee's first FMLA Leave begins on June 1, 2019, then the employee is eligible to take 12 weeks of FMLA Leave between June 1, 2019, and May 31, 2020. If the same employee takes additional FMLA Leave beginning on August 1, 2020, then the employee is eligible to take 12 weeks of FMLA Leave between August 1, 2020, and July 31, 2021.

Entitlement for 26-Week Military Family Leave: An Eligible Employee who is the Spouse, Son, Daughter, Parent, or Next of Kin of a Covered Servicemember with a Serious Illness or Injury may take up to twenty-six (26) weeks of FMLA Leave during a single 12-month period (as that period is described below) to care for the Covered Servicemember. This type of FMLA Leave is referred to in this Policy as "Military Family Leave."

12-Month Period for 26-Week Military Family Leave: The 12-month period during which the twenty-six (26) weeks of Military Family Leave may be taken begins on the first day the Eligible Employee takes Military Family Leave and ends twelve (12) months after that date.

Maximum Combined FMLA Leave: The maximum combined amount of FMLA Leave (including FMLA Leave subject to the 12-week limitation) that may be taken during a single 12-month period is twenty-six (26) weeks.

Notice of Leave to the City.

Notice for Foreseeable Need (but not Qualifying Exigency): If an Eligible Employee's need for FMLA Leave (for reasons other than a qualifying exigency) is foreseeable, the Eligible Employee must give the City at least thirty (30) days' prior written notice.

Notice for Foreseeable Need (Qualifying Exigency): For foreseeable FMLA Leave due to any qualifying exigency, the Eligible Employee must give the City written notice as soon as practicable, regardless of how far in advance such FMLA Leave is foreseeable.

Effect of Failure to Provide Notice: Failure to provide the required notice for foreseeable FMLA Leave may be grounds for delay of FMLA Leave.

Notice for Unforeseeable Need: Where the need for FMLA Leave is not foreseeable, the Eligible Employee is expected to notify the City as soon as practicable after learning of the need for the FMLA Leave.

FMLA Forms Required: All requests for FMLA Leave must be made on forms approved by the City. Employees should contact the Assistant City Clerk to obtain the forms.

Sufficiency of the Notice: As part of the notice, Eligible Employees must provide sufficient information for the City to determine if the requested leave qualifies as FMLA Leave and as to the anticipated timing and duration of the FMLA Leave. Sufficient information may include that the Eligible Employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or Continuing Treatment by a Health Care Provider, or circumstances supporting the need for Military Family Leave. Employees must also inform the City if the requested leave is for a reason for which FMLA Leave was previously taken or certified.

Medical Certification.

When Medical Certification Required: If an Eligible Employee is requesting FMLA Leave because of the Eligible Employee's own Serious Health Condition, because of a Serious Health Condition of the Eligible Employee's Spouse, Son, Daughter, or Parent, or because of Military Family Leave, the Eligible Employee and the relevant Health Care Provider must supply appropriate medical certification. If Military Family Leave is requested, the Health Care Provider must be provided through the U.S. Department of Defense or the U.S. Department of Veteran Affairs or must be authorized through TRICARE.

Notice from the City of Need for Medical Certification: Within five (5) business days after a request for FMLA Leave is made by an Eligible Employee, the City will notify him/her of (i) the requirement for medical certification and (ii) the date when the certification is due (which must be at least fifteen (15) days after the Eligible Employee receives the notice of the medical certification requirement).

Effect of Failure to Provide Medical Certification: An employee's failure to provide requested medical certification in a timely manner may result in delay or denial of FMLA Leave or of a continuation of FMLA Leave until it is provided. It is an employee's responsibility to ensure that his/her Health Care Provider accurately, completely, and timely completes and returns to the City any medical certification requested by the City.

Second and Third Opinions: For non-Military Family Leave, the City, at its expense, may require an examination by a second Health Care Provider designated by the City, if it has reason to doubt the medical certification initially provided by the Eligible Employee. If the second Health Care Provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, Health Care Provider to conduct an examination and provide a final and binding opinion. If the City decides not to require a third certification, the Eligible Employee is entitled to FMLA benefits. Pending receipt of the second or third medical certification, the Eligible Employee is provisionally entitled to FMLA benefits.

Recertification: For non-Military Family Leave, the City may require subsequent medical recertification at the Eligible Employee's expense, but not more often than the FMLA allows.

Use City-approved Forms: All medical certifications and re-certifications required by this Policy must be submitted to the City by the Eligible Employee using the forms approved by the City. Employees should contact the Assistant City Clerk to obtain the forms.

Certification for FMLA Leave Due to a Qualifying Exigency: An Eligible Employee requesting FMLA Leave due to a qualifying exigency must provide certification using the form available from the Assistant City Clerk.

Reporting While on FMLA Leave: If an Eligible Employee takes FMLA Leave because of the Eligible Employee's own Serious Health Condition or because of the Serious Health Condition of the Eligible Employee's Spouse, Son, Daughter, or Parent, the Eligible Employee must contact the City on Monday of each week regarding the status of the condition and the Eligible Employee's intention to return to work, unless he/she is notified by the City of a different reporting schedule.

Need for More or Less FMLA Leave: If the Eligible Employee needs to take more or less FMLA Leave than previously anticipated, he/she must notify the City within two (2) business days after learning of the need for the change in the amount of FMLA Leave.

Paid and Unpaid Leave.

General Rule – Unpaid Leave: FMLA Leave is unpaid, although an Eligible Employee may be eligible for disability payments and/or workers' compensation benefits under those insurance plans.

Exception if Unused Accrued Paid Leave: If an Eligible Employee is on FMLA Leave and has any unused accrued vacation leave and/or sick leave, the Eligible Employee has option to use vacation leave and sick leave (but only to the extent that the purpose of the FMLA Leave falls within the purposes for which sick leave may be taken). Notwithstanding the previous sentence, paid vacation and/or paid sick leave cannot be used at the same time that an Eligible Employee is receiving benefits from a disability insurance plan sponsored by the City, except that the City and Eligible Employee can agree (if permitted by state law) that paid vacation and/or sick leave will be used to supplement the disability insurance payments, such as in the case where a plan provides replacement income for

only two-thirds of an Eligible Employee's salary. The use of paid leave during FMLA Leave does not extend the 12-week (or 26-week, if applicable) FMLA Leave period.

Medical and Other Benefits: During an approved FMLA Leave, the City will maintain the Eligible Employee's group health plan benefits, as if the Eligible Employee continued to work during the entire FMLA Leave period.

Payment for Group Health Plan Premiums While on Paid Leave: To the extent that paid leave is used during FMLA Leave, the City will deduct the Eligible Employee's portion of the group health plan premiums as a regular payroll deduction.

Payment for Group Health Plan Premiums While on Unpaid Leave: To the extent that paid leave is not used during FMLA Leave, the Eligible Employee must make arrangements with the City for the Eligible Employee to pay the employee's portion of the group health plan premiums when the premiums are due. The City may cancel an Eligible Employee's coverage under a group health plan if the Eligible Employee's premium payment is more than 30 days late, subject to the terms and conditions of the group health plan.

Reimbursement if No Return to Work: If an Eligible Employee elects not to return to work at the end of the FMLA Leave period, the Eligible Employee will be required to reimburse the City for the cost of the group health insurance premiums paid by the City for maintaining coverage during the FMLA Leave, unless the reason the Eligible Employee does not return to work is one of the following:

The continuation, recurrence, or onset of a Serious Health Condition of his/her own or of a Spouse, Son, Daughter, or Parent or the Serious Illness or Injury of a Covered Servicemember that would otherwise entitle the Eligible Employee to FMLA Leave; or

Other circumstances beyond his/her control.

~~+~~ In the event that the failure to return to work is due to a Serious Health Condition or the Serious Illness or Injury of a Covered Servicemember, the City may request medical certification of the Serious Health Condition. The Eligible Employee is required to provide medical certification to the Assistant City Clerk within thirty (30) days from the date of the City's request. If the requested medical certification is not timely provided or does not establish a Serious Health Condition or a Serious Illness or Injury of a Covered Servicemember, the City may recover 100% of its portion of the group health plan premiums it paid during the period of unpaid FMLA Leave.

Payment of Premiums for Other Benefits: If the Eligible Employee participates in any benefit program (other than a group health plan) that requires the Eligible Employee to make all or some contribution to the premium, the Eligible Employee must arrange with the City to make all payments from the Eligible Employee when due.

Intermittent and Reduced Schedule Leave: FMLA Leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday), as follows:

By Agreement: When FMLA Leave is taken because of the birth of a Son or Daughter or placement of a Son or Daughter for adoption or foster care, an Eligible Employee may take FMLA Leave intermittently or on a reduced leave schedule only if the City agrees.

Mandatory if Requested by Employee: Military Family Leave and FMLA Leave because of a Serious Health Condition or a qualifying exigency may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) in the following circumstances:

When medically necessary for planned and/or unanticipated medical treatment of a Serious Health Condition or a Serious Injury or Illness of a Covered Servicemember;

When medically necessary for recovery from treatment or recovery from a Serious Health Condition or Serious Illness or Injury of a Covered Servicemember; or

To provide care or psychological comfort to a Spouse, Son, Daughter, or Parent with a Serious Health Condition or to a Covered Servicemember with a Serious Illness or Injury.

Reduction of Salary for Exempt Employees: If unpaid intermittent or reduced schedule FMLA is taken by an exempt employee, the City is entitled to reduce the Eligible Employee's salary based on the amount of time actually worked.

Alternative Position: During intermittent or reduced schedule FMLA Leave, the City may temporarily transfer an Eligible Employee from his/her normal position to an alternative position for which he/she is qualified. However, as compared to the normal position, the alternative position must better accommodate the recurring FMLA Leave and have equivalent pay and benefits.

Usage: When intermittent or reduced schedule FMLA Leave is used, the City will not require an Eligible Employee to take more FMLA Leave than necessary to address the circumstances that precipitated the need for the leave, nor will the City count any time actually worked by an Eligible Employee against his/her FMLA Leave allotment.

Fitness-for-Duty Certification Required: Before an Eligible Employee on FMLA Leave because of his/her own Serious Health Condition may return to work, a fitness-for-duty certification from his/her Health Care Provider is required, subject to the following:

The City requires that such certification be made in writing, on a form available from the Assistant City Clerk.

The certification must certify that the employee is able to resume work.

The City may require that the certification specifically address the Eligible Employee's ability to perform the essential functions of his/her job.

Employees on intermittent FMLA leave due to their own Serious Health Conditions will not be required to submit a fitness-for-duty certification in order to return to work.

Definitions: In addition to the words and phrases defined earlier in the Policy, where the following words and phrases appear in the Policy, they shall have the respective meanings as set forth in this Section, unless the context clearly indicates otherwise. Where the defined meaning is intended, the term is capitalized. These definitions come from the Department of Labor's FMLA regulations. In the event that the definitions in those regulations are amended, these definitions shall automatically be amended.

"Chronic Serious Health Condition" means a Serious Health Condition which (i) requires periodic visits (at least twice a year) for treatment by a Health Care Provider, or by a nurse under direct supervision of a Health Care Provider; (ii) continues over an extended period of time (including recurring episodes of a single underlying condition); and (iii) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

"Continuing Treatment by a Health Care Provider" means any one or more of the following: (i) a period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves (a) treatment two (2) or more times, within thirty (30) days of the first day of incapacity (unless extenuating circumstances exist) by a Health Care Provider, a nurse under direct supervision of a Health Care Provider, or a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a Health Care Provider or (b) treatment by a Health Care Provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the Health Care Provider; (ii) any period of incapacity due to pregnancy or for prenatal care; (iii) any period of incapacity or treatment for such incapacity due to a Chronic Serious Health Condition; (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and for which the Eligible Employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a Health Care Provider (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease); or (v) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a Health Care Provider or by a provider of health care services under orders of, or on referral by, a Health Care Provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

“Covered Active Duty” means (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

“Covered Servicemember” means (i) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in Outpatient Status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness or (ii) a Veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Illness or Injury and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the Veteran undergoes that medical treatment, recuperation, or therapy.

“Health Care Provider” means one of the following: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (ii) a podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) who is authorized to practice in the state and performing within the scope of their practice as defined under state law; (iii) a nurse practitioner, nurse-midwife, clinical social worker, or physician assistant who is authorized to practice under state law and who is performing within the scope of their practice as defined under state law; (iv) a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts; (v) a health care provider from whom the City or its group health plan’s benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits; or (vi) a Health Care Provider as defined above in (i) through (v) who practices in a country other than the United States and is licensed to practice in accordance with the laws and regulations of that country.

“Next of Kin” means, with respect to a Covered Servicemember, the nearest blood relative of that individual, other than the Covered Servicemember’s Spouse, Parent, Son, or Daughter, in the order of priority established by the FMLA regulations.

“Outpatient Status” means, with respect to a Covered Servicemember, the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

“Parent” means the biological, adoptive, step, or foster father or mother of an Eligible Employee or any other individual who stands or stood in loco parentis to an Eligible Employee when the Eligible Employee was a Son or Daughter.

“Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves: (i) any incapacity or treatment in connection with inpatient care or (ii) Continuing Treatment by a Health Care Provider.

“Serious Illness or Injury” means (i) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness incurred by a Covered Servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) that may render him/her medically unfit to perform the duties of his/her office, grade, rank, or rating and (ii) in the case of a Veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the 5-year period described in Subsection (c)(ii), a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a Veteran.

“Son” or “Daughter” means the biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is either under age 18 or is age 18 or older but incapable of self-care because of a mental or physical disability at the time that FMLA Leave is to commence. However, for purposes of determining whether a person is a Son or Daughter of a Covered Servicemember or is a Covered Servicemember, the age of the person is irrelevant.

“Spouse” means the Eligible Employee’s spouse, as determined under the Department of Labor’s FMLA regulations.

“Unable to Perform the Functions of the Job” means an Eligible Employee is: (i) unable to work at all; or (ii) unable to perform any of the essential functions of his/her position. The term “essential functions” is borrowed from the Americans with Disabilities Act to mean “the fundamental job duties of the employment position” and does not include the marginal functions of the position.

“Veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

O. HOLIDAYS:

1. Legal Holidays:

Full-time employees who are present for duty or in a paid leave status on the workday before and the workday after a holiday shall be paid for (8) hours of holiday leave.

Police Department personnel are paid for holidays according to department procedures, and the Department Head should be consulted for details.

Shift workers will be paid overtime holiday pay for the time worked on the actual legal holiday at a rate of one and one-half (1 ½) times their regular pay in addition to their regular rate of pay.

If a legal holiday observed by the City falls on Saturday, administrative offices will be closed on the Friday before; if the holiday falls on Sunday, the administrative offices will be closed on the Monday after.

Legal holidays observed by the City are:

- | | | |
|----|-----------------------------|-------------------------------|
| b. | New Year's Day | Columbus Day |
| e. | Martin Luther King, Jr. Day | Veterans Day |
| d. | Presidents Day | Thanksgiving Day |
| e. | Memorial Day | Friday after Thanksgiving Day |
| f. | Juneteenth | Christmas Eve |
| g. | Independence Day | Christmas Day |
| h. | Labor Day | |

~~Personal Holidays:~~

~~All employees in regular full-time positions shall receive two (2) personal holidays each year.~~

~~Personal holidays in year of hire: Employees hired before July 1 are allowed two personal holidays a year; employees hired July 1 or after, but before October 1 are allowed one personal holiday; employees hired October 1 or after do not receive personal holidays until the following year.~~

~~Personal holidays shall be scheduled through the Department Heads and/or Supervisors, are credited on a calendar year basis, and cannot be carried over from one year to the next. Personal holidays can be taken in 15-minute increments.~~

P. WELLNESS LEAVE:

1. Wellness leave hours are earned by attending Wellness Committee Training Sessions, completing wellness programs, and winning wellness challenges. Wellness leave may be earned by all full-time and part-time employee types positions on the pay schedule. Wellness leave may be accumulated to a maximum of eighty (80) hours.
2. Wellness leave is scheduled through the Department Heads and can be taken no less than one quarter hour at a time.

3. Wellness leave upon voluntary termination of employment: if two (2) weeks' notice has been given, an employee may receive pay for one half of credited wellness leave. An employee retiring from City service shall receive pay for all credited wellness leave. Retirement from City service shall be recognized when an employee files official retirement paperwork with KPERS or when an employee has completed at least twenty-five (25) years of service with the City. (See Article B, Section II, I, for Pay on Termination.)

Q. DOMESTIC VIOLENCE AND SEXUAL ASSAULT LEAVE:

The City will not discharge, or in any manner discriminate against, an employee who is a victim of domestic violence or sexual assault and who takes time off from work to obtain relief, including restraining orders and other injunctive relief. The employee must be permitted time off to seek medical attention, obtain services from domestic violence programs, or make court appearances related to domestic violence. The employee must give advance notice when feasible. Employee must also provide to the City certain documentation such as a copy of the police report or restraining order within 48 hours of returning from requested time off. The employee may use accrued paid leave or, if paid leave is unavailable to the employee, up to 8 days per calendar year of unpaid leave for these purposes.

R. EXTENDED ABSENCE:

When an employee takes six (6) months or more of any individual leave or combined types of leave, the employee will be required to pass all pre-employment testing prior to returning to work. If employee is in a position that requires psychological evaluation during the hiring process, employee will also be required to pass a psychological evaluation by the City's psychological doctor prior to returning to work.

SECTION III - VACATION AND LEAVES

A. LEAVES OF ABSENCE WITH PAY:

Includes sick, vacation, military reserve, and other (as defined in the following sections). Administrative leave with pay may be authorized by a Department Head (or Mayor if the employee reports to the Mayor) when deemed appropriate.

B. PROMOTION, DEMOTION OR TRANSFER:

When an employee is promoted, demoted or transferred, all sick leave, vacation leave, and wellness leave remains to his/her credit and is transferred with the employee. When an employee changes departments or has a status change from non-exempt to exempt, all compensatory time will be paid out to employee.

C. REQUESTS FOR LEAVE OF ABSENCE:

All requests for leave of absence shall be made according to the procedures designated on the following pages for that particular leave.

D. REPORTING LEAVE FOR PAYROLL:

Leave, with or without pay, is to be reported to the Assistant City Clerk through an Absence Report Leave Request or on the face of the time sheet submittal.

E. PAID TIME OFF POLICY:

Paid Time Off (PTO) provides you with the flexibility to use your time off to meet your personal needs, while recognizing your individual responsibility to manage your paid time off. PTO combines vacation and sick leave into one flexible. PTO policy.

You will accumulate a specified amount of PTO each pay period worked and it is up to you to allocate how you will use it for vacation, illness, caring for children, school activities, personal business or emergencies. The amount of PTO earned will depend on your length of service with the city.

- a. Employees must work or use authorized PTO for at least 50% of their regularly scheduled work days in a pay period to accrue PTO credit for such pay period.

PTO must be approved in advance, except in circumstance where the employee is unable to anticipate the absence. PTO may be used in 15 minute increments or higher.

1. Eligibility:

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You are eligible to receive PTO if you are a regular status employee that works an average of 32 hours per week.

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2. Deposits Into Your Leave Account

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The amount of PTO you accrue each year is based on your length of service and accrues according to the Accrual Schedule for full time employees chart below. PTO is accrued as you work. You will not accrue PTO time while you are on leave of absence or suspension. PTO is capped at 480 hours. Employees will lose any PTO over the 480 cap.

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3. Accrual Schedule for Full Time Employees

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<u>Years of Service</u>	<u>Per Pay Period Accrual</u>
<u>1-2 years</u>	<u>5.24</u>
<u>3-6 years</u>	<u>6.77</u>
<u>7-12 years</u>	<u>8.31</u>
<u>13-20 years</u>	<u>9.85</u>
<u>20 plus</u>	<u>11.39</u>

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4. Payout of PTO Hours Upon Termination and/or Retirement

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Employee's whose employment with the City is terminated voluntarily with 2 weeks' notice are entitled to payment of their PTO balance as of the termination/retirement date up to the maximum permitted carry amount.

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Employees separating from service prior to six months of employment will not be eligible for payment of leave of any kind.

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Employees who were hired before January 9, 2023, will have the option of remaining on Vacation Leave, Sick Leave and Personal Holiday system. All employees hired on or after January 9, 2023, are not eligible for the Vacation Leave, Sick Leave and Personal Holiday system

E. VACATION LEAVE, SICK LEAVE, AND PERSONAL HOLIDAYS:

Employees who were hired before January 9, 2023 will have the option to remain on the vacation, sick leave and personal holiday leave system as set forth below.

1. Vacation Leave

~~1-b.~~ a. Employees in full-time positions with the City are granted vacation leave credited annually on the employee's anniversary (hire-in) date. The following list shows the correlation between year of employment and hours available:

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<u>c.</u> Year (start of)	Hours	Year	Hours
<u>d.</u> First	Zero	Eleventh	120
<u>e.</u> Second	40	Twelfth	120
<u>f.</u> Third	80	Thirteenth	160
<u>g.</u> Fourth	80	Fourteenth	160
<u>h.</u> Fifth	80	Fifteenth	160
<u>i.</u> Sixth	80	Sixteenth	160
<u>j.</u> Seventh	120	Seventeenth	160
<u>k.</u> Eighth	120	Eighteenth	160
<u>l.</u> Ninth	120	Nineteenth	160
<u>m.</u> Tenth	120	Twentieth	160

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n. After the twentieth year of employment, 200 hours are granted.

~~a-o.~~ Vacations are scheduled through the Department Heads or their designees and can be taken in 15-minute increments.

~~b-p.~~ Department Heads may take their vacations at any time subject to the approval of the Chief Administrative Officer.

~~e-q.~~ An employee leaving the employment of the City shall receive pay for vacation credited and unused to the date of his/her separation or resignation, provided he/she has been in service of the City for at least one year. (See Article B, Section II, I, for Pay on Termination.)

~~d-r.~~ At times, circumstances may prevent an employee from taking all of his/her vacation that is accumulated within the year. Any request for carryover must be submitted, in writing, and be approved by the Department Head. The carryover request must be accompanied by a Leave Request that schedules the usage of all requested carryover days. Department Heads must have carryover vacation

approved by the Chief Administrative Officer. Employees reporting directly to the Mayor must have carryover vacation approved by the Mayor.

~~e.s.~~ Waiving Vacation Prohibited: Employees shall not be permitted to waive vacation leave for the purpose of receiving double pay.

~~f.t.~~ Holidays Occurring During Vacation Period: Any official holiday, as set forth in this article, which shall occur during an employee's scheduled vacation period, shall not be counted as a day of vacation.

~~g.u.~~ Employees must work or use authorized paid leave for at least 50% of their regularly scheduled work days in a month to accrue vacation credit for such month.

~~v. F.~~ SICK LEAVESick Leave:

1. For purposes of sick leave, immediate family is defined as an individual with any of the following relationships to the employee:

a. Spouse, and their parents;

~~b.w.~~ Sons and daughters, and their spouses;

~~e.x.~~ Parents, and their spouses;

~~d.y.~~ Brothers and sisters, and their spouses;

~~e.z.~~ Grandparents and grandchildren, and their spouses;

~~f.aa.~~ Domestic partner and their parents, including domestic partners of any individual in 2 through 5 of this definition; and

~~g.bb.~~ Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

~~h.cc.~~ Accumulations: Sick leave benefits are granted on the basis of eight (8) hours per month. Sick leave may be accumulated to a maximum of eight hundred (800) hours. Any employee accumulating more than eight hundred (800) hours may, by November 15, request to receive 50% sick leave pay for hours in excess of eight hundred (800) or take 50% vacation for the hours in excess of eight hundred (800). If the 50% vacation is elected, the time must be taken within the next calendar year.

~~dd.~~ Sick leave is not earned but is a benefit granted to full-time employees to accommodate the occasional need to remain at home due to illness. Employees

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must work or use authorized paid leave for at least 50% of their regularly scheduled work days in a month to accrue sick leave for such month. Regarding the granting of sick leave in the first month of employment: if the hire date falls in the first half of the month (1st through the 15th with the exception of February which is 1st through the 14th), eight (8) hours will be granted. If the hire date falls in the last half of the month, zero (0) hours will be granted.

~~i-ee.~~ Uses of Sick Leave: Sick leave is available to an employee when:

~~j-ff.~~ The employee or an immediate family member is ill or has a medical appointment;

~~k-gg.~~ An employee who has used all accrued leave but must be off work for any of the reasons listed under “Uses of Sick Leave” may request that other employees be given the option of donating some of their accrued sick leave to the employee who is without accrued leave. A request for donated sick leave will be sent twice by the Assistant City Clerk. Employees who have accumulated 240 hours of sick leave may donate at least one full day (8 hours) but not more than two days (16 hours) to another employee who has depleted all paid leave but has an illness or medical condition, or whose immediate family member has an illness or medical condition, that prevents that employee from working. Forms are available from the Assistant City Clerk; or

~~l-hh.~~ Department Heads may make exceptions, with approval from the Chief Administrative Officer. If an employee has no available leave other than sick leave, the Department Head has the discretion to grant, eight (8) hours at a time, up to sixteen (16) hours of special personal time to be deducted from accrued sick leave.

~~m-ii.~~ Sick leave will be rounded up to the nearest quarter-hour.

~~n-ji.~~ Reporting of Sick Leave: If a personal or immediate family member illness prevents any employee from performing assigned duties, said employee shall notify his/her supervisor of the problem. The call should be placed prior to scheduled beginning of the employee’s workday. If an employee is absent from work and has not notified the supervisor, sick leave will be granted only by specific Department Head approval. Leave will not be recorded as sick leave unless it has been approved. A doctor’s note may be required at the discretion of the Department Head for any sick leave. The doctor’s note shall be turned in with the associated time sheet.

~~o-kk.~~ Return-to-Work Release Form: Before an employee can be permitted to perform duties after having sustained an injury or undergone any surgery that prevents the

employee from satisfactorily performing the essential functions of his/her job or having been ill beyond thirty (30) consecutive calendar days, said employee must present the Department Head with a City-issued Return-to-Work release form, stating that the employee is fit for work. If restrictions are included on the Return-to-Work release form, a note will be needed to clear the restrictions. If a leave other than sick leave is used to cover this type of absence, the requirement of a Return-to-Work release form, stating that the employee is fit for work, still applies.

p-ll. Sick Leave on Termination: Upon voluntary termination of employment, if two (2) weeks' notice has been given, an employee may receive pay for one-half of credited sick leave. If an employee resigns without giving two weeks' notice, no payment for sick leave will be made. If the employer terminates employment, no payment for sick leave will be made. An employee retiring from City service shall receive pay for all accrued, credited, sick leave. Retirement from City service shall be recognized when an employee files official retirement paperwork with KPERS or when an employee has completed at least twenty-five (25) years of service with the City. (See Article B, Section II, I, for Pay on Termination.)

mm. Abuse: An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal. The City reserves the right to discipline employees who abuse this policy, for example, by: falsifying documents submitted to support leave; being untruthful about the reasons for requested leave; or repeatedly using paid sick leave immediately before or after weekends, City holidays, or vacations. The City reserves the right to request a signed statement from a licensed health care practitioner verifying the employee's inability to perform their duties because of illness or injury if the Supervisor or Department Head suspects abuse of sick leave.

2. Personal Holidays:

- a. All employees in regular full-time positions shall receive two (2) personal holidays each year.
- b. Personal holidays in year of hire: Employees hired before July 1 are allowed two personal holidays a year; employees hired July 1 or after, but before October 1 are allowed one personal holiday; employees hired October 1 or after do not receive personal holidays until the following year.
- c. Personal holidays shall be scheduled through the Department Heads and/or Supervisors, are credited on a calendar year basis, and cannot be carried over from one year to the next. Personal holidays can be taken in 15-minute increments.

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G. FUNERAL LEAVE:

1. Eligibility: In the event of the death of an employee's spouse, spouse's parent, son, daughter, parent, brother, sister, grandparent, grandchild, or domestic partner, the employee shall be allowed funeral leave with pay up to a maximum of forty (40) hours. In the event of the death of the spouse or domestic partner of any of the above-listed relations or the death of any individual related to the employee by blood or affinity whose close association with the employee is the equivalent of a family relationship, the employee shall be allowed funeral leave with pay up to a maximum of eight (8) hours. This leave must be approved by the Department Head and is not charged against any other leave accumulations. The Department Head may extend up to an additional sixteen (16) hours of funeral leave for out of state travel. Any additional leave granted must have Department Head approval and may be taken from any accrued leave. Only full-time employees are eligible for Funeral Leave.
2. Reporting Funeral Leave: An employee who is unable to work because of a death in the immediate family must, prior to the employee's scheduled time to report, notify his/her office or immediate supervisor, who will then notify the Department Head.

H. WORKPLACE INJURY LEAVE:

1. Eligibility: Full-time employees who are eligible to receive workers' compensation are entitled to work-related injury leave with full pay for up to five scheduled work days (40 hours or the normal number of hours scheduled in a week). Leave for a covered workers' compensation illness or injury arising out of and in the course of employment, is not charged to vacation leave or sick leave.

a.d. Reporting Injury Leave and Explanation of Benefits: In order for an employee to be eligible for paid injury leave, the nature of the injury must be reported to the employee's supervisor and Department Head within twenty-four (24) hours (1 working day); the location where the injury took place; the materials the employee was using at the time of the injury; the extent of damage, if any, to City equipment; the work procedure the employee was following at the time of the injury; the extent of supervision at time of injury; and a statement as to how the injury could have been avoided. This report, exclusive of any workers' compensation form, must be completed and filed with the Assistant City Clerk within twenty-four (24) hours of the injury, if at all possible, before an employee is eligible for injury leave. Further, an employee must notify his/her supervisor at the beginning of the shift that the employee will be absent due to an injury on the job. Injury leave shall not be granted without written verification that the employer's workers' compensation

doctor recommended the time off work. In the event an employee is injured and receives injury leave pursuant to this section, the employee shall be compensated at his/her full rate of pay for a maximum of twelve weeks. If workers' compensation benefits are discontinued, the employee on injury leave shall no longer receive a regular paycheck from the City. During the time an employee on injury leave receives a full paycheck from the City, the weekly payments authorized by the Kansas Workers' Compensation (two thirds [2/3] of gross average weekly wage) will be returned to the City Clerk no later than forty-eight (48) hours after their receipt. If an employee continues on injury leave after the twelfth week, the employee will then receive only the workers' compensation payments and not a City paycheck. Any payroll deductions for health insurance must be paid by the employee to the City in a timely manner to continue insurance coverage, and any other optional deductions can be continued or terminated at the request of the employee.

b.e. Return to work/light duty program: If an employee is injured and is placed on restrictions by a physician that impede or prevent the employee from resuming regular job duties, the City may offer the individual a limited term job assignment or light duty assignment which will comply with the statement from the physician regarding job duty restrictions. The return to work/light duty program is not available to Part-Time Employees. The differing job assignment or light duty assignment will be 1) actual open positions with the City, and 2) limited to a specific length of time based upon the availability of such assignment and the specific injuries of the employee. Permanent restrictions shall not qualify for this short-term accommodation. Return to work/light duty jobs are temporary employment and may be limited in time and/or eliminated at the City's discretion at any time. The City expects the same standards, performance, and attendance from an employee who is performing a return to work/light duty job as it does from a regular or full-time employee.

e.f. ADA Accommodations: The City will actively seek to return disabled, but qualified employees covered by workers' compensation to productive work as quickly as possible in cooperation with the City's physician or health care provider. Any accommodations will be handled in accordance with ADA requirements. In recognition of the need to maintain that level of staffing necessary to carry out the business of the City, an employee in a non-critical job position who has been unable to work for six continuous months for any reason, even if the employee is continuing to draw workers' compensation benefits, may be terminated. Employees holding critical positions as defined by the City may be terminated prior to the conclusion of six continuous months of leave if the City deems it necessary to fill the position in order to continue to operate safely. All department

head positions are considered critical positions, as well as higher level supervisors within the various departments. The City reaffirms that it is an at-will employer and reserves the right to terminate employment at its discretion.

d-g. Medical Appointments. An employee who is receiving treatment during regularly-scheduled work hours as a direct result of an injury on the job, shall coordinate with their supervisor any time spent receiving treatment as “Workers’ Compensation doctor’s appointment” to ensure that personal accruals are not diminished. An employee will be eligible for compensation only if the treatment has been authorized by the designated medical provider and only for the time the employee is actually receiving the medical treatment. An employee shall not receive any compensation for time spent receiving medical treatment that falls outside the employee’s regularly-scheduled work hours.

I. MILITARY LEAVE:

1. Leaves of absence shall be granted to employees whose United States Uniformed Services (military) obligations necessitate their absence from work. These leaves are applicable to all such obligations, including Reserve and National Guard assignments, and are governed pursuant to the *Uniformed Services Employment and Reemployment Rights Act* (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

a-h. Employees who are subject to multiple military duty assignments may, at their option, present leave requests covering all such obligations or individual leave notices.

b-i. Any employee who receives orders for military duty shall be placed on military leave without pay. The employee may choose to substitute paid leave during military leave. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay.

e-j. Continuation of health insurance benefits will be as required by and in accordance with USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

d-k. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for

up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was more than 31 days, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military for over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

J. OTHER LEAVES WITH PAY:

1. Other leaves with pay may be granted for employees to attend professional conferences and meetings, or to visit other cities in the interest of the home City.

a.l. Requests for such leave must be made to the Department Head stating the date of absence, purpose of the leave, and the function to be attended.

b.m. The travel expense and authorization form should be used in requesting this leave with pay.

e.n. Upon returning from an approved other leave with pay, the employee must complete and forward to the City Clerk a travel expense report in accordance with the rules set forth for same.

K. CIVIL LEAVE:

1. Jury Duty or Witness For the City Under Subpoena: Upon receipt of the order requiring the employee to report for jury duty or placing the employee under subpoena, the order will be shown to the immediate supervisor who shall receive the required permission from the Department Head. Upon receipt of pay for jury duty or witness fee, the employee shall endorse or cash the check and deliver the funds to the assistant city clerk. The employee may retain reimbursement for personal travel expenses or meals. The employee shall receive full pay for the time spent on jury duty. Employees not regularly working a full-time schedule shall receive pay for upcoming scheduled work. If jury duty extends beyond the current work schedule, employee shall receive pay based on average hours worked. If the employee is serving or appearing for jury duty on their own time, the employee may retain any payments received.
2. Court Appearance: Upon receipt of the order requiring the employee to make a court appearance, arrangements shall be made by the employee with the employee's supervisor to receive permission from the Department Head to comply with the order. An employee who is required to make a court appearance in an official capacity in connection with the City of Haysville or as expert witness either because of the employee's profession or observed knowledge will be considered on duty and no charge is made against civil leave. The employee shall file for fees where a fee is paid. The employee shall turn such fees

over to the City when testimony arises out of employment with the City of Haysville when testimony is given during duty hours. If the employee uses his/her own transportation the employee may keep travel expenses.

3. Employees Involved In A Personal Case: If an employee is involved in court in a personal case, either as plaintiff or defendant, the employee shall be granted leave but the time off must be charged to an available, accrued leave. The use of sick leave must be approved by the Department Head and can only be used if all other accrued leave is exhausted. If all available leave has been exhausted, the time off may be charged to leave of absence without pay.

L. SELECTIVE SERVICE INFORMATION:

1. Employees ordered by their Selective Service Board to appear for a physical examination shall be given the required time off with pay, not to exceed forty-eight working hours.
2. Immediately upon receipt of the Selective Service Board's orders, the employee will present the order to his/her supervisor so approval may be granted by the Department Head.

M. LEAVES OF ABSENCE WITHOUT PAY:

Occasionally, for medical, personal or other reasons, employees may need to be temporarily released from the duties of their job with the City. Leaves of absence without pay not specifically covered by this manual or federal, state or local law will be considered only when no paid leave is available. A Department Head may grant leaves of absence without pay.

1. Leaves of absence without pay will not be granted for more than 2 hours of absence until all available leave has been exhausted.
2. Requests for leave for personal reasons shall be submitted in writing to the Department Head stating reasons for the request, the date the leave shall begin and the probable date of return.
3. If an employee is no longer able to meet the requirements of his/her position, the employee may be placed on leave without pay until again qualified, for up to six (6) months, or employment may be terminated immediately.
4. Employees on an approved extended leave of absence without pay pursuant to this policy will not accrue vacation, sick leave or other benefits during the leave of absence.

a-o. Generally, the City will continue its contribution toward dental and health insurance during the leave of absence without pay; provided that in cases of

extended leaves of absence, continuation of benefits will be evaluated on a case by case basis.

b.p. Failure to return to work as scheduled from an approved leave of absence or to inform the supervisor of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment.

N. FMLA (Family and Medical Leave Act) LEAVE:

1. Purpose: The City of Haysville (the "City") has adopted this Family & Medical Leave Policy (the "Policy") because the City is a covered employer under the Family and Medical Leave Act (the "FMLA"). This Policy provides an employee with important information when he/she requests leave under FMLA ("FMLA Leave").

a.g. Compliance with FMLA and Other Family Leave Laws: It is the intent of this Policy to comply with the FMLA and the U.S. Department of Labor's FMLA regulations. In the case of a conflict with this Policy, the FMLA and the FMLA regulations control. Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply. This Policy is not to be construed to offer more benefits to employees than the FMLA and state or local family and medical leave laws require. Additional information regarding the FMLA is found on the Department of Labor's FMLA poster. A copy of the poster is included as an Appendix to this Personnel Manual. The poster can also be found in the areas of the City premises where employment law posters are posted.

b.r. Definitions: Most of the defined words and phrases used in this Policy are set forth later in this Policy, in a separate section.

e.s. Eligible Employees: An employee is eligible to take FMLA Leave and to be restored to the same position or to an equivalent position upon returning from FMLA Leave if the employee satisfies the following conditions:

d.f. The employee has worked for the City for at least twelve (12) months, measured as of the date the requested FMLA Leave is to begin;

e.u. The employee has worked for the City for at least one thousand two-hundred fifty (1,250) hours in the last twelve (12) months, measured as of the date the requested FMLA Leave is to begin; and

f.v. The employee is employed at a City worksite that has fifty (50) or more employees within seventy-five (75) miles, measured as of the date FMLA Leave is requested.

w. Such an employee is referred to in this Policy as an “Eligible Employee.”

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x. For purposes of determining whether the employee has worked for the City for at least twelve (12) months, employment periods prior to a break in service of at least seven (7) years are not counted, unless an exception in the FMLA regulations (such as for USERRA-covered service) requires some or all of that prior employment to be counted.

g-v. Notifications to Employees by City.

h-z. Notification of Eligibility: When an employee files a request for FMLA Leave, the City will notify the employee as to whether he/she is an Eligible Employee within five (5) business days of the date of such request. If the requesting employee is an Eligible Employee, the notice from the City will notify him/her of any additional information that the FMLA requires to be provided to Eligible Employees, including written information regarding his/her rights and responsibilities under the FMLA. If the employee is not an Eligible Employee, the notice from the City will notify the employee of the reason(s) for ineligibility.

i-aa. Status of Requested Leave: The City will inform an Eligible Employee as to whether the requested leave is FMLA Leave and, if so, the amount of FMLA Leave that will be counted against the FMLA Leave entitlement. If the City determines that the requested leave is not FMLA Leave, it will notify the Eligible Employee that the request does not qualify as FMLA Leave.

j-bb. Entitlement for 12-Week FMLA Leave: An Eligible Employee may take up to 12 weeks of unpaid FMLA Leave within any 12-month period (as that period is described in Section 9) and is entitled to be restored to the same position or to an equivalent position upon returning from FMLA Leave for any of the following reasons:

k-cc. Birth. For the birth of the Eligible Employee’s Son or Daughter and in order to care for such newborn Son or Daughter;

l-dd. Adoption or Foster Care Placement. For the placement of a Son or Daughter with the Eligible Employee for adoption or foster care;

m-ee. Serious Health Condition of Family Member. To care for the Eligible Employee’s Spouse, Son, Daughter, or Parent with a Serious Health Condition;

n-ff. Employee’s Own Serious Health Condition. Because of the Eligible Employee’s own Serious Health Condition which makes the Eligible Employee unable to perform the essential functions of the job; or

- ~~o~~gg. **Qualifying Exigency.** Because of “any qualifying exigency” arising out of the fact that an Eligible Employee’s Spouse, Son, Daughter, or Parent is a Covered Servicemember on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty). Qualifying exigencies include attending military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- ~~p~~hh. **Expiration of Entitlement for Birth, Adoption, or Foster Care Placement:** Entitlement to FMLA Leave because of the reasons set forth in Section 6(a) or Section 6(b) (i.e., birth, adoption, or foster care placement) expires twelve (12) months after the date of birth, adoption, or foster care placement.
- ~~q~~ii. **Rule for Spouses who are Co-Workers:** Spouses employed by the City who request FMLA Leave because of the reasons set forth in Section 6(a) or Section 6(b) (i.e., birth, adoption, or foster care placement) or to care for a Parent due to the Parent’s Serious Health Condition (see Section 6(c)) may only take a combined total of 12 weeks of FMLA Leave during any 12-month period.
- ~~r~~jj. **12-Month Period Measured Forward for 12-Week FMLA Leave:** The 12-month period during which an Eligible Employee’s 12 weeks of FMLA Leave may be taken begins on the first day the Eligible Employee takes FMLA Leave and ends twelve (12) months after that date. After that 12-month period, the Eligible Employee has a new 12-month period that begins the first time FMLA Leave is taken after completion of the prior 12-month period. For example, if an employee’s first FMLA Leave begins on June 1, 2019, then the employee is eligible to take 12 weeks of FMLA Leave between June 1, 2019, and May 31, 2020. If the same employee takes additional FMLA Leave beginning on August 1, 2020, then the employee is eligible to take 12 weeks of FMLA Leave between August 1, 2020, and July 31, 2021.
- ~~s~~kk. **Entitlement for 26-Week Military Family Leave:** An Eligible Employee who is the Spouse, Son, Daughter, Parent, or Next of Kin of a Covered Servicemember with a Serious Illness or Injury may take up to twenty-six (26) weeks of FMLA Leave during a single 12-month period (as that period is described below) to care for the Covered Servicemember. This type of FMLA Leave is referred to in this Policy as “Military Family Leave.”
- ~~t~~ll. **12-Month Period for 26-Week Military Family Leave:** The 12-month period during which the twenty-six (26) weeks of Military Family Leave may be taken begins on the first day the Eligible Employee takes Military Family Leave and ends twelve (12) months after that date.

u-mm. Maximum Combined FMLA Leave: The maximum combined amount of FMLA Leave (including FMLA Leave subject to the 12-week limitation) that may be taken during a single 12-month period is twenty-six (26) weeks.

v-nn. Notice of Leave to the City.

w-oo. Notice for Foreseeable Need (but not Qualifying Exigency): If an Eligible Employee's need for FMLA Leave (for reasons other than a qualifying exigency) is foreseeable, the Eligible Employee must give the City at least thirty (30) days' prior written notice.

x-pp. Notice for Foreseeable Need (Qualifying Exigency): For foreseeable FMLA Leave due to any qualifying exigency, the Eligible Employee must give the City written notice as soon as practicable, regardless of how far in advance such FMLA Leave is foreseeable.

y-qq. Effect of Failure to Provide Notice: Failure to provide the required notice for foreseeable FMLA Leave may be grounds for delay of FMLA Leave.

z-rr. Notice for Unforeseeable Need: Where the need for FMLA Leave is not foreseeable, the Eligible Employee is expected to notify the City as soon as practicable after learning of the need for the FMLA Leave.

aa-ss. FMLA Forms Required: All requests for FMLA Leave must be made on forms approved by the City. Employees should contact the Assistant City Clerk to obtain the forms.

bb-tt. Sufficiency of the Notice: As part of the notice, Eligible Employees must provide sufficient information for the City to determine if the requested leave qualifies as FMLA Leave and as to the anticipated timing and duration of the FMLA Leave. Sufficient information may include that the Eligible Employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or Continuing Treatment by a Health Care Provider, or circumstances supporting the need for Military Family Leave. Employees must also inform the City if the requested leave is for a reason for which FMLA Leave was previously taken or certified.

ee-uu. Medical Certification.

dd-vv. When Medical Certification Required: If an Eligible Employee is requesting FMLA Leave because of the Eligible Employee's own Serious Health Condition, because of a Serious Health Condition of the Eligible Employee's Spouse, Son, Daughter, or Parent, or because of Military Family Leave, the Eligible Employee

and the relevant Health Care Provider must supply appropriate medical certification. If Military Family Leave is requested, the Health Care Provider must be provided through the U.S. Department of Defense or the U.S. Department of Veteran Affairs or must be authorized through TRICARE.

ee-ww. Notice from the City of Need for Medical Certification: Within five (5) business days after a request for FMLA Leave is made by an Eligible Employee, the City will notify him/her of (i) the requirement for medical certification and (ii) the date when the certification is due (which must be at least fifteen (15) days after the Eligible Employee receives the notice of the medical certification requirement).

ff-xx. Effect of Failure to Provide Medical Certification: An employee's failure to provide requested medical certification in a timely manner may result in delay or denial of FMLA Leave or of a continuation of FMLA Leave until it is provided. It is an employee's responsibility to ensure that his/her Health Care Provider accurately, completely, and timely completes and returns to the City any medical certification requested by the City.

gg-yy. Second and Third Opinions: For non-Military Family Leave, the City, at its expense, may require an examination by a second Health Care Provider designated by the City, if it has reason to doubt the medical certification initially provided by the Eligible Employee. If the second Health Care Provider's opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, Health Care Provider to conduct an examination and provide a final and binding opinion. If the City decides not to require a third certification, the Eligible Employee is entitled to FMLA benefits. Pending receipt of the second or third medical certification, the Eligible Employee is provisionally entitled to FMLA benefits.

hh-zz. Recertification: For non-Military Family Leave, the City may require subsequent medical recertification at the Eligible Employee's expense, but not more often than the FMLA allows.

ii-aaa. Use City-approved Forms: All medical certifications and re-certifications required by this Policy must be submitted to the City by the Eligible Employee using the forms approved by the City. Employees should contact the Assistant City Clerk to obtain the forms.

jj-bbb. Certification for FMLA Leave Due to a Qualifying Exigency: An Eligible Employee requesting FMLA Leave due to a qualifying exigency must provide certification using the form available from the Assistant City Clerk.

kk-ccc. Reporting While on FMLA Leave: If an Eligible Employee takes FMLA Leave because of the Eligible Employee's own Serious Health Condition or because of the Serious Health Condition of the Eligible Employee's Spouse, Son, Daughter, or Parent, the Eligible Employee must contact the City on Monday of each week regarding the status of the condition and the Eligible Employee's intention to return to work, unless he/she is notified by the City of a different reporting schedule.

ll-ddd. Need for More or Less FMLA Leave: If the Eligible Employee needs to take more or less FMLA Leave than previously anticipated, he/she must notify the City within two (2) business days after learning of the need for the change in the amount of FMLA Leave.

mm-ccc. Paid and Unpaid Leave.

nn-fff. General Rule – Unpaid Leave: FMLA Leave is unpaid, although an Eligible Employee may be eligible for disability payments and/or workers' compensation benefits under those insurance plans.

oo-ggg. Exception if Unused Accrued Paid Leave: If an Eligible Employee is on FMLA Leave and has any unused accrued vacation leave and/or sick leave, the Eligible Employee has option to use vacation leave and sick leave (but only to the extent that the purpose of the FMLA Leave falls within the purposes for which sick leave may be taken). Notwithstanding the previous sentence, paid vacation and/or paid sick leave cannot be used at the same time that an Eligible Employee is receiving benefits from a disability insurance plan sponsored by the City, except that the City and Eligible Employee can agree (if permitted by state law) that paid vacation and/or sick leave will be used to supplement the disability insurance payments, such as in the case where a plan provides replacement income for only two-thirds of an Eligible Employee's salary. The use of paid leave during FMLA Leave does not extend the 12-week (or 26-week, if applicable) FMLA Leave period.

pp-hhh. Medical and Other Benefits: During an approved FMLA Leave, the City will maintain the Eligible Employee's group health plan benefits, as if the Eligible Employee continued to work during the entire FMLA Leave period.

qq-iii. Payment for Group Health Plan Premiums While on Paid Leave: To the extent that paid leave is used during FMLA Leave, the City will deduct the Eligible Employee's portion of the group health plan premiums as a regular payroll deduction.

ff-jjj. Payment for Group Health Plan Premiums While on Unpaid Leave: To the extent that paid leave is not used during FMLA Leave, the Eligible Employee must make arrangements with the City for the Eligible Employee to pay the employee's portion of the group health plan premiums when the premiums are due. The City may cancel an Eligible Employee's coverage under a group health plan if the Eligible Employee's premium payment is more than 30 days late, subject to the terms and conditions of the group health plan.

ss-kkk. Reimbursement if No Return to Work: If an Eligible Employee elects not to return to work at the end of the FMLA Leave period, the Eligible Employee will be required to reimburse the City for the cost of the group health insurance premiums paid by the City for maintaining coverage during the FMLA Leave, unless the reason the Eligible Employee does not return to work is one of the following:

tt-lll. The continuation, recurrence, or onset of a Serious Health Condition of his/her own or of a Spouse, Son, Daughter, or Parent or the Serious Illness or Injury of a Covered Servicemember that would otherwise entitle the Eligible Employee to FMLA Leave; or

uu-mmm. Other circumstances beyond his/her control.

aa-nnn. In the event that the failure to return to work is due to a Serious Health Condition or the Serious Illness or Injury of a Covered Servicemember, the City may request medical certification of the Serious Health Condition. The Eligible Employee is required to provide medical certification to the Assistant City Clerk within thirty (30) days from the date of the City's request. If the requested medical certification is not timely provided or does not establish a Serious Health Condition or a Serious Illness or Injury of a Covered Servicemember, the City may recover 100% of its portion of the group health plan premiums it paid during the period of unpaid FMLA Leave.

vv-ooo. Payment of Premiums for Other Benefits: If the Eligible Employee participates in any benefit program (other than a group health plan) that requires the Eligible Employee to make all or some contribution to the premium, the Eligible Employee must arrange with the City to make all payments from the Eligible Employee when due.

ww-ppp. Intermittent and Reduced Schedule Leave: FMLA Leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday), as follows:

~~xx-qqq.~~ By Agreement: When FMLA Leave is taken because of the birth of a Son or Daughter or placement of a Son or Daughter for adoption or foster care, an Eligible Employee may take FMLA Leave intermittently or on a reduced leave schedule only if the City agrees.

~~yy-rrr.~~ Mandatory if Requested by Employee: Military Family Leave and FMLA Leave because of a Serious Health Condition or a qualifying exigency may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) in the following circumstances:

~~zz-sss.~~ When medically necessary for planned and/or unanticipated medical treatment of a Serious Health Condition or a Serious Injury or Illness of a Covered Servicemember;

~~aaa-ttt.~~ When medically necessary for recovery from treatment or recovery from a Serious Health Condition or Serious Illness or Injury of a Covered Servicemember; or

~~bbb-uuu.~~ To provide care or psychological comfort to a Spouse, Son, Daughter, or Parent with a Serious Health Condition or to a Covered Servicemember with a Serious Illness or Injury.

~~eee-vvv.~~ Reduction of Salary for Exempt Employees: If unpaid intermittent or reduced schedule FMLA is taken by an exempt employee, the City is entitled to reduce the Eligible Employee's salary based on the amount of time actually worked.

~~ddd-www.~~ Alternative Position: During intermittent or reduced schedule FMLA Leave, the City may temporarily transfer an Eligible Employee from his/her normal position to an alternative position for which he/she is qualified. However, as compared to the normal position, the alternative position must better accommodate the recurring FMLA Leave and have equivalent pay and benefits.

~~eee-xxx.~~ Usage: When intermittent or reduced schedule FMLA Leave is used, the City will not require an Eligible Employee to take more FMLA Leave than necessary to address the circumstances that precipitated the need for the leave, nor will the City count any time actually worked by an Eligible Employee against his/her FMLA Leave allotment.

~~fff-yyy.~~ Fitness-for-Duty Certification Required: Before an Eligible Employee on FMLA Leave because of his/her own Serious Health Condition may return to work, a fitness-for-duty certification from his/her Health Care Provider is required, subject to the following:

~~ggg-zzz.~~ The City requires that such certification be made in writing, on a form available from the Assistant City Clerk.

~~hhh-aaaa.~~ The certification must certify that the employee is able to resume work.

~~iii-bbbb.~~ The City may require that the certification specifically address the Eligible Employee's ability to perform the essential functions of his/her job.

~~jjj-cccc.~~ Employees on intermittent FMLA leave due to their own Serious Health Conditions will not be required to submit a fitness-for-duty certification in order to return to work.

~~kkk-dddd.~~ Definitions: In addition to the words and phrases defined earlier in the Policy, where the following words and phrases appear in the Policy, they shall have the respective meanings as set forth in this Section, unless the context clearly indicates otherwise. Where the defined meaning is intended, the term is capitalized. These definitions come from the Department of Labor's FMLA regulations. In the event that the definitions in those regulations are amended, these definitions shall automatically be amended.

~~lll-eeee.~~ "Chronic Serious Health Condition" means a Serious Health Condition which (i) requires periodic visits (at least twice a year) for treatment by a Health Care Provider, or by a nurse under direct supervision of a Health Care Provider; (ii) continues over an extended period of time (including recurring episodes of a single underlying condition); and (iii) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

~~mmm-ffff.~~ "Continuing Treatment by a Health Care Provider" means any one or more of the following: (i) a period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves (a) treatment two (2) or more times, within thirty (30) days of the first day of incapacity (unless extenuating circumstances exist) by a Health Care Provider, a nurse under direct supervision of a Health Care Provider, or a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a Health Care Provider or (b) treatment by a Health Care Provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the Health Care Provider; (ii) any period of incapacity due to pregnancy or for prenatal care; (iii) any period of incapacity or treatment for such incapacity due to a Chronic Serious Health Condition; (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and for which the Eligible Employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a

Health Care Provider (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease); or (v) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a Health Care Provider or by a provider of health care services under orders of, or on referral by, a Health Care Provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

~~nnn-gggg.~~ “Covered Active Duty” means (i) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country and (ii) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

~~ooo-hhhh.~~ “Covered Servicemember” means (i) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in Outpatient Status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness or (ii) a Veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Illness or Injury and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the Veteran undergoes that medical treatment, recuperation, or therapy.

~~ppp-iiii.~~ “Health Care Provider” means one of the following: (i) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (ii) a podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) who is authorized to practice in the state and performing within the scope of their practice as defined under state law; (iii) a nurse practitioner, nurse-midwife, clinical social worker, or physician assistant who is authorized to practice under state law and who is performing within the scope of their practice as defined under state law; (iv) a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts; (v) a health care provider from whom the City or its group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits; or (vi) a Health Care

Provider as defined above in (i) through (v) who practices in a country other than the United States and is licensed to practice in accordance with the laws and regulations of that country.

~~qqq-jiii.~~ “Next of Kin” means, with respect to a Covered Servicemember, the nearest blood relative of that individual, other than the Covered Servicemember’s Spouse, Parent, Son, or Daughter, in the order of priority established by the FMLA regulations.

~~##-kkkk.~~ “Outpatient Status” means, with respect to a Covered Servicemember, the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

~~sss-llll.~~ “Parent” means the biological, adoptive, step, or foster father or mother of an Eligible Employee or any other individual who stands or stood in loco parentis to an Eligible Employee when the Eligible Employee was a Son or Daughter.

~~##-mmmm.~~ “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves: (i) any incapacity or treatment in connection with inpatient care or (ii) Continuing Treatment by a Health Care Provider.

~~###-nnnn.~~ “Serious Illness or Injury” means (i) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness incurred by a Covered Servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) that may render him/her medically unfit to perform the duties of his/her office, grade, rank, or rating and (ii) in the case of a Veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the 5-year period described in Subsection (c)(ii), a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a Veteran.

~~www-oooo.~~ “Son” or “Daughter” means the biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is either under age 18 or is age 18 or older but incapable of self-care because of a mental or

~~aaaa.~~ Memorial Day Friday after Thanksgiving Day

~~bbbb.~~ Juneteenth Christmas Eve

~~cccc.~~ Independence Day Christmas Day

~~dddd.~~ Labor Day

~~f.a.~~ Personal Holidays:

~~g.a.~~ All employees in regular full-time positions shall receive two (2) personal holidays each year.

~~h.a.~~ Personal holidays in year of hire: Employees hired before July 1 are allowed two personal holidays a year; employees hired July 1 or after, but before October 1 are allowed one personal holiday; employees hired October 1 or after do not receive personal holidays until the following year.

~~i.a.~~ Personal holidays shall be scheduled through the Department Heads and/or Supervisors, are credited on a calendar year basis, and cannot be carried over from one year to the next. Personal holidays can be taken in 15-minute increments.

P. WELLNESS LEAVE:

1. Wellness leave hours are earned by attending Wellness Committee Training Sessions, completing wellness programs, and winning wellness challenges. Wellness leave may be earned by all ~~full-time and part-time employee types~~ positions on the pay schedule. Wellness leave may be accumulated to a maximum of eighty (80) hours.
2. Wellness leave is scheduled through the Department Heads and can be taken no less than one quarter hour at a time.
3. Wellness leave upon voluntary termination of employment: if two (2) weeks' notice has been given, an employee may receive pay for one half of credited wellness leave. An employee retiring from City service shall receive pay for all credited wellness leave. Retirement from City service shall be recognized when an employee files official retirement paperwork with KPERS or when an employee has completed at least twenty-five (25) years of service with the City. (See Article B, Section II, I, for Pay on Termination.)

Q. DOMESTIC VIOLENCE AND SEXUAL ASSAULT LEAVE:

The City will not discharge, or in any manner discriminate against, an employee who is a victim of domestic violence or sexual assault and who takes time off from work to obtain relief, including

restraining orders and other injunctive relief. The employee must be permitted time off to seek medical attention, obtain services from domestic violence programs, or make court appearances related to domestic violence. The employee must give advance notice when feasible. Employee must also provide to the City certain documentation such as a copy of the police report or restraining order within 48 hours of returning from requested time off. The employee may use accrued paid leave or, if paid leave is unavailable to the employee, up to 8 days per calendar year of unpaid leave for these purposes.

R. EXTENDED ABSENCE:

When an employee takes six (6) months or more of any individual leave or combined types of leave, the employee will be required to pass all pre-employment testing prior to returning to work. If employee is in a position that requires psychological evaluation during the hiring process, employee will also be required to pass a psychological evaluation by the City's psychological doctor prior to returning to work.





CITY OF HAYSVILLE, KANSAS

RECREATION DEPARTMENT - 523 SARAH LANE/P.O. BOX 404
HAYSVILLE, KANSAS 67060 - (316) 529-5922 (316) 529-5923 - FAX

TO: The Honorable Russ Kessler
City Council Members

FROM: Rob Arneson, Recreation Director

SUBJECT: Pool Budget Amendment

DATE: November 9, 2022

With the unseasonably dry weather this summer, we experienced less rainout days. With the number of patrons that attended the Haysville Pool this summer, the increase in cost of supplies, and to meet the daily demands of operating the pool, we also experienced a complimentary increase in expenditures.

To comply with state budget law by increasing pool fund budget authority, I am requesting to amend the 2022 pool budget to reflect \$185,507.00 in Total Expenditures.

The notice of public hearing is attached for your review and approval. The public hearing will be scheduled for the December 12th meeting. Thank you.

2022

**Amended
Certificate
For Calendar Year 2022**

To the Clerk of Sedgwick County, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Haysville
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

			2022 Amended Budget		
Table of Contents:			Amount of 2021 Tax that was Levied	Adopted 2022 Expenditures	Proposed Amended 2022 Expenditures
Fund	<u>K.S.A.</u>	Page No.			
Municipal Pool		2		139,730	185,507
Totals		xxxxxxxx	0	139,730	185,507
Summary of Amendments		3			

Attested date: _____

County Clerk

Assisted by: _____

Address: _____

Email: _____

Governing Body

CPA Summary

City of Haysville

2022

Adopted Budget

Municipal Pool	2022 Adopted Budget	2022 Proposed Budget
Unencumbered Cash Balance January 1	14,122	15,997
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Admissions/Passes/Swim Tickets	54,000	55,787
Swim Lessons	20,000	26,066
Concessions	18,000	27,833
Pool Rentals	11,500	9,890
General Fund Assistance	30,000	50,000
Miscellaneous	100	260
Interest on Idle Funds	160	74
Total Receipts	133,760	169,910
Resources Available:	147,882	185,907
Expenditures:		
Salaries & Wages	94,060	117,587
Commodities	44,185	66,580
Capital Outlay	0	0
Miscellaneous	1,485	1,340
Total Expenditures	139,730	185,507
Unencumbered Cash Balance December 31	8,152	400

CPA Summary

**Notice of Budget Hearing for Amending the
2022 Budget**

The governing body of

City of Haysville

will meet on the day of December 12, 2022 at 7:00 p.m. at Haysville Municipal Building, 200 W. Grand, Haysville, KS for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Haysville Municipal Building and will be available at this hearing.

Summary of Amendments

Fund	2022 Adopted Budget			2022 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Municipal Pool			139,730	185,507
			0	0
			0	0
			0	0
			0	0
			0	0

Angela Millspaugh
Official Title: City Clerk/Treasurer



MEMORANDUM

TO: The Honorable Russ Kessler, Mayor
Haysville City Council Members

FROM: Angela Millspough, City Clerk/Treasurer

DATE: November 9, 2022

SUBJECT: Proposed City Code Revisions

Proposed changes to the City Code are before you for review. A codification ordinance will be presented to Council at the December 12th meeting. Staff has been working with Citycode Financial LLC on recodification and preparation of an internet version of the Code to be hosted on Citycode’s affiliated website, www.citycode.net. The Code on the internet will be available to anyone with internet access and will have better search capabilities than are currently available on the City’s website. Citycode presented a draft copy which included reformatting and suggestions based upon their legal review and the best practices of other Kansas cities. Attached is the draft version. Shown below are the changes made by City Code and changes requested by Staff.

<u>Code Section</u>	<u>Citycode Comment/Change</u>	<u>City Staff Comments/Revisions</u>
<i>Preface Pages Added</i>	Please review governing body and city staff names to make sure we have them correct – any other individuals/offices to add?	Add DJ Barkley, Council Member Add Joshua Pollak, City Attorney
<i>Adoption Ordinance Added</i>	FYI: the entire city code will be adopted by one “adoption ordinance”, which repeals/replaces prior ordinances EXCEPT for a long list of ordinances that are NOT repealed, such as ordinances relating to street vacations, assessments, bonds, annexations, contracts, etc.	
<i>Comparative Table of Ordinances Added</i>	Lists all codified ordinances and their location within the code.	
<i>Table of Contents</i>	Table of contents for all chapters of the code (in addition, at the beginning of each chapter, there is a more in-depth table of contents for each chapter)	
<i>Chapter 1</i>	Deals with governing body, staff, administrative functions, etc.	
	1-105 FYI: gives an example of basic language to include in ordinances that amend the city code in the future (after it is adopted)	
	1-107 Ordinance publication language revised per recent state law amendments (allowing for publication of summary in newspaper, as long as full version is on a city website, etc.)	
	1-121 FYI: this section provides a “universal” penalty for any violations of the city code – (more specific	

penalties for a particular code article/section, can be added throughout code)

Old 1-200s Moved this “elections” article to Chapter 6 where we typically see it

1-207:208 If salaries are listed in Chapter 17, we could remove the amount from here and refer to that chapter.

Remove amounts

1-214 As a replacement for this “rules and order of business” section, some cities are starting to incorporate LKM’s pamphlet “Code of Procedures for Kansas Cities” Fourth Edition (2017) – let us know if interested

We would like to make this change

1-700s Investment of public funds law – updated with current statutory language

Old 1-900s Moved “insurance proceeds lien” article to Health & Welfare chapter (where we usually see it)

Chapter 2 *Regulates animals*

Section 2-206 should have been removed. Council approved deletion, but change was not incorporated in previous code.

Chapter 3 *Regulates liquor and cereal malt beverages*

3-100s Removed the term “enhanced” with respect to CMB because it now appears duplicative of “cereal malt beverage” and unnecessary (because it is not defined to include 6% beer).

3-308 (c) Just FYI: Recently revised K.S.A. 41-2911 allows sales as early as 9:00 a.m. on Sunday – if you wish to change (may have to go through extra publication process)

Requested sample ordinance. Businesses have asked about this when renewing licenses this year.

3-408, 412 Changed serving/mixing/consumption hours to match revised K.S.A. 41-2614 (beginning at 6:00 a.m., instead of 9:00 a.m.)

Chapter 4 *Building codes and permits*

4-1201 This appears to adopt various building codes be incorporating the Wichita-Sedgwick County codes, correct? Should we delete 4-300s, 4-400s, 4-500s, 4-600s and 4-800s (since they may duplicate what is in the 4-1200s)?

This can be removed. It was adopted when the County did our inspections and never repealed when we went back to doing our own.

If retaining the various building codes in the 4-300s, 4-400s, 4-500s, 4-600s and 4-800s, you could consider updating. The latest versions of many of these are available from www.iccsafe.org

IBC and IMC should be changed to the 2018 versions.

4-1400s:1500s Former Chapters 16B1 (historic preservation) and 16B2 (sign code) have been added as 4-1400s and 4-1500s. If you prefer them as appendices after zoning/subdivision appendices, or anywhere else, we can move them back. Make them appendices after zoning/subdivision appendices

Chapter 5 *Business regulations and licenses*

Are some of these articles (pool halls, drilling oil, dance halls) still in use? Or can they be deleted? These can be deleted

Chapter 6 *Form and election of governing body*

Old 1-200s Moved election regulations to this Chapter 6, where we typically find it

6-105 Per newly amended K.S.A. 25-2120, the city can set the date of commencement of terms of office. Currently, the date is the second Monday in January. But that can be changed if you wish. For example, some cities commence terms at the first regular meeting on or after December 1. Change to first regular meeting on or after December 1.

6-107 Nominating (percentage needed to sign a nominating petition) has been updated per new state law. Under the new law, the governing body can set the number. Currently, in section 6-105(b) that number is set at 5 electors in the relevant district (ward or at-large). The governing body can adjust that.

6-201 Contains description of the various wards – are these still accurate? Yes

Chapter 7 *Fire code, fire department, fireworks*

7-201 FYI: the International Fire Code, 2021 Edition, is available from www.iccsafe.org – if you wish to update from 2018 Not at this time

Chapter 8 *General nuisance regulations (weeds, junk cars, etc.)*

Throughout chapter Changed “restricted mail” to “certified mail” for some nuisance notices because it is cheaper/easier and now allowed by change in law (except for “dangerous structures” because K.S.A. 12-1755 requires registered mail in that case)

8-700s Moved “insurance proceeds lien” article from Chapter 1 to this location (where we usually see it). Revised insurance proceeds lien to cover all damages (not just those due to wind, fire or explosion) due to a recent change in state law – to ensure that damaged buildings are cleaned up, this allows the city to put a claim on part of the insurance proceeds

Chapter 9 *Municipal court*

Chapter 10	<i>Police department structure etc.</i>	
Chapter 11	<i>Public offenses, including the UPOC (Uniform Public Offense Code)</i>	
Old 11-101	The old “definition” section seemed to duplicate what is already in the UPOC so it was deleted	
11-101	Would you like to update to the 2022 edition of the UPOC?	Yes
11-200s	Additional local offenses (such as loud noise and curfew, etc.) based on various adopted ordinances (previous articles have been combined under this article	Proposed below are staff recommendations for adding a section pertaining to vape devices.
Chapter 12	<i>Laws relating to public property (city parks, rights-of-way, etc.)</i>	
Chapter 13	<i>Street and sidewalk (construction standards, obstructions, etc.)</i>	
Chapter 14	<i>Traffic laws, including the STO (Standard Traffic Ordinance)</i>	
14-101	Would you like to update to the 2022 edition of the STO?	Yes
Chapter 15	<i>Utilities and rates (water, sewer, electric, gas, etc.)</i>	
Chapter 16A & B	<i>Planning, zoning and subdivision regulations</i>	
Chapter 16A	<i>Zoning Regulations</i>	
Chapter 16B	<i>Subdivision Regulations</i>	
FYI:	Former Chapters 16B1 (historic preservation) and 16B2 (sign code) have been added as 4-1400s and 4-1500s under building code chapter. If you prefer them as appendices after zoning/subdivision appendices, or anywhere else, we can move them back.	Prefer as appendices
Chapter 17	<i>Fees</i>	
	Please review fees throughout to make sure they are accurate	See revisions below
17-385	Transient guest tax is set at 6%, correct? (Charter Ord. No. 21 allows for up to 9%)	Correct
Appendix A	<i>Charter Ordinances</i>	
	Contains charter ordinances 1-28. Any other charter ordinances to add?	No
Appendix B	<i>Franchise ordinances</i>	
	If you provide franchise ordinances, we can add them here	Provided

Below are staff recommended revisions to the code. Changes are indicated in red. Deletions are struck-through and additions are underlined.

CHAPTER 1. ADMINISTRATION

1-603. Senior planning committee.

(a) 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 Senior Planning Committee.

(b) This board shall consist of ~~eight (8)~~ seven (7) members, one of whom shall be the mayor or designee appointed by the mayor to serve as ex-officio chairperson of such Board. The other ~~seven (7)~~ six (6) members shall be appointed by the mayor with consent of the governing body to serve one (1) year terms.

(Ord. 546; Code 2003; Ord. 1080, Code 2022)

CHAPTER 2. ANIMAL CONTROL AND REGULATION

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(~~eebb~~). 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.

~~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 license 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)

CHAPTER 4. BUILDING, CONSTRUCTION, AND INSTALLATIONS

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, typically a use that provides access for and by the public at large requiring licensed contractors for roof replacement, siding, any trade alterations or changes, including but not limited to building, plumbing, electrical, heating and cooling.~~

~~(e) Residential structures/dwellings (apartments and/or one-two family dwellings). These buildings/units, not owner occupied, shall be classified as a commercial business, requiring licensed contractors for roof replacement, siding, any trade alterations or changes (building, plumbing, electrical, heating and cooling).~~

(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~~ five 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)

4-201. 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 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~~ 2018 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)

4-401. Adoption of the International Building Code, ~~2012~~ 2018 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, ~~2012~~ 2018 Edition, as the Commercial Building Code, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, including all fee schedules unless otherwise set forth within chapter 17 of this Code, and such document is incorporated by reference herein.

4-603. Amendments.

Administrative Deletions, Amendments or Additions to the Uniform Plumbing Code.

The following sections of the Uniform Plumbing Code incorporated by reference in Section 4-601 shall be amended as follows:

Information Note: The numerical references below correspond to the numerical identification of the chapter(s), sections, sub-sections, paragraphs and sub-paragraphs in the 2015 Uniform Plumbing Code.

101.1 Title shall be amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Haysville, hereinafter referred to as the “Plumbing Code,” the “U.P.C.,” or “this Code.”

102.8 Appendices shall be amended to read as follows:

102.8 Appendices. Appendices A, B, C, D, E, G, I, J, K, L are adopted. Appendices F and H are excluded.

103.11 Authority Having Jurisdiction, Title, shall be added:

103.11 Authority Having Jurisdiction, Title. The Authority Having Jurisdiction shall be known as the Building Official, as designated and authorized in Chapter IV, Article 2 of the city code of the City of Haysville.

104.3.2 Plan Review Fees shall be amended to read as follows:

104.3.2 Plan Review Fees. Shall be in compliance with Chapter 17 of the code of the City of Haysville.

104.5.1 Work commencing before permit issuance shall be amended to read as follows:

104.5.1 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official. The fee shall be in addition to the required permit fees. The Building Official may establish this additional fee up to an amount equal to the required permit fees or one thousand dollars (\$1,000.00), whichever is greater.

104.5.2 Investigation Fees shall be amended to read as follows:

104.5.2 Fee Refunds. Plan review fees, permit fees or other fees charged by the Department may be partially refunded by the Building Official, upon request of the owner, agent or contractor. The amount not refunded shall be in proportion to city staff time and effort dedicated to the project.

104.5.3 Fee Refunds shall be deleted in its entirety

106.3 Penalties shall be amended to read as follows:

106.3 Violation Penalties. Persons who shall violate any provision of this Code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 (five hundred) dollars, or by imprisonment not exceeding 30 (thirty) days, or both such fine and imprisonment. Each day a violation continues after due notice has been served shall be deemed a separate offense.

106.61 Violations and Penalties: The following section shall be added:

106.61 Additional Requirements and Limitations. The Building Official shall consider the requirements and procedures of the Code of the City of Haysville entitled Dangerous Buildings. To the extent that Article 7 supersedes or limits the authority and procedures outlined in the sections above, the Building Official shall follow the requirements and procedures of said Article.

107.1 General shall be amended to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, a board of appeals is created in the Code of the City of Haysville. The composition of the board, terms, qualification, authority, limitations on authority and other aspects of the board.

107.2 Limitations on Authority is deleted.

Table 104.5, Plumbing Permit Fees shall be amended to read as follows:

Table 104.5, Plumbing Permit Fees shall refer to fees established in Chapter 17 of the Code of the City of Haysville.

Chapter 17, Referenced Standards shall be amended to include the following additional section:

1701.2 REFERENCED CODES.

1. 1701.2.1 Electrical. Whenever used in the Plumbing Code, the term “Electrical Code” shall be construed to mean the current City of Haysville Electrical Code.
2. 1701.2.2 Gas. Whenever used in the Plumbing Code, the term “Fuel Gas Code” shall be construed to mean the current City of Haysville Plumbing or Fuel Gas Code.
3. 1701.2.3 Mechanical. Whenever used in the Plumbing Code, the term “Mechanical Code” shall be construed to mean the current City of Haysville Mechanical Code.
4. 1701.2.4 Residential. Whenever used in the Plumbing Code, the term “Residential Code” shall be construed to mean the current City of Haysville Residential Code.
5. 1701.2.5 Fire Prevention. Whenever used in the Plumbing Code, the term “Fire Code” shall be construed to mean the current Sedgwick County Fire Code or Existing Fire Codes currently adopted by the City of Haysville.
6. 1701.2.6 Property Maintenance. Whenever used in the Plumbing Code, the term “Property Maintenance Code” shall be construed to mean the current City of Haysville Property Maintenance Code or IEBC.
7. 1701.2.7 Existing Building. Whenever used in the Plumbing Code, the term “Existing Building Code” shall be construed to mean the current City of Haysville International Existing Building Code.

Section 312.1 of the Uniform Plumbing Code is amended to read as follows:

312.1 General. Sleeves shall be provided to protect all piping through concrete and masonry walls, or concrete floors.

Exceptions:

1. Sleeves shall not be required where openings are drilled or bored; and
2. Sleeves shall not be required for DWV pipes going through concrete basement floors or slab on grade.

Section 312.13 Exposed ABS Piping is hereby deleted.

Section 312.14 Exposed PVC Piping is hereby deleted.

Section 318.0 of the Uniform Plumbing Code is amended to read as follows:

318.0 Test Gauges. In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the ten (10) psi, for fifteen (15) minutes test, be thirty (30) psi and the required maximum capacity of the spring type gauge used for the sixty (60) psi, for thirty (30) minutes test, be one hundred (100) psi.

Section 414.3 of the Uniform Plumbing Code is amended to read as follows:

414.3 Drainage connection. Commercial dishwashing machines shall discharge indirectly through an air gap or direct connection in accordance with section 704.3 with floor drain protection in no case should a commercial dishwasher discharge through a grease trap or interceptor.

Section 422.0 of the Uniform Plumbing Code is amended to read as follows:

422.0 Minimum number of required fixtures. Minimum Number of Plumbing Fixtures shall be in accordance with the current adopted version of the current International Building Code and all amendments thereto.

Sections 422.1, Fixture Count, through and including 422.5, Toilet Facilities for Workers, including all subsections and subparagraphs, are hereby deleted in their entirety.

Table 422.1 Minimum Plumbing Facilities is amended as follows:

Table 422.1 Minimum Plumbing Facilities shall be renamed Minimum Number of Required Plumbing Fixtures and shall include all of the provisions, including footnotes and exceptions of Table 2902.1, Minimum Number of Required Plumbing Fixtures, as set forth in the current International Building Code. All provisions, including footnotes and exceptions to Table 422.1 in the Uniform Plumbing Code are hereby deleted.

Section 603.1 of the Uniform Plumbing Code is amended to read as follows:

603.1 General. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. In addition to the general requirements of Section 603.0, Cross Connection Control, Backflow prevention devices and methods shall conform to Chapter 15 of the code of the City of Haysville. Registration of backflow testers and test reporting is required by the Authority Having Jurisdiction over backflow testing. Test reports must be maintained by the testing provider and supplied to the Authority Having Jurisdiction, and the backflow device owner. Where, in any specific case, sections of this Code specify different material, methods of construction or requirements in conflict with other local laws or ordinance, the most restrictive shall govern.

Section 603.5.6 of the Uniform Plumbing Code is amended to read as follows:

603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Potable water supplies to systems having no pumps or connections for pumping equipment and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices: (1) Pressure vacuum breaker, (2) Spill-resistant vacuum breaker ---- Bf (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.6.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.6.2 Systems with Backflow Devices. Where systems have a device installed downstream of a potable water supply pump or a potable water supply pump connection, the device shall be one of the following: (1) Pressure vacuum breaker, (2) Spill resistant vacuum breaker, (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.13 of the Uniform Plumbing Code is amended to read as follows:

603.5.13 Deck-mounted or Equipment-mounted Vacuum Breakers. Deck-mounted or equipment-mounted vacuum breakers shall be installed in accordance with their listing and the manufacture's installation instructions, with the critical level not less than six (6) inches (15.24 cm) above the flood-level rim.

Section 603.5.14.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.14.2 Chemicals. Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following: (1) Reduced pressure backflow preventer, or (2) Reduced pressure detector assembly. Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation permanently maintained at the backflow device. Devices approved for low hazard potable water system protection include the following: (1) Double check backflow preventer, and (2) Double check detector assembly.

~~Section 604.10.1 Tracer Wire is hereby deleted of the Uniform Plumbing Code is amended to read as follows:~~

Section 604.10.1 Tracer Wire. Plastic materials for building supply piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate aboveground at each end of the nonmetallic piping. The tracer wire size shall be not less than 18 AWG and the insulation type shall be suitable for direct burial.

4-801. Adoption of the international mechanical code, ~~2012~~ 2018 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, ~~2012~~ 2018 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 the Board of County Commissioners of Sedgwick County, Kansas 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.

4-916. Location of pools.

Outside or open air private swimming pools shall be located not less than ~~ten (10)~~ five (5) 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. No pool shall be located in an easement.

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

CHAPTER 5. BUSINESS REGULATIONS

5-1401A. Installation.

It shall be unlawful for any person, firm, corporation, or other entity to engage in the business of contracting to perform, provide, broker or sub-contract for manufactured/mobile home installation, or to perform any work as a manufactured/mobile home installation contractor, without first having secured a manufactured home installation contractor's license. A violation of this section is a class I offense.

Manufactured/mobile homes installed in a Zone "C" must be a licensed Mobile Home Installer, licensed in accordance with this chapter or other city code contractor requirements.

A current, valid Class A, B or State of Kansas Manufactured Housing Program Licensed Installer is required to obtain a Manufactured/Mobile Home permit for the installation of a manufactured/mobile home within a mobile home park.

In areas other than a Zone "C", a homeowner that owns and occupies the manufactured/mobile home and the property on which the home is placed on, may qualify to obtain the required building permit listing the current trade contractors for the installation of said manufactured/mobile home.

5-1405. General requirements and inspections.

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.

(j) Inspection. The manufactured/mobile home shall not be occupied prior to obtaining temporary/final inspection approval by the Public Works Director or designee of the following:

- 1) Footings and setbacks, if required, before concrete is placed.
- 2) Stem wall, if required, before concrete is placed.
- 3) Blocking, pursuant to K.S.A. 75-1231.
- 4) Tie down, pursuant to K.S.A. 75-1227 through 75-1230 inclusive.
- 5) Electrical service connection.
- 6) Fuel gas connection (if applicable).
- 7) Handrails and outside stairs, at each exit.
- 8) Electric or gas meters shall not be release to the utility company until the home is blocked and tied down pursuant to K.S.A. 75-1227 through 75-1230.
- 9) When the inspections set forth have been approved, a temporary occupancy will be allowed. The manufactured/mobile home shall not be skirted before the temporary final inspection. It shall be a violation of this article to occupy a manufactured/mobile home until a temporary occupancy certificate has been issued. Occupying a manufactured home without a temporary occupancy certificate shall be a violation of city code.

It shall be unlawful for any person, firm, corporation, or other entity to engage in the business of contracting to perform, provide, broker or sub-contract for manufactured/mobile home installation, or to perform any work as a manufactured/mobile home installation contractor, without first having secured a manufactured home installation contractor's license. A violation of this section is a class I offense. Manufactured/mobile homes installed in a Zone "C" must be a licensed Mobile Home Installer, licensed in accordance with this chapter or other city code contractor requirements. A current, valid Class A, B or State of Kansas Manufactured Housing Program Licensed Installer is required to obtain a Manufactured/Mobile Home permit for the installation of a manufactured/mobile home within a mobile home park. In areas other than a Zone "C", a homeowner that owns and occupies the manufactured/mobile home and the property on which the home is placed on, may qualify to obtain the required building permit listing the current trade contractors for the installation of said manufactured/mobile home.

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 fourteen (14) 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 four (4) such permits issued for the placement of a recreational vehicle on the same property in any twelve (12) month period not to be consecutive 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.

(Code 2020)

CHAPTER 11. PUBLIC OFFENSES

11-208. Possession of VAPE products by a minor.

(a) DEFINITION. For purposes of this section, vapor products shall be defined as any cartridge, pod or other container that may contain nicotine, cannabiniol, tetrahydrocannabinol or any other substance in a solution or other form that is intended to be used with or in an Electronic Cigarette. Vapor products do not include electronic cigarettes.

(b) PURCHASE OR POSSESSION OF VAPOR PRODUCTS BY A MINOR. It shall be unlawful for any person:

- 1) Who is under 18 years of age to purchase or attempt to purchase vapor products; or
- 2) Who is under 18 years of age to possess or attempt to possess vapor products.
- 3) Violation of this section shall be an ordinance infraction for which the fine shall be \$200. For a juvenile's first offense under this section, the court may order the juvenile to perform community service of up to fifteen (15) hours and/or complete an educational course on the effects and dangers of vaping products in addition to or in lieu of the fine provided herein. Any community service or educational course offered by the court shall be completed not later than six months after the fine is imposed or by an earlier date specified by the court. The judge also may require the juvenile to appear in court with a parent or legal guardian.

(c) SELLING, GIVING, OR FURNISHING VAPOR PRODUCTS TO A MINOR

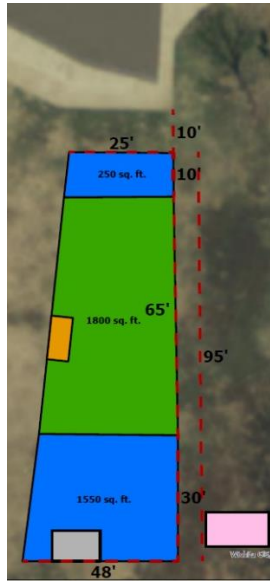
- 1) It shall be unlawful for any person to:
 - a. Sell, furnish, or distribute vapor products to any person under 18 years of age; or
 - b. Buy any vapor products for any person under 18 years of age.
- 2) It shall be a defense to a prosecution under this section if:
 - a. The defendant sold, furnished or distributed vapor products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive vapor products; and
 - b. To purchase or receive the vapor products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive vapor products.
 - c. For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing, or distributing the vapor products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing, or distributing by such individual or both.
- 3) It shall be a defense to a prosecution under this subsection if:
 - a. The defendant engages in the lawful sale, furnishing or distribution of vapor products by mail; and
 - b. The defendant sold, furnished, or distributed the vapor products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 18 or more years of age.
- 4) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution, or gift of vapor products, with or without consideration.
- 5) Violation of this subsection shall constitute a Class B violation punishable by a minimum fine of \$200.

CHAPTER 12. PUBLIC PROPERTY

12-115 Cereal Malt or Alcoholic Beverages within Public Parks

(a) The use or consumption of any cereal malt beverage, or alcoholic liquor is prohibited in any park, except in conformance with a lawfully issued Special Event Permit.

(b) The following areas are exempt from the provisions of KSA 41-719(d): (i) The Historic District; (ii) Riggs Park - Lions Shelter; (iii) Senior Center - Entire facility except office and storage rooms; (iv) Activity Center - rental room and patio; and (v) Riggs Park - Area just southeast of the Band Shell consisting of a trapezoid with the following parameters: ~~the northern line of the trapezoid shall be 25 feet in length and 27 feet south of the southeast side of the stage and 20 feet from the sidewalk in front of the stage; at the eastern terminus of the northern line, the line shall continue south by southeast 55 feet in length; the southern line shall then run west 40 feet to the southwest corner of the area; then the west line shall travel 55 feet north by northeast to meet with the western edge of the northern line.~~ Legal Description to be added. (See picture.)



(c) Alcoholic liquor or cereal malt beverage consumption in any area described in 12-115 (b) above is limited to those occasions associated with an agreement or permit issued by the City in which such consumption is specifically allowed.

(Ord. 278, Sec. 16; Code 2015; Code 2016; Ord. 1066)

CHAPTER 13. STREETS AND SIDEWALKS

Article 1. Construction, Repair of Streets, ~~and~~ Sidewalks, and Approaches

13-101. Uniform code setting forth the specifications for ~~driveways~~ approaches, sidewalks, curb and gutter incorporated.

There is hereby incorporated by reference for the purpose of establishing specifications for the construction of driveways, concrete sidewalks, curbs and gutters “Uniform Code Setting Forth the Specifications for City Approaches Driveways, Sidewalks, Curb and Gutter, Edition ~~2003~~ 2017” prepared and published in book form by the City of Haysville. The standard code is hereby incorporated by reference as if set out fully in this section and shall apply to all approaches that cross street rights of way, driveways, private public sidewalks, curb and gutter construction or reconstruction within the city. ~~At least three (3)~~ Copies of the approach, driveway, concrete sidewalk, curb and gutter specifications for the city shall be marked and stamped “Official Copy as Incorporated by the City of Haysville” and filed with the city clerk to be open for inspection and available to the public at all reasonable hours. The city inspector, the city engineer and all administrative departments of the city charged with enforcement of this article shall be supplied, at the cost to the city, such number of official copies of such specifications as may be expedient.

(Ord. 555, Sec. 1; Code 2003)

13-102. Concrete construction.

Any public sidewalks, curbs, or ~~private driveways approaches~~ cutting through or passing over any public sidewalks or public parkways and all curbs or gutters constructed in the city shall be constructed of concrete, minimum 4000 lb mix, unless otherwise ordered by governing body and shall be constructed according to specifications on file in the office of the city clerk for the purpose of giving the city, through its proper officers, supervision over the construction, reconstruction or repair of such public sidewalks, curbs, gutters or ~~private driveways approaches~~ cutting through or passing over public sidewalks, public parkways, curbs or gutters.

(Ord. 115-A)

13-103. License for construction, reconstruction.

Every person before constructing any public sidewalks, curbs, gutters, or ~~private driveways approaches~~ cutting through or passing over any public sidewalks, curbs or gutters; or before removing any public sidewalks, curbs or gutters for the purpose of constructing, reconstructing or repairing ~~a private driveways an approach~~ cutting through or passing over any public sidewalk, curbs or gutters in the

city, shall be required to obtain a license from the city clerk, for which a license fee as set out in Chapter 17, authorizing the licensee to engage in such work until January 1st, at which time said license must be renewed prior to any work taking place within the City.

(Code 1984, Sec. 14-103; Ord. 522; Ord. 644; Code 2003; Code 2007)

13-104. Requirements of licensee.

Before the license shall be granted by the city clerk under the provisions of section 13-103, the person, entity or corporation acting as the contractor applying for the license shall provide a copy of a current City of Wichita Concrete Contractors License and a policy of general liability insurance covering the activities of the contractor, and the contractor's employees, per section 13-106, 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. ~~show, subject to the rules and regulations to be furnished by the city clerk, that he or she is skilled in the art of laying public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, curbs or gutters.~~

(Code 1971, Sec. 10-104; Code 2003)

13-105. Permit, fee.

Before any person shall engage in the construction of any public sidewalks, curbs, gutters or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters in the city he or she shall first obtain a permit from the city clerk for which he or she shall pay fees as set out in Chapter 17. Such permit shall state the location of the public sidewalks, curbs, gutters or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters.

(Ord. 115-B, Sec. 2; Code 2003)

13-108. Width of sidewalk.

All public sidewalks, constructed under the provisions of this article, must be a minimum of ~~six (6)~~ five (5) feet in width unless otherwise ordered by the governing body Public Works Director or designee. If replacing more than 50% frontage of an existing sidewalk, said sidewalk shall be replaced from property line to property line and meet current requirements.

(Code 1971, Sec. 10-108; Code 2003; Code 2013)

13-109. Inspection.

Every person constructing, reconstructing or repairing any public sidewalks, curbs, gutters or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters in the city shall notify the city inspector when the work is ready for inspection so as to give the inspector sufficient time to accomplish the inspection prior to the placing of concrete in the forms. If the inspector finds that the public sidewalks, curbs, gutters or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters are not in accordance with specifications provided, he or she may refuse to accept or approve the work and he or she may require that any errors in the construction, reconstruction or repair be corrected at once and before acceptance or approval of the work.

(Code 1971, Sec. 10-109)

13-111. Condemnation; reconstruction.

The governing body may at any time by resolution condemn any portion of a public sidewalk, curb, gutter or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters in the city whenever in its judgment it shall be deemed necessary to do so. Should the governing body condemn any portion of a public sidewalk, curb or gutters, it may provide for the reconstruction or repair of any such condemned portion of such public sidewalks, curb, gutter or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters in accordance with the provisions of this article.

(Code 1971, Sec. 10-111)

13-112. Authority of public works director.

No formality shall be required to authorize the reconstruction or repair of any public sidewalk, curb, gutter or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters in the city. The public works director after giving five (5) days' notice, as provided by law, may reconstruct or repair any public sidewalk, curb, gutter or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters at any time, keeping account of the cost thereof and reporting the same to the governing body, which shall levy a special assessment against the lot or piece of land abutting on the portion of public sidewalk, curb, gutter or private driveways approaches cutting through or passing over any public sidewalks, curbs or gutters for the cost of reconstruction or repair, together with a penalty of five percent (5%) of the cost of such reconstruction or repair.

13-113. Release; procedure.

Any person, when desiring a release from the city after having constructed, reconstructed or repaired any public sidewalks, curbs, gutters or ~~private driveways approaches~~ cutting through or passing over any public sidewalks, curbs or gutters, shall first notify the city clerk in writing, of such intent, and shall be responsible for any and all damages caused by said construction, reconstruction or repair and shall be responsible for the proper maintenance of barricades, safety guards and lights for the protection of the traveling public for a period of twenty-four (24) hours after 8:00 a.m., of the next working day for employees of the city, following such notice. When such notice is released to the city on Friday, the construction shall then be maintained through Sunday and/or any legal holiday or double holiday, plus a period of eight (8) hours after 8:00 a.m. on the next working day for city employees following such Sunday, legal holiday or double holiday. When a permit is released to the city a day that precedes a legal holiday or double holiday, the construction shall be maintained through such legal holiday or double holiday plus a period of twenty-four (24) hours after 8:00 a.m., on the next working day for city employees following such legal holiday or double holiday.

If during the period above provided, it is found that the work has not been properly done, then the person holding the license and permit shall, upon notice from the public works director, correct the defect at once, notify the city in writing of said correction, and after notification, shall be responsible for maintenance of proper barricades, safety guards and lights for the protection of the traveling public for an additional period of the same length of time as outlined in the preceding paragraph.

(Code 1971, Sec. 10-113; Code 2003)

13-302. ~~Reserved. Street tree; species to be planted.~~

~~The city shall maintain a list of recommended trees for planting in public areas. This list shall be available to residents of the city upon request to aid in the selection of trees for private properties. The list of recommended trees will be those trees as listed in the publication Preferred Tree Species of South Central Kansas by the Kansas Urban Forestry Council, revision April 1999. Any request for variance of street tree plantings other than the species found on this list must be approved by the tree board.~~

~~(Ord. 765; Code 2003)~~

13-308. Dead or diseased tree removal.

The city shall remove or cause to be removed any dead or diseased tree or tree limbs within the city limits. Diseased trees are defined as those trees that may constitute a hazard to life and property, or harbor insects or disease, which represent a potential threat to other trees within the city (i.e. Dutch elm disease or pine wilt). Removal of dead, dying or hazardous tree limbs shall be the responsibility of the property owner. Dead, dying or hazardous tree limbs are defined as any tree limbs that may constitute a hazard to life and or potential damage to property. The public works director or his/her designee will notify in writing the owner of such trees, and removal shall be accomplished within sixty (60) days of notification. Tree limb removal will be made in the same manner, but will be allowed (30) days after notification. In the event of failure to remove by the owner, the city shall have authority to remove such trees and charge the cost of removal on the property tax notice.

(Ord. 765; Code 2003)

CHAPTER 15. UTILITIES

15-136. Care of water meters.

Customers shall be responsible for any accidental or willful damage to water meters, their connections, meter box and cover, or associated equipment, 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. No trees, bushes, shrubs, fences, structures, or other obstructions shall be located within two feet of the meter box in order to keep the meter accessible. 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)

15-154 Liability

The city shall not be liable to the property owner for any damage to any items or constructed material located on the 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.

15-326 Liability

The city shall not be liable to the property owner for any damage to any items or constructed material located on the 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.

~~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)

15-802. 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;

(a) Discharge shall not discharge through a street curb. Discharge shall terminate a minimum of 7 ½ feet from a sidewalk, 2 feet from any side lot property line or 10 feet from any front or rear property lot line and flow on the surface of the soil of the lot on which discharge originates. Sump pump discharge shall not be directed to project flow across a property line. The installation of sump pump discharge piping in an easement is prohibited.

- (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.

Article 9. Control of Fats, Oils, and Grease in Food Service Establishments

15-901 Waste discharge

Waste discharge in food service establishments from fixtures and equipment which may contain grease; including, but not limited to, scullery sinks, pot and pan sinks, pre-rinse/pre-wash sinks in dishwashing areas, wok stoves, self-cleaning stove ventilation/exhaust hood, soup kettles, mop sinks, food prep sinks, and floor drains located in areas where grease-containing materials may exist, may be discharged into the sanitary sewer collection system only under the conditions of this chapter.

When grease-containing materials are processed through garbage grinders, the waste from said garbage grinders should be directed to the grease interceptor. The director must approve garbage grinder disposal installations. An additional 30 percent of wetted volume will be added to the calculated size of the grease interceptor that is to receive garbage grinder waste.

Toilets, urinals, dishwashers, and other similar fixtures shall not discharge through the grease interceptor unless specifically approved, in writing, by the director.

All waste shall enter the grease interceptor through the inlet pipe only.

15-902 Definitions

Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meaning indicated in this section:

(a) Automatic grease removal device means units, which use devices such as belts, wheels, or skimmers to actively remove the floatable grease from the waste stream. Typical devices include a moving belt entering and exiting a trapped volume of wastewater. The mechanism captures the grease, which is deposited into a separate holding container.

(b) Building discharge line system means a sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the sanitary sewer collection system.

(c) Common grease interceptor means an interceptor to which grease wastes are directed from more than one facility having different operators or type of operations, such as in a multi-tenant building.

(d) Director" means the Director of Public Works or designee, who has been given the administrative authority to enforce this chapter.

(e) Food service establishment means any facility which cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes; including, but not limited to, food manufacturers and packagers, restaurants,

grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, festivals, and amusement parks.

(f) Garbage grinder means a device, which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(g) Generator means a user, by site, who produces wastes from the user's process operations. The generator is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.

(h) Gravity grease interceptor means a device that is constructed to intercept oily and greasy wastes from a food service establishment kitchen and food preparation area. Typical installation is located outside and in-ground as close to the kitchen fixtures as possible while allowing for accessibility for inspections and maintenance.

(i) Grease means a material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed as grease by definition.

(j) Grease interceptor means a plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. The device is constructed as to intercept, separate and hold, free-floating oil and grease substances in order to keep oil and grease substances from entering the sanitary sewer collection system.

(k) Multi-tenant building means a facility with spaces for two or more tenants, including but not limited to

15-903 General criteria – Design and approval

Grease interceptors shall be constructed at a minimum of 1,000 gallon, two compartments with fittings designed for grease retention. Other grease devices or technologies not meeting the gravity grease interceptor definition shall be subject to the written approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. Hydro mechanical grease interceptors, also known as "Under the sink" grease interceptors, shall not be approved.

Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and shall be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable traffic bearing covers to facilitate inspection, grease removal, and wastewater sampling activities.

There shall be an adequate number of access points for cleaning and inspecting all areas of the grease interceptor. Manhole covers shall be gas tight in construction. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity.

15-904 General criteria - location

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A gravity grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the director. Multiple gravity grease interceptors installed at a single location shall be installed in series.

All new construction multi-tenant buildings shall include a separate waste line for each leasable space that discharges to a common interceptor. This waste line shall be permanently marked to identify it as required by the director. When a space is leased, sold, or rented to a food service establishment, all kitchen drains and any other drains that may carry grease waste shall be connected to this waste line; no domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this ordinance. Festivals and amusement parks shall be considered a single facility for the purpose of this chapter.

15-905 Installation Requirements

(a) New Facilities: On or after the effective date of the ordinance codified in this chapter, all food service establishments which are newly proposed, constructed, undergoing a change of ownership, or existing facilities which shall be expanded or renovated to include a food service establishment where such facilities did not previously exist, shall be required to have an approved gravity grease interceptor. Such food service establishments shall submit drainage plumbing plans to the director or designee for approval prior to obtaining a building permit. The director shall approve the prerequisite for an approved, properly sized, type and location of the gravity grease interceptor.

(b) Existing Facilities: On or after the effective date of the ordinance codified in this chapter, all existing food service establishments shall be required to install an approved, properly operated and maintained gravity grease interceptor within 120 days of notification by the city that any of the following conditions exist:

(1) The facilities are found by the director to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or to necessitate increase maintenance on the sanitary sewer collection system in order to keep main line stoppages from occurring.

(2) Remodeling of the food preparation or kitchen waste plumbing facilities which are subject to a permit issued by the Public Works Department. The compliance date under this subsection (b), will be determined by the director.

(c) Extensions: Any requests for extensions to these required installation dates must be made in writing to the director at least seven days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

15-906 Grease Interceptor Maintenance

(a) Pumping. All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(b) Pumping Frequency. Grease interceptors must be pumped out completely a minimum of once every 90 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system, unless it can be demonstrated to the director that the pumping frequency can be extended past the three-month period.

(c) Disposal of Grease Interceptor Pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted to receive such waste in accordance with the provisions of this chapter. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system or the sewage treatment plants, without prior written approval from the director.

(d) Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to the director. Such additives shall include, but not be limited to, commercially available bacteria or other additives designed to absorb, purge, consume, treat or otherwise eliminate grease and oils. Additives containing enzymes are prohibited. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

(e) Physical integrity. All grease interceptors shall be maintained in operable condition and to meet the criteria described in Section 15-802 at all times. The integrity of the baffle wall separating the two compartments shall be maintained; rebar shall not be exposed, and grease interceptors with leaks or holes shall be repaired or replaced at the discretion of the director.

15-907 Administrative Requirements

(a) Manifest. All pumpage from gravity grease interceptors must be tracked by a manifest, which confirms pumping, hauling and disposal of waste. This manifest shall contain the following information:

(1) Generator information:

Name
Address
Volume pumped
Date and time of pumping
Amount of floatable grease and settable solids in inches
Total liquid depth in inches, including grease and solids
Signature of generator verifying generator information

(2) Transporter information:

Company name
Address
Driver name and signature verifying transporter information

(3) Receiving facility information:

Facility name
Address
Date and time of receiving signature verifying receipt of waste

Upon receipt of the waste, the receiving facility shall send one copy of each manifest to the following address: Wastewater Superintendent, 401 S. Jane St., Haysville, Kansas, 67060.

(b) Maintenance Log. A grease interceptor log shall be maintained for each grease interceptor, including automatic grease removal devices and hydro mechanical grease interceptors. This log shall include the date, time, amount pumped, hauler and disposal site, and monthly inspection results of the floatable grease and settable solids levels in inches and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of the Public Works & Utilities Department upon request.

(c) Reporting. The information required in the maintenance log must be submitted by the permitted food service representative to the wastewater utility every 15th day of the month following each quarter-year period. The report shall be submitted within fifteen days after the end of the reporting period to the pretreatment administration.

15-908 Monitoring, inspection and entry

(a) Monitoring. When required for the purposes of this chapter, the user shall provide, operate and maintain, at user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling and flow measurement of the building sewer or internal drainage systems. When the physical location and hydraulic conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and the director.

(b) Inspection and Entry. Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

15-909 Emergency suspension of services

The city may suspend water or sewer service when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which:

(1) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;

(2) Causes stoppages, or excessive maintenance to be performed to prevent stoppages, in the sanitary sewer collection system;

(3) Causes interference to the POTW; or

(4) Causes the city to violate any condition of its NPDES permit. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The city shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Pretreatment Administrator within fifteen days of the date of occurrence.

15-910 Violation

It is unlawful for any user to discharge into the sanitary sewer collection system in any manner that is in violation of this chapter or of any condition set forth in this chapter.

15-911 Enforcement

The director shall have the administrative authority to enforce this chapter. Whenever the city finds that any user has violated or is violating this chapter, or any prohibition, limitation, or requirements contained herein, the director will implement the Fats, Oils, and Grease Program enforcement response plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:

(a) Notice of Violation. The city may serve upon any user a written notice stating the nature of violation. Within 15 days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the director by the user.

(b) Administrative Order. When the director finds that a user has violated or continues to violate the provisions set forth in this chapter, or the order issued there under, the director may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary and appropriate to address the noncompliance; including, but not limited, to the installation of pretreatment not technology, additional self-monitoring and management practices.

(c) Consent Order. The director is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (b) of this section.

15-912 Administrative Penalty

Notwithstanding any other remedies or procedures available to the city, any user who is found by the Director of Public Works or designee to have violated any provision of this chapter, or any permit or any order issued hereunder, may be assessed an administrative penalty of not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as are available at law.

15-913 Criminal Penalties

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.

CHAPTER 17. FEE SCHEDULE

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)~~ fifty dollars (\$50) per occurrence of such re-inspection.

(Code 2020)

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)
<u>Class MH Contractor (Manufactured and Mobile Home)</u>	<u>\$100.00</u>
Pool Contractor	\$50.00
Wrecking Contractor	\$30.00
Concrete Contractor	\$30.00 <u>\$50.00</u>
Drain Layer	\$50.00
Drain Cleaner	\$20.00
Electrical Contractor	
License	\$75.00
Master Certificate	\$20.00
Journeyman's Certificate/Mechanical Contractor	\$10.00
License	\$75.00
Master Certificate	\$20.00
Journeyman's Certificate	\$10.00
Certificate Fee Plumbing Contractor	\$5.00
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)

17-333. 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)~~ fifty dollars (\$50) per occurrence for such reinspections.

(Code 2003; Code 2007; Code 2020)

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)~~ fifty dollars (\$50) per occurrence of such re-inspections.

(Code 2003; Code 2007; Code 2020)

17-361. 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)~~ at 65% of the permit fee 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)

17-363. 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)~~ fifty dollars (\$50) per occurrence of such inspections.

(Code 2003; Code 2007; Code 2020)

17-375. Sign permits.

~~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. The fee for return of an impounded sign pursuant to section 219 D of the Sign code shall be ten dollars (\$10.00).~~

Portable Sign	\$100/Annual
Temporary Sign	\$25.00
Temporary Portable Sign - Community/civic group	\$20.00
Permanent Sign	\$75.00
Return of Impounded Sign	\$10.00

(Ord. 902; Code 2007; Code 2019; Code 2021)

17-377. Sprinkler systems; underground.

The fee charged for underground sprinkler permits shall be ~~sixteen dollars (\$16.00)~~ thirty dollars (\$30.00) pursuant to section 4-1003. Backflow device test filing fee shall be ten dollars (\$10.00). Late filing of backflow device test shall be ten dollars (\$10.00) per month pursuant to section 15-134.

(Code 2003; Code 2007; Code 2019)

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) Infrastructure Fee. For all users, a \$7.00 per month, infrastructure maintenance and improvement fee.

(b) Users located inside city limits. The charges for water users within the city limits shall be \$3.50 per 1,000 gallons. Users outside of the city but added to the system due to contamination concerns as identified by KDHE in 2017 related to the former American Cleaners Dry Cleaners Site, 412 W. Grand Avenue, shall be charged the same rate as users located inside city limits.

(c) Users located outside city limits. The charges for water users located outside the city limits shall be \$3.92 per 1,000 gallons.

(d) Bulk users. The charges for bulk users of water shall be \$25.00 plus \$3.50 per 1,000 gallons.

(Code 2003, Code 2004; Code 2007; Ord. 949; Code 2010; Code 2018; Code 2019)

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; a publication fee of \$50.00.~~
- ~~(b) Variances. A filing fee of \$100.00 and a publication fee of \$50.00.~~

~~Mailing Fee. Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with an application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete.~~

~~(Code 2019)~~

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. Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with an application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete. 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; Code 2019)~~

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 and for mailing any required notifications are in addition to the filing fees. These will be billed to the applicant. Repayment to the City of such additional costs shall be a condition precedent to an application being deemed complete.~~

~~(Code 2007; Code 2019)~~

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.~~

~~Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with a zoning application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete. An incomplete application may not be heard by the Planning Commission or Board of Zoning Appeals.~~

~~(Code 2003; Code 2007; Code 2008; Code 2016)~~

17-3##. Planning Commission and Board of Zoning Appeals Fees

<u>Appeals of Administrative Interpretations</u>	<u>\$150.00</u>
<u>Conditional Use</u>	<u>\$275.00</u>
<u>Variance</u>	<u>\$100.00</u>
<u>Change of Zoning Classification</u>	<u>\$275.00</u>
<u>Planned Unit Development – Preliminary</u>	<u>\$90.00</u>
<u>Planned Unit Development – Final</u>	<u>\$0.00</u>
<u>Plat – Preliminary</u>	<u>\$40.00 + \$2.00 per lot over 1</u>
<u>Plat – Final</u>	<u>\$0.00</u>
<u>Lot Split</u>	<u>\$150.00</u>
<u>Vacation</u>	<u>\$25.00</u>
<u>Street Name Change</u>	<u>\$25.00</u>
<u>Landscape Plan Review</u>	<u>\$100.00</u>
<u>Violation</u>	<u>\$500/per occurrence</u>
<u>Wireless – Collocation Application</u>	<u>\$500.00</u>
<u>(which is not a substantial modification, small wireless, or DAS facility)</u>	
<u>Wireless – New Structure Application</u>	<u>\$2,000.00</u>
<u>(new wireless support structure, or for a collocation that is a substantial modification of a wireless support structure)</u>	

APPENDIX D. Sign Regulations

16B-204 DEFINITIONS.

All terms used within this Code not otherwise defined in accordance with the Zoning Code of the City of Haysville, Kansas. If not defined herein or within the Zoning Code of the City, such terms shall be defined as appropriate within the context such term is used.

(a) A-frame sign. A temporary, freestanding sign constructed in such a manner that the faces of the sign form an “A” shape when viewed from the side.

(b) Abandoned sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises where the sign is located. Abandonment includes signs which are non-commercial in nature when the content of the sign pertains to a time, event or purpose in which the event has concluded. Finally, abandonment includes conduct associated with failure to maintain a valid permit.

(c) Administrative Committee. A review committee comprised of the Mayor, Chief Administrative Officer, and Public Works Director. The Administrative Committee also serves as the Appeals Committee for any appeal of an action by an enforcement officer pursuant to this Code.

(d) Air-filled moving sign. A temporary sign comprised of canvas-like, plastic or similar material that is moved by forced air.

(e) Alteration, structural. A change in the size or shape of an existing sign. Replacing a sign cabinet, altering or replacing sign supports and altering the cabinet frame are alterations. Refacing, changing copy or changing color of an existing sign is not an alteration. Changing or replacing a sign face or sign panel is not an alteration.

(f) Architectural projection. A projection from a building that is decorative and/or functional and not an occupiable part of the building, and that extends beyond the face of an exterior wall of a building. See also: Awning, Canopy and Marquee.

(g) Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering made of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

(h) Awning sign. A sign displayed on or attached flat against the surface(s) of an awning.

(i) Banner sign. A temporary sign using a flexible substrate as its display surface. ~~Banner signs mounted in a permanent frame are permanent signs.~~

(j) Bench sign. A sign applied or affixed to the seat or back of a bench and intended to be read by occupants of a bench and pedestrians in the immediate vicinity of a bench.

(k) Billboard. An off-premises sign displaying messages pertaining to the use of products sold or leased, services provided, or events which do not occur on the property where the sign is located, and which contains copy that is intended to change on a regular basis.

(l) Building face. The portion of any exterior elevation of a building extending vertically from the ground grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(m) Canopy, attached. A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

(n) Canopy, freestanding. A multi-sided overhead structure supported by columns but not enclosed or supported by walls.

(o) Canopy sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy.

(p) Center identification sign. A sign that contains advertising for three or more tenants located on the same lot or on adjacent lots. Two-tenant signs or signs advertising multiple functions of the same or related companies are not center identification signs for the purposes of this article.

(q) Channel letter sign. A sign comprised of individual letters or numbers, lit or unlit, which make up the name of an establishment, services offered or other information of interest to the public.

(r) Cladding. A non-structural covering designed to conceal the actual structural supports of a sign.

(s) Conforming sign. A sign that is legally installed in conformance with this article.

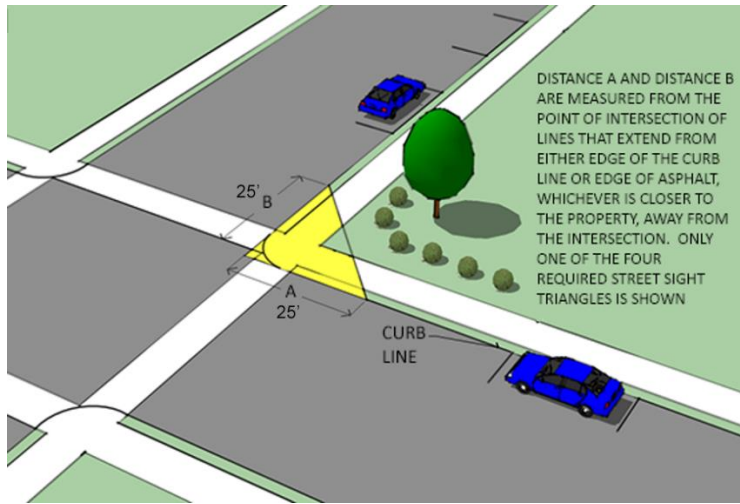
(t) Dilapidated sign. A sign that is unmaintained; has missing pieces, inserts or cabinets; has broken pieces or parts; poses a hazard or is otherwise in poor condition.

(u) Directional sign. A sign that is designed and erected solely to provide direction and/or orientation for pedestrians and/or vehicles.

(v) Double-faced sign. A sign with two faces that are placed back to back.

(w) Electric sign. A sign activated or illuminated by means of electrical energy.

- (x) Electronic message center (EMC) or sign. A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message or content to be made remotely.
- (y) Exterior sign. A sign placed outside of a building.
- (z) Fence sign. A sign mounted upon a fence.
- (aa) Flag. A piece of cloth or similar flexible material which is typically oblong or square and which is attached by one edge to a pole or rope.
- (ab) Flashing sign. An electrically activated sign that uses intermittent light to attract attention. Signs containing lights that spin, flicker or turn alternately off and on are flashing signs.
- (ac) Freestanding sign. A sign principally supported by one or more columns, poles, braces or pedestals placed in or upon the ground.
- (ad) Frontage, lot. The full length of that part of a property which abuts a public street.
- (ae) Home occupation sign. A sign on a residential lot advertising the approved home occupation conducted on the premises.
- (af) Illegal sign. A sign that does not meet the requirements of these regulations and which does not have nonconforming status.
- (ag) Illuminated sign. A sign characterized by use of artificial light, either projecting through its surface or reflecting on its surface.
- (ah) Interior sign. Any sign located within the interior of a building.
- (ai) Marquee sign. A roof-like projection typically located at the entrance to a theatre or hotel which contains sign copy.
- (aj) Moving sign. Any sign that employs motion and which is activated either electrically, mechanically or environmentally.
- (ak) Multiple-faced sign. A sign containing more than two faces.
- (al) Mural. A painting or other work of art generally applied to the entire face of a building that does not contain an advertising message. Murals with advertising messages are wall signs.
- (am) Nonconforming sign. A sign that was legally installed in conformance with the regulations in effect at the time of installation, but which does not comply with current sign regulations.
- (an) Off-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on a property different from that where the sign is located. A sign displaying both on-premises and off-premises messages shall be considered off-premises.
- (ao) On-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on the property where the sign is located.
- (ap) Parapet. The extension of a building face above the line of the structural roof.
- (aq) Portable sign. A temporary sign not permanently attached to the ground which can be readily removed and relocated.
- (ar) Projecting sign. A sign that is attached to a building face and which projects from the face at a perpendicular angle.
- (as) Revolving sign. A sign that has the capability to revolve or spin about an axis.
- (at) Roof integral sign. A sign incorporated into, but not projecting above, the roof of a building. A roof integral sign is a wall sign.
- (au) Roof sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.
- (av) Searchlight. An apparatus used to attract attention to a property using a powerful beam of light or lights aimed skyward, usually constructed to be swiveled about.
- (aw) Sight triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The sight triangle ~~area on a lot~~ has two sides measured from the point of the lot line intersection, ~~at the intersection of two streets~~, and a third side across the lot which connects the ends of the two sides that are measured from the lot line ~~corner at the street~~ intersection. For lots that have rounded corners at the intersection of streets, the lot lines shall be extended in a straight line to the point where the lot lines would then intersect. In all residential districts, the two lot lines establishing the vision triangle shall be a minimum distance of ~~25~~ 30 feet. ~~However, the minimum distance may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed.~~ In all other zoning districts, the distance shall be 20 feet. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator shall determine, upon request, the location of any sight triangle.



(ax) **Sign.** A device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(ay) **Sign area.** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. See Sec. 16B-207 for examples of how to calculate the sign area.

(az) **Sign copy.** The physical sign message including any words, letters, numbers, pictures and symbols, exclusive of a street address.

(ba) **Sign embellishment.** A decorative detail or feature of a sign that is not part of the sign copy and is not a necessary part of the sign structure.

(bb) **Sign face.** The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, embellishments, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(bc) **Sign height.** The distance from the lowest point of the adjacent ground to the highest point of the sign or sign structure.

(bd) **Sign structure.** A support feature, including a pole, pedestal or cabinet that is designed to hold a sign.

(be) **Site.** The location where the sign is to be placed.

(bf) **Streamers.** A sign display made of rope, string or wire affixed with flexible materials, often in triangular shape or reflective strips of material, that comprise a fluttering linear display.

(bg) **Temporary sign.** A sign intended to display messages of a transitory or temporary nature (either commercial or noncommercial). Portable signs and signs not permanently embedded in the ground, or affixed to a building or sign structure that is permanently embedded in the ground, are temporary signs. Pennants and streamers are temporary signs.

(bh) **V sign.** A wall sign containing two faces of equal size, positioned at an interior angle subtending less than 145 degrees at the point of juncture of the individual faces.

(bi) **Wall sign.** A sign that is in any manner affixed to any exterior wall of a building or structure, which is oriented on a parallel plane to the building face, and that projects not more than eighteen inches from the building or structure wall at the farthest point. This also includes signs affixed to architectural projections of a building provided the sign area of such signs remains on a parallel plane to the face of the building face or to the face(s) of the architectural projection to which it is affixed.

(bj) **Wayfinding sign.** A sign located in the public right-of-way and owned by the City, County, State or other public entity, specifically designed to provide directional or destination information pertaining to community attractions.

(bk) **Window sign.** A sign affixed to the interior surface of a window with its message intended to be visible to the exterior environment.

(bl) **Zoning Administrator.** The person appointed by the City to carry out the provisions of this Code. Any reference within this Code to the Zoning Administrator shall be deemed to include reference to such individual's designee.

(Code 2020)

EXEMPTIONS.

(a) The following types of signs shall not require permits and shall be exempt from the requirements of this article. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.

(1) Flags or emblems of a governmental body or of a political, civic, philanthropic, educational or religious organization not to exceed thirty-five (35) feet in height. These flags or emblems shall not be displayed as part of a commercial promotion or advertising.

(2) Signs required by law containing address numerals or related information needed for the convenience of the public.

(3) Signs erected by government agencies or utilities, including traffic, [speed measurement trailer](#), utility, safety, railroad signs and wayfinding signs.

(4) Signs required by federal, state or local law.

(5) Holiday decorations.

(6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles, which vehicles are not primarily used as signs.

(7) Signs not visible from a roadway

(8) Window signs not exceeding seventy-five (75) percent of window coverage, that do not prevent visibility by safety services into that portion of the commercial enterprise open to the public.

(9) Public art approved by the Administrative Committee.

(10) Bench signs and bus shelter signs with sign copy lettering height smaller than 6 inches.

(11) Official notices authorized by a court, public body, or public officer.

(12) Temporary double-sided and A-Frame (also known as Menu Board) type freestanding signs advertising for an adjacent business or public institution. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located on private property where the advertised business exists. The sign shall not be located in a public right-of-way. No sign shall be placed on any public sidewalk or Bicycle/Pedestrian Path. One sign shall be permitted per business or public institution. Signs shall not be illuminated, contain any digital display, and shall not be displayed during non-business hours. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair.

(13) Structures resembling a sign which are clearly displayed as art, and not for informational purposes, within a residential zone may be exempted from this Code, within the discretion of the Zoning Administrator. Signage within commercial districts may only be designated as serving a primary artistic purpose, rather than informational purpose, at the discretion of the Administrative Committee.

(b) The following signs are exempt from the sign permit requirements, but shall in all other respects conform to the requirements of this article.

(1) Directional/informational signs not exceeding six square feet in gross surface area for non-residential uses.

(2) All signs associated with the sale of fireworks pursuant to a valid fireworks sale permit issued by the City shall be in conformance with this Code, unless a standard is waived by the Zoning Administrator or Administrative Committee due to the limited sales period associated with fireworks.

(3) One project, or "for sale" or "for rent", sign is permitted per street frontage; it must be located on the premises; and it must be removed upon completion of the project or within ten days after sale or letting of the property. In addition, one "open house" sign per street frontage, located on the premises, is allowed four (4) days prior to the event.

(4) "Construction project" signs, with a maximum sign area of 32 square feet with a maximum height of nine feet.

(5) "Coming soon" signs for businesses with a 32 square feet with a maximum height of nine feet. These types of signs shall be allowed in conjunction with any existing signs on the property six months prior to a building permit being issued.

(6) Subdivision, commercial and industrial acreage or structure "for sale" or "for rent" signs. Maximum height shall be nine feet. Maximum sign area shall be 32 square feet.

(7) Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.

(8) Temporary signs for special events for public, charitable, religious or fraternal organizations, subject to the following limitations:

(A) May be located on premises or off premises, subject to approval of the Zoning Administrator.

(B) These signs are prohibited on public property and public right-of-way.

(C) May be placed prior to the event, and shall be removed within 8 hours after the event's completion.

(9) Any sign covered by KSA 25-2711: KSA 25-2711 allows cities to regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons. The city has determined signs must be placed at least 15 feet behind the back of curb. If the roadway has no curb, signs must be placed at least 15 feet from the edge of the road surface. Signs located at the intersection of two roads must be at least 15 feet from both roads.

(10) Signs customarily associated with residential uses and having a gross surface area not exceeding three (3) square feet, including but not limited to signs:

(A) Giving property identification names or numbers;

(B) Names of occupants;

(C) On mailboxes or newspaper tubes;

(D) On private property and relating to private parking; and

(E) Warning the public against trespassing or danger from animals including those identifying a security system.

16B-206 PROHIBITED SIGNS.

The following signs are prohibited:

(a) Signs containing strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors and other such features that could be hazardous to the vision of passing motorists (see sight triangle).

(b) Dilapidated signs, as defined by this article.

(c) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not prohibit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

(d) Signs that imitate or resemble official traffic or governmental signs. Signs which, in the opinion of the City Engineer, will impair intended operation of traffic control signals or constitute a safety and traffic hazard. Signs using red, yellow and green lights, or the words "stop," "look," "danger," etc. and which give the appearance of traffic control.

(e) Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs and air-filled moving signs.

(f) Inflatable signs, including balloons. Balloons smaller than 3 feet in diameter shall be exempt.

(g) Posters, signs and handbills affixed to any tree, vegetation, rock or utility pole.

(j) Signs that emit smoke, visible vapors, sounds or odors. Open flames used to attract public attention are not permitted.

(k) Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.

(l) Signs that infringe upon the sight triangle, as defined in this Code.

(m) Street spanning banner signs, except as permitted by the Haysville City Council.

(o) Portable or temporary electronic message center signs.

(p) Off-premises signs except those permitted in the "D", "E", "F" and "G" Zoning Districts. Existing off-premises signs shall be nonconforming.

(q) Abandoned signs.

(r) Signs that display any obscene, indecent or immoral matter.

(Code 2020)

16B-214 SIGN REGULATIONS PERTAINING TO ALL ZONING DISTRICTS AND USES

(a) Sign Placement.

(1) Unless specifically authorized by these regulations, all signs shall be erected totally upon the property to which they pertain and shall not overhang into or be located upon the public right-of-way, sidewalk, street, public easement or any other public travel way.

(2) Sign placement exceptions: Projecting signs, awning, canopy and marquee signs shall be permitted to extend over a public sidewalk when located in the D or E Zoning District, when approved by the City Engineer.

(3) Wall signs shall not extend above the top of the building wall upon which they are mounted and shall not protrude more than 18 inches on average from the wall or structure to which they are attached.

(4) No part of any freestanding sign or center identification sign shall be placed closer than 50 feet to an existing sign on an adjacent lot.

(b) Permanent construction. All signage, other than temporary signage, shall be constructed of permanent weatherproof materials typically associated with sign construction, including solid plastic, wood, masonry, metal or other rigid materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Signs printed on pliable plastic, fabric, cardboard, streamers or other non-rigid materials are temporary signage for the purpose of these regulations ~~unless mounted upon a wall in a permanently affixed frame.~~

(c) Illumination.

(1) Illuminated signs located in, or adjacent to, any residential district shall be shaded as necessary to avoid casting bright light upon adjacent property.

(2) Brightness limits shall be set at a maximum of 5,000 nits between sunrise and sunset, and at a maximum of 500 nits between sunset and sunrise. Each electronic message sign shall be equipped with a light sensing device to automatically adjust the brightness in accordance with these standards.

(3) Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.

(d) Structural and engineering standards. All signs, sign structures, sign foundations and sign anchors shall meet the applicable provisions of the adopted building codes of the City of Haysville.

(e) Obstruction prohibited. No sign shall obstruct any fire escape, required exit, window, opening, door or vent. Signage shall not interfere with property storm water drainage.

(f) Proximity to electrical lines. Signs shall not be placed any closer than 8 feet vertically or horizontally from electrical lines, conductors or electrical guy wires.

(g) Sight triangle. Signs shall not impede the sight triangle.

(Code 2020)

16B-215 TEMPORARY SIGNS

(a) A permit is required for all signs, except in conformance with exemptions as set forth in Sec. 16B-205.

(b) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application

(c) Each business or person is entitled to display ~~six (6) seven (7)~~ temporary signs per calendar year.

(d) Temporary sign permits are valid for ~~five (5) thirty (30)~~ days. At the end of the ~~five (5) thirty (30)~~ days temporary signs must be removed and are required to wait a ~~five (5) thirty (30)~~ day period before applying for another temporary permit.

(e) Except in accordance with exemptions as set forth with 16B-205 of these Regulations, a temporary sign may not be erected or displayed in the public right-of-way, easement or attached to utility poles.

(f) These signs shall not be displayed for a duration longer than the permit allows, or the City may remove the sign.

(Code 2020)

CODE OF THE CITY OF HAYSVILLE, KANSAS



Published under the authority of the
Governing Body of the City of Haysville, Kansas
by Citycode Financial LLC, Wichita, Kansas
on [PUBLICATION DATE].

The official printed version of the code is available at
Haysville City Hall
200 West Grand Avenue
Haysville, Kansas 67060

The online version of the code is available at
haysvilleks.citycode.net

**GOVERNING BODY AND OFFICIALS
OF THE CITY OF HAYSVILLE, KANSAS**

Governing Body

Russ Kessler, Mayor
Dale Thompson, Council Member
Daniel Benner, Council Member
Janet Parton, Council Member
Patricia Ewert, Council Member
Bob Rardin, Council Member
Danny Walters, Council Member

City Staff

Will Black, City Administrator
Georgie Carter, Deputy Administrator
Angela Millspaugh, City Clerk/Treasurer

City Attorney

_____, Esq.

PREFACE

This volume contains the Code of the City of Haysville, Kansas [CODE YEAR]. As expressed in the adopting ordinance, the code supercedes all ordinances passed prior to [ORDINANCE ADOPTION DATE] which are not included herein or recognized as continuing in force by reference thereto. The code was prepared by Citycode Financial LLC and Haysville city officials under the authority of sections 12-3014:3015 of the Kansas Statutes Annotated.

This code is arranged in chapters, articles, and sections in a manner similar to the Kansas Statutes Annotated arrangement. Headnotes and footnotes are included; however, these do not constitute a part of the code and no implication or presumption of intent or construction is to be drawn therefrom.

Any section of this code may be amended or repealed by ordinary ordinance by reference to the code section number as follows:

“Section 1-105 of the Code of the City of Haysville is hereby amended to read as follows: (the new provisions shall then be set out in full).”

A new section not heretofore existing in the code may be added as follows:

“The Code of the City of Haysville is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provision shall be set out in full).”

All sections or articles or chapters to be repealed shall be repealed by specific reference as follows:

“Section 1-105 (or article or chapter) of the Code of the City of Haysville is hereby repealed.”

An index is included in this volume, and the user’s attention is also directed to indexes which may appear in standard codes incorporated by reference in this Code.

PREPARED AND PUBLISHED BY CITYCODE FINANCIAL LLC, WICHITA, KS

<http://www.citycode.com>



ORDINANCE NO. [ADOPTION ORDINANCE NUMBER]

(Published in [the OFFICIAL NEWSPAPER] on [PUBLICATION DATE])

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF HAYSVILLE, KANSAS, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

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

Section 1. Adoption of the Code of the City of Haysville, Kansas.

The codification of ordinances of the City of Haysville, Kansas, prepared by Citycode Financial LLC, Wichita, Kansas, as set out in the following chapters, Chapters 1 to 17 and Appendices A and B, all inclusive, and entitled the “Code of the City of Haysville, Kansas,” is hereby authorized, adopted and ordained as the “Code of the City of Haysville, Kansas.” The Code is authorized by ordinance and was made in conformity with K.S.A. 12-3014 and 12-3015 and amendments thereto. Said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. Repeal of general ordinances.

All ordinances and parts of ordinances of a general nature passed prior to [ORDINANCE ADOPTION DATE], are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. Same; excepting certain ordinances from repeal.

In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
- (c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
- (d) Ordinances naming or changing the names of streets, avenues and boulevards;
- (e) Ordinances authorizing or directing public improvements to be made;
- (f) Ordinances creating districts for public improvements of whatsoever kind or nature;
- (g) Ordinances levying general taxes;

- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the city;
- (n) All charter ordinances;
- (o) Any appropriation ordinance or ordinances relating to a specific transfer of funds;
- (p) Any zoning ordinance or ordinances changing the zoning classification of any property within the city or amending the city's zoning map;
- (q) Ordinances of a temporary nature;
- (r) Any ordinance which is special, although permanent in effect;
- (s) Any ordinance, the purpose of which has not been accomplished.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section. Ordinances which are not of a general nature shall be numbered consecutively, approved by the governing body, published, and filed with the city clerk, but such ordinances shall not be prepared for insertion in this code, nor be deemed a part hereof.

Section 4. Arrangement of and notations throughout the code.

The arrangement and classification of the several chapters, articles, and sections of the code adopted by section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. Accrued rights and liabilities.

The repeal of ordinances as provided in section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. Severability.

If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Haysville, Kansas," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. Effective date.

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the “Code of the City of Haysville, Kansas” as provided in K.S.A. 12-3015.

ADOPTED AND PASSED by the governing body of the City on [ORDINANCE ADOPTION DATE] and **APPROVED AND SIGNED** by the Mayor.

/s/ Russ Kessler
RUSS KESSLER, Mayor

ATTEST:

/s/ Angela Millspaugh
ANGELA MILLSPAUGH, City Clerk

CERTIFICATE OF THE CITY CLERK

State of Kansas)
)
Sedgwick County)

I, Angela Millspaugh, City Clerk of the City of Haysville, Sedgwick County, Kansas do hereby certify that said city is a city of the second class of the mayor-council form of government under the statutes of Kansas; that this codification of the general ordinances of said city and the publication thereof in book form were ordered and authorized by the governing body by ordinance and in accordance therewith is entitled the “Code of the City of Haysville, Kansas,” that said codification was adopted as the “Code of the City of Haysville, Kansas,” by the governing body by Ordinance No. [ADOPTION ORDINANCE NUMBER] passed on [ORDINANCE ADOPTION DATE], as authorized by K.S.A. 12-3015; that said ordinance and said codification of general ordinances as contained in this volume will take effect upon publication of 4 or more copies in book form; that the publication of 4 copies of this code in book form and said adoptive ordinance constitute due passage of this code and all general ordinances contained therein; that the codification and said adoptive ordinance as contained herein are true and correct copies; and that said publication imports absolute verity and is to be received in evidence in all courts and places without further proof as provided by K.S.A. 12-3015.

I further certify that the “Code of the City of Haysville, Kansas,” and the matter therein contained will take effect and be in force from and after [PUBLICATION DATE] (date of publication of the codification ordinance in the newspaper).

/s/ Angela Millspaugh
ANGELA MILLSPAUGH, City Clerk

DATE: _____, 2022.

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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:

“Section (or article or chapter) ___ of the code of the City of Haysville is hereby amended to read as follows: (the new provisions shall then be set out in full)”

A new section not heretofore existing in the-code may be added as follows:

“The code of the City of Haysville is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provisions 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 the code of the City of Haysville is hereby repealed.”
(K.S.A. 12-3004; Code 2022)

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.

(a) No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the city clerk. One publication of any such ordinance 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 parentheses stating the month, day and year of such publication.

(b) In lieu of full publication of an ordinance pursuant to this section, a city may opt to publish a summary of the ordinance so long as:

- (1) The publication is identified as a “summary” and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the city clerk;
- (2) the city attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and
- (3) the publication contains the city’s official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper. If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition.

(K.S.A. 12-3007; Code 2022)

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 contract; 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. Governing Body

1-201. 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; C.O. No. 5A; Code 2003)

1-202. 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)

1-203. 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)

1-204. Meetings.

The governing body shall have regular meetings on the second 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; C.O. No. 27; Code 2022)

1-205. Special meetings.

Any special meeting may be called either by (a) the mayor or (b) 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 special 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; C.O. No. 26; Code 2022)

1-206. 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)

1-207. 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.

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

1-208. 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.

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

1-209. 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. Such appointee shall serve only for the period from and after the date of assuming the position of mayor until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. Upon the president of the council assuming the office of mayor, the council shall elect from its membership a new president of the council.

(Code 1971, Sec. 1-108; C.O. No. 11; Code 2003; C.O. No. 22; C.O. No. 23)

1-210. 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)

1-211. 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 $\frac{3}{4}$ 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)

1-212. 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)

1-213. 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)

1-214. 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 $\frac{3}{4}$ 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)

1-215. 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 3. Administrative Officers

1-301. 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, city prosecutor, 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. No. 15; C.O. No. 24 (2016))

1-302. 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 April 8, 2019, shall live within a thirty (30) 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, city prosecutor, and law enforcement officers individuals who reside outside of the thirty (30) 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 April 8, 2019, 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 April 8, 2019, reside within the thirty (30) 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 article may subject an employee to discipline, up to and including termination for cause.

(C.O. No. 24 (2016); Code 2020)

1-303. 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. No. 8; Code 2003)

1-304. 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)

1-305. 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)

1-306. City clerk/treasurer; duties of office.

All references to the City Clerk or Treasurer, as set forth in any regular ordinance or this Code, shall henceforth be construed to mean the City Clerk/Treasurer or such official's designee.

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 although generally known as the City Clerk/Treasurer, 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 therefor. For all moneys received by him or her from any source, he or she 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 on 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. 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 word "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; C.O. No. 24; Code 2003)

1-307. 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)

1-308. 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 4. Oaths and Bonds

1-401. 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)

1-402. Oaths filed.

All officers and employees required by section 1-401 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)

1-403. 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)

1-404. Condition of bonds.

The bonds required in section 1-403 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)

1-405. 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 5. Open Public Records

1-501. 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)

1-502. 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)

1-503. 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)

1-504. Prepayment of fees.

A record custodian may demand pre-payment of the fees for producing/reproducing public records.

(Ord. 792)

1-505. Payment.

All fees charged under this article shall be paid to the city.

(Ord. 792; 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 designee 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 by the mayor for failure to attend meetings, training, and workshops; neglect of duty; or malfeasance in office.

(e) 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.

(f) 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 that will serve as 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.
- (7) Promote the safe use of bicycling and walking for transportation, wellness, recreation, and environmental enhancement through various means of transportation, including bicycling and walking.
(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; Ord. 1080; Code 2022)

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 planning committee.

(a) 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 Senior Planning Committee.

(b) This board shall consist of eight (8) members, one of whom shall be the mayor or designee appointed by the mayor to serve as ex-officio chairperson of such Board. The other seven (7) members shall be appointed by the mayor with consent of the governing body to serve one (1) year terms.

(Ord. 546; Code 2003; Ord. 1080, Code 2022)

1-604. Haysville historic committee.

(a) The governing body deems it necessary, for the quality of life of the citizens of the City, to establish a board which shall be known as the Haysville Historic Committee.

(b) Members. The Haysville Historic Committee shall be composed of nine (9) members of which (6) six members shall be residents from within the corporate limits or property owners of the City of Haysville, Kansas. All of whom shall be appointed by the mayor with consent of the governing body. The remaining three (3) 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.

(c) Terms. The term of office of all general members of the Committee shall be for two (2) years excepting the first committee which shall consist of three (3) members serving for three (3) years, three (3) members serving for two (2) 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 of the Historic Committee. All of the powers and duties enumerated herein are subject to approval, denial or modification by the governing body. All funds necessary to carry out the purposes of this section shall be approved and appropriated according to the purchasing policy adopted by the governing body:

- (1) To familiarize itself with the historic resources within the community 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.
- (2) Make and adopt a historic preservation plan and review and update the plan as needed
- (3) Prepare and recommend to the Park Board for inclusion in the master park plan, a list of goals and objectives for the W.W. Hays Village Historic Park. Such list shall include:
 - (A) Needs and usage of the existing buildings, improvements and open space;
 - (B) Needs for additional buildings and improvements;
 - (C) The size and types of buildings and improvements to be considered; and
 - (D) Development of short and long range capital improvements required to develop these goals and objectives.

(Code 2015; Ord. 1080; Code 2022)

1-605. Planning commission

(a) The Haysville City Planning Commission is hereby ratified and continued as set forth herein (the "Planning Commission"). The Board shall adopt Bylaws for the transaction of business and hearing procedures.

(b) Members. The Planning Commission will be composed of seven (7) members of which five (5) members shall be residents of the City and two (2) members shall reside outside the City but within the City's Zoning area of influence.

(c) Appointment. The members of the Planning Commission shall be appointed by the mayor, by and with the consent of the City council, in all respects as required by law. Appointment to a vacancy caused by the death, incapacity, resignation or disqualification of any Member of the Planning Commission shall be made for that Member's unexpired term. Planning Commissioners may be removed by the mayor for failure to attend meetings, training and workshops, neglect of duty, or malfeasance in office.

(d) Same; Term of Office. The term of office of the members of the Planning Commission shall be for three years. At the end of the three year term, the member may be reappointed with the approval of the City council. Vacancies shall be filled for unexpired terms only. Terms are to be staggered such that two members are appointed in one year, two members in the next, and three members in the next. The terms of the two

members residing outside of the City's corporate limits must not expire within the same year. Members shall take office on the first meeting of the Planning Commission in July. After the original adopting ordinance takes effect, a new slate of members of the Planning Commission shall be appointed as provided for herein, and upon such appointments, the term of all previously serving members of the Planning Commission shall terminate.

(Ord. 1080)

1-606. Board of zoning appeals

(a) The Planning Commission is hereby designated to also serve as the City's Board of Zoning Appeals, with all the powers and duties as provided for in K.S.A. 12-759

(b) Public records shall be kept of all official actions of the Board, which must be maintained separately from those of the Planning Commission. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote on each question or appeal.

(c) Unless otherwise required by law, all actions by the Board of Zoning Appeals shall be taken by a majority vote of the members present and voting.

(d) Organization and responsibilities. The board shall adopt rules and/or regulations for the conduct of its business in accordance with the provisions of the Zoning Regulations of the City of Haysville, Kansas. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing evidence presented, findings of fact by the board, decision of the board and the vote of each member upon each question or if absent or failing to vote, indicating such fact. Records of all official actions of the board shall be filed in its office and shall be public record. The board shall annually elect one of its members as chairperson and shall appoint a secretary who shall not be a member of the board but may be an employee of the city. The secretary shall have no vote in the matters before the board.

(Ord. 1080)

Article 7. Investment of Public Funds

1-701. Purpose and goals.

It is the purpose of this statement to set forth the public policies of the city relating to the investment of public moneys, and establish procedural requirements as to investment management practice. The objective of the investment policy and program of the city shall be as follows:

(a) The safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.

(b) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services.

(Code 2022)

1-702. Active funds; designation of depositories; eligible depositories.

(a) The governing body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The clerk, treasurer or other city officer or employee having the custody of city funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in Sedgwick County shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the city is assured that it can obtain satisfactory security for its deposits.

(b) The clerk, treasurer or other city officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the governing body fails to designate an official depository or depositories, the officer thereof having custody of city funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in Sedgwick County if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the governing body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.

(c) If eligible banks, savings and loan associations or savings banks under subsections (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this section, then banks, savings and loan associations or savings banks which have main or branch offices in any immediately adjoining county may receive deposits of the city's active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under subsection (a) and the city can obtain satisfactory security therefor.

(K.S.A. 9-1401; Code 2022)

1-703. Definitions.

As used in this article the following words and phrases shall mean:

(a) Bank means any bank incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(b) Savings and loan association means any savings and loan association incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(c) Savings bank means any savings bank organized under the laws of the United States and which has a main or branch office in Kansas;

(d) Main office means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;

(e) Branch means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid or money lent. Branch does not include an automated teller machine, remote service unit or similar device or a loan production office;

(f) Investment rate means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

(K.S.A. 12-1675a; Code 2022)

1-704. Investment of idle funds.

Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereinafter described be invested:

(a) In temporary notes or no-fund warrants issued by such investing governmental unit;

(b) In savings deposits, demand deposits, time deposits, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:

(1) In banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit; or

(2) If no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks, which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located;

(c) In repurchase agreements with:

(1) Banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(2) If (A) no main or branch office of a bank, savings and loan association or savings bank, is located in such investing governmental unit; or (B) no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate

equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located; or

- (3) If no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within the State of Kansas;

(d) In United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding two 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. 2005 Supp. 17-12a401, and amendments thereto;

(e) In the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(f) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto; or

(g) In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in the county or counties where such investing governmental unit is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which such investing governmental unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.

(h) In municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(i) The investments authorized in subsections (d), (e), (f), (g) or (h) of this section shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in subsection (b), cannot or will not make the investments authorized in subsection (b) available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

(j) In selecting a depository pursuant to subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If

no such financial institution qualifies for such deposits, the investing governmental unit shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.

(K.S.A. 12-1675; Code 2022)

1-705. Procedures and restrictions.

The city clerk shall periodically report to the governing body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the city clerk shall provide for an investment program which shall so limit the amounts invested and shall 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 2022)

1-706. Custody and safekeeping.

Securities purchased pursuant to this article shall be under the care of the city clerk and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the city in a bank or trust company. Securities in the original or receipt form held in the custody of a bank or trust company shall be held in the name of the city, and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the city in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers.

(Code 2022)

1-707. Sale or transfer.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in section 1-705, it becomes necessary to transfer or sell any securities of such funds, the officers specified in section 1-706 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 direction, endorsement or assignment for and on behalf of the city.

(Code 2022)

1-708. Interest on time deposits.

The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law.

(Code 2022)

Article 8. Land Bank

1-801. 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.

1-802. 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.

1-803. 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.

1-804. 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.

1-805. 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.

1-806. 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.

CHAPTER 2. ANIMAL CONTROL AND REGULATION

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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 substantial chain or leash held by a responsible person who is 18 years of age or older, and possesses sufficient strength for physical control of the animal.
- (j) 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.
- (k) 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.
- (l) Harbor: The act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care.
- (m) Harborer: See Owner, Keeper, Harborer.
- (n) 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.

(o) Inhumane treatment: any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from the weather; endangers the safety, health or well-being of an animal from heat, cold or lack of adequate ventilation; 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.

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

(q) 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.

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

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

(t) 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.

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

(v) 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.

(w) 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.”

(x) 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.

(y) 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.

(z) 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.

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

(bb) 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. This Section shall not apply to working dogs authorized by the City, or animals inside a fenced dog park or designated off-leash area as described in Chapter 12, Article 4.

(cc) Temperature and Ventilation Standard: The City hereby adopts the standards promulgated by the American Society for the Prevention of Cruelty to Animals (ASPCA) in association with temperature and ventilation standards. The ASPCA has determined that when the outside temperature is 85 degrees the inside of a vehicle will reach 102 degrees within ten (10) minutes, even with the windows cracked. In half an hour, the temperature inside a closed vehicle will soar to 120 degrees, which can be lethal to an animal in minutes. Because animals can’t sweat, they can’t control their body temperature in intense heat, leading to extensive organ damage, heatstroke or suffocation.

(dd) 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; Code 2019; Ord. 1063)

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(cc). 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/harbinger,
- (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.

(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.

(d) It is unlawful for any person to keep or maintain roosters (male chickens), guinea cocks, peacocks or other birds that by nature exhibit loud calls, within the corporate limits of the city.

(Code 1984; Ord. 702; Ord. 851; Code 2015; Code 2022)

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 aggressive, 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 an aggressive, 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; Code 2008; Code 2019)

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. 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)

2-111. 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, harbinger, or keeper, to destroy, soil, defile, 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. Endangering animals.

It shall be unlawful for any person to:

(a) 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.

(b) 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 or entertainment.

(c) 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. In any prosecution under this Chapter involving temperature or ventilation, the City hereby adopts those standards set forth by the American Society for the Prevention of Cruelty to Animals (ASPCA). Exceeding these standards shall be prima facie evidence of endangering an animal's safety.

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

(Code 1984; Ord. 851; Code 2022)

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. Authority to remove animal.

(a) A law enforcement officer, animal control officer, firefighter, or first responder may take all steps that are reasonably necessary to remove an animal from any situation, including a motor vehicle, if the animal's safety, health or well-being appears to such officer to be in immediate danger from injury, heat, cold or lack of adequate ventilation, or any other form of cruelty or neglect. If the City's animal control officer is not present at the scene, such officer who has acted to remove an animal from a dangerous situation pursuant to this section will immediately contact the City's animal control officer to take control of the animal. The animal control officer will transport such animal to a veterinarian or public animal control facility for appropriate treatment and care.

(b) Written notice bearing the contact information for the City's animal control officer shall be left at the scene from which the animal was removed.

(c) Nothing within this section shall be interpreted as a mandate that an officer act pursuant to section (a), and an officer may choose not to act when such officer believes that such action will result in any form of harm to such officer. Additionally, nothing in this section shall be deemed to authorize any individual not identified in subsection (a) to act pursuant to subsection (a), except when such individual is acting at the direction of any such officer.

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, its 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 be 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.

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 or combination thereof, which are in excess of 6 months of age. 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; Code 2022)

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 license 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 a humane trap from animal control or the police department, for placement on their own property for the purpose of capturing such animal. In addition, any animal control or police officer may place such traps if, at and within their discretion, they deem trapping to be necessary for the general health, welfare and safety of any person or persons.

(b) Animal control or police officers shall remove dogs and wildlife caught in animal traps, however cats caught in the traps are the responsibility of the owner or occupant of the property to remove in a humane manner.

(c) 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.

(d) 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; Code 2020)

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 the Chief 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/harbinger 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/harbinger 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 aggressive 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:

- (A) Who was committing, at the time, a criminal trespass or other wrongful act upon the premises lawfully occupied by the owner/harbinger of the dog; or
 - (B) 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
 - (C) Who was committing or attempting to commit a crime; or
- (3) The dog was responding to pain or injury.

(d) 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 harbinger of such animal shall be responsible for the cost of keeping such animal in the animal shelter. The owner, keeper or harbinger 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.

(e) **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 Mayor. Such administrative review shall occur within two weeks of the filing of the notice of appeal. The Mayor, shall determine, 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.

(Code 2019)

2-302. Dangerous dog; failure to confine; destruction and defenses.

(a) It is unlawful for an owner, keeper or harbinger 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 harbinger 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 harbinger shall allow the access to the property where the dangerous animal is being harbored to facilitate inspections and ensure 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 harbinger 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 owner, keeper or harbinger 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 harbinger 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 harbinger 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 harbinger 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 landowner; 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.

(Code 2020)

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 harbinger 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 harbinger 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 harbinger 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)

CHAPTER 3. BEVERAGES

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Article 1. Cereal Malt Beverages

3-101. Definitions.

“Cereal Malt Beverage” means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

3-102. License issued by city.

The “Cereal Malt Beverage License” issued by the city of Haysville pursuant to this article, authorizes the sale of cereal malt beverage as defined in section 3-101, by those retailers in compliance with this article and other laws and regulations that may apply.

3-103. License required of retailer.

(a) It shall be unlawful for any person to sell any cereal malt beverage at retail without a license for each place of business where cereal malt beverages are to be sold at retail.

(b) It shall be unlawful for any person, having a license to sell cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any cereal malt beverage in any other manner.

(c) It shall be unlawful to sell Cereal Malt Beverage for consumption at a special event located upon unpermitted premises within the City (Special Event site) without obtaining both a Special Event Retailers’ Permit and a General Retailers’ License. Individuals are encouraged to apply for a Special Event Retailers’ Permit at least thirty (30) days prior to applying for the associated General Retailers’ License to complete the approval processes of both the proposed special event and special event site. (1) A special event retailers’ permit shall specify the premises, including outdoor area, for which the permit is issued, and may be held on public property with approval of the Governing Body; (2) a special event retailers’ permit shall be issued for the duration of the identified special event, the dates and hours of which shall be specified in the permit; (3) no more than four special event retailers’ permits may be issued to any one applicant in a calendar year; (4) a special event retailers’ permit shall not be transferable or assignable, to either another person, another location, or another date; (5) if a premises waiver, as described in Section 9, is required, such waiver must be obtained as part of the Special Event Retailers’ permitting process; (6) a Special Event Retailers’ Permit must be posted at the Special Event site during all hours of operation of the Special Event site; and (7) a special event retailers’ permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act.

3-104. Application.

Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

- (a) The name and residence of the applicant;
- (b) The particular place for which a license is desired;
- (c) The name of the owner of the premises upon which the place of business 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;

(e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;

(f) Each application for a general retailer's license shall be accompanied by a certificate from the official(s) designated by the Director of Public Works certifying that he or she has inspected the premises to be licensed; and

(g) Each application for a general retailer's license must be accompanied by a certificate from the county fire marshal certifying that he or she has inspected the premises to be licensed.

The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. Upon receipt of all information required by this article, verification by the city inspector that the premises for which a license is sought meets all zoning regulations and that such premises has passed inspection by the county fire department, and after the city inspector, chief of police and city attorney review such application, the application shall then be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

(Ord. 1088; Code 2022)

3-105. License application procedures.

(a) All applications for a new and renewed cereal malt beverage license shall be submitted to the city clerk.

(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The clerk's office shall provide copies of all applications to the police department, to the fire department, and to the county health department, when they are received. The police department will run a record check on all applicants and the fire department and health department will inspect the premises. The departments will then recommend approval, or disapproval, of applications within 15 working days of the department's receipt of the application.

(d) The governing body will not consider any application for a new or renewed license that has not been submitted 15 days in advance and been reviewed by the above city departments.

(e) An applicant who has not had an cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.

3-106. License granted; denied.

(a) The minutes of the governing body shall show the action taken on the application.

(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.

(c) No license shall be transferred to another licensee.

(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

3-107. License to be posted.

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

3-108. License, disqualification.

No license shall be issued to:

(a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Sedgwick county for at least six months prior to filing of such application.

(b) A person who is not a citizen of the United States.

(c) A person who is not of good character and reputation in the community in which he or she resides.

(d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.

(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.

(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.

(g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.

3-109. Restriction upon location.

(a) No license shall be issued for the sale at retail of any cereal malt beverage on premises which are located in areas not zoned for such purpose except for waivers associated with a Special Event Retailer's License or as otherwise provided for within this section.

(b) It shall be unlawful to sell or dispense at retail any cereal malt beverage at any place within the city limits that is within a 200-foot radius of any church or school measured from the nearest property line to the nearest property line of a church or school.

(c) Provisions shall not apply to any establishment holding a private club license issued by the State of Kansas.

(d) The distance limitation of subsection (b) above shall not apply to any establishment holding an cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

3-110. Special event location.

Special Event Retailers' Licenses may be issued for an identifiable outdoor location including public sites (Special Event permitted site), but shall not be located within a public roadway unless such roadway shall have been closed to traffic by action of the Governing Body.

(a) Special Event Retailers' License shall in no manner be construed to allow Cereal Malt Beverages to be consumed inside vehicles while on public streets, alleys, roads or highways regardless of the boundaries of any such Special Event permitted site.

(b) No person shall remove any Cereal Malt Beverage from inside the boundaries of a Special Event permitted site as such area is described within the approved Special Event Permit.

(c) The boundaries of such Special Event permitted site shall be clearly marked by signs, a posted map, fence or other means which reasonably identify the area in which cereal malt beverage may be possessed or consumed at such Special Event, as approved through the special event permit application process.

(d) No person shall possess or consume either Cereal Malt Beverage or alcoholic liquor inside the premises licensed as a Special Event that was not sold or provided by the licensee holding the associated State and/or City issued permits and licenses.

(e) The Governing Body shall require the holder of the Special Event Retailers' License to provide adequate insurance, naming the City as an additional insured, if such Special Event is to take place on any public property or roadway.

(f) Special Event means a picnic, bazaar, festival or other similar community gathering.

3-111. License fee.

The rules and regulations regarding license fees shall be as follows:

(a) General Retailer - for each place of business selling cereal malt beverages at retail, as set forth in Chapter 17.

(b) Limited Retailer - for each place of business selling only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises, as set forth in Chapter 17.

(c) Special Event Retailer - In addition to the fees charged for General Retailers Licenses, there shall be a daily fee assessed for a Special Event Retailers' Permit based upon the number of days requested to operate

the Special Event site, payable upon approval of the Special Event Retailers' Permit, such fees as set forth in Chapter 17 of this municipal code.

Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued. There shall be no refunds in cases where the licensee quits business prior to the end of the calendar year.

3-112. Suspension of license.

The chief of police, upon five days' written notice, shall have the authority to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this article or other laws pertaining to cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven days from the date of such order.

3-113. License suspension/revocation by governing body.

The governing body of the city, upon five days' written notice, to a person holding a license to sell cereal malt beverages shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

(a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;

(b) If the licensee has violated any of the provisions of this section or has become ineligible to obtain a license under this section;

(c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling cereal malt beverages;

(d) The sale of cereal malt beverages to any person under 21 years of age;

(e) For permitting any gambling in or upon any premises licensed;

(f) For permitting any person to mix drinks with materials purchased in any premises licensed or brought into the premises for this purpose;

(g) For the employment of any person under the age established by the State of Kansas for employment involving dispensing cereal malt beverages;

(h) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;

(i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed;

(j) The nonpayment of any license fees;

(k) If the licensee has become ineligible to obtain a license;

(l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club or drinking establishment.

3-114. Same; appeal.

The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Sedgwick county and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

3-115. Change of location.

If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee as provided in Chapter 17 of the City Code. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

3-116. Wholesalers and/or distributors.

It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver cereal malt beverages within the city, to persons authorized to sell the same within this city unless such wholesaler and/or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales.

3-117. Business regulations.

It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by subsection (d), no cereal malt beverages may be sold or dispensed;

(1) Between the hours of 12:00 midnight and 6:00 a.m.;

(2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises.

(d) Cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

(g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under 21 years of age.

(i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

3-118. Prohibited conduct on premises.

The following conduct by a cereal malt beverage licensee, manager or employee of any licensed cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/female's pubic hair, anus, buttocks or genitals;

(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of any other employee or any patron;

(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law;
or

(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d).

(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;
- (2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;
- (3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

(g) The term premises means the premises licensed by the city as a cereal malt beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

3-119. Sanitary conditions required.

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

3-120. Underage violations.

(a) No person under legal age for consumption of Cereal Malt Beverage shall obtain or purchase, or attempt to obtain or purchase, cereal malt beverage from any person except as authorized by law. Violation of this subsection by a person eighteen (18) or more years of age but less than the legal age for consumption of cereal malt beverage is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or by forty (40) hours of public service, or by both.

(b) No person under the legal age for consumption of Cereal Malt Beverage shall possess or consume Cereal Malt Beverage except as authorized by law. Violation of this subsection by a person eighteen (18) or more years of age but less than the legal age for consumption of cereal malt beverage is a misdemeanor punishable:

- (1) By a fine of not less than \$100 and not more than \$250 or by forty (40) hours of public service, or by both, if committed on licensed premises; or
- (2) By a fine of not less than \$25 and not more than \$250 or by ten (10) hours of public service, or by both, if committed on any other premises.

(c) Any person less than eighteen (18) years of age who violates this section is a juvenile offender under the Kansas Juvenile Justice Code and, upon adjudication thereof, shall be required as a condition of disposition to pay for the fine or perform the public service, or both, specified as punishment for the offense under subsection (a) or (b).

(d) This section shall not apply to the possession and consumption of Cereal Malt Beverage by a person under the legal age for consumption of Cereal Malt Beverage when such possession and consumption is permitted and supervised, and such beverage is furnished by the person's parent or legal guardian.

3-121. Furnishing cereal malt beverages to minors.

(a) Furnishing Cereal Malt Beverage to a minor is buying for or selling, giving or furnishing, whether directly or indirectly, any Cereal Malt Beverage to any person under the legal age for consumption.

(b) Furnishing Cereal Malt Beverage to a minor is a Class B Misdemeanor.

(c) This section shall not apply to the furnishing of Cereal Malt Beverage by a parent or legal guardian to such parent's child or such guardian's ward.

3-122. Unlawful marketing.

(a) No retailer, or employee or agent of a retailer, licensed to sell Cereal Malt Beverage for consumption on the licensed premises shall:

- (1) Offer or serve any free drink to any person;
- (2) Serve more than two (2) drinks to one person at one time;
- (3) Sell, offer to sell or serve to any one person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;
- (4) Sell, offer to sell or serve any drink to any person or anyone at a price less than that charged the general public on that day, except at private functions not open to the general public;
- (5) Increase the size of a drink of Cereal Malt Beverage without increasing proportionately the price regularly charged for the drink on that day;
- (6) Encourage or permit, on the licensed premises, any game or contest which involves drinking Cereal Malt Beverage or the awarding of drinks as prizes; or
- (7) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a) (1) through (6).

(b) Nothing in subsection (a) shall be construed to prohibit a retailer from:

- (1) Offering free food or entertainment at any time; or
- (2) Including a drink as part of a meal package.

(c) Violation of any provisions of this section is a Class C misdemeanor punishable as provided by sections 11-1201.

(d) Violation of any provisions of this article shall be grounds for suspension or revocation of the retailer's license as provided by Section 3-113.

(e) As used in this section, "drink" means an individual serving of Cereal Malt Beverage.

3-123. Possession; alcoholic liquor, tavern.

No person, while in a tavern or place of business, shall have in his or her possession any alcoholic liquor on the premises where Cereal Malt Beverages are sold, other than a club licensed by the Alcoholic Beverage Commission. Any person violating the provisions of this section shall be deemed guilty of a violation of this code and upon conviction thereof, shall be punished by a fine of not more than one-hundred dollars (\$100) and by imprisonment for not more than thirty (30) days.

3-124. Possession; cereal malt beverage.

It shall be unlawful for any person to have Cereal Malt Beverage in an open container in their possession, upon any public street, public right-of-way, public owned property or parking lot open to the public within the corporate city limits. Any person violating this section shall on conviction thereof be fined not less than twenty-five dollars (\$25) nor more than five-hundred dollars (\$500) or imprisoned not more than six (6) months or both fined and imprisoned.

3-125. Disorderly conduct prohibited.

It shall be unlawful for the owner, manager, operator, proprietor, employees or person in charge of any place of business wherein Cereal Malt Beverages are sold, within the corporate limits of the city, to allow, permit or suffer to knowingly fail to report to the police, any person or persons to indulge in or practice any disorderly conduct. For purposes of this section, disorderly conduct is defined as: with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or breach of the peace:

Engaging in brawling or fighting;

(a) Disturbing an assembly, meeting, or processing, not unlawful in its character;

(b) Addressing abusive language to any person present, which is likely to provoke a violent response;

(c) Doing of any act with knowledge or probable cause to believe that such act will alarm, anger or disturb others or provoke an assault or any other breach of the peace.

3-126. Penalty.

Any person violating any of the provisions of this article where the penalty has not otherwise been fixed, shall upon conviction thereof, be fined in accordance with the general penalty provisions of this code as set out in section 1-121.

(Ord. 1059)

Article 2. Entertainers

3-201. Entertainer registration.

Owners or operators of establishments that have a cereal malt beverage license shall register all entertainers performing for compensation in those establishments with the police department and a license fee shall be charged as set out in Chapter 17. Each license issued shall expire on December 31st of each year, regardless of when license was issued.

(Code 1984, Code 2004)

3-202. Sitting with customers.

It shall be unlawful for any entertainer or performer licensed hereunder employed in any room, place or space in the city in which any musical entertainment, singing or dancing, or discotheque dancing, or similar entertainment is permitted and which is required to be licensed under Article 1 of this chapter and in which cereal malt beverages are sold to sit at or occupy any table or counter when any patron or spectator of said establishment is also sitting or occupying said table or counter.

(Code 1971, Sec. 3-204)

3-203. Socializing with customers.

No entertainer or performer licensed hereunder employed in any establishment licensed under Article 1 of this chapter, shall mix socially therein with any patron or spectator for any purpose. Normal duties as a waitress or other regular employee shall not constitute mixing socially.

(Code 1971, Sec. 3-205)

3-204. Same.

It shall be unlawful to permit any entertainer or performer licensed hereunder to sit at or occupy any table or counter of the establishment wherein they are employed, when the same is occupied by any patron or spectator, or to mix socially therein with any patron or spectator for any purpose.

(Code 1971, Sec. 3-206)

3-205. Costumes.

It shall be unlawful for any entertainer or performer licensed hereunder to perform any manner of obscene, lewd, lustful, lascivious, prurient or sexually indecent dance and it shall be unlawful to allow any such performance. It shall be prima facie evidence of violation of this section to wear any costume or other clothing which does not cover or which is transparent or does not conceal the reproductive or sexual organs, the buttocks, or the female breasts.

(Code 1971, Sec. 3-207)

3-206. Entertainer registration; denial or revocation.

No person who within two (2) years preceding the date of making application has been convicted of any felony or of any crime involving a morals charge or the violation of any intoxicating liquor law of the city, state of Kansas or United States shall be issued an entertainer registration and any such entertainer registration required herein may be revoked permanently by the governing body upon hearing at any regular meeting of the governing body, and may be suspended immediately for not to exceed thirty (30) days by the chief of police for any of the following reasons:

- (a) If the registrant has fraudulently obtained the entertainer registration by giving false information therefor;
- (b) Drunkenness of the registrant;
- (c) Violation of any provisions of city ordinances or state statutes pertaining to the sale of intoxicating liquor or beverages;
- (d) The conviction of any felony or of any crime involving a morals charge or the violation of any intoxicating liquor law of the city, state or United States.

For the purposes of this section “morals charge” shall include those charges involving prostitution, pimping, indecent exposure, lewd and lascivious conduct, illegal use, possession or sale of narcotics, marijuana, amphetamines, barbiturates, or other controlled substance or gambling.

(Code 1971, Sec. 3-208; Code 1984; Code 2003)

3-207. Penalty.

Any person, corporation, firm, company, association or other entity violating any provisions of this article shall be guilty of a violation of this code and upon conviction thereof shall be punished by a fine of not to exceed \$500 or by imprisonment for not more than one year or by both such fine and imprisonment.

(Code 1971, Sec. 3-209)

Article 3. Alcoholic Liquor

3-301. Occupation tax.

There is hereby levied a biennial occupation tax on each retailer of alcoholic liquor (including beer containing more than three and two-tenths percent (3.2%) of alcohol by weight for consumption off of the premises (sales in the original package only) as set out in Chapter 17, in the city who has a retailer's license issued by the State Director of Alcoholic Beverage Control.

(Code 1971, Sec. 3-301, Ord. 577-A; Code 2003; Code 2007; Ord. 976)

3-302. Occupation tax; procedure.

A holder of a license for the retail sale of alcoholic liquors by the package in the city, issued by the State Director of Alcoholic Beverage Control shall present such license within five (5) days when applying to pay the occupation tax levied in section 3-301 and the tax shall be received and receipt issued by the city clerk for the period covered by the state license. An additional fee as set out in Chapter 17 will be assessed if more than five (5) days lapse after the effective date of the state license.

(Code 1971, Sec. 3-302; Code 2003; Code 2007)

3-303. Occupation tax; posted.

Every licensee shall cause the city alcoholic liquor retailer's occupation tax receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

(Code 1971, Sec. 3-303)

3-304. Occupation tax; penalty; general penalty provision.

Any person, co-partnership, association or other entity having a state license to sell retail alcoholic liquor by the package who shall fail to pay the occupation tax herein levied within the time prescribed or who shall violate any other provisions of this article shall upon conviction be fined not more than one-hundred dollars (\$100) for each day's violation. Nothing herein shall be construed to prohibit the city from collecting the occupation tax by any procedure authorized by law.

(Code 1971, Sec. 3-304; Ord. 976)

3-305. Alcoholic liquor.

Alcoholic liquor includes the following four varieties of liquor as defined below, namely alcohol, spirits, wine and beer, and every liquid or solid patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings, but shall not include any beer or cereal malt beverage containing not more than three and two-tenths percent (3.2%) of alcohol by weight:

(a) Alcohol means the product of distillation of any fermented liquor, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol;

(b) Beer when its meaning is not enlarged, modified or limited by other words, means a beverage containing more than three and two-tenths percent (3.2%) of alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, port and the like having such alcoholic content;

(c) Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes but is not limited to brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances;

(d) Wine means any alcoholic beverage obtained by normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries, or other agricultural products, including such beverages containing added alcohol or spirits as above defined, or containing sugar added for the purpose of correcting natural deficiencies.

(K.S.A., 41-102; Code 1971, Sec. 3-307)

3-306. Exceptions.

None of the provisions of this article shall apply to the following:

(a) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in strict practice of his or her profession;

(b) Any hospital or other institution caring for sick and diseased persons, from possessing or using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(c) Any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(d) The possessing or dispensing of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(e) The selling or possessing of flavoring extract, syrups or medicinal, mechanical, scientific, culinary or toilet preparations or food products unfit for beverage purposes.

(Code 1971, Sec. 3-308)

3-307. Purchase, possession, and consumption of alcoholic liquor by person under twenty-one years of age.

(a) No person under the age of twenty-one (21) years of age shall possess, consume, obtain, purchase, or attempt to obtain or purchase alcoholic liquor except as authorized by law.

(b) Any person less than eighteen (18) years of age who violates this section is a juvenile offender under the Kansas Juvenile Justice Code. Upon adjudication thereof as a condition of disposition the court shall require the offender to pay a fine of not less than one-hundred dollars (\$100) nor more than five-hundred dollars (\$500).

(c) In addition to or in lieu of any other penalty provided for a violation of this section, the court may order the offender to do either or both of the following:

(1) Perform forty hours (45) of public service; or

(2) Attend and satisfactorily complete a suitable educational and training program dealing with the effects of alcohol or chemical substances when ingested by humans.

(Ord. 595; Code 2003)

3-308. Hours of sale.

No person shall sell at retail any alcoholic liquor on:

- (a) Easter Day, Thanksgiving Day or Christmas Day; or
- (b) before 9:00 a.m. or after 11:00 p.m. Monday through Saturday; or
- (c) before 12:00 noon or after 8:00 p.m. on Sunday.

(Ord. 947)

Article 4. Drinking Establishments, Private Clubs, Caterers, Temporary Permit

3-401. Definitions.

(a) Alcoholic liquor: Means 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.

(b) Caterer: Means an individual, partnership or corporation that sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises that may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

(c) Cereal Malt Beverage: Means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(d) Class A Club: A premises that is owned or leased by a corporation, partnership, business trust or association and that is operated thereby as a bonafide nonprofit social, fraternal or war veterans' club, as determined by the state of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

(e) Class B Club: A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(f) Club: Means a Class A or Class B club.

(g) Drinking Establishment: Means premises that may be open to the general public, where alcoholic liquor by the individual drink is sold.

(h) Temporary Permit: Means a permit, issued in accordance with the laws of the state of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.

(Code 1988; Ord. 577; Code 2003)

3-402. Restriction on location.

(a) No alcoholic liquor shall be sold or served by a person holding a license or permit from the city whose place of business or other premises are located within five hundred (500) feet of any church, school, or library, said distance to be measured from the nearest property line of such church, school, or library, to the nearest portion of the building occupied by the premises.

(b) The distance location of subsection (a) above shall not apply to a club, drinking establishment, caterer or temporary permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.

(c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the city or conflicts with other city laws, including building and health codes.

(d) Pursuant to this Code, a Special Event Permits may be issued for an identifiable outdoor location including public sites (Special Event permitted site), but shall not be located within a public roadway unless such roadway shall have been closed to traffic by action of the Governing Body.

- (1) A Special Event Permit shall in no manner be construed to allow alcoholic beverage(s) to be consumed inside vehicles while on public streets, alleys, roads or highways regardless of the boundaries of any such Special Event permitted site.
- (2) No person shall remove any alcoholic beverage from inside the boundaries of a Special Event permitted site as such area is described within the approved Special Event Permit.
- (3) The boundaries of such Special Event permitted site shall be clearly marked by signs, a posted map, fence or other means which reasonably identify the area in which cereal malt beverage may be possessed or consumed at such Special Event, as approved through the special event permit application process.
- (4) No person shall possess or consume either cereal malt beverage or alcoholic liquor inside the premises licensed as a Special Event that was not sold or provided by the licensee holding the associated State and/or City issued permits and licenses.
- (5) The Governing Body may shall require the holder of the Special Event Permit to provide adequate insurance, naming the City as an additional insured, if such Special Event is to take place on any public property or roadway.
- (6) Special Event means a picnic, bazaar, festival or other similar community gathering which has been approved by the Governing Body.

(Code 1988; K.S.A. 41-719; Code 2015)

3-403. Minors on premises.

(a) It shall be unlawful for any person under the age of twenty-one (21) years to remain on any premise where the sale of alcoholic is licensed for on-premise consumption, or where a caterer or temporary permit holder is serving alcoholic liquor.

(b) It shall be unlawful for the owner, operator, lessee, manager or person in charge of any premise licensed for on-premise consumption of alcoholic liquor, or a caterer or temporary permit holder who is serving alcoholic liquor, to permit any person under the age of twenty-one (21) years to remain on the premises.

(c) This section shall not apply if the person under the age of twenty-one (21) years is accompanied by his or her parent or guardian; or if the person under twenty-one (21) years of age is at least eighteen (18) years of age and employed at the premises as a server as defined by K.S.A. 41-2610; or if the licensed or permitted premise derives not more than fifty percent (50%) of its gross receipts in each calendar year from the sale of alcoholic liquor for on-premise consumption.

(Code 1988; Ord. 577; Code 2003, Ord. 842, Code 2004)

3-404. Consumption on public property.

No person shall drink or consume any alcoholic liquor on city owned public property, except in accordance with a properly issued Special Event Permit issued by the City and associated with a temporary permit issued by the State.

(Code 1988; Ord. 577; K.S.A. 41-719; Code 2015)

3-405. Penalty.

If the licensee or permit holder has violated any of the provisions of this article the governing body of the city, upon five (5) days written notice to a person holding a license or permit to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license or permit and the individual holding the license or permit may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

- (a) a fine of not more than \$499; or,
- (b) imprisonment in jail for not more than 179 days; or
- (c) both such fine and imprisonment not to exceed (a) and (b) above.

(Code 1988; Ord. 577; Code 2003)

3-406. Drinking establishments, license required.

It shall be unlawful for any person granted a drinking establishment license by the state of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a city license from the city clerk.

(Code 1988; Ord. 577; Code 2003)

3-407. Same, license fee.

(a) There is hereby levied a biennial license fee on each drinking establishment located in the city that has a drinking establishment license issued by the State Director of Alcoholic Beverage Control as set out in the Chapter 17.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license or within five (5) days of the effective date of the state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city. An additional fee as set out in Chapter 17 will be assessed if more than five (5) days have lapsed after the effective date of the state license.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

(Code 1988; Ord. 577; 577-A; Code 2003; Ord. 976)

3-408. Same, business regulations.

(a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverage for on premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

(Code 1988; Ord. 577; Code 2003)

3-409. Same, penalty.

If the licensee has violated any of the provisions of this article, the governing body of the city, upon five (5) days' written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

(a) A fine of not more than \$499; or

(b) Imprisonment in jail for not more than 179 days; or

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

(Code 1988; Ord. 577; Code 2003)

3-410. Private clubs, license required.

It shall be unlawful for any person granted a private club license by the state of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a local license from the city clerk.

(Code 1988; Ord. 577; Code 2003)

3-411. Same, license fee.

(a) There is hereby levied a biennial license fee on each private club located in the city that has a private club license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license. The fee shall be as set out in Chapter 17.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city. An additional fee as set out in Chapter 17 will be assessed if more than five (5) days have lapsed after the effective date of the state license.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city club license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

(Code 1988; Ord. 577; Code 2003; Ord. 976)

3-412. Same, business regulations.

(a) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) No club membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under twenty-one (21) years of age.

(Code 1988; Ord. 577; Code 2003)

3-413. Same, penalty.

If the licensee has violated any of the provisions of this article the governing body of the city, upon five (5) days' written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

- (a) A fine of not more than \$499; or
- (b) Imprisonment in jail for not more than 179 days; or
- (c) Both such fine and imprisonment not to exceed (a) and (b) above.

(Code 1988; Ord. 577; Code 2003)

3-414. Caterers, license required.

It shall be unlawful for any person licensed by the state of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from the city clerk.

(Code 1988; Ord. 577; Code 2003)

3-415. Same, license.

(a) There is hereby levied a biennial license fee as set out in Chapter 17, on each caterer doing business in the city who has a caterer's license issued by the State Director of Alcoholic Beverage Control, which fee shall be paid before business is begun under an original license and within five (5) days after any renewal of a state license.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

(Code 1988; Ord. 577; Code 2003; Ord. 976)

3-416. Same, business regulations.

(a) No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day

(b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

(Code 1988; Ord. 577; Code 2003)

3-417. Same, notice to chief of police.

Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the chief of police at least fifteen (15) days prior to the event if the event will take place within the city. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

(Code 1988; Ord. 577; Code 2003)

3-418. Same, penalty.

If the licensee has violated any of the provisions of this article, the governing body of the city, upon five (5) days' written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

(a) A fine of not more than \$499; or

(b) Imprisonment in jail for not more than 179 days; or

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

(Code 1988; Ord. 577; Code 2003)

3-419. Temporary permits, required.

It shall be unlawful for any person granted a temporary permit by the state of Kansas to sell or serve any alcoholic liquor within the city without first obtaining a local temporary permit from the city clerk, and a Special Event Permit if applicable to the site and/or event.

(Code 1988; Ord. 577; Code 2003; Code 2015)

3-420. Same, permit fee.

(a) There is hereby levied a temporary permit fee as set out in Chapter 17, on each group or individual holding a temporary permit issued by the director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.

(b) In addition to the fees charged for a temporary permit fee as provided in subsection (a), there shall be a daily fee assessed for a Special Event Permit based upon the number of days requested to operate the Special Event site, payable upon approval of the Special Event Permit, such fees and payment schedule as set forth in Chapter 17 of this municipal code.

(Code 1988; Ord. 577; Code 2003; Code 2015)

3-421. Same, city temporary permit.

(a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first obtaining a special event permit in conformance with this Code from the city at least fifteen (15) days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:

- (1) The name of the applicant;
- (2) The group for which the event is planned;
- (3) The location of the event;
- (4) The date and the time of the event;
- (5) Any anticipated need for police, fire or other municipal services.

(b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a), the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.

(c) The city clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

(d) The provisions of this section shall be interpreted in conformance with K.S.A. 41-719.

(Code 1988; Ord. 577; Code 2003; K.S.A. 41-719; Code 2015)

3-422. Same, permit regulations.

(a) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary permit has been issued.

(b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

(Code 1988; Ord. 577; Code 2003)

3-423. Same, penalty.

If the permit holder has violated any of the provisions of this article the governing body may revoke such temporary permit, and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

- (a) A fine of not more than \$499; or
- (b) Imprisonment in jail for not more than 179 days; or

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

(Code 1988; Ord. 577; Code 2003)

3-424. Prohibited conduct.

The following conduct by a club licensee or employee of any licensed club is deemed contrary to public welfare and is prohibited:

(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/females pubic hair, anus, buttocks or genitals;

(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any other employee or any patron;

(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law;
or

(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d) of this section.

(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;

(2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;

(3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

(Ord. 471; Code 1984, Sec. 3-415)

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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, enlarging, altering, demolishing, locating, relocating or removing any building or structure, or changing the occupancy of a 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.

(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 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 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 chapter within the boundaries of the city shall be by the building official(s) designated by the Director of Public Works, and jurisdiction for 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.

(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)

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 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 or 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 4-208, 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 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 amend, 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 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, 2018 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, 2018 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 August 15, 2018, (Res. No. 120-2018), to be made effective August 15, 2018, 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, be understood to reference 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 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 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 Director of Public Works. 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 less than 100 square feet and the structure location is not impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property.
- (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) Playhouses or treehouses having single or multi-level with or without roofs.
- (4) Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences 6 feet (1828.8 mm) or less in accordance to the current fence ordinance recognized in Chapter 4 of the current City of Haysville code.
- (5) Signs shall be regulated by the City's sign regulations (e.g., section 4-1500s).

- (6) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- (7) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- (8) Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
- (9) Decks, stoops, and porches not more than 30 inches (762 mm) above adjacent grade without overhead structures and not over any basement or story below.
- (10) Replacement of floor covering, painting, papering, tiling, carpeting, cabinets, counter tops, paneling and similar finish work.
- (11) Prefabricated swimming pools that are less than 24 inches (610 mm) deep that meet the requirements of Chapter 4, Article 9 of the current City of Haysville code.
- (12) Swings and other playground equipment accessory to a one or two family dwelling.
- (13) Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- (14) Emergency board-up, or securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided that the City of Haysville is notified the following business day.
- (15) Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m²) within any 12 month period.
- (16) Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m²) within any 12 month period and provided that no framing, electrical, mechanical or plumbing changes have been made.
- (17) Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit (s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supporting framing member (s). The framing used to infill existing openings for the purpose of installing smaller unit (s) shall be exempt from permit requirements. Placements of smaller window or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door (s) required in Sections R310 and R311 of this code. The replacement door or window shall not be of a lower fire rating than required by this code for any rated wall or assembly.
- (18) 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.

ELECTRICAL:

Exemptions for electrical permits shall be governed by Chapter 4 of the City of Haysville code.

GAS:

- (1) Portable heating, cooking or clothes drying appliances.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (3) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

MECHANICAL:

- (1) Portable heating appliances.
- (2) Portable ventilation appliances.
- (3) Portable cooling units.
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
- (5) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (6) Portable evaporative coolers.
- (7) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- (8) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, water or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section R105.2.1 of the International Residential Code, is amended as follows:

R105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Section R105.2.2 of the International Residential Code, is amended to read as follows:

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or removal or change of any required means of egress, or rearrangement of parts of a structure affecting the

egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any gas, mechanical or other work affecting public health or general safety.

PERMIT EXPIRATION. Section R105.5 of the International Residential Code is amended to read as follows:

R105.5 Expiration. Every permit issued shall expire unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last requested inspection. Before work can be recommenced, the permit must be re-instated. The fee for re-instatement shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. In order to resume work after suspension or abandonment for a period exceeding one year, a new permit shall be required. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

PLACEMENT OF INSPECTION RECORD CARD AND ADDRESS MARKER. Section R105.7 of the International Residential Code is amended to read as follows:

R105.7 Placement of inspection record card and address marker. The inspection record card shall be kept on the site of the work until the completion of the project. Work requiring a permit shall not be commenced until the inspection record card is posted or otherwise made available on the site. The inspection record card shall be maintained and available on site until final inspection approval has been granted by the building official. Work shall not be started until the address meets the requirements of 4-101A of the current city code and is posted in such a position as to be plainly visible and legible from the street or road fronting the site.

FEES.

R108 Fees shall meet the requirements of Chapter 17 of the current City of Haysville city code.

ALTERNATIVE PROVISIONS. Section R301.1.1 of the International Residential Code is amended to read as follows:

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to the limitations of this Code and the limitations therein. Where engineered design is used in conjunction with these standards the design shall comply with the International Building Code.

- (1) American Forest and Paper Association (AAF&PA) Wood Frame Construction Manual (WFCM).
- (2) American Iron and Steel Institute (AISI) Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings (COFS/PM) with Supplement to Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings.
- (3) The Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

(4) The City of Wichita Standard for Residential Wood Framed Decks – Deck Standards.

Sec. 2.4.115. - Table R301.2 (1) of the International Residential Code is amended to read as follows:

Table R301.2 (1) Climatic and Geographic Design Criteria. The Climatic and Geographic Design Criteria for building design shall be as provided in Table R301.2 (1).

Table R301.2 (1) of the International Residential Code is amended to read as follows:

TABLE R301.2 (1) - SECTION R301, DESIGN CRITERIA		
Climatic and Geographic Design Criteria for Sedgwick County, Ks.		
Ground Snow Load – 15 psf		Design Temps
Wind Speed (mph) – 76w/90-3 sec. gust		Air Freezing Temp. – 400
Seis. Design Cat. - A		Mean Air Temp. - 55-60 deg.
Weathering – Severe		Summer - 98 2.5% dry bulb
Frost Line Depth - 24 inches		Winter - 76 2.5% wet bulb
Termite - Mod./Severe		Winter Design Temp. - 97.50% - 7
Ice Barrier - None Required		Heating Degree Days - 4,620
	Roof	Floor
Dead Load	10 lb. psf	10 lb. psf
Live Load	20 lb. psf	40 lb. psf

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been any history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site- specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ - percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be submitted to reflect local climates or local weather experience as determined by the building official.

- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- h. In accordance with Sections R905.2.7.a, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES”. Otherwise, the jurisdiction shall fill in this part of the table with “NO”.
- i. The jurisdiction shall fill in this part of the table with the 100-year return period freezing index (BF-days) from Figure R403.3 (2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index - USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index - USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.

SEC. 2.4.120. – LIVE LOAD.

Section R301.5 of the International Residential Code, is amended to read as follows:

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage ^{b, g, h}	20
Attics without storage ^b	10
Guardrails and handrails ^d	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails ^d	200 ⁱ
Guardrails in-fill components ^f	50 ^a
Rooms other than sleeping rooms	50
Sleeping rooms	40
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

- b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300- pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:
 - 1. The attic area is accessible by a pull-down stairway or framed opening in accordance with Section R807.1;and
 - 2. The truss has a bottom chord pitch less than 2:12.
- h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.
- i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

302.1 Exterior walls is deleted.

Opening Protection is added to read as follows: Section R302.5.1 of the International Residential Code is amended to read as follows: R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb- core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

HABITABLE ROOMS. Section R303.1 of the International Residential Code is amended to read as follows:

R303.1 Habitable rooms. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall not be less than 4 percent of the floor area being ventilated.

Exceptions:

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
2. The glazed area need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) of the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

In new dwellings and additions to existing one and two family dwellings, where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to serving the new addition, an outside air duct shall be connected to the main return air duct, prior to filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.
2. 1501 sq. ft. to 2000 sq. ft. 5 inch diameter or 19.6 square inches.
3. 2001 sq. ft. and larger 6 inch diameter or 28.3 square inches. All areas listed exclude finished basement area. The outside air duct shall be provide with a ¼ inch mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

BATHROOMS. Section R303.3 of the International Residential Code, is amended to read as follows:

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 (0.3 m²) square feet, one- half of which must be openable.

Exceptions:

The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or into a properly ventilated attic when all of the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of 36 inches above the top of the ceiling framing members, and shall not discharge upon any building element.
2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.
3. The exhaust duct(s) shall terminate above the top of the attic insulation with a “goose-neck” installed to prevent infiltration of insulating material into the duct.
4. Exhaust duct(s) run above the insulation inside of attics shall be insulated.

SECTION R309.5 FIRE SPRINKLERS.

Section R309.5 of the International Residential Code is hereby deleted.

MINIMUM OPENING AREA, HEIGHT AND WIDTH. Sections R310.2.1 through R310.2.3 of the International Residential Code are amended as follows:

R310.2.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4.5 (0.418 m²) square feet with the window in an open position, with a total break-out area of 5.7 (0.530 m²) square feet. The minimum net clear opening shall be maintained to a public way, yard or court.

R310.2.2 Minimum opening height. The minimum net clear opening height shall be:

19¾ inches (501.7 mm) plus or minus ¼ inch for single, double hung and awning style windows.

For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of 4.5 (114.3 mm²) square feet with a total break-out area of 5.7 (0.530 m²) square feet.

R310.2.3 Minimum opening width. The minimum net clear opening width shall be:

1. 17 inches (431.8 mm) plus or minus ¼ inch in the open position for casements and slider windows.
2. 30¼ (768.35 mm) inches plus or minus ¼ inch for single and double hung units.

LADDER AND STEPS. Section R310.2.3.1 of the International Residential Code is amended to read as follows:

R310.2.3.1 Ladders, steps and fall protection. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) to the back of the rung from the wall and shall be spaced not more than 12 inches (305 mm) on center vertically for the full height of the window well. Window wells with a vertical depth of more than 30 inches (762 mm) shall be provided with guardrails that are designed in accordance with Section R312, or a protective cover designed to a minimum of 20 pounds per square foot (0.96 KN per m²) uniformly distributed live load. Window well covers shall be provided with an emergency egress hatch

located above the ladder or steps, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N) and shall not require the use of keys, more than one operation, or any special knowledge or effort. Window well covers, grates, and guardrails shall be constructed of materials approved for exterior use.

WINDOW WELL DRAINAGE. Section R310.2.3.2 Drainage of the International Residential Code is hereby added to read as follows:

R310.2.3.2 Drainage. Window wells shall be designed for proper drainage by connecting to the existing foundation drainage system required by Section R405.1 or by an approved alternative method. If no existing foundation drainage system has been installed, the entire window well area shall have a minimum depth of 12" of washed gravel or crushed rock below the floor level.

Exception:

A drainage system for window wells is not required when the foundation is on well- drained soil or sand-gravel mixture soils according to the U.S. Soil Classification System, Group I Soils, as detailed in Table 405.1.

FLOOR ELEVATIONS FOR OTHER EXTERIOR DOORS. Section R311.3.2 of the International Residential Code is amended to read as follows:

R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches below the top of the threshold.

Exception:

A landing is not required where a stairway of four or fewer risers is located on the door, provided the door does not swing over the stairway.

RISERS. Section R311.7.5.1 of the International Residential Code is amended to read as follows:

R311.7.5.1 Risers: The maximum riser height shall be 8 (203 mm) inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

TREADS. Sections R311.7.5.2 and R3.11.7.5.2.1 of the International Residential Code are amended to read as follows:

R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.5.2.1 Winder and circular treads. Winder and circular treads shall have a minimum tread depth of 9 inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder or circular tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

HANDRAILS. Section R311.7.8.1 of the International Residential Code is amended to read as follows:

R311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (864 mm) and not more than 38 inches (965 mm).

Exceptions:

1. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.
2. When handrail fittings or bendings are used to provide continuous transition between flights, transitions at winder treads, the transition from handrail to guardrail, or used at the start of a flight, the handrail height at the fittings or bending's shall be permitted to exceed the maximum height.

HANDRAILS CONTINUITY. Section R311.7.8.4 of the International Residential Code is amended to read as follows:

R311.7.8.4 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs. Handrails adjacent to a wall shall have a space of not less than 1.25 (32.5mm) inches between the wall and the handrails.

Graspable portions of the handrail may not end up completely continuous from the top riser to the bottom riser. The rail shall return to the wall.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout or starting easing, or starting newel shall be allowed over the lowest tread.

HANDRAIL GRIP SIZE. Section R311.7.8.5 of the International Residential Code is amended to read as follows:

R311.7.8.5 Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp ability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (9.5 mm) to a level that is not less than 1¾ inches (45 mm) below the tallest portion of the profile. The minimum width of

the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

GUARD OPENING LIMITATIONS. Section R312.1.3 of the International Residential Code is amended to read as follows:

R312.1.3 Opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (114.3 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow sphere 4 inches (114.3 mm) to pass through.

SINGLE-AND MULTIPLE-STATION SMOKE ALARMS. Sections R314.3 and R314.4 of the 2018 International Residential Code is amended to read as follows:

R314.3 Location. Single and multiple-station smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each sleeping area at a location that serves the common space for the sleeping rooms; provided, that no such smoke alarm shall be required to be installed within six (6) feet of a smoke alarm located in a bedroom; and
3. In each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

R314.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a matter that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where wireless alarms are installed & all alarms sound on activation of one alarm.

CARBON MONOXIDE ALARMS. R315.1 Carbon monoxide alarms of the International Residential Code is amended to read as follows:

R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages in the following locations:

1. Outside each sleeping room in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements in the immediate vicinity of the bedrooms or mechanical room.

Section R315.3 of the International Residential Code shall read:

Carbon monoxide detectors are not required in existing homes until the requirements of the 2018 IEBC require the installation of carbon monoxide detection.

THERMAL BARRIER. Section R316.4 of the International Residential Code is amended to read as follows:

R316.4 Thermal barrier. Unless otherwise allowed in Section R316.5, foam plastic shall be separated from the interior of a building by an approved thermal barrier of minimum 0.5 inch (12.7 mm) gypsum wallboard or an approved finish material equivalent to a thermal barrier material that will limit the average temperature rise of the unexposed surface to no more than 250°F (139°C) after 15 minutes of fire exposure complying with the ASTM E 119 standard time temperature curve. The thermal barrier shall be installed in such a manner that it will remain in place for 15 minutes based on NFPA 286 with the acceptance criteria of section R315.4, FM4880, UL 1040 or UL 1715.

Exception:

Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 314.4 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self-ignition temperature of 450 degrees C when tested in accordance with ASTM D 1929;
2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84
3. The foam plastic wall assembly has a minimum two (2) hour fire resistance rating when tested in accordance with ASTM E 119; and the ICF has a valid ICCES ER number.

PROTECTION AGAINST DECAY. Section R317.1 of the International Residential Code is amended to read as follows:

R317.1 Location required. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

Section R318.1 of the International Residential Code is hereby deleted.

Section 319 shall be amended to reflect the current requirement of 4-101A of the current City of Haysville City Code.

Section R322 deleted and Section R324 deleted.

Section R322 of International Residential Code is hereby deleted.

Section R324 of the International Residential Code is hereby deleted.

Section R403.1.1 created.

MINIMUM SIZE. Section R403.1.1 of the International Residential Code is amended to read as follows:

R403.1.1. **MINIMUM SIZE.** Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 (1) through R403.1 (3). For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least 6 inches (152 mm) thick. Footing projections, P, shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1 (2) and R403.1 (3).

SLABS-ON-GRADE. Section R403.1.3.3 of the International Residential Code is amended to read as follows:

R403.1.3.3 Slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing. For slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing, construction of one and two family dwelling habitable spaces shall comply with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

MINIMUM DEPTH. Section 403.1.4 of the International Residential Code is hereby amended to read as follows:

R403.1.4 Minimum depth. All exterior footings shall be placed at least 24 (610 mm) inches below the undisturbed ground surface. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. Where applicable, the depth of the footings shall also conform to Sections R403.1.4.1.

FROST PROTECTION. Section R403.1.4.1 of the International Residential Code is amended to read as follows:

R403.1.4.1 Frost protection. Section R403.1.4.1 of the International Residential Code is amended to read as follows:

Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1), per amended Table footnote “b.” and the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock

Exceptions:

1. Protection of freestanding accessory structures with an area of 400 (36.2m²) square feet or less of light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area 400 square feet (36.2m²) or less of other than light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

Footings shall not bear on frozen soil. Frost depth in Haysville and Sedgwick County is 24 inches.

FOUNDATIONS ON EXPANSIVE SOILS. Section R403.1.8 of the International Residential Code is amended to read as follows:

R403.1.8 Foundations on expansive soils. Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 of the International Building Code or as specified in the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Section R405.1 Concrete or masonry foundation of the International Residential Code is hereby deleted.

Section R501.3 Fire protection of floors of the International Residential Code is hereby deleted.

FLOOR TRUSSES. Section R502.11.4 of the International Residential Code is amended to read as follows:

Floor Truss design drawings. Floor truss design drawings, prepared in compliance with Section R502.11.1, shall be provided to the building official at the framing inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span, and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
 - 4.1. Top chord live load (including snow loads);
 - 4.2. Top chord dead load;
 - 4.3. Bottom chord live load;
 - 4.4. Bottom chord dead load;
 - 4.5. Concentrated loads and their points of application; and
 - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
 - 9.1. Truss-to-truss girder;
 - 9.2. Truss ply-to-ply; and
 - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.
11. Required permanent truss member bracing location.

Section R506.2.2 of the International Residential Code is hereby deleted.

DECKS. Section R507 of the International Residential Code is amended to read as follows:

R507 Decks. The “City of Wichita Standard for Residential Wood Framed Decks” may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

Cement, fiber cement and glass mat gypsum backers is hereby deleted.

SIZE AND SPACING. Section R703.8.4.1 of the International Residential Code is amended to read as follows:

R703.8.4.1 Size and spacing. Veneer ties, if strand wire, shall not be less in thickness than No. 9 U.S. gage [(0.148 in.) (4 mm)] wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less than No. 26 [(0.0245 in.)(0.62 mm)] U.S. gage by 7/8 inch (22 mm) corrugated. Each tie shall be spaced not more than 16 (406 mm) inches on center horizontally and vertically and shall support not more than 1.96 (0.19 m²) square feet of wall area. When stud spacing is 24 (610 mm) inches on center, ties may be spaced 24 inches (610 mm) on center to match stud spacing (maximum 1.96 (0.19 m²) square feet still required). All ties shall be attached to a stud.

Exception:

In Seismic Design Category D0, D1 or D2 or townhouses in Seismic Design Category C or in wind areas of more than 30 pounds per square foot pressure (1.44 kPa), each tie shall support not more than 2 square feet (0.2 m²) of wall area.

REROOF DECKING. Section R908 shall be amended to include section R908.7 and shall read:

R908.7 Reroof decking shall meet the requirements with regard to solid sheathed roof deck. 1 X boards or lumber, used as roof decking shall be covered by a minimum of 7/16” oriented strand board (osb) or other approved material conforming to roof covering manufacturers requirements.

Part IV - Energy Conservation deleted.

Part IV - Energy Conservation of the International Residential Code is hereby deleted.

Part V – Mechanical chapters deleted.

Part V – Mechanical chapters of the International Residential Code is hereby deleted.

Part VII - Plumbing deleted.

Part VII - Plumbing, of the International Residential Code is hereby deleted.

Part VIII - Electrical deleted.

Part VIII - Electrical, of the International Residential Code is hereby deleted.

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.

<https://www.sedgwickcounty.org/media/56035/wichita-sedgwick-county-unified-building-trade-code-ubtc-updating-10419.pdf#page=72>

Article 4. Commercial Buildings

4-401. Adoption of the International Building Code, 2012 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, 2012 Edition, as the Commercial Building Code, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, and such amendments as adopted by reference in Ordinance 1048 adopted December 11, 2017, including all fee schedules unless otherwise set forth within chapter 17 of this Code, and such document is incorporated by reference herein.

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 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 Director of Public Works. 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 follows:

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, 2017 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, 2017 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 November 8, 2017, (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.

WIRING INSTALLATION INSTRUCTIONS

All electrical installations made shall be in strict conformity with the provisions of this Code. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the National Electrical Code, 2017 Edition including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire

Protection Association as N.F.P.A. No. 70-2017, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 200.6(d); Section 210.5(c)(1); Section 210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 300.11(b)(2); Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 590.4(D); Section 590.6(B)(3); and Section 680.9; of such publication. Said N.F.P.A. No. 70-2017, was adopted by the National Fire Protection Association at its 2016 June Technical Session and approved as an American National Standard on August 24, 2016. By this publication, all provisions of such publication, with noted exceptions, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.

WIRING TO BE INSPECTED PRIOR TO CONCEALING

Before any electric wiring or raceway is concealed from view during the course of construction, the person doing the work shall notify the electrical inspector that such work is ready for inspection. The electrical inspector shall inspect such work within forty-eight hours, provided such limit of time comes upon a regular working day of the inspector. If any defects exist, the electrical contractor shall be notified and he shall rectify the same and request an inspection before the work is concealed. The code official shall have the authority to require any concealment to be removed. Failure to comply with this order of the code official shall result in condemnation of the structure or any part thereof and prohibition of occupancy.

The electrical inspector shall be notified by the electrical contractor when the electrical work is completed and ready for inspection; and if such work conforms with this Code, the installation shall be released to the utility company for service connection.

When the electrical inspector observes or it is called to his attention that any electrical work is installed contrary to or in violation of any provisions of this code, it shall be his duty to immediately notify the person responsible for the installation that the violation or violations exist. All defective or substandard installations shall be corrected within forty-eight hours from time of notification by the electrical inspector.

It is unlawful for any person or utility company to connect any electrical wiring, device, appliance or equipment, for which a permit or approval is required, to any source of electrical energy without first having approval by the electrical inspector for the connection.

When requested and upon completion of the work, a certificate of inspection shall be issued showing that such work meets the requirements of this Code.

INSPECTION REQUIRED.

Any person, firm or corporation who installs any electrical wiring shall request the inspection when the electrical work is completed and ready for inspection. It shall be the duty of the person requesting any inspection required by this Code, to provide access to and means for inspection of such work.

RE-INSPECTION OF WIRING, ETC.

The electrical inspector shall make a thorough re-inspection of all electrical wiring devices, appliances and equipment whenever deemed advisable within or on any building or premises. When the installation of any electric wiring, device, appliance or equipment is found to be in dangerous and unsafe condition and in noncompliance with this Code, the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such wiring, device, appliance or equipment in compliance with this Code within the time specified in the notice. Upon failure to comply with the written notice and payment of re-inspection fee, the electrical inspector is hereby authorized to notify the utility

company supplying electric energy to such building or premises to discontinue electric service and to continue to do so until instructed by the electrical inspector that service may be restored.

WORKING SPACE ABOUT ELECTRICAL SERVICE.

Section 110.26(A)(3) of the National Electrical Code shall be amended to read as follows: Exception #4: One- and two-family and multifamily dwellings, service panels located in garages, basements or accessory structures, a footing or stem wall that is located below the electric panel shall be permitted to extend not more than 12 inches beyond the front of the electric panel.

NUMBER OF SERVICE—ENTRANCE CONDUCTOR SETS

Section 230.40 of the National Electrical Code shall be amended to read as follows:

Number of Service-Entrance Conductor Sets. Each building shall be supplied by only one service drop or lateral. Each service drop or lateral shall supply only one set (or sets where connected in parallel) of service-entrance conductors. All service-entrance conductors shall terminate at the same location.

Exceptions:

Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service-entrance conductors shall be permitted to supply each such service equipment enclosure.

A two family dwelling unit without an approved area separation wall as defined by the currently adopted Building Code, and served from one service drop or lateral, shall be permitted to have one set of service entrance conductors run to each dwelling unit without the mains from both units being located together.

SERVICES—MAXIMUM AMPS, VOLTS, ETC.

A. Service Length. Unfused service entrance conductors shall not be extended more than fifteen feet inside any building.

B. Service Disconnects. Main disconnects shall be installed on the load side of the utility company's meters where not more than six meters and service equipment are grouped together. Where there is an existing main disconnect ahead of six meters or less and all the services are completely revamped, the main disconnects shall be relocated on the load side of the meters.

FEEDER OR BRANCH CIRCUIT DISCONNECT LOCATION

Article 225.32 of the National Electrical Code (NEC) shall be amended to read:

The disconnecting means shall be installed either inside or outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means, if installed on the exterior of the building or structure, shall be at a readily accessible location nearest the point of entrance of the conductors. The disconnecting means, if installed inside the building or structure, shall be at a readily accessible location and located so the total length of conductor shall not be extended more than fifteen (15) feet inside of the building or structure. For the purposes of this section, the requirements of 230.6 shall be utilized.

NEC exceptions permitted.

BRANCH CIRCUIT PANELBOARD REQUIREMENTS.

All panels installed shall be sufficiently large enough to provide four blank spaces or four overcurrent protective devices for future use.

CONDUCTOR REQUIREMENTS.

A. Commercial and Industrial.

- (1) Type. All commercial and industrial wiring conductors rated two hundred (200) amperes or less, including all service conductors required to be installed by the licensed electrical contractor, shall be copper. Each individual conductor of a parallel conductor set shall meet the requirements of this Section. Parallel conductors are not to be considered a single conductor.

Exception:

Feeder circuit and branch circuit conductors rated one hundred (100) amperes or more, may be aluminum or copper-clad aluminum, provided panelboards or disconnect switches served by such circuits are marked by the manufacturer as being suitable for aluminum or copper-clad aluminum termination.

- (2) Minimum Size. The minimum branch circuit wiring conductor size shall be No. 12 AWG copper.

B. Residential.

All residential and accessory building wiring conductors less than ninety (90) amperes shall be copper.

Note: Grounding conductors installed in the same raceway or cable with the above listed aluminum conductors may be allowed to be aluminum when sized per Article 250 of the currently adopted National Electrical Code.

CONCRETE-ENCASED ELECTRODE.

The grounding electrode conductor to a concrete-encased electrode shall be not less than that required in Table 250.66 of the National Electrical Code.

COLOR CODE—BRANCH CIRCUITS.

Where installed in raceways, as cable or as open work, all conductors connected to the same system shall conform to the following color code:

Three-phase, four-wire 120/208 volt - phase A - black, phase B - red, phase C - blue, grounded conductor - white;

Three-phase, four-wire 277/480 volt—phase A - brown, phase B - orange, phase C - yellow, grounded conductor - gray.

The grounded conductor of a three wire 240 volt delta system shall be identified by alternating white and red stripes encircling the conductor.

The grounded conductor of a three wire 480 volt delta system shall be identified by alternating gray and orange stripes encircling the conductor.

Ungrounded circuit conductors used as travelers between 3-way and 4-way switches may be of colors other than those specified.

All conductor sizes 6 AWG or smaller shall be identified by a continuous outer finish along its entire length. Sizes larger than 6 AWG shall be identified, at time of installation, by distinctive color markings at its terminations. This marking shall encircle the conductor or insulation.

All circuit conductors of the same color shall be connected to the same ungrounded conductor throughout the premises wiring system(s).

SMOKE DETECTOR REQUIREMENTS

As adopted in the currently adopted International Residential Code found elsewhere in the current City of Haysville City Code.

SPLICING OF SERVICE-ENTRANCE CONDUCTORS.

Service-entrance conductors shall not be spliced.

Exceptions:

1. Clamped or bolted connections in metering equipment enclosures shall be permitted.
2. Where service-entrance conductors are tapped to supply two to six disconnecting means grouped at a common location.
3. At a properly enclosed junction point where an underground wiring method is changed to another type of wiring method.
4. A connection shall be permitted where service conductors are extended from a service drop to an outside meter location and returned to connect to the service entrance conductors of an existing installation.
5. Where service-entrance conductors consist of busway, connections shall be permitted as required to assemble the various sections and fittings.

SWITCHES—HEIGHT OF.

All switches located outside of a building shall be placed not less than six feet above the finish grade unless they are of the dead front pullout type, or heavy duty type.

Exception:

Commercial and industrial installations which are accessible only to authorized personnel.

TYPE NM, NMC AND NMS CABLE AMPACITY.

The ampacity of Types NM, NMC, and NMS cable shall be determined in accordance with Table 310.15(B)(16) of the National Electrical Code. The ampacity shall be in accordance with the 60°C (140°F) conductor temperature rating.

NM CABLE CONNECTORS.

Two piece NM Cable connectors, commonly known as Tomic connectors, shall be permitted to have a maximum of 3 cables in each connector.

TYPE NM, NMC AND NMS CABLE RAN EXPOSED IN UNFINISHED BASEMENTS.

Article 334.15(c) of the National Electrical Code shall be amended to read:

- (C) In Unfinished Basements. Where cable is run at angles with joists in unfinished basements, it shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Article 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The NM cable sheath shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (¼ in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to the equipment grounding conductor.

ARC-MAKING DEVICES—CLEARANCE FROM GAS METERS.

All switches, motors, receptacles, meter, or other arc-making devices shall have a minimum clearance of three feet in any direction from any gas meter when such equipment is installed inside of a building and in the same room as the gas meter.

CEILING GRID SUPPORT WIRES.

The following is added to the section 300.11(A)(2) of the National Electrical Code:

Exceptions:

MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all the following conditions apply.

1. The MC cable or flexible metal conduit must not be larger than trade size ½ inch.
2. Only a single MC cable or flexible metal conduit may be attached per ceiling grid support wire.
3. Only clips or devices approved for the purpose may be used to attach the MC cable or flex to the support wires.

Fire Rated ceiling assemblies shall not be used to support electrical raceways and all raceways installed within fire rated ceiling assemblies shall be provided with independent support.

SEWAGE EJECTOR PUMPS

All sewage ejector pumps shall be installed on individual motor branch circuits.

SEWAGE EJECTOR PUMP OR SUMP PUMP.

Ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected to a single receptacle installed on an individual motor branch circuit.

RESIDENTIAL GARAGE DOOR OPENER.

In a dwelling, ground fault circuit interrupter protection shall not be required on an overhead garage door opener that is cord and plug connected to a single receptacle installed in the ceiling directly above the overhead garage door opener motor.

NONMETALLIC-SHEATHED CABLE: TYPE NM, NMC, AND NMS.

Uses permitted: Type NM, Type NMC and Type NMS cable shall be permitted to be used only in one- and two-family dwellings and their accessory structures and multifamily dwelling units. The structure shall not exceed three floors above grade. These structures shall be served only by single-phase services.

RECEPTACLE BEHIND A RANGE OR SINK.

Section 210.52(c)(1) exception of the National Electrical Code shall be amended to read as follows:

Exception:

Receptacle outlets shall not be required on a wall directly behind a range or sink.

LIGHTING OUTLETS REQUIRED.

The following requirements for lighting outlets are in addition to the requirements in the latest edition of the National Electrical Code adopted by the City of Haysville.

A. Residential unfinished basements. Each storage area and all future habitable spaces, as defined by the currently adopted Building Code, that are in the framed-in stage shall have a lighting outlet with a wall-mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch.

B. Commercial storage units. Each storage unit shall have a lighting outlet inside the unit with a switch located at the usual point of entry to the storage unit. This luminaire shall be of the type that has a completely enclosed light source.

Exception:

Structures that are not on a permanent foundation.

POOLS SHALL NOT BE LOCATED UNDER OVERHEAD WIRE.

Section 680.9 of the National Electrical Code shall be amended to read as follows:

The following parts of pools shall not be placed under existing electrical, communication, CATV, Network powered Broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:

1. Pools and the area extending 10 ft horizontally from the inside of the walls of the pool,

2. Diving structure, or
3. Observation stands, towers or platforms.

PERMITTED USE OF MULTIPLEX CABLE.

Multiplex cable may be installed as an approved wiring method for outdoor aerial use only, with the following restrictions.

- a. Permitted for outside aerial use only.
- b. Minimum wire size shall be: #1 aluminum or #8 copper.
- c. In all cases, the phase conductors and the neutral conductor must be insulated and identified.
- d. The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy-five degree column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.

PERMITTED USE OF UNDERGROUND RESIDENTIAL DISTRIBUTION (URD) CABLE.

Underground Residential Distribution (URD) cable may be installed as an approved wiring method for outdoor use only, with the following restrictions.

- a. Permitted for outdoor use only, installed direct buried or in a raceway.
- (b) Minimum size shall be #2 Aluminum.
- c. The phase conductors and the neutral conductor shall be the same size.
- d. The phase conductors and the neutral conductor insulation shall be identified as USE.
- e. The Neutral conductor shall be properly identified per the National Electrical Code.
- f. Grounding conductor, if needed, shall be a minimum of #2 aluminum or #6 copper and shall be insulated.
- g. The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy-five degree (75°) column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.

TEMPORARY SERVICE REQUIREMENTS SERVICE REQUIREMENTS.

Temporary services used during construction, remodeling or repair of buildings or structures shall not be attached to a building. The temporary service shall have a minimum of one 125-volt 20amp GFCI protected receptacle and one 125/250-volt 30-amp GFCI protected twist lock receptacle NEMA L14-30, and meet all other requirements of the latest edition of the National Electrical Code adopted by the MABCD.

Exception:

In-use covers are not required for temporary services.

PROVISIONS FOR HEATING UNITS.

Where a heating unit is installed for the unit or space intended for human occupancy per the requirements set forth in Article 5, the heating unit shall be directly wired into the building wiring with a disconnecting means installed in a readily accessible location within sight from the heating unit.

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 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. 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, 2015 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), 2015 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 15 of the Haysville Municipal Code, entitled 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 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. Amendments.

Administrative Deletions, Amendments or Additions to the Uniform Plumbing Code.

The following sections of the Uniform Plumbing Code incorporated by reference in Section 4-601 shall be amended as follows:

Information Note: The numerical references below correspond to the numerical identification of the chapter(s), sections, sub-sections, paragraphs and sub-paragraphs in the 2015 Uniform Plumbing Code.

101.1 Title shall be amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Haysville, hereinafter referred to as the "Plumbing Code," the "U.P.C.," or "this Code."

102.8 Appendices shall be amended to read as follows:

102.8 Appendices. Appendices A, B, C, D, E, G, I, J, K, L are adopted. Appendices F and H are excluded.

103.11 Authority Having Jurisdiction, Title, shall be added:

103.11 Authority Having Jurisdiction, Title. The Authority Having Jurisdiction shall be known as the Building Official, as designated and authorized in Chapter IV, Article 2 of the city code of the City of Haysville.

104.3.2 Plan Review Fees shall be amended to read as follows:

104.3.2 Plan Review Fees. Shall be in compliance with Chapter 17 of the code of the City of Haysville.

104.5.1 Work commencing before permit issuance shall be amended to read as follows:

104.5.1 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official. The fee shall be in addition to the required permit fees. The Building Official may establish this additional fee up to an amount equal to the required permit fees or one thousand dollars (\$1,000.00), whichever is greater.

104.5.2 Investigation Fees shall be amended to read as follows:

104.5.2 Fee Refunds. Plan review fees, permit fees or other fees charged by the Department may be partially refunded by the Building Official, upon request of the owner, agent or contractor. The amount not refunded shall be in proportion to city staff time and effort dedicated to the project.

104.5.3 Fee Refunds shall be deleted in its entirety

106.3 Penalties shall be amended to read as follows:

106.3 Violation Penalties. Persons who shall violate any provision of this Code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 (five hundred) dollars, or by imprisonment not exceeding 30 (thirty) days, or both such fine and imprisonment. Each day a violation continues after due notice has been served shall be deemed a separate offense.

106.61 Violations and Penalties: The following section shall be added:

106.61 Additional Requirements and Limitations. The Building Official shall consider the requirements and procedures of the Code of the City of Haysville entitled Dangerous Buildings. To the extent that Article 7 supersedes or limits the authority and procedures outlined in the sections above, the Building Official shall follow the requirements and procedures of said Article.

107.1 General shall be amended to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, a board of appeals is created in the Code of the City of Haysville. The composition of the board, terms, qualification, authority, limitations on authority and other aspects of the board.

107.2 Limitations on Authority is deleted.

Table 104.5, Plumbing Permit Fees shall be amended to read as follows:

Table 104.5, Plumbing Permit Fees shall refer to fees established in Chapter 17 of the Code of the City of Haysville.

Chapter 17, Referenced Standards shall be amended to include the following additional section:

1701.2 REFERENCED CODES.

1. 1701.2.1 Electrical. Whenever used in the Plumbing Code, the term “Electrical Code” shall be construed to mean the current City of Haysville Electrical Code.
2. 1701.2.2 Gas. Whenever used in the Plumbing Code, the term “Fuel Gas Code” shall be construed to mean the current City of Haysville Plumbing or Fuel Gas Code.
3. 1701.2.3 Mechanical. Whenever used in the Plumbing Code, the term “Mechanical Code” shall be construed to mean the current City of Haysville Mechanical Code.
4. 1701.2.4 Residential. Whenever used in the Plumbing Code, the term “Residential Code” shall be construed to mean the current City of Haysville Residential Code.
5. 1701.2.5 Fire Prevention. Whenever used in the Plumbing Code, the term “Fire Code” shall be construed to mean the current Sedgwick County Fire Code or Existing Fire Codes currently adopted by the City of Haysville.
6. 1701.2.6 Property Maintenance. Whenever used in the Plumbing Code, the term “Property Maintenance Code” shall be construed to mean the current City of Haysville Property Maintenance Code or IEBC.
7. 1701.2.7 Existing Building. Whenever used in the Plumbing Code, the term “Existing Building Code” shall be construed to mean the current City of Haysville International Existing Building Code.

Section 312.1 of the Uniform Plumbing Code is amended to read as follows:

312.1 General. Sleeves shall be provided to protect all piping through concrete and masonry walls, or concrete floors.

Exceptions:

1. Sleeves shall not be required where openings are drilled or bored; and
2. Sleeves shall not be required for DWV pipes going through concrete basement floors or slab on grade.

Section 312.13 Exposed ABS Piping is hereby deleted.

Section 312.14 Exposed PVC Piping is hereby deleted.

Section 318.0 of the Uniform Plumbing Code is amended to read as follows:

318.0 Test Gauges. In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the ten (10) psi, for fifteen (15) minutes test, be thirty (30) psi and the required maximum

capacity of the spring type gauge used for the sixty (60) psi, for thirty (30) minutes test, be one hundred (100) psi.

Section 414.3 of the Uniform Plumbing Code is amended to read as follows:

414.3 Drainage connection. Commercial dishwashing machines shall discharge indirectly through an air gap or direct connection in accordance with section 704.3 with floor drain protection in no case should a commercial dishwasher discharge through a grease trap or interceptor.

Section 422.0 of the Uniform Plumbing Code is amended to read as follows:

422.0 Minimum number of required fixtures. Minimum Number of Plumbing Fixtures shall be in accordance with the current adopted version of the current International Building Code and all amendments thereto.

Sections 422.1, Fixture Count, through and including 422.5, Toilet Facilities for Workers, including all subsections and subparagraphs, are hereby deleted in their entirety.

Table 422.1 Minimum Plumbing Facilities is amended as follows:

Table 422.1 Minimum Plumbing Facilities shall be renamed Minimum Number of Required Plumbing Fixtures and shall include all of the provisions, including footnotes and exceptions of Table 2902.1, Minimum Number of Required Plumbing Fixtures, as set forth in the current International Building Code. All provisions, including footnotes and exceptions to Table 422.1 in the Uniform Plumbing Code are hereby deleted.

Section 603.1 of the Uniform Plumbing Code is amended to read as follows:

603.1 General. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. In addition to the general requirements of Section 603.0, Cross Connection Control, Backflow prevention devices and methods shall conform to Chapter 15 of the code of the City of Haysville. Registration of backflow testers and test reporting is required by the Authority Having Jurisdiction over backflow testing. Test reports must be maintained by the testing provider and supplied to the Authority Having Jurisdiction, and the backflow device owner. Where, in any specific case, sections of this Code specify different material, methods of construction or requirements in conflict with other local laws or ordinance, the most restrictive shall govern.

Section 603.5.6 of the Uniform Plumbing Code is amended to read as follows:

603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Potable water supplies to systems having no pumps or connections for pumping equipment and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices: (1) Pressure vacuum breaker, (2) Spill-resistant vacuum breaker --- Bf (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.6.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.6.2 Systems with Backflow Devices. Where systems have a device installed downstream of a potable water supply pump or a potable water supply pump connection, the device shall be one of the following: (1) Pressure vacuum breaker, (2) Spill resistant vacuum breaker, (3) Reduced-pressure backflow preventer, or (4) air gap.

Section 603.5.13 of the Uniform Plumbing Code is amended to read as follows:

603.5.13 Deck-mounted or Equipment-mounted Vacuum Breakers. Deck-mounted or equipment-mounted vacuum breakers shall be installed in accordance with their listing and the manufacture's installation instructions, with the critical level not less than six (6) inches (15.24 cm) above the flood-level rim.

Section 603.5.14.2 of the Uniform Plumbing Code is amended to read as follows:

603.5.14.2 Chemicals. Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following: (1) Reduced pressure backflow preventer, or (2) Reduced pressure detector assembly. Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation permanently maintained at the backflow device. Devices approved for low hazard potable water system protection include the following: (1) Double check backflow preventer, and (2) Double check detector assembly.

Section 604.10.1 Tracer Wire is hereby deleted.

Table 604.1 shall be amended as follows:

TABLE 604.1
MATERIALS FOR BUILDING SUPPLY AND WATER DISTRIBUTION
PIPING AND FITTINGS

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
Copper and Copper Alloys	X	X	ASTM B42. ASTM B43.	ASME B16.15. ASMI: B16.18.
			ASTM 875, ASTM 888.	ASME B16.22. ASME B16.26.
			ASTM R1< ASTM R7 1 ASTM B302, ASTM B447	ASMEB16.51
CPVC	X	X	ASTM 02846, ASTM F442, CSA B137.6	ASTM 02846. ASTM F437. ASTM F438. ASTM F439. ASTM FI970. CSA B137.6
CPVC-AL-CPVC	X	X	ASTMF2855	ASTMD2846
Ductile-Iron	X	X	AWWACI51	ASME B16.4. AWWA CIO. AWWACI53
Galvanized Steel	X	X	ASTMA53	-

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
Malleable Iron	X	X	-	ASME B16.3
PE**	X	** -	ASTM 02239. ASTM 02737. ASTM 03035, AWWA C901, CSA B137.1	ASTM 02609. ASTM 02683. ASTM D3261. ASTM F1055. CSA B137.1
PE-AL-PE	X	X	ASTM F1282. CSA B137.9	ASTM F1282. ASTM F1974. CSA B137.9
PE-RT	X	X	ASTM F2769	ASTM F1807. ASTM F2098. ASTM F2159. ASTM F2735. ASTM F2769
PEX	X	X		ASSE I 06.1. ASTM F877.
			ASTM F876. ASTM F877.	ASTM F1807. ASTM F1960.
			CSA B137.5. AWWA C904*	ASTM F1961. ASTM F2080. ASTM F2159. ASTM F2735.
				CSA B137.5

TABLE 604.1 shall be amended as follows:

Table 604.1, MATERIALS FOR BUILDING SUPPLY AND DISTRIBUTION PIPING AND FITTINGS. The following footnote has been added to Table 604.1: **Polyethylene (PE) water service piping may extend inside a structure to the building master shut off valve; provided there are no branches taken off ahead of the building master shut off valve.

Section 608.2 of the Uniform Plumbing Code is amended to read as follows:

608.2 Excessive Water Pressure. Where static water pressure in the water supply piping is in excess of one hundred (100) psi, an approved type pressure regulator preceded by an adequate strainer shall be installed and the static pressure reduced to one hundred (100) psi or less. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the administrative authority. Each such regulator and strainer shall be accessibly located aboveground or in a vault equipped with a properly sized and sloped bore-sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty percent (80%) of the reduced pressure when using Table 610.4

Section 609.1 of the Uniform Plumbing Code is amended to read as follows:

609.1 Installation. All water piping shall be adequately supported in accordance with Section 313.0, Table 313.3 and to the satisfaction of the administrative authority. Burred ends shall be reamed

to the full bore of the pipe. Changes in direction shall be made by the appropriate use of the fittings, except that changes in direction in copper tubing may be made with bends having a radius of not less than six (6) diameters of the tubing, providing that such bends are made with bending equipment that does not deform or create a loss in the cross-sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's installation instructions. Provisions shall be made for expansion in hot water piping. The depth of a water service line shall be at least thirty-six (36) inches below finished grade. Such service shall be not less than five (5) feet from any tree on public property (repair or replacement of an existing service is exempt from this requirement). The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen (18) inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment appurtenances and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of this Code.

Section 609.11 Pipe Insulation, including all subsections and subparagraphs, is hereby deleted in its entirety.

Section 705.5.2 of the Uniform Plumbing Code is amended to read as follows:

705.5.2 Solvent Cement Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with the manufacturer's installation instructions and the following: PVC pipe and fittings must be cleaned and joined with primer(s) and solvent cement(s). Non-pressure PVC pipe and fittings may be joined without primer by using a medium body, one step cement that must be listed by the cement manufacturer for use without primer and so stated on the label.

Section 707.0 of the Uniform Plumbing Code is amended to read as follows:

707.0 Cleanouts. Cleanouts shall conform to the requirements of Chapter 15, Article 3 of the code of the City of Haysville.

Section 710.4 of the Uniform Plumbing Code is amended to read as follows:

710.4 Discharge line. The discharge line from such ejector, pump, or other mechanical device shall be of approved material and be provided with an accessible backwater or swing check valve and gate or ball valve. Where the gravity drainage line to which such discharge line connects is horizontal, the method of connection shall be from the top through a wye branch fitting. The gate or ball valve shall be located on the discharge side of the backwater or check valve.

Gate or ball valves, where installed in drainage piping, shall be the fullway type with working parts of corrosion-resistant metal. Sizes four (4) inches (100 mm) or more in diameter shall have cast-iron bodies, and sizes less than four (4) inches (100mm), cast-iron or copper alloy bodies.

Section 712.1 of the Uniform Plumbing Code is amended to read as follows:

712.1 Media. The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The Authority Having Jurisdiction, as defined in the Uniform Plumbing Code, may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. When the temperature wherein the drainage system is located is above twenty degrees (20°) Fahrenheit, a water test as set forth in Section 712.2 may be made. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

Section 804.1 of the Uniform Plumbing Code is amended to read as follows:

804.1 Indirect Waste Receptors. All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed, shall be of such shape and capacity as to prevent splashing or flooding, and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers are installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty (60) inches above the floor. In any structure where drains indirect waste receptors are to be installed in or flush with the floor, they these receptors may be floor sinks or floor drains, and shall be readily accessible, provided floor drains. Floor drains used as indirect waste receptors shall meet the following requirements:

1. Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep;
2. Have a perforated cover equal in area to the diameter of the drain;
3. Have a minimum trap and waste line size of two (2) inches in diameter; and
4. The indirect waste line shall maintain a two (2) inch air gap.

Section 807.3 Domestic Dishwashing Machine is hereby deleted.

Section 814.5 of the Uniform Plumbing Code is amended to read as follows:

814.5 Point of discharge. Air-conditioning condensate waste pipes shall connect indirectly, except where permitted in section 814.6, to the drainage system through an air gap or air break to properly trapped and vented receptors, dry wells, leach pits, or the tailpiece of plumbing fixtures. When a fixture tail piece is used for condensate waste, the air gap or air break fitting shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece. A condensate drain line shall be trapped in accordance with the appliance manufacturer's instructions or as approved.

Section 814.6 of the Uniform Plumbing Code is amended to read as follows:

814.6 Condensate Waste from Air-Conditioning Coils. Where the condensate waste from air-conditioning coils discharges by direct connection to a lavatory tailpiece or to an approved accessible inlet on a bathtub overflow, the connection shall be located in the area controlled by the same person controlling the air-conditioned space. The flood level rim of the condensate collection device shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece.

Section 906.1 of the Uniform Plumbing Code is amended to read as follows:

906.1 Roof Termination. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (152mm) above the roof not less than one (1) foot (305mm) from the vertical surface.

Exception:

Extension through the wall. With prior approval of the authority having jurisdiction, vent terminals through a wall shall be allowed as an alternative method on residential plumbing remodels where other structural issues make it impractical to install a roof termination without remodeling other areas of the structure. Vent terminals extending through the wall shall terminate at a point not less than ten (10) feet (3048mm) from a lot line and not less than ten (10) feet (3048mm) above average ground level. Vent terminations shall not terminate under an overhang of a structure with soffit vents. Side wall vent terminals shall be protected to prevent birds or rodents from entering or blocking the vent opening.

Section 908.0 of the Uniform Plumbing Code is amended to read as follows:

908.0 Wet venting. Groups of fixtures on the same floor may be wet or stack vented provided that:

1. The maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 1002.2.
2. Not more than one fixture unit wastes into a one and one-half (1 1/2) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent.
3. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper vent.
4. The limit of a horizontal wet vent shall be ten (10) feet developed length.
5. A wet vent receiving the discharge from a clothes washer can only be used to wet vent a water closet. The vent intersection shall be no closer than four (4) feet total developed length from the top of the closet flange.

Section 908.3 of the Uniform Plumbing Code is hereby created and shall read as follows:

908.3 Circuit Venting, Top Floor Option. When a circuit vent is installed on a top floor, the circuit may loop to the stack vent. Also, the stack vent may be used as the required relief vent

Section 908.4 - Air Admittance Valves is hereby created and shall read as follows:

908.4 - Air Admittance Valves. Air admittance valves shall be allowed as an alternative method on residential plumbing renovations and repairs where structural issues make it impractical to install a conventional vent without remodeling other areas of the structure. Air Admittance Valves shall not be used in new construction. Vent systems using air admittance valves shall comply with this Section, including the following requirements:

1. Individual and branch-type air admittance valves shall conform to ASSE 1051.
2. The valves shall be installed in accordance with the requirements of this Section and the manufacturer's instructions. Air admittance valves shall be installed after the DWV testing required by Sections 105.0 and 712.0 of the Uniform Plumbing Code has been performed.

3. Individual vents and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.
4. Individual and branch air admittance valves shall be located not less than four (4) inches above the horizontal branch drain or fixture drain being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent. The air admittance valve shall be installed not less than six (6) inches above insulation materials when installed in attics.
5. Access shall be provided to air admittance valves. Such valves shall be installed in a location that allows air to enter the valve.
6. Air admittance valves shall not be located in spaces utilized as supply or return air plenums.
7. The air admittance valve shall be rated for the size of the vent to which the valve is connected
8. Each plumbing system shall be vented by one or more vent pipes extending outdoors to the open air, and the aggregate cross-sectional area of which shall be not less than that of the largest required building sewer, as stated in 904.1 of the Uniform Plumbing Code.
9. Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer.

A permanent, visible label shall be attached to the panel, enclosure, or trap of the fixture being served stating "AIR ADMITTANCE VALVE INSTALLED".

Table 1002.2 of the Uniform Plumbing Code is amended to read as follows:

Table 1002.2 Horizontal Lengths of Trap Arms
(Except for water closets and similar fixtures)*

TRAP ARM PIPE DIAMETER (inches)	DISTANCE TRAP TO VENT MINIMUM (inches)	LENGTH MAXIMUM (inches)
1 1/4	2 1/2	30
1 1/2	3	42
2	4	72
3	6	72
4	8	120
Exceeding 4	2 x Diameter	120

For SI units: 1 inch= 25.4 mm

Provided that the distance for floor drains shall be within fifteen (15) feet of a ventilated line and the distance for bathtubs with one and one-half (1 1/2) inch waste shall be within five (5) feet of a vent.

For trap arms three (3) inches in diameter and larger, the change of direction shall not exceed one hundred and thirty-five (135) degrees without the use of a cleanout.

*The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (flange) to inner edge of vent) and its vent shall not exceed six (6) feet.

Section 1014.0 Grease Interceptors shall be amended to read as follows:

1014.0 Grease Interceptors. In addition to the requirements of 1014.1 General through and including 1014.3 Gravity Grease Interceptors below, and including their subparagraphs and subsections, all grease interceptors shall comply with Chapter 15, Article 4 of the Code of the City of Haysville.

Section 1015.0 FOG (Fats, Oils, and Greases) Disposal System shall be amended to read as follows:

1015.0 FOG (Fats, Oils, and Greases) Disposal System. In addition to the requirements of 1015.1 Purpose through and including 1015.4 Performance below, all FOG disposal systems shall comply with Chapter 15, Article 4 of the code of the City of Haysville.

Section 1016.0 Sand Interceptors shall be amended to read as follows:

1016.0 Sand Interceptors. In addition to the requirements of 1016.1 Discharge through and including 1016.4 Separate Use below, all sand interceptors shall comply with Article 3 –Sewer Regulations in Chapter XV of the Code of the City of Haysville.

Section 1017.0 Oil and Flammable Liquid Interceptors shall be amended to read as follows:

1017.0 Oil and Flammable Liquid Interceptors. In addition to the requirements of 1017.1 Interceptors required through and including 1014.2 Design of Interceptors below, all oil and flammable liquid interceptors shall comply with Chapter 15, Article 4 of the code of the City of Haysville.

Section 1203.3.1 of the Uniform Plumbing Code is amended to read as follows:

1203.3.1 Rough Piping Inspection. A rough piping inspection shall be made after all gas piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material and installation meet the requirements of this Code.

When installing any gas opening for a future gas burning appliance in residential gas piping systems, it shall be sized and located according to the following requirements:

The future appliance shall be assigned a minimum fifty-five thousand (55,000) BTU value for sizing the gas distribution piping system;

1. For future solid fuel burning fireplaces, the gas opening shall be run to within four (4) feet of the fire box and be controlled by an accessible approved shut-off valve outside the hearth and be properly capped or plugged;
2. For future gas fired appliances, the gas opening shall be run to within three (3) feet of the appliance and be controlled by a readily accessible approved shut-off valve outside the hearth and be properly capped or plugged;
3. The approved required shut-off valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance;
4. When creating a new opening all gas piping must be tested in accordance with this Code.

5. When extending an existing gas opening, only that branch must be tested in accordance with this Code. When making a gas opening at the meter loop, only that branch must be tested in accordance with this Code.

Exception:

When approved by the administrative authority, above procedures may be waived and a soap test administered.

Section 1208.5.3.4 of the Uniform Plumbing Code is amended to read as follows:

1208.5.3.4 - Corrugated Stainless Steel. Corrugated stainless steel tubing shall be tested and listed in accordance with the construction, installation, and performance requirements of CSA LC-1. [NFPA 54:5.6.3.4]. In addition, corrugated stainless steel tubing shall be coated with an electrically conductive jacket compliant with the listing standard of ANSI LC-1/CSA 6.26 - 2014.

Section 1210.1.5 Maximum Design Operating Pressure is hereby deleted.

Section 1210.2 of the Uniform Plumbing Code is amended to read as follows:

1210.2 Installation of Gas Piping. All exposed piping installed outdoors shall be elevated not less than three and one half (3-1/2) inches above grade.

Gas piping shall enter or exit the structure above the finish grade, and threaded steel gas piping shall be installed with a swing joint located where the gas piping enters or exits the structure. A "swing joint" means a joint in a threaded pipeline which permits motion in the line in a plane normal to the direction of one part of the line.

Where installed across roof surfaces, gas piping shall be elevated not less than three and one-half (3-1/2) inches above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping shall be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve the annular space between the gas piping and the sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents. [NFPA 54: 6.2.1]

Section 1211.2 of the Uniform Plumbing Code, is amended to read as follows:

1211.2 Bonding of CSST Gas Piping. CSST gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent. Gas piping systems that contain one or more segments of CSST shall be bonded in accordance with this section. [NFPA 54-12:7.13.2].

Exception:

This bonding requirement may be eliminated if the CSST is compliant with the listing standard of ANSI LC-1/CSA6.26 - 2014, and the manufacturer's installation instructions for the specific product states that additional bonding is not required.

Section 1212.10.1 of the Uniform Plumbing Code. is hereby created and shall read as follows:

1212.10.1 Installation – LPG. In areas where natural gas is available for use as a fuel gas, it shall be used as the primary source for fuel gas for R-1, R-2, R-3, and R-4 type occupancy.

Section 1212.10.2 of the Uniform Plumbing Code is hereby created and shall read as follows:

1212.10.2 Equipment Burning LPG. Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an under-floor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment or disposal of the vapors or fuel is provided.

Exception:

Equipment burning liquefied petroleum gas (LPG) that is equipped with an automatically controlled gas valve may be installed below grade of a R-1, R-2, R-3, or R- 4 type occupancy, provided that each area where said appliance(s) are located is equipped with a listed, labeled and approved liquefied petroleum gas detection alarm. Detectors shall sound an alarm audible in all areas of the structure and be installed per manufacturers installation instructions.

Section 1212.10.3 of the Uniform Plumbing Code, is hereby created and shall read as follows:

1212.10.3 Sump Pump – LPG. Only submersible type sump pumps will be acceptable for structures with LPG service.

Section 1212.10.4 of the Uniform Plumbing Code, is hereby created and shall read as follows:

1212.10.4 Log Lighter Valve – LPG. No LPG log lighter valve shall be allowed to be installed below grade, but they shall be allowed on the main floor with a maximum 50 gallon LPG tank no closer than three (3) feet to a structure. LPG tank must be secured. Valves and fittings must be listed for LPG.

(Ord. 1392, Sec. 1; Ord. 1684; Code 2022)

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. 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 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 Plumbing and Gas Fitting Code, incorporated in Article 6 of this chapter and all water, sewer, and wastewater regulations established in Chapter 15 of 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. Re-inspection fees are as set out in Chapter 17.

(Code 1984; Code 2003)

4-705. Re-inspection/non-business hours; fee.

The drain laying inspector shall make a thorough 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. 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, copartner ship, 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, 2012 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, 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 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. 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.
- (f) In lieu of the fencing specified above, a swimming or working pool may be protected and enclosed, when not under the supervision of an adult, by means of a power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ASTM F 1346). Spa pools may be protected by a locked spa pool cover.

(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 insureds.

(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.

(d) 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

4-1101. Construction, maintenance, replacement and repair of fences; permit required.

(a) No fence shall be constructed, built, maintained, repaired, or replaced except as provided for by this article.

(b) No person shall erect, construct, reconstruct or replace any fence without first obtaining a permit from the city, provided, that no permit shall be required for maintenance of a fence, including minor replacement of components, nor for construction of fence within the City by the City upon City owned property, easements, or reserves. In the case of a fence to be erected, constructed, reconstructed or replaced within a platted or dedicated public drainage or utility easement, such permit shall include an express disclaimer of liability for damage caused by city agents in connection with maintenance or inspection of such easement or any public improvements located thereon. Additionally, applicable city building and construction code regulations must be met for all fences:

- (1) Greater than 6' in height;
- (2) Constructed with concrete or masonry materials; or
- (3) Determined by the building inspector to create specific safety concerns.
(Code 1984; Ord. 824; Code 2003; Code 2020)

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. All other items, not specifically defined herein, shall be defined in conformance with the Zoning Code of this City.

(a) Corner lot: Shall mean any lot or parcel of real property that meets all of the following:

- (1) Situated on a controlled or uncontrolled intersection of two (2) streets;
- (2) 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
- (3) 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.

(b) 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.

(c) Fence: A freestanding structure composed of metal, masonry, glass, concrete or wood, natural vegetation, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.

(d) Intersections:

- (1) **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.
- (2) **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.

(e) **Principal Use or Structure:** The main use of land or structures as distinguished from a subordinate or accessory use.

(f) **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.

(Ord. 824; Code 2003; Code 2020)

4-1103. Maximum height of fences.

No fence constructed, built, maintained, repaired, or replaced upon a lot shall exceed the maximum height established and prescribed by this section.

(a) Fences outside sight triangles. No fence located upon a lot and outside the boundaries of the applicable sight triangle shall exceed:

- (1) Six (6) feet in height in residentially zoned districts;
- (2) Eight (8) feet in height in commercially zoned districts;
- (3) Ten (10) feet in height in industrially zoned districts; or
- (4) As permitted within a final PUD.

(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 the finish height of said fence. The enforcing officer shall verify that any such fence complies with all provisions of this article. In areas without curbs, the enforcement officer may measure from the low edge of the road.

(c) Fences extending into the front plane of a principal structure on 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 on a residential lot 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; Code 2020)

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. Notwithstanding 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)

4-1105a. Encroachments upon drainage easements or floodways.

(a) A fence may be located within a platted or dedicated drainage easement if:

(1) The fence is constructed and maintained at an elevation which:

A. allows normal surface drainage without blockage by the fence; and

B. is approved by the city engineer or his or her designee;

(2) The fence does not divert or result in diversion of normal surface drainage flow from the normal drainage course; and

(3) The fence has removable panels or sections to provide for access by emergency or maintenance personnel and equipment at all times.

(b) The city shall not be liable for damage to or destruction of any fence or groundcover, including but not limited to grass, trees, and shrubs, located within a platted or dedicated drainage, street or utility easement, which are damaged or destroyed by any maintenance or inspections performed by or on behalf of the city within such easement.

(c) Nothing in this Article shall be construed to authorize erection, construction, reconstruction or replacement of a fence in any floodway designated as such by the Federal Emergency Management Agency.

(Code 2020)

4-1106. Fence materials; certain features and materials prohibited.

(a) Permitted fencing material. Fences 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, provided there shall be no exposed points, wires or prongs on the top of the fence;
- (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. Stacks of masonry materials or unopened containers of concrete shall not be deemed to be in compliance with this article.
- (6) Barbed wire fences are permitted on an industrially zoned lot atop a fence at least eight feet in height and oriented toward the interior of the property, when necessary to preclude entry into a hazardous location or facility or to protect the exterior storage of materials or equipment from vandalism or theft provided that the property is not located adjacent to residentially zoned or residentially used property.

(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 any residential or commercially zoned lot shall contain any barbed wire or single barbs.

(c) All fences and walls shall be constructed with a finished surface facing outward from the property (e.g. in the case of a wooden fence, a "finished surface" means a surface of the fence where the pickets or slats are fully exposed to view.) The posts and support beams shall be on the inside of the finished surface.

(d) Fence design and construction in all areas developed pursuant to the standards set forth within a PUD or overlay zoning areas will be designed and constructed as provided within the provisions of the establishments of such PUD or overlay zone.

(Ord. 824; Code 2003; Code 2020)

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, animal or abutting property owner's boundaries.

(Ord. 824; Code 2003; Code 2020)

4-1108. Applications, site plans and permits and fees therefor.

(a) Applications and Permits. Any person or entity intending to construct a new fence 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 the 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 lot, all utility easements located upon the lot, all setbacks affecting said lot and all rights-of-way and property lines of said lot. Applications for fences exceeding six (6) feet in height 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.

(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 other provisions of the city code of the city or other applicable law. Individuals may construct fences upon their own property without obtaining commercial, trade or business licenses, and may use non-commercial assistance if said individuals 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; Code 2020)

4-1109. Reserved.

(Ord. 824; Code 2003; Code 2020)

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 enforcing officer 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; Code 2020)

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 an amount as established in Chapter 17 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; Code 2020)

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 in accordance with state law.

(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; Code 2020)

4-1115. Hearing.

If a hearing is requested in writing and received by the City Clerk 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 waiver of the person's right to contest the 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; Code 2020)

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, services 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 under the provision of this article shall be credited to the general fund of the city.

(Ord. 824; Code 2003; Code 2020)

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 as established in Chapter 17 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 ten (10) 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 than 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; Code 2020)

4-1124. 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)

4-1125. 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 double the permit fee as established in Chapter 17. 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; Code 2020)

Article 12. Wichita-Sedgwick County Unified Building and Trade Code

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.

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 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 and Trade 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. 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 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.

Article 13. Demolition and Site Clearance

4-1301. Compliance.

Any person, business or other entity demolishing, razing or removing and building or structure within the city limits of Haysville, Kansas, shall comply with the requirements of this article.

4-1302. Permit.

No buildings or structure shall be demolished or razed from or upon any premises without first obtaining from the City of Haysville a permit pursuant to Section 4-103 of the Haysville Building Code. Notwithstanding the foregoing, if the building or structure to be demolished is less than 100 square feet in size, no permit shall be required.

4-1303. Prior to obtaining a permit.

Prior to obtaining a permit, all public utilities shall be disconnected. The owner shall cause the sewer line to the building or structure to be capped and such capping shall be inspected and approved by the city. All such sewer lines shall be capped in an approved manner at a point between the connections to the sewer main and five (5) feet inside the property line nearest the sewer main where the building sewer connects. The owner shall cause all other utility services to be totally disconnected from the building or structure to be demolished prior to demolition. All power, gas and water lines shall be disconnected and capped by a representative of the utility provider. The city shall inspect and approve all disconnects prior to issuing the demolition permit.

4-1304. Protection of the general public.

When a building or structure to be demolished is adjacent to a public street or right of way, the owner or his authorized representative shall afford protection to the general public as may be required by other provisions of the Haysville Building Code or as appropriate to ensure public safety.

4-1305. Protection of adjacent private property.

Adequate protection of any adjacent property shall be provided and maintained during the demolition of any structure.

4-1306. Removal and site clearance requirements.

The following requirements will be met during and after the razing or demolition of any structure: in wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials therefrom completely removed before work on the next lower story is started. In those instances where demolishing of an unusual structure or building is undertaken or unusual circumstances exist, the city building inspector may by special permit in writing authorize deviation from the standard regulations for demolition in the interest of public safety and welfare. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level. No combustible material shall be used to fill any basement or excavation. Crawl space foundation walls shall be razed to at least (6) inches below final grade. Basement foundations shall be broken up and may be used to partially fill the basement. The top six (6) inches to finished grade on any type of foundation shall be fine dirt, free of large rocks and vegetation. All fill materials shall be compacted. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous

conditions dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavation which is not completely filled shall be fenced with fencing adequate for the safety of the public.

4-1307. Penalties.

The building inspector, or other official authorized by the Director of Public Works may file a complaint in the municipal court of the city against any person that violates, neglects or refuses to comply with any provision of the code and upon conviction thereof be fined in a sum of \$100.00 for each offense. Each day that a violation is committed or continues to exist shall constitute a separate offense.

4-1308. Abatement.

In addition to or as an alternative to any penalties as provided for in this Section, The city, upon a determination by the governing body after an opportunity for a hearing as hereinafter provided with the applicant for the demolition permit and the landowner that a violation of this article has occurred, may go upon the property to abate and bring the property into compliance with the requirements of this article and assess the costs thereof against the property. The governing body upon receiving a written report from the building inspector or other public officer of a violation of the terms of this article shall by resolution fix a time and place at which the owner, the owner's agent and any lienholder of record may appear and show cause regarding any such violations and why the city should not correct or abate the condition with all costs assessed to the landowner. The resolution setting forth said hearing shall be published once a week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence. If, after notice and hearing, the governing body determines that a violation of the ordinance has occurred, it shall state in writing its findings of fact on support of such determination and shall cause a resolution of its findings to be published once in the official city newspaper and a copy mailed to the owners, agents and lienholders of record in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within violation shall be corrected and a statement that if the owner of such property fails to commence the corrective work within the time stated of fails to diligently prosecute the same until the work is complete, the governing body will cause the demolition and property to be brought into compliance with the ordinance.

4-1309. Appeals.

Any person affected by any determination of the governing body under this Section may appeal such determination in the manner provided by K.S.A. 60-2101.

4-1310. Assessment of costs.

The cost to the city of any removal or demolition including making the site safe and in compliance with this article shall be reported to the city clerk. The city shall give notice to the owner of the property by registered mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice. If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located. If the proceeds of the sale of salvage are insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(Code 2019)

Article 14. Historic Preservation Regulations

4-1401. Declaration of policy.

The city council finds and declares as a matter of public policy that the identification, designation, protection, enhancement, preservation and use of historic resources is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the public. Preservation of historic resources will:

- (1) Protect, enhance and perpetuate historic, distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history;
- (2) Safeguard the city's historic and cultural heritage as embodied and reflected in such historic resources;
- (3) Stabilize and improve property values in such locations of historic resources and thus strengthen the economy of the city;
- (4) Promote and encourage restoration, rehabilitation, and maintenance of historic properties, neighborhoods and districts and thus combat blight and decay;
- (5) Foster civic pride in the beauty and noble accomplishments of the past;
- (6) Protect and enhance the city and its attractions to tourists and visitors and provide support and stimulus to business and industry; and
- (7) Promote the use and adaptive reuse of historic resources for the culture, education, enjoyment and economic welfare of the city's citizens and visitors.

4-1402. Definitions.

As used in this article, the following words, terms and phrases shall be the meanings set out below:

Appurtenances and environmental setting includes, but is not limited to walkways and driveways (whether paved or not) fences, gateways, open space and waterways. Interiors of structures are included only when a historic resource is designated a historic landmark and the owner consents to the addition of the interior of the structure.

Certificate of appropriateness is the approval given for projects impacting historic landmarks and assets within historic districts.

Demolition shall mean any and all activity that requires a demolition permit.

Demolition by neglect is the failure to provide ordinary and necessary maintenance and repair to a structure resulting in the deterioration of the structure or resulting in permanent damage, injury or loss to exterior features.

Design criteria is the standard used for issuing a certificate of appropriateness. The criteria shall be based upon the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, or guidelines adopted by the historic district and based upon criteria of the Secretary of Interior's Standards as recommended by the Haysville Historic Committee and approved by the respective jurisdiction. Examples illustrating said standards shall be made available by the preservation staff.

Historic district is a group of historic resources, consisting of three (3) or more principal use structures or a tract of ground five (5) acres or larger which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values of the city, county, state, or nation which is so designated by the city council. Historic district includes all state and national registered districts provided the owner(s) of record consents in writing to the inclusion. The Historic District may also include appurtenances and environmental setting with written consent from the owner(s) of record.

Historic landmark is a historic resource that has been designated, with the written consent of the owner(s) of record, as having historical, architectural, archaeological, or cultural importance or value which the city council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the public. Historic landmark may also include the interior of a structure appurtenances and environmental setting with written consent from the owner(s) of record. Historic landmark includes all state and national registered structures provided the owner(s) of record consents in writing to the inclusion.

Historic resource is a site, land area, building, structure or object, which may also include appurtenances and environmental setting, which has historical, cultural, aesthetic, architectural and/or archaeological significance, or is a site, land area, building, structure, or object with potential importance or value.

Overlay zoning. Any zoning that functions in addition to the existing land use zoning, as in the case of historic landmark or historic district zoning.

Permit means authorization whether by administrative action or actions by the city council and includes a building, demolition, moving, zoning, sign, fence, parking lot, roofing, sidewalk, siding, or swimming pool permit which is issued by the development services office.

Preservation staff means personnel assigned to provide staff services for the Haysville Historic Committee

Project classification. For the purpose of the certificate of appropriateness review procedure, proposed work involving a historic landmark or property within a historic district shall be classified as major or minor.

(a) Major projects include:

- (1) Any undertaking requiring a permit on a historic landmark unless determined minor by the preservation staff; or a structure within a historic district; unless determined minor by preservation staff;
- (2) Any demolition permit or moving permit for any structure listed as a historic landmark or historic resource within a historic district.

(b) Minor project. For the purpose of certificate of appropriateness review, a minor project is any project requiring a permit on a historic landmark or property within a historic district that proposes repairing or restoring an existing exterior element, or replacing an element or material with identical material and design to that which is existing.

Preservation plan. A document developed, adopted and implemented by the Haysville Historic Committee that identifies trends affecting and impacting historic resources and provides guidance for their preservation. The preservation plan will include a list of all historic resources, historic landmarks and historic districts within the City. The preservation plan will be a component of the comprehensive plan for the city.

Preservation program. The overall program administered by the Haysville Historic Committee that involves the implementation of the historic preservation ordinance, the historic preservation plan, and all activities relating to the furtherance of historic preservation in the City.

Uniform Code for Building Conservation. A national code adopted by the city that provides for more flexible code review for older and historic properties.

4-1404. Historic district committee.

See Chapter 1, Administration.

4-1405. Historic landmark and historic district designation.

The city council may designate certain historic resources as historic landmarks or historic districts. Such designation shall be in addition to any other zoning designation established in the comprehensive zoning regulations of the city and be known as historic overlay zoning. An official register of all historic designations in the city shall be created, maintained and filed for public information and use in the office of the city clerk.

4-1406. Historic landmark designation and nomination criteria.

(a) DESIGNATION

- (1) the designation of buildings, structures and objects as historic landmarks certain criteria must be met. These properties must be fifty (50) years or older. In addition, the property must meet one (1) or more of the following criteria:
 - (A) Is associated with events that have made a significant contribution to the broad pattern of history of the city, county, state or nation;
 - (B) Is associated with a significant person or group of persons in the history of the city, county, state or nation;
 - (C) Embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master builder/architect; possesses high artistic values; or represents a distinguishable entity whose components may lack individual distinction;
 - (D) Yields or is likely to yield information important in prehistory or history; or
 - (E) Possesses integrity of location, design, setting, materials and workmanship.
- (2) Properties less than fifty (50) years old may be eligible for designation provided they are of extreme historical significance. All other criteria listed herein shall apply.

(b) NOMINATION.

- (1) The process is initiated when a historic landmark or historic district nomination form is accompanied by the following information and submitted to the Haysville Historic Committee. The nomination form shall include:
 - (A) A description of the specific historic resource nominated as a historic landmark or a list of specific historic resources located within the proposed district boundaries and a description

of the particular importance or value of each such historic resources, such description to include the following:

- (i) Approximate date of construction, and dates of major alterations, if known;
 - (ii) Builder and/or architect, if known;
 - (iii) Architectural style;
 - (iv) Primary building materials;
 - (v) Current owner of record; and
 - (vi) Legal description of each property.
- (B) A map showing the boundaries of the proposed historic district and the location of each asset of importance or value identified by a number or letter designation;
- (C) Sufficient photographs of each historic resource proposed as a historic landmark or historic resources listed within the historic district;
- (D) Written consent to the nomination by all of the owners of record of the proposed historic landmark. In the event of a contract sale, both the owner of record and the party or parties holding an equitable interest in the property must consent to the nomination; and
- (E) For a historic district, sixty-five (65) percent of the owners of record within the proposed historic district must provide written consent. In the event of a contract sale of real property, both the owner of record and party or parties holding an equitable interest in the property must consent to the nomination.
- (2) Applications to increase the boundaries of a historic district may be made if one (1) or more of the following conditions are met:
- (A) When additional historic resources which relate to the historic district are requested for inclusion;
 - (B) When facts previously undisclosed to or unknown by the Haysville Historic Committee are revealed which indicate that a particular building or site is possessed of special architectural, archaeological, or cultural character, or economic viability to the district.
- (3) Applications to reduce the boundaries of a historic district may be made when one (1) or more of the following conditions have been met:
- (A) When it can be shown that a particular building, structure, site, object or land area has no historic, architectural, archaeological, or cultural importance or value to the viability of the historic district;
 - (B) When it can be shown that no physical, historical, architectural, archaeological or cultural degradation will result from exclusion of property from the district.

4-1407. Historic district designation criteria.

(a) In the designation of buildings, structures and objects as historic districts certain criteria must be met. The historic resources within the historic district must be fifty (50) or more years old. In addition, the historic resources must meet one (1) or more of the following criteria:

- (1) Are associated with events that have made a significant contribution to the broad pattern of history of the city, county, state or nation;
- (2) Are associated with a significant person or group of persons in the history of the city, county, state or nation;
- (3) Embody distinctive characteristics of a type, period, method of construction; represent the work of a master builder/architect; possess high artistic values; or represent a distinguishable entity whose components may lack individual distinction;
- (4) Yield or are likely to yield information in prehistory or history; or
- (5) Possess integrity of location, design, settings, materials and workmanship.

(b) The boundaries of historic districts shall be drawn so as to include all buildings, structures, sites, objects or land areas which meet one (1) or more of the criteria set out herein or which directly affect or relate to such buildings, structures, sites, objects or land areas meeting one (1) or more of the above criteria, provided that at least seventy-five (75) percent of the total structures within the boundaries are of architectural, historical, archaeological, or cultural importance or value as determined by the Haysville Historic Committee.

4-1408. Procedure for designation of historic landmark and historic district.

An application for historic landmark and historic district designation requires the following procedures:

(a) A historic landmark or historic district nomination form, accompanying material, and for historic districts, historic district preservation guidelines as defined herein, shall be submitted to the historic committee.

(b) Upon receipt of such nomination, the Haysville Historic Committee shall make its decision regarding the designation within a reasonable time. In the event a member of the Haysville Historic Committee shall make application, evidence shall be presented in the same manner as all other persons and the Haysville Historic Committee member shall not vote on the matter contained in the application. A simple majority vote shall be required to constitute a recommendation of approval on any nomination application presented to the Haysville Historic Committee.

(c) After consideration and recommendation by the Haysville Historic Committee, the application shall be submitted to the City Planning Department. The following is required as part of the designation application:

- (1) The Haysville Historic Committee recommendation;
- (2) Legal description and map of the boundaries of the proposed designation;
- (3) Completed historic landmark or historic district nomination form and accompanying materials;
- (4) Applicable historic district preservation guidelines as defined herein; and
- (5) A list of property owner(s) of record.

(d) The designation shall be placed on the Haysville Planning Commission agenda for public hearing to consider historic landmark or historic district designation. The same public notices and public hearing as required by law in a zoning case shall be observed. The owner or owners of record of any parcel on which a proposed historic landmark is situated or within a proposed historic district as well as all property owners of record within a two hundred (200) foot radius in the city will be notified of the hearing. At the conclusion of its hearing, the Haysville Planning Commission shall set forth in writing its findings as to whether the designation is consistent with adopted plans and shall transmit such findings to the city council.

(e) After notice and public hearing as required by law in a zoning case, a historic landmark or historic district may be created by ordinance by the city council. Upon passage of such ordinance a certified copy shall be filed with the Sedgewick County Register of Deeds.

(f) Upon approval of a historic landmark or historic district designation ordinance by the city council, the city planning department shall cause the official designation and delineation of the property or properties involved upon the City's official zoning map.

4-1409. Historic district exemptions.

Within thirty (30) days of approval of a historic district by the city council, property owners located within the district may elect to exempt their property from the requirements of the historic district by providing written notice of the self-exemption to the preservation staff. In the event of a contract sale of real property, both the owner of record and party or parties holding an equitable interest in the property must consent to the exemption. The property shall automatically convert to the historic overlay zoning district upon sale of the property, including a contract sale.

4-1410. Historic district preservation guidelines.

Preservation guidelines for a proposed historic district shall be submitted with a nomination application. The district preservation guidelines shall not apply to the interior of commercial structures. Further, the district guidelines shall include, but not be limited to the following:

(a) Guidelines for those seeking a certificate of appropriateness including, but not limited to the following:

- (1) Acceptable materials for any construction, additions, remodeling or rehabilitation activities to the exterior of the structures;
- (2) Appropriate architectural character, scale, and detail for any construction, additions, remodeling or rehabilitation activities;
- (3) Acceptable appurtenances to the structures;
- (4) Acceptable textures and ornamentation to the exterior of the structures;
- (5) Acceptable accessories on structures;
- (6) Such other building regulations which would have impact on the buildings;
- (7) Acceptable standards for changes to non-contributing resources within the district; and
- (8) Acceptable signage.

(b) Guidelines for public improvements in the district, including street furniture, signs, design textures of sidewalks, streets and parks.

4-1411. Historic district designation administrative requirements.

The following shall apply:

(a) When the Haysville Historic Committee considers an area as a possible historic district, the Haysville Historic Committee shall, prior to rendering its final recommendation, submit the nomination package including district preservation guidelines to appropriate city departments and other public agencies directly affected.

(b) In addition, the Haysville Historic Committee shall, prior to rendering its final recommendation, make the historic district preservation guidelines available upon request to all landowners in the proposed historic district.

(c) The Haysville Historic Committee approved graphics for designated historic resources within a historic district may be made available to the owners of designated structures.

4-1412. Certificate of appropriateness review.

The following procedures and requirements shall apply to certificate of appropriateness review:

(a) A permit for any project as defined herein affecting a designated historic landmark or any property within a designated historic district shall not be issued for any major project, as defined in 4-102, to any applicant by the office of the Public Works Director unless an application for a certificate of appropriateness has first been reviewed and approved by the preservation staff, by the Haysville Historic Committee and, if a protest is filed, by the city council. Minor projects, as defined in 4-102, and those not requiring a permit but which propose to alter features which have been defined in a historic district's preservation guidelines as requiring protection shall require a certificate of appropriateness application. Projects which will or have the potential to damage or destroy historic features of a historic landmark or a historic resource which is located within a historic district shall be subject to a certificate of appropriateness review.

(b) When applying for a certificate of appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required on the Haysville Historic Committee's adopted application forms. A complete certificate of appropriateness application and accompanying materials shall be submitted to the preservation staff for review of the application and determination if the proposed work is a major or minor project.

(c) The Haysville Historic Committee shall review the application after the classification of the project being minor or major as determined by the preservation staff. (refer to 4-102).

- (1) Major Project - The Haysville Historic Committee shall recommend approval, approval with conditions, or denial within thirty (30) days of the receipt of an application. Upon receiving the recommendation of the Haysville Historic Committee, the Haysville Planning Commission shall call and hold a public hearing. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations by a majority vote, and shall submit a summary of the hearing to the Governing Body. The Governing Body either may approve, override or return the recommendation to the Planning Commission. The Planning

Commission may resubmit original, new, or an amended recommendation to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly.

- (2) Minor Project - A certificate of appropriateness for a minor project shall be reviewed and approved or denied by the preservation staff. If approved, the preservation staff shall provide a certificate of appropriateness to the applicant and provide a copy of documented approval to the office of the public works director. An appeal from a denial of an application for a minor project may be filed with the preservation staff within five (5) business days. A public hearing on the appeal, as set out above for major projects, shall be at the next appropriate meeting of the Planning Commission.

(d) Ordinary maintenance and repair not otherwise subject to a permit or restricted by the historic preservation guidelines may be carried out without a certificate of appropriateness.

(e) If no action has been taken by the preservation staff and/or the Haysville Historic Committee within thirty (30) days for major projects and within fifteen (15) days for minor projects after date of receipt of the completed application, the permit may be applied for with the office of the public works director.

(f) No significant change shall be made in the work defined in the certificate of appropriateness application after issuance of a certificate of appropriateness without re-submittal and approval thereof in the same manner provided herein.

(g) A certificate of appropriateness may be re-filed provided the request addresses the concerns stated by the city council in its denial.

4-1413. Historic landmark and historic district demolition and moving permits.

(a) If an application is received by the Public Works Department for demolition or moving of any historic landmark or structure within a historic district the applicant shall be referred to the preservation staff for a certificate of appropriateness application. Review of such application for a certificate of appropriateness shall be as provided in article 4-112.

(b) For a project which involves demolition of a historic landmark property or properties within a historic district the proponents of such project shall, before doing any of the demolition or work in furtherance of such project, whether or not a building or other permit is required to be obtained to do such demolition work, file an application for a certificate of appropriateness for review as provided in article 4-112.

(c) After review of certificate of appropriateness and, upon the recommendation of the Haysville Historic Committee, the Haysville Planning Commission shall call and hold a public hearing. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations by a majority vote, and shall submit a summary of the hearing to the Governing Body. The Governing Body either may approve, override or return the recommendation to the Planning Commission. The Planning Commission may resubmit original, new, or an amended recommendation to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendation to the

Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly. In addition to the recommendation of the Haysville Historic Committee, the Planning Commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, owner hardship, the purpose of preserving the designated historic landmark or structure within a historic district, alternatives presented by interested parties, the character of the neighborhood, the economic consequences to the city and the affected owner(s), and all other factors which it finds appropriate. The owner(s) of the historic landmark or owner(s) of the structure within the historic district shall bear the burden of proof demonstrating hardship. The proposed certificate of appropriateness shall become effective upon publication of the respective adopting ordinance.

(d) The city council may approve the certificate of appropriateness or deny the certificate of appropriateness if it determines that feasible alternatives to demolition or moving of the historic landmark or structure within the historic district exist and that in the interest of preserving historical values, the historic landmark or structure within the historic district should not be demolished or moved.

(e) In the event of an "emergency" demolition of a historic landmark or a structure within a historic district, the Public Works Department shall notify the preservation staff as soon as possible. "Emergency" includes, but is not limited to, the need for demolition upon the determination by the Public Works Department that the structure poses a threat to human safety.

4-1414. Review of demolition buildings and moving permits historic resources.

An application to the office of public works director for a demolition or moving permit shall require notification to preservation staff if the permit is for a historic resource determined by preservation staff to have potential for landmark designation. These resources shall be fifty (50) years or older and meet one (1) or more of the criteria for landmark designation described herein. The following procedure applies:

(a) Demolition and moving permit applications for buildings or structures listed as historic resources will be reviewed by preservation staff.

(b) Preservation staff may make the determination that a building, site or structure threatened with demolition or removal meets the criteria for landmark designation.

(c) If a building, site or structure is determined by the preservation staff to meet criteria for historic landmark designation a written notice shall be sent by certified mail to the owner or owners of such building, site or structure. Said notice shall describe the property which meets historic landmark criteria including its location and boundaries and justification of its historic or architectural significance. The notice shall also be delivered to the office of public works director.

(d) Following application for a moving or demolition permit for a listed historic resource, a ninety (90) day delay shall occur prior to the issuance of the requested moving or demolition permit in order for alternatives to be explored with the owner by the Haysville Historic Committee staff.

(e) During such period, no permit shall be issued unless for emergency public safety reasons, or a certificate of appropriateness has been issued.

(f) After the delay, if demolition of the historic resource is the conclusive alternative of the Haysville Historic Committee, the Haysville Historic Committee shall direct staff to document the resource with photography, and/or measured drawings for record purposes.

4-1415. Historic landmark and historic district demolition by neglect.

In the event of demolition by neglect of a historic landmark or structure within a historic district on public or private property, the following provisions shall apply:

(a) If a historic landmark or a property within a historic district has been determined by the Haysville Historic Committee to be the subject of demolition by neglect, the Haysville Historic Committee or preservation staff shall provide the owner of record with a written notice specifying the conditions of deterioration and the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

(b) Such notice shall be sent by certified mail, return receipt requested, addressed to the owner of the property, contract purchaser, if applicable, at his or her last known address, or the address shown on the real property tax records in the Clerk's Office of Sedgwick County, Kansas. Such notice, when so addressed and deposited with the United States Postal Service with proper postage prepaid, shall be deemed complete and sufficient. In the event that notification cannot be accomplished, as aforesaid, after reasonable efforts, notice shall be accomplished by posting a public notice on the property. A copy shall also be provided to the office of public works director.

(c) The notice shall provide that corrective action shall commence no later than thirty (30) days from the receipt or posting of said notice, unless an extension is granted by the Haysville Historic Committee. The owner or contract purchaser, if applicable, shall demonstrate continual progress and all repairs shall be completed within a reasonable period of time. The notice shall state that the owner(s) of record of the subject property may within ten (10) days request a hearing before the Haysville Historic Committee challenging the finding of demolition by neglect and/or the notice to repair. If such request for a hearing is received within this time period, a hearing will be at the next regular meeting of the Haysville Historic Committee. The Haysville Historic Committee shall review all evidence of demolition by neglect at the scheduled hearing.

(d) In the event that the Haysville Historic Committee finds that, notwithstanding the necessity for such improvements, corrective action would impose a substantial hardship on the owner or any or all persons with any right or title in the subject property, then the commission shall establish a period of forty-five (45) days and direct preservation staff to seek alternative methods to preserve the historic landmark or property located within a historic district.

(e) If no alternative is found to preserve the structure without undue hardship to the owner, and any or all persons with any right or title in the subject property and the structure is determined a threat to human safety and is in violation of city code a demolition permit may be issued.

4-1416. Continuation of existing designation.

Nothing contained in this section shall eliminate, change, or otherwise affect the existing designation of an historic landmark or an historic resource in the City of Haysville.

4-1417. Severability.

If any part or parts of this article shall be held unconstitutional, invalid, or otherwise unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

4-1418. Penalty.

It is unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, deface, move or maintain any historic landmark or asset within a historic district in violation of the provisions of this article. Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

Article 15. Sign Regulations

4-1501. Title.

This article shall be referred to as the “Sign Code” for the City of Haysville, Kansas. It may be referenced herein as “this Sign Code,” “this Code,” or “these Regulations.”

(Code 2020)

4-1502. Purpose.

These regulations are intended to balance the need to protect the public health, safety, welfare and aesthetics of the community with the need for adequate identification, communication, economic development and advertising. These sign regulations have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- (b) To allow for and promote positive conditions for sign communication;
- (c) To reflect and support the desired ambiance and development patterns of the various zoning districts, overlay zones and adopted plans of the City;
- (d) To promote an attractive, urban environment; and
- (e) To allow for adequate and effective signs whose dimensions further the interest of public safety and the needs of the motorist in locations where signs are viewed from the street or roadway.

(Code 2020)

4-1503. Applicability.

The requirements of this Code apply to all signs, sign structures, awnings and other types of sign devices located within the jurisdiction of the City of Haysville that are visible from a roadway or other public location and which are clearly intended to attract the attention of the public.

(Code 2020)

4-1504. Definitions.

All terms used within this Code not otherwise defined in accordance with the Zoning Code of the City of Haysville, Kansas. If not defined herein or within the Zoning Code of the City, such terms shall be defined as appropriate within the context such term is used.

- (a) A-frame sign. A temporary, freestanding sign constructed in such a manner that the faces of the sign form an “A” shape when viewed from the side.
- (b) Abandoned sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises where the sign is located. Abandonment includes signs which are non-commercial in nature when the content of the sign pertains to a time, event or purpose in which the event has concluded. Finally, abandonment includes conduct associated with failure to maintain a valid permit.

(c) Administrative Committee. A review committee comprised of the Mayor, Chief Administrative Officer and Public Works Director. The Administrative Committee also serves as the Appeals Committee for any appeal of an action by an enforcement officer pursuant to this Code.

(d) Air-filled moving sign. A temporary sign comprised of canvas-like, plastic or similar material that is moved by forced air.

(e) Alteration, structural. A change in the size or shape of an existing sign. Replacing a sign cabinet, altering or replacing sign supports and altering the cabinet frame are alterations. Refacing, changing copy or changing color of an existing sign is not an alteration. Changing or replacing a sign face or sign panel is not an alteration.

(f) Architectural projection. A projection from a building that is decorative and/or functional and not an occupiable part of the building, and that extends beyond the face of an exterior wall of a building. See also: Awning, Canopy and Marquee.

(g) Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering made of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

(h) Awning sign. A sign displayed on or attached flat against the surface(s) of an awning.

(i) Banner sign. A temporary sign using a flexible substrate as its display surface. Banner signs mounted in a permanent frame are permanent signs.

(j) Bench sign. A sign applied or affixed to the seat or back of a bench and intended to be read by occupants of a bench and pedestrians in the immediate vicinity of a bench.

(k) Billboard. An off-premises sign displaying messages pertaining to the use of products sold or leased, services provided, or events which do not occur on the property where the sign is located, and which contains copy that is intended to change on a regular basis.

(l) Building face. The portion of any exterior elevation of a building extending vertically from the ground grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(m) Canopy, attached. A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

(n) Canopy, freestanding. A multi-sided overhead structure supported by columns but not enclosed or supported by walls.

(o) Canopy sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy.

(p) Center identification sign. A sign that contains advertising for three or more tenants located on the same lot or on adjacent lots. Two-tenant signs or signs advertising multiple functions of the same or related companies are not center identification signs for the purposes of this article.

(q) Channel letter sign. A sign comprised of individual letters or numbers, lit or unlit, which make up the name of an establishment, services offered or other information of interest to the public.

- (r) Cladding. A non-structural covering designed to conceal the actual structural supports of a sign.
- (s) Conforming sign. A sign that is legally installed in conformance with this article.
- (t) Dilapidated sign. A sign that is unmaintained; has missing pieces, inserts or cabinets; has broken pieces or parts; poses a hazard or is otherwise in poor condition.
- (u) Directional sign. A sign that is designed and erected solely to provide direction and/or orientation for pedestrians and/or vehicles.
- (v) Double-faced sign. A sign with two faces that are placed back to back.
- (w) Electric sign. A sign activated or illuminated by means of electrical energy.
- (x) Electronic message center (EMC) or sign. A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message or content to be made remotely.
- (y) Exterior sign. A sign placed outside of a building.
- (z) Fence sign. A sign mounted upon a fence.
- (aa) Flag. A piece of cloth or similar flexible material which is typically oblong or square and which is attached by one edge to a pole or rope.
- (bb) Flashing sign. An electrically activated sign that uses intermittent light to attract attention. Signs containing lights that spin, flicker or turn alternately off and on are flashing signs.
- (cc) Freestanding sign. A sign principally supported by one or more columns, poles, braces or pedestals placed in or upon the ground.
- (dd) Frontage, lot. The full length of that part of a property which abuts a public street.
- (ee) Home occupation sign. A sign on a residential lot advertising the approved home occupation conducted on the premises.
- (ff) Illegal sign. A sign that does not meet the requirements of these regulations and which does not have nonconforming status.
- (gg) Illuminated sign. A sign characterized by use of artificial light, either projecting through its surface or reflecting on its surface.
- (hh) Interior sign. Any sign located within the interior of a building.
- (ii) Marquee sign. A roof-like projection typically located at the entrance to a theatre or hotel which contains sign copy.
- (jj) Moving sign. Any sign that employs motion and which is activated either electrically, mechanically or environmentally.
- (kk) Multiple-faced sign. A sign containing more than two faces.

(ll) Mural. A painting or other work of art generally applied to the entire face of a building that does not contain an advertising message. Murals with advertising messages are wall signs.

(mm) Nonconforming sign. A sign that was legally installed in conformance with the regulations in effect at the time of installation, but which does not comply with current sign regulations.

(nn) Off-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on a property different from that where the sign is located. A sign displaying both on-premises and off-premises messages shall be considered off-premises.

(oo) On-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on the property where the sign is located.

(pp) Parapet. The extension of a building face above the line of the structural roof.

(qq) Portable sign. A temporary sign not permanently attached to the ground which can be readily removed and relocated.

(rr) Projecting sign. A sign that is attached to a building face and which projects from the face at a perpendicular angle.

(ss) Revolving sign. A sign that has the capability to revolve or spin about an axis.

(tt) Roof integral sign. A sign incorporated into, but not projecting above, the roof of a building. A roof integral sign is a wall sign.

(uu) Roof sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.

(vv) Searchlight. An apparatus used to attract attention to a property using a powerful beam of light or lights aimed skyward, usually constructed to be swiveled about.

(ww) Sight triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The sight triangle area on a lot has two sides measured from the point of the lot line intersection, at the intersection of two streets, and a third side across the lot which connects the ends of the two sides that are measured from the lot corner at the street intersection. For lots that have rounded corners at the intersection of streets, the lot lines shall be extended in a straight line to the point where the lot lines would then intersect. In all residential districts, the two lot lines establishing the vision triangle shall be a minimum distance of 30 feet. In all other zoning districts the distance shall be 20 feet. At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify or waive the sight triangle restrictions. The Zoning Administrator shall determine, upon request, the location of any sight triangle.

(xx) Sign. A device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(yy) Sign area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. See Sec. 4-207 for examples of how to calculate the sign area.

(zz) Sign copy. The physical sign message including any words, letters, numbers, pictures and symbols, exclusive of a street address.

(aaa) Sign embellishment. A decorative detail or feature of a sign that is not part of the sign copy and is not a necessary part of the sign structure.

(bbb) Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, embellishments, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(ccc) Sign height. The distance from the lowest point of the adjacent ground to the highest point of the sign or sign structure.

(ddd) Sign structure. A support feature, including a pole, pedestal or cabinet that is designed to hold a sign.

(eee) Site. The location where the sign is to be placed.

(fff) Streamers. A sign display made of rope, string or wire affixed with flexible materials, often in triangular shape or reflective strips of material, that comprise a fluttering linear display.

(ggg) Temporary sign. A sign intended to display messages of a transitory or temporary nature (either commercial or noncommercial). Portable signs and signs not permanently embedded in the ground, or affixed to a building or sign structure that is permanently embedded in the ground, are temporary signs. Pennants and streamers are temporary signs.

(hhh) V sign. A wall sign containing two faces of equal size, positioned at an interior angle subtending less than 145 degrees at the point of juncture of the individual faces.

(iii) Wall sign. A sign that is in any manner affixed to any exterior wall of a building or structure, which is oriented on a parallel plane to the building face, and that projects not more than eighteen inches from the building or structure wall at the farthest point. This also includes signs affixed to architectural projections of a building provided the sign area of such signs remains on a parallel plane to the face of the building face or to the face(s) of the architectural projection to which it is affixed.

(jjj) Wayfinding sign. A sign located in the public right-of-way and owned by the City, County, State or other public entity, specifically designed to provide directional or destination information pertaining to community attractions.

(kkk) Window sign. A sign affixed to the interior surface of a window with its message intended to be visible to the exterior environment.

(lll) Zoning Administrator. The person appointed by the City to carry out the provisions of this Code. Any reference within this Code to the Zoning Administrator shall be deemed to include reference to such individual's designee.

(Code 2020)

4-1505. Exemptions.

(a) The following types of signs shall not require permits and shall be exempt from the requirements of this article. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.

- (1) Flags or emblems of a governmental body or of a political, civic, philanthropic, educational or religious organization not to exceed thirty-five (35) feet in height. These flags or emblems shall not be displayed as part of a commercial promotion or advertising.
- (2) Signs required by law containing address numerals or related information needed for the convenience of the public.
- (3) Signs erected by government agencies or utilities, including traffic, utility, safety, railroad signs and wayfinding signs.
- (4) Signs required by federal, state or local law.
- (5) Holiday decorations.
- (6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles, which vehicles are not primarily used as signs.
- (7) Signs not visible from a roadway
- (8) Window signs not exceeding seventy-five (75) percent of window coverage, that do not prevent visibility by safety services into that portion of the commercial enterprise open to the public.
- (9) Public art approved by the Administrative Committee.
- (10) Bench signs and bus shelter signs with sign copy lettering height smaller than 6 inches.
- (11) Official notices authorized by a court, public body, or public officer.
- (12) Temporary double-sided and A-Frame (also known as Menu Board) type freestanding signs advertising for an adjacent business or public institution. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located on private property where the advertised business exists. The sign shall not be located in a public right-of-way. No sign shall be placed on any public sidewalk or Bicycle/Pedestrian Path. One sign shall be permitted per business or public institution. Signs shall not be illuminated, contain any digital display, and shall not be displayed during non-business hours. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair.
- (13) Structures resembling a sign which are clearly displayed as art, and not for informational purposes, within a residential zone may be exempted from this Code, within the discretion of the Zoning Administrator. Signage within commercial districts may only be designated as serving a primary artistic purpose, rather than informational purpose, at the discretion of the Administrative Committee.

(b) The following signs are exempt from the sign permit requirements, but shall in all other respects conform to the requirements of this article.

- (1) Directional/informational signs not exceeding six square feet in gross surface area for non-residential uses.

- (2) All signs associated with the sale of fireworks pursuant to a valid fireworks sale permit issued by the City shall be in conformance with this Code, unless a standard is waived by the Zoning Administrator or Administrative Committee due to the limited sales period associated with fireworks.
- (3) One project, or “for sale” or “for rent”, sign is permitted per street frontage; it must be located on the premises; and it must be removed upon completion of the project or within ten days after sale or letting of the property. In addition, one “open house” sign per street frontage, located on the premises, is allowed four (4) days prior to the event.
- (4) “Construction project” signs, with a maximum sign area of 32 square feet with a maximum height of nine feet.
- (5) “Coming soon” signs for businesses with a 32 square feet with a maximum height of nine feet. These types of signs shall be allowed in conjunction with any existing signs on the property six months prior to a building permit being issued.
- (6) Subdivision, commercial and industrial acreage or structure “for sale” or “for rent” signs. Maximum height shall be nine feet. Maximum sign area shall be 32 square feet.
- (7) Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.
- (8) Temporary signs for special events for public, charitable, religious or fraternal organizations, subject to the following limitations:
 - (A) May be located on premises or off premises, subject to approval of the Zoning Administrator.
 - (B) These signs are prohibited on public property and public right-of-way.
 - (C) May be placed prior to the event, and shall be removed within 48 hours after the event’s completion.
- (9) Any sign covered by K.S.A. 25-2711.
- (10) Signs customarily associated with residential uses and having a gross surface area not exceeding three (3) square feet, including but not limited to signs:
 - (A) Giving property identification names or numbers;
 - (B) Names of occupants;
 - (C) On mailboxes or newspaper tubes;
 - (D) On private property and relating to private parking; and
 - (E) Warning the public against trespassing or danger from animals including those identifying a security system.

(Code 2020)

4-1506. Prohibited signs.

The following signs are prohibited:

- (a) Signs containing strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors and other such features that could be hazardous to the vision of passing motorists.
- (b) Dilapidated signs, as defined by this article.
- (c) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not prohibit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- (d) Signs that imitate or resemble official traffic or governmental signs. Signs which, in the opinion of the City Engineer, will impair intended operation of traffic control signals or constitute a safety and traffic hazard. Signs using red, yellow and green lights, or the words “stop,” “look,” “danger,” etc. and which give the appearance of traffic control.
- (e) Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs and air-filled moving signs.
- (f) Inflatable signs, including balloons. Balloons smaller than 3 feet in diameter shall be exempt.
- (g) Posters, signs and handbills affixed to any tree, vegetation, rock or utility pole.
- (j) Signs that emit smoke, visible vapors, sounds or odors. Open flames used to attract public attention are not permitted.
- (k) Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.
- (l) Signs that infringe upon the sight triangle, as defined in this Code.
- (m) Street spanning banner signs, except as permitted by the Haysville City Council.
- (o) Portable or temporary electronic message center signs.
- (p) Off-premises signs except those permitted in the “D”, “E”, “F” and “G” Zoning Districts. Existing off-premises signs shall be nonconforming.
- (q) Abandoned signs.
- (r) Signs that display any obscene, indecent or immoral matter.

(Code 2020)

4-1507. Sign area.

Sign area shall be calculated based upon the following. The Zoning Administrator is authorized to make interpretations of these regulations in cases where a specific sign does not fit into the categories described.

(a) Sign cabinets. The area of sign faces enclosed in frames or cabinets shall be based upon the outer dimensions of the frame or cabinet and shall be calculated by multiplying the width by the length of the cabinet or frame.

(b) Double-sided signs/V-signs. Only one side of a double-sided sign or V-sign shall be counted when calculating sign area. The larger sign face shall be used in cases where the sign faces are not of an equal size.

(c) Multiple-faced signs. The sign area of multiple-faced signs shall be calculated by adding the area of all sign faces together and multiplying by 50%.

(d) Round, oval or irregularly shaped signs. The sign area of said signs shall be calculated using the appropriate mathematical formula or by dividing the sign into smaller geometric shapes that are then added together to calculate the sign area.

(e) Channel letter signs. The sign area for channel letter signs shall be calculated using the area of a rectangle enclosing the letters for each word or logo in the sign.

(f) Awnings, canopies and marquees. Sign area for awnings, canopies and marquees is calculated by computing the area of a standard geometric shape or combination of shapes drawn around the sign copy area or graphics. The side parallel to the plane of the building shall be counted as one sign face. Perpendicular sides shall count as a second sign face and shall be included in the total area as a double-faced sign.

(Code 2020)

4-1508. Maximum sign area and height – freestanding signs.

Except as otherwise noted in this article, the maximum sign area and height for freestanding signs shall be based upon the adjacent roadway type as follows:

Adjacent Roadway Classification	Maximum Sign Area (square feet)	Maximum Height (feet)
Residential/Other	100	20
Collector	150	25
Arterial	150	25
State Highway	250	35

(Code 2020)

4-1509. Sign height exception.

Freestanding signs abutting a roadway with a higher-grade level in comparison to the sign or sign structure shall have sign height measured from the roadway level adjacent to the sign to the highest point of the sign or sign structure.

(Code 2020)

4-1510. Signs permitted for residential uses.

(a) Signs permitted for single family dwellings and duplexes in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Wall	1 per unit for home occupations	6 square feet	N/A	No
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	Yes

(b) Signs permitted for multi-family dwellings (3+ units) in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	1 per lot frontage or building	64 square feet	6 feet	Yes
Wall	1 per lot frontage or building	10% of the area of the building face	N/A	Yes
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	Yes
Directional	2 per drive entrance	6 square feet	3 feet	No

(c) Signs permitted for residential subdivisions in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	2 per subdivision entrance	64 square feet	8 feet	Yes
Temporary	1 per development while under construction	64 square feet	6 feet	No

(d) Signs permitted for vacant lots in residential zoning districts:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Temporary	1 per lot frontage for lots that are for sale or lease	64 square feet	6 feet	No

(Code 2020)

4-1511. Signs permitted for commercial zoning districts

(a) Signs permitted for all commercial and industrial uses located in the DD, OC, D and E zoning districts are as follows. For residential uses, please refer to section 4-1510. For public and institutional uses, please refer to section 4-1514.

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. 4-1508	See Sec. 4-1508	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Temporary a. Freestanding b. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	2 per drive entrance	6 square feet	4 feet	No
Projecting/V-Sign	1 per façade	32 square feet	8 feet minimum clearance over pedestrian walkways	Yes
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> 1 per lot Billboards count toward the total sign allotment for the property Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes
Off-premises sign (non-billboard)	<p>Permitted in cases where a legally platted lot does not have public road frontage, provided:</p> <ul style="list-style-type: none"> The sign shall be placed in a permanent sign easement The sign is placed along the nearest public street to the establishment it serves The establishment the sign serves is visible from the sign location 	See Sec. 4-1508	See Sec. 4-1508	Yes

(b) Electronic Message Center signs shall be permitted in all zoning districts pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

(c) Center Identification Signs To encourage efficiency in signage and reduce the aesthetic impact of multiple freestanding signs advertising businesses on the same or adjoining properties, Center Identification Signs are encouraged. Center identification signs shall comply with the following:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Center Identification	<ul style="list-style-type: none"> 1 per each 200 feet of lot frontage Separated by a minimum distance of 200 feet from other freestanding signage located on the same zoning lot 	300 square feet	40 feet	Yes

(Code 2020)

4-1512. Signs permitted in industrial zoning districts.

(a) Signs permitted for all commercial and industrial uses located in the F and G zoning districts are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. 4-1508	See Sec. 4-1508	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary c. Freestanding d. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	2 per drive entrance	25 square feet	5 feet	No
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Center Identification Sign	See Sec. 4-1511.c	See Sec. 4-1511.c	See Sec. 4-1511.c	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> • 1 per lot • Billboards count toward the total sign allotment for the property • Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes

(c) Electronic Message Center signs shall be permitted in all zones pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

(Code 2020)

4-1513. Signs permitted for public and institutional uses.

Signs permitted for all public and institutional uses regardless of zoning district are permitted as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	<ul style="list-style-type: none"> • See Sec. 4-1508 • Lots larger than 5 acres shall be allowed a 50% increase 	<ul style="list-style-type: none"> • See Sec. 4-1508 • Lots larger than 5 acres shall be allowed a 50% increase 	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary/Portable e. Freestanding f. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	No maximum number	24 square feet	8 feet	No
Projecting/V Sign	1 per face	20 square feet	Minimum of 8 feet clearance over pedestrian walkway	Yes
Awning/Canopy/Marquee	1 per face	90% of awning, canopy or marquee face	N/A	Yes
Roof	1	20% of building face	6 feet, plus 1 foot per story above the first story	Yes

(b) Electronic Message Center signs shall be permitted for public and institutional uses in any zoning district. Electronic message boards shall be classified in accordance with the sign type (wall, freestanding, etc.). Temporary or portable electronic message signs shall not be permitted.

(Code 2020)

4-1514. Sign regulations pertaining to all zoning districts and uses

(a) Sign Placement.

- (1) Unless specifically authorized by these regulations, all signs shall be erected totally upon the property to which they pertain and shall not overhang into or be located upon the public right-of-way, sidewalk, street, public easement or any other public travel way.
- (2) Sign placement exceptions: Projecting signs, awning, canopy and marquee signs shall be permitted to extend over a public sidewalk when located in the D or E Zoning District, when approved by the City Engineer.

- (3) Wall signs shall not extend above the top of the building wall upon which they are mounted and shall not protrude more than 18 inches on average from the wall or structure to which they are attached.
- (4) No part of any freestanding sign or center identification sign shall be placed closer than 50 feet to an existing sign on an adjacent lot.

(b) Permanent construction. All signage, other than temporary signage, shall be constructed of permanent weatherproof materials typically associated with sign construction, including solid plastic, wood, masonry, metal or other rigid materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Signs printed on pliable plastic, fabric, cardboard, streamers or other non-rigid materials are temporary signage for the purpose of these regulations unless mounted upon a wall in a permanently affixed frame.

(c) Illumination.

- (1) Illuminated signs located in, or adjacent to, any residential district shall be shaded as necessary to avoid casting bright light upon adjacent property.
- (2) Brightness limits shall be set at a maximum of 5,000 nits between sunrise and sunset, and at a maximum of 500 nits between sunset and sunrise. Each electronic message sign shall be equipped with a light sensing device to automatically adjust the brightness in accordance with these standards.
- (3) Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.

(d) Structural and engineering standards. All signs, sign structures, sign foundations and sign anchors shall meet the applicable provisions of the adopted building codes of the City of Haysville.

(e) Obstruction prohibited. No sign shall obstruct any fire escape, required exit, window, opening, door or vent. Signage shall not interfere with property storm water drainage.

(f) Proximity to electrical lines. Signs shall not be placed any closer than 8 feet vertically or horizontally from electrical lines, conductors or electrical guy wires.

(g) Sight triangle. Signs shall not impede the sight triangle.

(Code 2020)

4-1515. Temporary signs

- (a) A permit is required for all signs, except in conformance with exemptions as set forth in Sec. 4-205.
- (b) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application
- (c) Each business or person is entitled to display seven (7) temporary signs per calendar year.
- (d) Temporary sign permits are valid for thirty-five (35) days. At the end of the thirty-five (35) days temporary signs must be removed and are required to wait a seven (7) day period before applying for another temporary permit.

(e) Except in accordance with exemptions as set forth with 4-205 of these Regulations, a temporary sign may not be erected or displayed in the public right-of-way, easement or attached to utility poles.

(f) These signs shall not be displayed for a duration longer than the permit allows, or the City may remove the sign.

(Code 2020)

4-1516. Nonconforming signs.

Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to this Code, shall be legal provided they are maintained in good condition. Nothing in this Code shall prohibit the ordinary maintenance, repair or refurbishment of a nonconforming sign or replacement of a broken part of a nonconforming sign, including replacement and upgrade of Electronic Message Center/electronic technology. Replacement of copy, content or message may be considered ordinary maintenance.

(a) A legal nonconforming sign shall not be:

- (1) Changed to another type of nonconforming sign, except that conversion of changeable copy signs to electronic message center signage shall not be considered a change in sign type;
- (2) Physically changed or structurally altered to increase the square footage or height, however, the shape can be changed;
- (3) Continued after more than 12 months of abandonment or vacancy of the property;
- (4) Re-established in a different location on the lot;

(b) In the event that any existing nonconforming sign, as provided for in this section, is damaged by acts outside of the control of the property owner to an extent of 50 percent or more of the replacement, restoration or reconstruction value of the sign, or 50 percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of these regulations. Any nonconforming sign which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

(Code 2020)

4-1517. Abandoned signs.

If a building, structure or premise is vacated for a three-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs, along with the structure supporting the sign(s), located thereon with the exception of advertisements dealing with the sale or leasing of the facility. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.

(Code 2020)

4-1518. Administration.

(a) The Zoning Administrator shall administer these sign regulations and is authorized to enforce and carry out all provisions thereof.

(b) Administrative authority shall include development of application forms, permit fees and procedures consistent with this section.

(c) The Zoning Administrator is permitted to enter onto any property in the City to inspect a sign, its structural supports and electrical connections, and to ensure compliance with all adopted codes. Such inspections shall be conducted during regular business hours of the City unless an emergency exists.

(d) Sign installation. The work necessary to construct, install, erect, illuminate or modify signage within the City shall be performed by a licensed contractor in conformance with the provisions of the Municipal Code of Haysville, Kansas.

(1) Work required to be performed by a licensed contractor:

(A) Construction, installation, erection or electrical connection of any sign which is internally illuminated.

(B) Construction, installation or erection of any permanent freestanding sign requiring wind load calculations.

(C) Construction, installation or erection of any sign which is located above a pedestrian walkway or on a canopy over a pedestrian walkway.

(D) Construction, installation or erection of any sign not described in subsection 4-218(d)(2).

(2) Work which may be performed by a property owner or lessee:

(A) Installation or attachment of any individual letters which do not require electrical service or structural modification of the surface to which such letters are being attached.

(B) Construction and erection of any temporary sign.

(e) Sign Permit required.

(1) A sign permit shall be required, as established in this code, except for replacement of existing faces or panels, provided no structural alterations are made and the sign does not change in shape, size or area. Normal maintenance on a sign shall not require a sign permit.

(2) A sign permit application shall be completed on forms provided by the Zoning Administrator and shall be completed by the owner, tenant, authorized agent or licensed sign installer.

(f) Issuance of permits.

(1) Within 14 days of receipt of a complete sign permit application, the Zoning Administrator shall:

(A) Issue the permit;

(B) Deny the permit, including a written statement of the reasons for denial; or

(C) Request additional information pertaining to the permit.

(2) Sign permits may be revoked if:

- (A) There is any false statement or misrepresentation made in the application;
 - (B) Work authorized by the permit has not commenced within 180 days from the date of permit issuance; or
 - (C) The work authorized by the permit has not been completed within 365 days from the date of permit issuance.
- (3) The Zoning Administrator may levy a charge of triple the permit fee for signs erected, placed, relocated, altered or substantially repaired without obtaining permits, as required in this article.
- (4) The City may require removal of a sign even if a permit was issued, if the permit was issued in error and in violation of these regulations.
- (g) Sign permit fees.
- (1) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application.
 - (2) Substantial changes to an issued permit may result in additional permit fees being assessed.
- (h) Enforcement.
- (1) All signs shall be maintained in a safe and attractive manner and shall be free from structural, material and electrical defect or hazard. The property owner is responsible for assuring that signs on their property comply with the provisions of these regulations.
 - (2) The Administrator is authorized to exercise the following enforcement authority:
 - (A) Arranging for immediate removal of any dangerous sign that poses an immediate threat to the public safety. Such removal may be conducted without notice.
 - (B) Ordering, via written notification, removal or repair of any sign which endangers the public safety, health or welfare and/or which has become a public nuisance. The order shall specify the defect or hazard and require correction within 30 days of the date of the letter.
 - (C) Ordering, via written notification, removal of an abandoned sign within 30 days of the date of the letter.
 - (D) Ordering, via written notification, removal of any illegal temporary signs within 7 days of the date of the letter.
 - (E) Confiscating any signs located in the public right-of-way or on public property, other than those specifically required to be permitted under state statute. Confiscated signs may be recovered by the sign owner within 14 days of the date of confiscation, pursuant to payment of a service charge as established in Chapter 17.
 - (F) Deny issuance of a sign permit for property that has outstanding sign violations or assessments, as established in this article.
- (i) Administrative correction, removal and forfeiture.

- (1) The Zoning Administrator may correct a violation of this code or remove any defective, dilapidated, abandoned or illegal sign if an order has been correctly issued and mailed or delivered and if:
 - (A) The sign has not been removed or repaired within the specified time limit; and
 - (B) The property owner or authorized representative has failed to file an appeal with the Administrative Committee by the specified time limit.
 - (2) The City shall have the right to recover from the owner or tenant placing such a sign the full costs of removal and disposal of said sign. If the cost is not recovered, the expenses may be assessed as a special assessment against the parcel on which the sign was located.
 - (3) For the purposes of this section, the term “sign” shall include all sign embellishments and supporting structures.
- (j) Appeals.
- (1) Any applicant, property owner or authorized representative may appeal the following decisions/determinations of the Zoning Administrator:
 - (A) Denial of a sign permit.
 - (B) A written order issued pertaining to a sign.
 - (2) Appeals shall be filed within 14 days of the date of determination and shall be made on forms as provided by the City. Appeals shall be accompanied by payment of the required application fee.
 - (3) If the enforcement officer who issued the decision from which the appeal is being taken usually sits upon the Administrative Committee, such official shall recuse themselves upon the record from participating in the decision of the Administrative Committee and shall take no further part in such action except such individual may be called to provide evidence as a witness.
 - (4) If the nuisance condition is deemed by the Zoning Administrator 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, regardless of the timing of the hearing. Costs of such temporary action shall be additional costs of this nuisance abatement action.
 - (5) At the hearing, the Administrative Committee shall hear all evidence submitted by the appealing party and 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.
 - (6) The Administrative Committee shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail, or delivered via in person delivery, 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 Administrative Committee’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

Administrative Committee. If abatement is ordered, the order shall also fix a reasonable period of time, not less than ten (10) days from the date the Order was rendered, to complete the abatement of any nuisances found by the Administrative Committee, and a statement that if the appellant or Responsible Party fails to complete the abatement, the Zoning Administrator shall cause the nuisance to be removed and abated in compliance with the Municipal Code of Haysville, Kansas.

- (7) The determination by the Administrative Committee shall be a final order of the City, and appeals of this action may be taken as allowed by law. Such appeal shall be filed within 30 days of the final decision of the Administrative Committee. A decision of the Administrative Committee shall be deemed final the day such decision is rendered.

(k) Penalties. Any person violating any of the provisions of these regulations or causing, permitting or suffering the same to be done is guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred dollars. The issuance or granting of a permit shall not be deemed or construed to be a permit for an approval of any violation of any of the provisions of this code.

(l) Violations. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties

- (1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.
- (2) To install, create, erect or maintain any sign requiring a permit without such permit.
- (3) To fail to remove any sign that is installed, created, erected or maintained in violation of these regulations, or for which the sign permit has lapsed.
- (4) To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of these regulations.
- (5) Each sign installed, created, erected, or maintained in violation of these regulations shall be considered a separate violation when applying the penalty portions of these regulations.

(Code 2020)

CHAPTER 5. BUSINESS REGULATIONS

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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 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 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 13 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) **REVOCAION.** 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, as set forth within 17-312 of this Code.

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 permittee 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 (1/8th) 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.

Permittees 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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

(A) Broadway (U.S. 81);

(B) Grand Avenue (71st Street South);

(C) Main Street (Seneca); or

(D) Meridian Avenue

(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; Code 2020)

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. and 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) 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.

(1) 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 ($\frac{3}{4}$) 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 ensure 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. Detonation may also occur within time frames approved through the City's Special Event Permit.

(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)

5-1109. Public display of fireworks; special event permit required.

(a) It shall be unlawful for any person or entity, other than as sponsored by the City of Haysville for the City as a whole, to give or provide a fireworks display for the public or for organized groups without first obtaining a special event permit from the City of Haysville. The City shall not review an application for a special event permit until the Sedgwick County Fire Marshall, or his designee, has reviewed and approved the application. Said application shall be approved in accordance with the provisions of Chapter 12, Article 3.

(b) A public display of fireworks may be held upon private property as approved by the Sedgwick County Fire Marshall, or his designee. In such instance those elements of the Special event Application specifically associated with use of public property shall not be applicable. All application fees and the event review process shall be applicable to private property displays, except that the review of the event by the Recreation Director may not be applicable. If the terms of this section are in conflict with, or less restrictive than, Chapter 12, Article 3, the terms of this section shall apply. The review of the proposed event by the Public Works Director and Chief of Police shall be applicable to a private property fireworks display.

(c) No special event permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000.00 for each occurrence including

damage to vehicles, naming the City of Haysville as additional insured and providing for both workers compensation, which is written by an insurance carrier licensed to do business in Kansas. Insurance certificate shall not be cancelled by insured or insurer until written notice is provided to the City Clerk of the City of Haysville. In the event of cancellation of the insurance prior to the display, the special event permit shall automatically be revoked and void. Presenting a fireworks display after insurance has been cancelled shall be a violation of this code, and may be prosecuted as an unclassified misdemeanor in accordance with this Article. The application for the special event permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display. Shall include:
 - (A) Address of the grounds upon which the display is to be held;
 - (B) A diagram of the grounds on which the display is to be held. The diagram must indicate distances from the point of discharge of fireworks to:
 - (C) the perimeter of the grounds,
 - (D) to all structures located upon the grounds,
 - (E) all structures on abutting properties within 500 feet of the point of discharge,
 - (F) all abutting streets points of ingress/egress to the grounds, and
 - (G) the area at which the audience will be located.
- (4) The date, time and duration of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
- (7) The name of the person, firm or corporation that will discharge the fireworks. Must present a valid firework operators certificate issued by the State of Kansas Fire Marshal's Office.
- (8) Anticipated need for police, fire or other municipal services.

(d) No special event permit shall be issued if in the opinion of the Sedgwick County Fire Marshall, or his designee, the location, nature of the fireworks or any other relevant factor creates a hazard, risk of harm, or risk of damage to persons or property.

(e) Prior to approval of any special event permit application, the Sedgwick County Fire Marshall shall have the power to issue reasonable rules and regulations for the granting of said special event permit. City law enforcement and the Sedgwick County Fire Marshall are authorized to terminate a fireworks display event if the event operator or party responsible for fireworks detonation violate any such rules and regulations.

(f) The Chief of Police of Haysville, Kansas, shall review the application to determine whether police or security shall be required as a condition of approval of the special event permit. Such review shall include determination of traffic control concerns, and identifying and preventing concerns arising from individuals

watching the display in unsafe areas located off the display grounds. All costs of security or additional policing requirements shall be borne by the event operator.

(g) Only those persons actually approved as operators by the Fire Marshall, or designee, shall handle or discharge any fireworks at such a special event.

(h) Fireworks displays shall be completed by midnight on Fridays and Saturdays and 11:00 pm Sunday through Thursday nights.

(i) No individual, business, or organization shall receive more than one permit for special event of fireworks per calendar year. To limit negative impacts upon abutting properties, a site for a special event of fireworks shall only be authorized for a special event of fireworks once annually.

(j) A permit authorizing a special event of fireworks shall hereby require that the permittee remove all trash and debris from the property associated with the special event of fireworks, including both trash and debris generated by the display itself as well as by the attendees to the event.

Article 12. Temporary Portable Businesses

5-1201. 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 article. 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.

(Code 2020)

5-1202. 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.

(Code 2020)

5-1203. Information required.

An application for a 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:

- (a) Contact information of the applicant;
- (b) Name and nature of the portable business;
- (c) Proof of Kansas Retail Sales Tax Number;
- (d) Location of the portable business;
- (e) Relationship of the applicant to the property location of the portable business, including lease agreement if such location is leased to Applicant;
- (f) Dates requested for temporary portable permit;
- (g) A drawing which depicts the proposed location of the temporary portable business in relation to the lot and including:
 - (1) Proposed square footage of the area used
 - (2) The number of parking spaces that will remain available for the primary business use
 - (3) The number of parking spaces to be used by the temporary portable business
 - (4) Measurements of the setback from property lines

- (5) Size and location of any signs used for the purposes of the business

(Code 2020)

5-1204. 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.

(Code 2020)

5-1205. 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.

(Code 2020)

5-1206. Permit revocation.

The City Clerk, 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:

- (a) If a permit has been fraudulently obtained by giving false information in the application.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on the business.
- (c) 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.
- (d) If there has been any violation of any of the provisions of this Article.
- (e) If the applicant has failed to obtain all other necessary permits including but not limited to: electrical; plumbing.
- (f) 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.
- (g) Unauthorized use of the public right-of-way for sale or display of merchandise.
- (h) Violation of a provision of the City's zoning, subdivision, or sign regulations.

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.

(Code 2020)

5-1207. 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 the City's zoning and subdivision regulations, and this Article, the more restrictive regulations shall prevail.

(Code 2020)

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.

(Code 2020)

5-1209. Food vendors; special regulations.

Before a license shall be issued for vending food, the operation must have the appropriate Food License from the Kansas Department of Agriculture.

(Code 2020)

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.

(Code 2020)

5-1211. Exemptions.

This article shall not apply to:

(a) 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.

(b) Ice cream street vendors, as defined and covered in Article 9 of this chapter.

(c) Persons who take orders for merchandise or food when such merchandise or food is to be delivered to the ultimate customer on a day subsequent to the date of the sale.

(d) Sales by mobile food vendors that are regulated by Article 16 of this chapter.

(Code 2020)

5-1212. 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 (\$1,000); 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.

(Code 2020)

5-1213. Appeals.

Any person aggrieved by the action of the chief of police, city inspector or city clerk in the denial of an application for a permit or license, or revocation of a license shall have the right to appeal to the governing body of the city within ten days after the denial of the application by filing with the city clerk a written notice of intention to appeal, setting forth fully the grounds for 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 license issued hereunder. The decision of the governing body on such appeal shall be final and conclusive.

(Code 2020)

5-1214. Enforcement.

In addition to all law enforcement officers of the City, the City Clerk, and his or her designees, shall have the power to enforce the provisions of this Article.

(Code 2020)

5-1215. 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, Code 2020)

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 10:00 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 fourteen (14) 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 four (4) such permits issued for the placement of a recreational vehicle on the same property in any twelve (12) month period not to be consecutive 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.

(Code 2020)

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)

Article 16. Mobile Food Vendors

5-1601. Definitions.

The words and phrases listed below when used in this Article shall have the following meanings:

- (a) City means the City of Haysville, Kansas.
- (b) City Approved Event means any event sponsored by the City or any community event sanctioned by a permit issued by the City pursuant City Code.
- (c) Food and/or Beverage means articles used for food or drink for humans or animals, chewing gum, and/or articles used for components of any such article, in accordance with the definition of food within K.S.A. 65-656 and amendments thereto.
- (d) Mobile Food Vending means to conduct, hold, carry on, pursue or operate a business of vending, peddling, hawking and/or selling any food and/or beverage from a Mobile Food Unit.
- (e) Mobile Food Vendor means any person, corporation, association, or other entity, however organized, that offers any food or beverage for sale from a Mobile Food Unit, subject to the exceptions set forth in Section 5-1603.
- (f) Mobile Food Unit or Unit means any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale.
- (g) Person means an individual, corporation, partnership, company, agency, institution, or any other entity.
- (h) Public property means any property publicly owned, including but not limited to streets, sidewalks, alleys, parks, parking lots, easements, improved or unimproved land, or any buildings or physical structures owned or managed by the City of Haysville or other governmental agency.
- (i) Public right-of-way means the entire width of the area from property line to property line including all area intended, designed or used for vehicular or pedestrian traffic and the area between the roadway and the abutting private property line.
- (j) Restaurant means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state, but shall not include a Tavern or Drinking Establishment, as those terms are defined in this Code.

(Code 2020)

5-1602. Mobile food vending—license required.

It is unlawful for any person to engage in Mobile Food Vending within the corporate limits of the City of Haysville, Kansas, without obtaining a license in accordance with this Article.

(Code 2020)

5-1603. Exceptions.

- (a) The provisions of this Article shall not apply to the following activities:

- (1) Persons providing catering services to a private event and not open for the sale of food and/or beverage to the general public;
- (2) Ice cream trucks licensed and operating pursuant to this Chapter, however an ice cream truck selling food other than ice cream food stuffs must obtain the license set forth in this article and must comply with all provisions herein when selling food other than ice cream food stuffs;
- (3) Temporary Portable Businesses licensed and operating pursuant to city code; or
- (4) Door to door sales or delivery of prepared food not intended for immediate consumption.

(b) The provisions of this Article shall apply to the sale of agricultural, farm, garden or aquacultural products or fruits grown within the State of Kansas by producers or growers and their agents. Persons engaging in such sales that also fall within the definition of a Mobile Food Vendor must obtain the license required by this Article, however, no fee as set forth in Chapter 17 shall be charged for such license.

(Code 2020)

5-1604. License application.

Any person desiring to obtain the license required by this Article shall complete and submit a written license application on a form provided by the City Clerk for each individual Mobile Food Unit. The application shall require the following information:

(a) The full legal name, date of birth, permanent address, business mailing address, email address and telephone number of the applicant and the contact person for the business, if different from the applicant;

(b) The name under which the Mobile Food Unit does business (“dba” name) and, if applicable, the registered name of the legal entity owning the Mobile Food Unit (corporation, limited liability company, partnership, limited partnership association, firm or other name);

(c) The name of the owner and the type, make and vehicle identification number or other identifying number of the vehicle from which the applicant proposes to conduct business;

(d) The applicant’s valid Kansas sales tax number;

(e) A brief description of the nature of the business and the food and/or beverage to be offered for sale;

(f) A statement as to whether the applicant has ever had a mobile vending license or other similar license, permit or registration revoked or suspended under the Code of the City of Haysville or any similar laws of any other city or state;

(g) A statement that the applicant understands and agrees that the license issued pursuant to this Article will not be used or represented in any way as an endorsement of the applicant by the City of Haysville or by any department, officer, or elected or appointed official of the City;

(h) Proof of a valid Kansas driver’s license for operation of the class of vehicle or vehicles identified in the application to be used in the business for the applicant and any agents or employees of the applicant who will be involved in driving the identified vehicle or vehicles;

(i) Proof that the applicant has procured a policy of general liability insurance covering the mobile vending operation and vehicle or vehicles written by an insurance carrier licensed to do business in Kansas,

with minimum limits of \$500,000 combined, single limit for bodily and property damage per occurrence and \$1,000,000 in the general aggregate; and evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with the application;

(j) The application shall contain a statement certifying that all of the information provided in the application is true and correct and must be signed personally and acknowledged by an individual applicant, by a partner for a partnership applicant, by an officer legally authorized to sign for a corporate application or by a member of a limited liability company legally authorized to sign company documents;

(k) The application shall also contain a statement that no person whose duties include working upon the premises of the Mobile Food Unit is a registered sex offender, and that applicant has, subject to audit, performed the necessary background check of all such persons to ensure that the statement is correct;

(l) The application shall also contain a statement by the applicant that when the Mobile Food Unit associated with the license application herein is not in use, it will be stored or parked in compliance with all ordinances and regulations of the City of Haysville and that failure by the applicant to legally store the Mobile Food Unit may result in the suspension or revocation of the applicant's license; and

(m) The application shall also contain a statement by the applicant or partner, officer or member that he or she is familiar with the provisions of this Article and is complying and will comply with all requirements set forth within.

(Code 2020)

5-1605. Fee.

An application for a Mobile Food Vending license shall be accompanied by a non-refundable fee for each vehicle from which the applicant intends to conduct business according to the fees set out in Chapter 17 and shall be valid and effective only for the dates as set out therein.

(Code 2020)

5-1606. Standards for issuance of license.

(a) To receive a license to operate as a Mobile Food Vendor issued by the City Clerk's office, an applicant must meet the following standards:

- (1) The required fees must be paid;
- (2) The application must be complete and provide all information required by Section 5-1604;
- (3) The applicant must not have knowingly made a false or misleading statement of a material fact in the application;
- (4) The applicant must be at least eighteen years of age;
- (5) The applicant has certified, subject to audit, that he/she has performed the necessary background check to ensure that no person whose duties include working upon the premises of the mobile food unit is a registered sex offender;
- (6) The applicant has provided a statement that the Mobile Food Unit associated with the license application will be stored or parked in compliance with all ordinances and regulation of the City of Haysville; and

- (7) The applicant must not have had a similar type of license in any jurisdiction previously suspended or revoked for good cause within two (2) years immediately preceding the date of the filing of the application.

(b) If a license is denied for providing false information or making any false statement on an application, the applicant, any partnership, corporation, limited liability company or other business entity of which the applicant is an officer or member thereof shall be ineligible to reapply for a license under this Article for one (1) calendar year from the date of the license denial.

(c) The issuance of a license shall not constitute approval of the business or activity or otherwise prohibit enforcement of this Article or any other applicable ordinances, laws, rules or regulations.

(Code 2020)

5-1607. Operating conditions.

All Mobile Food Vendors operating within the city limits of the City of Haysville shall comply with the following conditions:

(a) Location. Mobile Food Vendors may vend on property within the City as permitted by the Zoning Code and subject to the following:

- (1) Mobile Food Vendors may not be parked or operate on public or private property where the Unit, signage, a line of customers or any other aspect of the Unit's operation would:
 - (A) hinder the flow of traffic on any street;
 - (B) hinder the flow of bicycles within any bike lane or route;
 - (C) hinder the flow of pedestrians along any sidewalks;
 - (D) block or reduce to less than five (5) feet in width any accessible route to persons with disabilities; or
 - (E) block or obstruct access to any driveway or access point to any property. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with city approved event.
- (2) For fire safety purposes, a Mobile Food Unit that is utilizing flammable liquids or gases shall maintain a minimum separation distance of ten (10) feet from any other Unit and a minimum separation distance of twenty (20) feet from any building openings such as doors and windows. The distance from building openings may be reduced to ten (10) feet if written consent is obtained from the building property owner.
- (3) No Mobile Food Vendor shall vend on public property within 150 feet as measured from the front door of any restaurant which is open for business unless authorized in writing by the owner or manager of any such restaurant. Such written authority to operate within 150 feet of a restaurant or restaurants shall be maintained on the premises of the Mobile Food Unit at all times it is operating pursuant thereto and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.

- (4) No Mobile Food Vendor shall vend on public property within 500 feet of the location for which a community event permit has been issued during the hours of the event as specified in the event permit, unless authorized in writing by the event promoter. Distance shall be measured from the boundary of the event footprint nearest to the location proposed to be used for mobile food vending. Any written authority to operate within 500 feet of a community event shall be maintained on the premises of the Mobile Food Unit at all times it is operating pursuant thereto and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.
- (5) Every Unit shall be stationary while vending.
- (6) Whenever any vehicle is used for mobile food vending upon a street, alley, sidewalk or other public right-of-way within the City, such vehicle must be legally parked and no mobile food vendor shall sell any food to any person standing in the street. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with a city approved event.
- (7) No Mobile Food Vendor shall vend on Park property. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with a city approved event.

(b) **Written Permission of Property Owner.** All Mobile Food Vendors operating on private property or on public property other than public right-of-way shall acquire the written permission of the property owner, manager, tenant or other person in charge of the property allowing the use and location of the Mobile Food Unit on said property. For public property owned by the City of Haysville, written permission shall be obtained from the City Administrator or designee. Any written permission required by this subsection shall be kept on the premises of the Mobile Food Unit and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.

(c) **Hours of Operation.** Mobile Food Vendors are prohibited from operating during the hours of 12:00 a.m. to 5:00 a.m.

(d) **Fire Safety.** All Mobile Food Units are subject to annual fire safety inspections and shall comply with the following requirements:

- (1) Propane shall be limited to a maximum quantity of one hundred (100) pounds. Propane cylinders must be secured from tipping over and must be protected from impact dangers.
- (2) Mobile Food Units which produce grease laden vapors shall have a Type I hood system for commercial cooking operation with a fire suppression system in the hood. Mobile Food Units which use other warming apparatus or produce steam shall have a Type II hood system. No hood system is required for those Mobile Food Units which do not perform cooking or use heat producing devices.
- (3) The hood system grease collection must be cleaned frequently to minimize grease build up. Type I hood systems shall be serviced every six (6) months.
- (4) One minimum size 2A-10BC class fire extinguisher is required for each Mobile Food Unit and shall be serviced annually.

(e) Prohibited Sales. Mobile Food Vendors are prohibited at all times from selling or offering for sale alcoholic beverages, cereal malt beverages, or tobacco products without first being properly licensed pursuant to any applicable federal, state or local laws.

(f) Lights. No flashing lights are permitted on the Mobile Food Unit. No direct light from a Mobile Food Unit may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles, or pedestrians.

(g) Signs. Signage mounted on the side of a Mobile Food Unit shall not exceed the dimensions of the Unit by more than one (1) foot in any direction.

(h) Sound devices. The production of amplified music or chimes from a Mobile Food Unit is allowed between the hours of 10:00 a.m. and 8:30 p.m. provided that the sound from the amplified music or chimes is inaudible at any distance greater than three hundred (300) feet from the vehicle.

(i) Trash and Site Cleanup. All Mobile Food Vendors shall ensure that a trash receptacle shall be provided with each Mobile Food Unit. Such receptacle must be attached to the Unit or located within fifteen (15) feet of the Unit and cannot interfere with vehicle access, pedestrian movement or accessible routes to and around the Unit. Immediately upon the cessation of vending, the Mobile Food Vendor shall remove and properly dispose of all trash and litter accumulated at the vending site.

(j) Seating. No seating and/or tables shall be permitted that hinder the flow of traffic on any street, hinders the flow of bicycles within any bike lane or route, hinders the flow of pedestrians along any sidewalks, blocks or reduces to less than five (5) feet in width any accessible route or blocks or obstructs access to any driveway or access point to any property.

(k) Licenses and Permits. All Mobile Food Vendors and employees thereof shall acquire and maintain all required licenses, permits and inspections applicable to the use and operation of Mobile Food Units from all applicable jurisdictions. Evidence of such licenses, permits and/or inspections applicable to any vehicle, equipment, operator or employee shall be kept in the Unit and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.

(l) Food Handling. No Mobile Food Vendor or any employee, agent, or representative thereof shall vend food and/or beverages without meeting the conditions set forth by the Kansas Department of Health and Environment.

(m) Wastewater Disposal. No wastewater resulting from the Mobile Food Vending operation shall be disposed of on the ground or in a stormwater drain. All wastewater must be disposed of in accordance with Chapter 15 of this Code and specifically in compliance with Section 15-803 of this Code and amendments thereto.

(Code 2020)

5-1608. Right to close or relocate a mobile food vendor.

Any law enforcement officer has the right to close down or request a Mobile Food Unit to relocate, where, in the opinion of such officer, the Mobile Food Unit is causing or contributing to an imminent public safety hazard. Such hazards shall include, but not be limited to, situations where the operation of a Mobile Food Vending Unit is causing a traffic hazard, a fire hazard, is impeding free or uninterrupted passage of vehicles and/or pedestrians upon public streets, sidewalks or alleyways, selling food or beverages that are not safe for human consumption or operating a Mobile Food Unit without the license required by this Article.

(Code 2020)

5-1609. License denial, revocation, and appeal.

(a) If a license is not issued, the City Clerk or designee shall indicate in writing the reason(s) for denial and inform the applicant of the applicant's right to an appeal of the denial in accordance with the provisions of this Article.

(b) A license may be suspended for up to 30 days or revoked by the Chief of Police or designee or other city personnel authorized to enforce the provisions of this Article for any of the following reasons:

- (1) The licensee fails to provide true and correct information on the application;
- (2) The licensee fails to continuously maintain insurance upon the Mobile Food Unit in accordance with requirements of this Article;
- (3) The licensee allows a registered sex offender to work upon the premises of the Mobile Food Unit;
- (4) The licensee or any employee or agent thereof commits a violation of any provision of this Article or any federal, state, or local law, rule or regulation applicable or related to mobile food vending; or
- (5) The licensee becomes otherwise ineligible to hold a Mobile Food Vending license.

Notice of such suspension or revocation shall be mailed by the City Clerk or designee to the licensee's address as shown on the license application form and/or personally served upon the licensee. Such notice shall be in writing and shall set forth the reason(s) for revocation and the licensee's right to an appeal in accordance with the provisions of this Section, provided, however, any appeal of a license suspension or revocation shall not suspend or revoke the license during the pendency of the appeal.

(c) Appeal process.

- (1) Upon the denial of an application for, or suspension or revocation of a mobile food vending license, the applicant or licensee shall have the right to appeal such action within ten (10) business days of the notice of denial, suspension or revocation being mailed to the applicant's address as shown on the license application form, and/or personal service upon the applicant or licensee. Such an appeal must be in writing and filed with the City Clerk, setting forth the grounds for the appeal. Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty (30) days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay a suspension or revocation of the license or permit until the matter is heard by the City Council.
- (2) The City Council may approve the denial, suspension or revocation, overrule the denial, suspension, or revocation or modify the decision to deny, suspend or revoke a license made by any city personnel authorized to enforce the provisions of this Article.
- (3) In any hearing before the City Council pursuant to this section, a certified copy of a conviction from any local, state, or federal court for any violation, is prima facie evidence of such violation.
- (4) The City Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to

the District Court shall not stay the denial, suspension or revocation of the license, or any modification imposed thereupon by the City Council.

- (5) If a license is revoked for any reason, the applicant, any partnership or any business entity of which the applicant is an officer or member thereof shall be ineligible to reapply for a license under this Article for two (2) calendar years from the date of the license revocation.

(Code 2020)

5-1610. Term and transferability.

Licenses issued under this Article are available for periods of one (1) month, six (6) months or one (1) year. A license must be obtained for each individual vehicle being used in a mobile food vending operation. Licenses may not be transferred between persons or vehicles.

(Code 2020)

5-1611. Posting.

Any person licensed under this Article must keep their license posted in a conspicuous place inside the vehicle used for mobile food vending. Such license must be current and may be used only by the licensee.

(Code 2020)

5-1612. Enforcement; personnel authorized.

In addition to all law enforcement officers, the following personnel employed by the City shall have the power to enforce the provisions of this Article:

- (a) The Director of Public Works or designee;
- (b) The Zoning Administrator or designee; and
- (c) The City Clerk or designee.

(Code 2020)

5-1613. Penalty for violation.

Any person convicted of a violation of this Article shall be guilty of a misdemeanor and shall be punished by a fine as established in Chapter 17 of the Haysville Municipal Code. Each day that any violation of this Article occurs, shall constitute a separate offense and shall be punishable as a separate offense.

(Code 2020)

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Article 1. Governing Body

6-101. Conduct of election.

The non-partisan election of city officials shall be conducted in all respects as provided by the laws of Kansas governing the holding of city elections.

(K.S.A. 25-2101 *et seq.*; K.S.A. 25-2113; Code 2020, 1-208; Code 2022)

6-102. Hours of voting.

At all city elections the polls shall be open at 7:00 a.m. and close at 7:00 p.m., unless different hours are set and publicly announced by the county election officer.

(K.S.A. 25-2111; K.S.A. 26-206; Code 2022)

6-103. Governing body elections; terms.

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.

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.

There shall be elected, in November 2023 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 January 2024, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected, in November 2025 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 January 2026, each of whom shall be elected thereafter for a term of four (4) years.

There shall be elected, in November 2025 and every four (4) years thereafter, the mayor who shall be elected thereafter for a term of four (4) years.

(K.S.A. Supp. 25-2101 *et seq.*; K.S.A. 25-21a01 *et seq.*; C.O. No. 2; C.O. No. 11, C.O. No. 17; C.O. No. 23; Code 2022)

6-104. 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; C.O. No. 23)

6-105. Commencement of terms of office; oath of office.

The term of office shall commence on the second Monday in January following the certification of the election. The elected officers shall qualify by taking the oath or affirmation of office to be filed with the city clerk

(K.S.A. 25-21a01; K.S.A. 25-2120; Code 2022)

6-106. Vacancies.

If a vacancy occurs on the city council by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise, the vacancy shall be filled by appointment of the governing body of the City within forty-five (45) days following the creation of the vacancy. Such appointee shall serve for the period from and after the date of appointment until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. In no event shall the city call for a special election to fill such vacancy.

(C.O. No. 5A; C.O. No. 11; Code 2003; C.O. No. 22; C.O. No. 23; C.O. No. 28; Code 2022)

6-107. Candidacy.

In accordance with K.S.A. 25-205 and K.S.A. 25-21a01 et seq., any person may become a candidate for city office by having had filed, on their behalf, either of the following:

(a) a declaration of candidacy, accompanied by any fee required by law; or

(b) a nomination petition. The nomination petition must be signed by five qualified electors of the relevant district (i.e., ward, or city-at-large).

(K.S.A. 25-205; K.S.A. 25-21a01; K.S.A. 25-2110; K.S.A. 25-2110a; Code 2022)

6-108. Withdrawal of candidacy.

No candidate shall be permitted to withdraw his or her candidacy after the filing deadline.

(K.S.A. 25-2106)

Article 2. Wards

6-201. Wards.

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)

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Article 1. Fire District

7-101. 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

7-201. Adoption of the International Fire Code, 2012 edition.

(a) The International Fire Code, 2018 edition, including appendices B, C, D, E, F, G, and N published by the International Code Council, Inc., 500 New Jersey Ave., NW, 6th Floor, Washington, DC 20001, save and except such portions as are omitted, amended or modified in this Article, hereinafter altogether referred to as the "I.F.C.," "Fire Code," or "this Code," is hereby adopted in its entirety as the fire code for Sedgwick County, 2019 Edition, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, from explosion, and from the possession, storage, sale, display, use and discharge or explosion of fireworks, to be effective within all unincorporated areas of Sedgwick County, Kansas and those cities located within Sedgwick County which have by action of their governing bodies adopted the Sedgwick County Fire Code, 2019 Edition, in the same form as contained within this Article and which have entered into separate agreements with Sedgwick County Fire District One providing for enforcement within said cities' municipal boundaries by members of Sedgwick County Fire District One, 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 7 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; Code 2020)

7-202. 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 7-201. 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)

7-203. 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)

7-204. 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 and its Amendments, shall be unclassified 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 may be required to repair or correct any violation and pay all costs associated therewith.

(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 of 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)

7-206. 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)

7-207. 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)

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Article 1. Public Health Standards

8-101. 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 slaughterhouses 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*, 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)

8-102. 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)

8-103. 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.

8-104. 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)

8-105. 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)

8-106. 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)

8-107. 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)

8-108. 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)

8-109. 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)

8-110. 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)

8-111. 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 subsection (a) 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 subsection (a) 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 subsection (a) 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 cannot 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)

8-112. 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)

8-113. 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)

8-114. Penalty.

Any person who shall violate any provision of this article, other than section 8-113, 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)

8-115. 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 section 8-114 above.

(Code 2010)

Article 2. Solid Waste Code

8-201. 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)

8-202. 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 8-107 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)

8-202a. 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 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 8-205.

(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; Ord. 910; Code 2022)

8-203. 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)

8-204. 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)

8-205. 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 8-204, 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)

8-206. 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)

8-207. 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)

8-208. 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)

8-209. 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)

8-210. 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)

8-211. 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)

8-212. 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. Solid Waste; Commercial Collection, Disposal

8-301. 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)

8-302. Contracts.

The city may be required under section 8-201:211 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)

8-303. 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)

8-304. 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)

8-305. 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)

8-306. 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)

8-307. 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)

8-308. 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)

8-309. 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)

8-310. 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)

8-311. 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)

8-312. 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

8-401. 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, and not exempted as an approved indigenous planting, 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 the City’s sign regulations (e.g., section 4-1500s);

(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 shall 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. Firewood may be stored in stacks at least (6) inches off the ground and must not be in contact with any adjacent structures. 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; Code 2019; Code 2022)

8-401a. 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:

- (1) Such properties and conditions serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
 - (2) 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;
 - (3) 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
 - (4) 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) Definition of “nuisance automobile”:
- (1) 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 Located on 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; Code 2022)

8-402. 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)

8-403. 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)

8-404. 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)

8-405. 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)

8-406. 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 8-401 and 8-401a, 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 8-408(b).

(Ord. 817; Ord. 819; Code 2003; Ord. 906)

8-407. Administrative action; notice to abate; proof of compliance.

(a) The enforcing officer shall provide written notice to the owner or lawful agent in charge of any premises in the city upon which a nuisance condition exists in violation of this article. If the property is occupied by a non-owner, such occupant shall also receive notice of the violation. 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 8-416 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 property is being maintained in violation of this article.
 - (2) An administrative order directing the owner or lawful 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, or lawful agent of the owner 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. A lawful agent may be identified by a valid power of attorney, or other similar legal designation. 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 nuisance condition is not corrected, 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 an opportunity will be provided for payment of 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)

8-408. Uniform complaint and notice to appear; right to proceed; fines and costs.

(a) In addition to the administrative process described within 8-407, 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 guilty of a Class C Violation. Each day that any violation of this article continues shall constitute a separate offense and is punishable under this chapter as a separate violation.

(c) Any person convicted pursuant to this article shall also be assessed court costs as provided by Chapter 17, Fee Schedule, of the Haysville City Code, compliance with the administrative order described in 8-407, 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; Ord. 1075; Code 2022)

8-409. 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 8-407 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 certified 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 2022)

8-410. 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 8-407 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, unless for good cause shown the hearing panel provides for the opportunity for an extension of time, 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 within the time provided, 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)

8-411. 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)

8-412. 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)

8-413. 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 hereto 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)

8-414. 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)

8-415. 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 8-413.

(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)

8-416. Notice to owner.

(a) Notwithstanding 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)

Article 5. Unsafe or Dangerous Structures

8-501. 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)

8-502. 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)

8-503. 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)

8-504. Procedure; petition; enforcing officer's initiative; preliminary investigation 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)

8-505. Same; notice.

Upon receiving a report as provided in section 8-504, 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)

8-506. Same; publication and notice.

(a) The resolution provided for in section 8-505 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)

8-507. 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 8-517. Such findings and authorization shall be set forth in the resolution provided for in this section.

(Ord. 763; Ord. 814; Code 2003)

8-508. 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)

8-509. Failure to comply.

(a) If, within the time specified in the resolution provided for in section 8-507, 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)

8-510. 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)

8-511. Authorization to contract for services.

In the event the owner fails to comply as set forth in section 8-509 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)

8-512. 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 8-509 and 8-510 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 subsection (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 subsection (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)

8-513. 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)

8-514. 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.

8-515. 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 of any such action shall be assessed in the same manner as provided in 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)

8-516. 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, may within thirty (30) days following 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)

8-517. Rehabilitation 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)

8-518. 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)

8-519. 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)

Article 6. Weeds

8-601. 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)

8-602. Weeds defined; prohibited from causing blight or adverse impact.

For the purposes of 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, except when part of an approved indigenous grass planting.

(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)

8-603. Enforcing officer defined.

For the purposes of this article, Enforcing Officer means the Director of Public Works or his designee or designees.

(Ord. 812; Ord. 855; Code 2012)

8-604. Service agent defined.

For the purposes 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)

8-605. 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.

Notwithstanding 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)

8-606. 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 8-605(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 8-605 and 8-606 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 certified 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; Code 2022)

8-607. 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)

8-608. Authorization to contract for services.

In the event the owner, occupant or owner's agent fails to comply as set forth in section 8-606 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)

8-609. 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)

8-610. 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 8-611(b).

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

8-611. Uniform complaint and notice to appear; non-impairment; fines and costs.

(a) In addition to the notice provided for in section 8-605, 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 8-601 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 8-601 or section 8-610 shall be fined as follows:

- (1) Upon conviction for a first offense, by a fine of \$35.00, 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 \$75.00;
- (3) Upon conviction of a third offense, by a fine of \$125.00;
- (4) Upon conviction of a fourth offense, by a fine of \$250.00.

(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; Code 2020)

8-612. 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)

8-613. Indigenous or native grass areas.

Indigenous or Native Grasses include those species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

Native grasses are being used more and more throughout the country as cities look to be more environmentally friendly and cost-effective. Native grasses have drought-resistant roots that descend up to 10' for extraordinary erosion benefits, and require little to no irrigation or fertilization. Perennial native grasses and shrubs re-seed themselves, but do not invade crop areas as they take two to three years to mature. In short, rights-of-way and other green spaces can be beautiful and low maintenance, helping reduce air pollution and lowering labor and equipment costs. A diverse prairie planting can showcase Kansas' beautiful wildflowers and sturdy native grasses, and provide year-round habitat for wildlife, including songbirds, small mammals, honey bees, and butterflies. Larger areas of native grasses can include grasses such as big and little bluestem and wildflowers such as prairie blazing star.

Indigenous/Native Grass plantings may be approved as part of an as approved planting and maintenance plan or landscape plan submitted and approved by an administrative committee comprised of the Mayor, Chief Administrative Officer, and Director of Public Works. Indigenous/Native grass areas may exceed the standard 12" height of domesticated grasses, but such areas will require some type of defined border, typically a mowed border, to create a defined zone of indigenous/native grass. Indigenous/Native grasses should be planted and maintained in accordance with those standards approved by the Kansas Extension Service.

(Code 2016).

8-614. 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)

Article 7. Insurance Proceeds Lien

8-701. Scope and application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., 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 where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 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.

(K.S.A. 40-3901 et seq.; Ord. 1030; Code 2022)

8-702. Lien created.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 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 by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(Ord. 1030; Code 2022)

8-703. Same; encumbrances.

Prior to final settlement on any claim covered by section 8-702, 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.

(Ord. 1030; Code 2022)

8-704. Same; pro rata basis.

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

(Ord. 1030; Code 2022)

8-705. Procedure.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city 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 the funds as required by subsection (a), 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 other 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 chief building inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(Ord. 1030; Code 2022)

8-706. Fund created; deposit of moneys.

The city treasurer is hereby authorized and shall create a fund to be known as the “Insurance Proceeds Fund.” All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account.

(Ord. 1030; Code 2022)

8-707. Building inspector; investigation, removal of structure.

(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within 30 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 30 days established by subsection (b), the chief building inspector shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the moneys from the insurance company or companies.

(Ord. 1030; Code 2022)

8-708. Removal of structure; excess moneys.

If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, 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. 1030; Code 2022)

8-709. Same; disposition of funds.

If the chief building inspector, with regard to a building or other structure, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 8-705(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. Upon reimbursement from the insurance proceeds, the chief building inspector 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 city treasurer under section 8-705(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

(Ord. 1030; Code 2022)

8-710. Effect upon insurance policies.

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 its insurance policy.

(Ord. 1030; Code 2022)

8-711. Insurers; 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. 1030; Code 2022)

Article 8. Nuisance Lighting

8-801. Nuisance lighting prohibited.

No person shall install, maintain and/or use an outdoor visible light or other sources of illumination which is on private property and produces glare or direct illumination across a property line in a residential area of such intensity that it creates a nuisance or unreasonably interferes with the use or enjoyment of adjacent property.

(Ord. 1046; Code 2022)

8-802. Same; definition.

For purposes of this article, a light or other source of illumination which is on private property is considered a nuisance if it generates greater than 0.2 foot candles when measured perpendicular to the light source, 5 feet above the ground at the receiving property line.

(Ord. 1046; Code 2022)

8-803. Outside light specifications.

Outside lights must be made up of a light source and reflector so that, acting together, the light beam is controlled and not directed across a property line.

(Ord. 1046; Code 2022)

8-804. Exceptions.

This article shall not apply to streetlights or lights installed, maintained and used in connection with the use and operation of any outdoor stadium; amphitheater, or athletic field which is open to the public.

(Ord. 1046; Code 2022)

8-805. Penalty.

Any light deemed a nuisance under this article shall be deemed a “nuisance” under Article 4 of this chapter, relating to nuisances.

(Ord. 1046; Code 2022)

CHAPTER 9. MUNICIPAL COURT

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Article 1. General Provisions

9-101. Municipal court established.

The municipal court existing as of the date of the approval and adoption of this code by the governing body shall be continued and maintained and be presided over by a municipal judge to be appointed by the mayor with the consent of the city council.

(Code 1984; Code 2003)

9-102. Code of procedure.

Except as may be provided by prior or future charter ordinance of the city, provisions of the Kansas Code of Procedures for Municipal Courts, established by Chapter 12, Articles 41 to 46, inclusive, of the Kansas Statutes Annotated, as may be amended from time to time, shall govern and control the procedure of the Municipal Court. Said code is by this reference, hereby incorporated in, and made part of, this article, as if the same had been set out in full.

(Code 1984; Ord. 535; Code 2003)

9-103. Place; time.

All sessions of the municipal court shall be held in the Court Room of the City Building at 200 West Grand Avenue and shall be convened at the municipal judge's discretion on the first four (4) Tuesdays of each calendar month, unless the judge shall determine that the court's caseload requires fewer or more sessions or days of court, or at such other dates and times as may be fixed by the judge for special settings of particular cases.

(Ord. 479; Code 1984; Code 2003)

9-104. 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, and he or she shall have for his or her salary a sum to be determined by the governing body.

(Code 1971, Sec.1-209; Code 1984; Code 2003)

9-105. Municipal judge pro tempore.

In the event the municipal judge of the city is temporarily unable to preside due to absence, illness or disqualification, he or she shall designate an attorney or other qualified person to act as judge pro tempore. The judge pro tempore appointed as hereinbefore provided shall receive compensation in an amount to be determined by the governing body for each session of court over which he or she presides, such compensation to be payable in the same manner as the compensation of the municipal judge.

(Ord. 326; Code 2003)

9-106. Court costs.

There shall be charged by the clerk of the municipal court in each case or hearing before the municipal court of the city, the fees as set out in Chapter 17 associated with court costs, warrant fees, witness fees, diversion and probation fees, and all other costs and fees set forth in that chapter, in additions to any fine or other penalty imposed by the court. The Municipal Court Judge shall assess the jail costs the City incurs for each day or portion of a day that the convicted person serves in jail at the rate the City is charged for the jail

time by Sedgwick County. The current rate charged the City for jail time shall be included as an entry in the Municipal Court's fine schedule. In addition thereto, the Judge of the Municipal Court shall assess all State imposed fees as required by statute.

(Ord.408; Ord. 526; Ord. 526-A; Ord. 526-B; Code 2003; Code 2007; Ord. 933, Code 2009; Ord. 985, Code 2013)

9-107. Failure to appear:

(a) Failure to appear is willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days following the date of such forfeiture by one who is charged with a misdemeanor, and has been released on bond for appearance before any court of this state, other than the municipal or police court of a city, for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days after conviction of a misdemeanor by one who has been released on an appearance bond by any court of this state. The fine shall be as set out in Chapter 17.

(b) Any person who is released upon his or her own recognizance, without surety, or who fails to appear in response to a summons or traffic citation, shall be deemed a person released on bond for appearance within the meaning of subsection (a).

(c) The provisions of subsection (a) shall not apply to any person who forfeits a cash bond supplied pursuant to law upon an arrest for a traffic offense.

(d) Failure to appear is a Class B misdemeanor.

(Ord. 397)

9-108. Diversion agreements:

(a) The city attorney shall administer the Municipal Court Diversion Program as provided by K.S.A. 12-4412 et seq., and amendments thereto.

(b) Each defendant requesting diversion shall submit a diversion application form to the city attorney, or their designee, which shall provide such information as the city attorney deems necessary, as provided by K.S.A. 12-4414, 12-4415 and 12-4416, and amendments thereto.

(c) Each defendant requesting diversion shall pay a non-refundable application fee in an amount set out in Chapter 17 to the city clerk to cover the costs incurred by the city in processing such application and administering such diversion program. Such diversion application fee shall be submitted to the city clerk with each defendant's application form described above in subsection (b).

(d) Each defendant requesting diversion shall obtain a drug and alcohol evaluation through the city's probation provider.

(e) The diversion application fee required above in subsection(c) shall not be refunded to any defendant in the event the city attorney does not accept such defendant for diversion or terminates such diversion agreement as provided therein.

(Ord. 557; Code 2003; Code 2011)

9-109. Appeals to the district court.

All appeals to the district court from the municipal court must be taken pursuant to the procedure as set forth in K.S.A. 12-4601, 12-2602 and 22-3609. In addition to the procedures set forth therein, any person taking an appeal shall file also a notice of the appeal with the municipal court clerk. The appealing party shall cause notice of the appeal to be served upon the Municipal Court Clerk.

(Code 2004; Code 2011)

CHAPTER 10. POLICE

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Article 1. General Provisions

10-101. Police department; general duties.

It shall be the general duty of the chief of police and all sworn police personnel to the best of their ability to preserve the good, order, peace and quiet throughout the city as provided by law and ordinance.

(Ord. 685; Code 1984; Ord. 812; Code 2003)

10-102. Detention; service of complaint and summons.

A law enforcement officer may detain a person when:

- (a) He or she has a warrant commanding that such person be arrested; or
- (b) He or she has reason to believe that a warrant for the person's arrest has been issued by any municipal court; or
- (c) He or she has probable cause to believe that the person is committing or has committed a violation of an ordinance, and the law enforcement officer has probable cause to believe that such person will not be apprehended or evidence of the violation of the ordinance will be irretrievably lost unless such person is immediately detained, or such person may cause injury to himself, herself or others or damage to property unless immediately detained; or
- (d) Any violation of an ordinance has been or is being committed by such person in his or her view.

A law enforcement officer having detained a person pursuant to the preceding paragraph, except subsection (a) or (b) thereof, may release the person or may prepare and serve upon such person a complaint or notice to appear, as provided by K.S.A. 12-4204 or 12-4205 and shall then release such accused person from detention, except in such instances where the law enforcement officer has power and authority to arrest such accused person as hereinafter set forth.

(Ord. 685; K.S.A. 12-4204, 12-4205; Ord. 812; Code 2003)

10-103. Arrest by law enforcement officer.

A law enforcement officer may arrest a person under any of the following circumstances:

- (a) The officer has a warrant commanding that person be arrested.
- (b) The officer has a probable cause to believe that a warrant for the person's arrest has been issued in this state jurisdiction for a felony committed therein.
- (c) The officer has probable cause to believe that the person is committing or has committed:
 - (1) A felony; or
 - (2) A misdemeanor, and the law enforcement officer has probable cause to believe that:
 - (A) The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested;

- (B) The person may cause injury to self or others or damage to property unless immediately arrested; or
- (C) The person has intentionally inflicted bodily harm to another person;
- (D) Any crime, except a traffic infraction, has been or is being committed by the person in the officer's view.

(Ord. 685; Ord. 812; Code 2003)

10-104. Services performed; fees.

A processing fee as stated in Chapter 17 shall be collected by the city and paid to the city clerk from each person requesting to be fingerprinted prior to such service being performed.

A processing fee as set out in Chapter 17 shall be collected by the city and paid to the city clerk from each person requesting a driving record prior to such service being performed.

(Ord. 794; Ord. 795; Code 2003)

CHAPTER 11. PUBLIC OFFENSES

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Article 1. Uniform Public Offense Code

11-101. Uniform public offense code incorporated.

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,” 37th Edition, Published in 2021 prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with additions. No fewer than one (1) copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by the Code of the City of Haysville” and to which shall be attached a copy of the incorporating 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; Ord. 1037, Code 2016; Ord. 1048, Code 2018; Ord. 1056, Code 2019; Ord. 1065, Code 2020; Ord. _____, Code 2022)

11-102. Additions and/or amendments.

The Uniform Public Offense Code incorporated by reference in 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)

11-103. Disposition of property.

The Uniform Public Offense Code 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 2022)

Article 2. Local Provisions

11-201. 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 2022)

11-202. Curfew.

(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:
 - (A) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;
 - (B) 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;
 - (C) When the minor is returning home by the most direct route from a school activity, entertainment, recreational activity or dance; or,
 - (D) When the minor is returning home by the most direct route from lawful employment;
 - (E) 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
 - (F) When the minor is in interstate travel through the city.

(b) RESPONSIBILITY OF PARENT. Except in circumstances set out in subsection (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)

11-203. Graffiti.

(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 herein.

(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 11-203 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 Code Enforcement Officer 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 code enforcement officer, who shall 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 code enforcement officer or his or her designee 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. 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 code enforcement officer or his or her designee shall determine whether the premises, as maintained, constitute a public nuisance as set forth in this section. If the code enforcement officer or his or her designee finds that such public nuisance does exist, he or she 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 determination by code enforcement officer or his or her designee 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 code enforcement officer.

(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 cleanup 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 11-203 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 11-203(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 Chief Administrative Officer 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 chief administrative officer. Such hearing shall be scheduled within a reasonable time. The city clerk shall send written notice of such hearing, the chief administrative officer 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.

(Code 2022)

11-204. Offenses affecting governmental functions.

(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) 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:
 - (A) Gifts or other benefits conferred on account of kinship;
 - (B) Other personal, professional or trivial benefits incidental to person, professional or business contacts and involving no substantial risk of undermining official impartiality.

(d) 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.

(e) 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)

11-205. Offenses against public peace.

(a) 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.

(b) 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.

(c) **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.

(d) **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.

(e) **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.

(f) **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.

(g) **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.

(h) **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 of unauthorized persons to induce, entice or invite students into such vehicles.

(i) **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.

(j) **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.

(k) **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.

(l) **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.

(m) **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.

(n) **CLASSIFICATION OF OFFENSES.** Subsections (e) through and including (n) of the above stated unlawful actions shall be a Class C violation.

(o) **LOUD AND UNNECESSARY NOISE PROHIBITED**

- (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.
- (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.
- (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 section; 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 section.
- (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.

- (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.
- (6) The following situations are exempt from noise ordinance regulations:
- (A) Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
 - (B) Emergency vehicles;
 - (C) Alarm systems;
 - (D) 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.;
 - (E) Aircraft or railroads;
 - (F) Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
 - (G) Air conditioners
 - (H) Lawn care equipment operated between 7:00 a.m. and 9:00 p.m.;
 - (I) Construction operations; and
 - (J) Church bells and campanile chimes.
- (7) 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 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.
- (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:
- (A) Lawn maintenance;
 - (B) Repair of personal use vehicles;

(C) Home repair of place of residence

- (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.

(Ord. 935; Code 2009; Code 2022)

11-206. Molotov cocktails.

(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) 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; Code 2022)

11-207. Offenses against public morals.

(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.

(Code 2015; Code 2022)

CHAPTER 12. PUBLIC PROPERTY

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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
- (5) Randal L Dorner 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. Unmanned aircraft systems.

(a) Purpose. The City of Haysville encourages the safe and responsible use of Unmanned Aircraft. This section is designed to empower innovation while protecting and promoting the health, safety, and welfare of its citizens.

(b) Definitions. An “Unmanned Aircraft System” (“UAS”) shall mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones, remote controlled aircraft, model aircraft and model rockets.

(c) Prohibited Use.

- (1) No person may take off or land an UAS on the private property of another individual or entity without express permission of the owner of such property.
- (2) No person may take off or land an UAS on any City owned property except for the following designated areas: All City Parks.

(d) No Reckless Operation. No person may operate an UAS in a reckless manner so as to create: (1) a substantial risk of serious physical injury to another, including but not limited to operating an UAS in the airspace directly above or over any person; or (2) a substantial risk of damage to the property of another.

(e) Penalties. A person found guilty of a reckless operation or operation out of compliance with this section, may be punished by a fine not to exceed \$500.

(f) Exceptions. This section does not apply to an UAS that is operated by or on behalf of the City of Haysville, or any other public agency for government related purposes in compliance with all federal laws and regulations and operated in compliance with City of Haysville policies.

(Ord. 1044)

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. Cereal malt or alcoholic beverages within public parks.

(a) The use or consumption of any cereal malt beverage, or alcoholic liquor is prohibited in any park, except in conformance with a lawfully issued Special Event Permit.

(b) The Historic District is exempted from the provisions of subsection (a), and exempted from the provisions of K.S.A. 41-719, all in accordance with K.S.A. 41-719(d). Alcoholic liquor or cereal malt beverage consumption within the Historic District is limited to those occasions associated with an agreement or permit issued by the City in which such consumption is specifically allowed.

(Ord. 278, Sec. 16; Code 2015; Code 2016)

12-116. Overnight camping or camp-outs.

Overnight camping or camp-outs will be permitted in designated areas only.

(Ord. 278, Sec. 17)

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.

(Ord. 278, Sec. 18.2; Code 2019)

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):

- (a) Fun Runs of no longer than 10 kilometers;
- (b) Concerts, fundraisers, gatherings or public displays of sufficient size;
- (c) Other events deemed to be Special Events by the CAO;
- (d) Firework Displays, in conformance with 5-1109.

12-302. Special event permit; application for permit.

(a) 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.

(b) The application fee shall be as set forth within Chapter 17.

(c) 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:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

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.

Article 4. Dog Parks

12-401. Hours of use.

Park hours are from 5:00 a.m. to midnight pursuant to Chapter 12 Article 102 of the City Code.

12-402. Vaccinations.

Dogs must be current on vaccinations, wear a collar with identification and have a current rabies tag.

12-403. Leash use.

Dogs must be leashed when entering or leaving the fenced area of the park and the owner must have a leash available at all times while accompanying their dog in the park.

12-404. Control by owner.

Owners must remain in the dog park with the dog, and must be physically capable of keeping their dog under reasonable control at all times.

12-405. Limit per visitor.

No more than three dogs are allowed per visitor.

12-406. Dangerous dogs prohibited.

Dogs that have been deemed dangerous under Chapter 2 Article 3 of the City Code, dogs that show signs of aggressiveness towards people or other animals, or dogs that are ill/have open wounds are prohibited from the dog park.

12-407. Neutered or spayed.

Dogs must be neutered or spayed. Dogs in estrus (heat) are prohibited.

12-408. Prohibited collars.

No spiked or pinch collars are allowed.

12-409. Other pets prohibited.

Dog parks are only for the use of dogs. No other types of pets are allowed.

12-410. Items prohibited.

No food, rawhide chews, alcoholic beverages, glass containers, littering, skateboards, motorbikes, bicycles, or rollerblades allowed.

12-411. Tobacco use.

No Tobacco use is allowed, including vaping in the dog park. Tobacco use is allowed in the parking lot.

12-412. Waste collection.

Owners are responsible for their dog's behavior and must immediately remove any excrement deposited by their dog and fill any holes dug by their dog. To help reduce the potential spread of parasites, owners must pick up and dispose of their dog's waste in the collection containers provided.

12-413. Training prohibition.

Professional dog trainers may not conduct their business in the dog park.

12-414. Size restrictions.

- (a) Park areas are defined for the use of "small" and "all" dogs. Small dogs are those weighing 45 lbs. or less.
- (b) Owners will not allow large dogs (greater than 45 lbs.) into the small dog area.

12-415. Animal bites.

Animal bites should be reported to Haysville Police Department by calling 911.

12-416. Assumption of risk.

Owners assume all risks, loss or injury for themselves or their dog(s) associated with or resulting from the use of the park.

12-417. Owner responsibility.

Owners making use of the dog park shall be responsible for injuries caused by their dogs to other persons and dogs. Persons responsible for any injuries or property damage shall hold the City of Haysville harmless for any such damage.

12-418. Restraint of animals.

Owners must immediately restrain their animal and/or leave the park when instructed to do so by any law enforcement officer or City employee.

12-419. Penalties.

- (a) Violations or disregard of this article can result in removal from the park, suspension of use privileges, and citations/fines established in Chapter 17, Section 320 of the City Code.
- (b) Enforcement of the above rules and regulations is under the immediate supervision of the Chief of Police. Violators of dog park rules and regulations may be subject to one or more of the following:
 - (1) Removal from the park;
 - (2) Suspension of park privileges; and
 - (3) Issuance of a Uniform Criminal Complaint or Notice to Appear.

(c) If an owner or individual is found guilty of violating the rules and regulations of a city-owned Dog Park of any other provisions of this section, such owner or individual shall be guilty of a misdemeanor. The Director of Public Works, Recreation and the Chief of Police or designee shall promulgate additional regulations as are necessary to address health and safety concerns related to the operation of such parks.

(Ord. 1062; Code 2022)

CHAPTER 13. STREETS AND SIDEWALKS

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Article 1. Construction, Repair of Streets and Sidewalks

13-101. Uniform code setting forth the specifications for driveways, sidewalks, curb and gutter incorporated.

There is hereby incorporated by reference for the purpose of establishing specifications for the construction of driveways, concrete sidewalks, curbs and gutters “Uniform Code Setting Forth the Specifications for Driveways, Sidewalks, Curb and Gutter, Edition 2003” prepared and published in book form by the city of Haysville. The standard code is hereby incorporated by reference as if set out fully in this section and shall apply to all driveways, private sidewalks, curb and gutter construction or reconstruction within the city. At least three (3) copies of the driveway, concrete sidewalk, curb and gutter specifications for the city shall be marked and stamped “Official Copy as Incorporated by the City of Haysville” and filed with the city clerk to be open for inspection and available to the public at all reasonable hours. The city inspector, the city engineer and all administrative departments of the city charged with enforcement of this article shall be supplied, at the cost to the city, such number of official copies of such specifications as may be expedient.

(Ord. 555, Sec. 1; Code 2003)

13-102. Concrete construction.

Any public sidewalks, curbs, or private driveways cutting through or passing over any public sidewalks or public parkways and all curbs or gutters constructed in the city shall be constructed of concrete unless otherwise ordered by governing body and shall be constructed according to specifications on file in the office of the city clerk for the purpose of giving the city, through its proper officers, supervision over the construction, reconstruction or repair of such public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, public parkways, curbs or gutters.

(Ord. 115-A)

13-103. License for construction, reconstruction.

Every person before constructing any public sidewalks, curbs, gutters, or private driveways cutting through or passing over any public sidewalks, curbs or gutters; or before removing any public sidewalks, curbs or gutters for the purpose of constructing, reconstructing or repairing a private driveway cutting through or passing over any public sidewalk, curbs or gutters in the city, shall be required to obtain a license from the city clerk, for which a license fee as set out in Chapter 17, authorizing the licensee to engage in such work until January 1st, at which time said license must be renewed prior to any work taking place within the City.

(Code 1984, Sec. 14-103; Ord. 522; Ord. 644; Code 2003; Code 2007)

13-104. Requirements of licensee.

Before the license shall be granted by the city clerk under the provisions of section 13-103, the person applying for the license shall show, subject to the rules and regulations to be furnished by the city clerk, that he or she is skilled in the art of laying public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, curbs or gutters.

(Code 1971, Sec. 10-104; Code 2003)

13-105. Permit, fee.

Before any person shall engage in the construction of any public sidewalks, curbs, gutters or private driveways cutting through or passing over any public sidewalks, curbs or gutters in the city he or she shall first obtain a permit from the city clerk for which he or she shall pay fees as set out in Chapter 17. Such permit shall

state the location of the public sidewalks, curbs, gutters or private driveways cutting through or passing over any public sidewalks, curbs or gutters.

(Ord. 115-B, Sec. 2; Code 2003)

13-106. Insurance requirement.

It shall be unlawful for any contractor performing street or sidewalk work in the city 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 such insurance in accordance with this section, such person, firm, company, corporation or other entity shall be deemed guilty of a misdemeanor and punished by a fine and/or suspension or revocation of the contractor's license.

(Code 1971, Sec. 10-106; Code 2003)

13-107. Permit denial.

The city clerk shall refuse permits to any person who fails or refuses to obey all reasonable rules and regulations necessary in the enforcement of this article.

(Code 1971, Sec. 10-107)

13-108. Width of sidewalk.

All public sidewalks, constructed under the provisions of this article, must be a minimum of six (6) feet in width unless otherwise ordered by the governing body.

(Code 1971, Sec. 10-108; Code 2003; Code 2013)

13-109. Inspection.

Every person constructing, reconstructing or repairing any public sidewalks, curbs, gutters or private driveways cutting through or passing over any public sidewalks, curbs or gutters in the city shall notify the city inspector when the work is ready for inspection so as to give the inspector sufficient time to accomplish the inspection prior to the placing of concrete in the forms. If the inspector finds that the public sidewalks, curbs, gutters or private driveways cutting through or passing over any public sidewalks, curbs or gutters are not in accordance with specifications provided, he or she may refuse to accept or approve the work and he or she may require that any errors in the construction, reconstruction or repair be corrected at once and before acceptance or approval of the work.

(Code 1971, Sec. 10-109)

13-110. Failure to correct errors.

The city clerk shall refuse to issue further permits as provided in section 13-103 to any person who fails, neglects or refuses to correct errors in the construction, reconstruction or repair of any public sidewalks, curbs, gutters as provided in section 13-113.

(Code 1971, Sec. 10-110)

13-111. Condemnation; reconstruction.

The governing body may at any time by resolution condemn any portion of a public sidewalk, curb, gutter or private driveway cutting through or passing over any public sidewalks, curbs or gutters in the city whenever in its judgment it shall be deemed necessary to do so. Should the governing body condemn any portion of a public sidewalk, curb or gutters, it may provide for the reconstruction or repair of any such condemned portion of such public sidewalks, curb, gutter or private driveway cutting through or passing over any public sidewalks, curbs or gutters in accordance with the provisions of this article.

(Code 1971, Sec. 10-111)

13-112. Authority of public works director.

No formality shall be required to authorize the reconstruction or repair of any public sidewalk, curb, gutter or private driveway cutting through or passing over any public sidewalks, curbs or gutters in the city. The public works director after giving five (5) days' notice, as provided by law, may reconstruct or repair any public sidewalk, curb, gutter or private driveway cutting through or passing over any public sidewalks, curbs or gutters at any time, keeping account of the cost thereof and reporting the same to the governing body, which shall levy a special assessment against the lot or piece of land abutting on the portion of public sidewalk, curb, gutter or private driveway cutting through or passing over any public sidewalks, curbs or gutters for the cost of reconstruction or repair, together with a penalty of five percent (5%) of the cost of such reconstruction or repair.

(Code 1971, Sec. 10-112)

13-113. Release; procedure.

Any person, when desiring a release from the city after having constructed, reconstructed or repaired any public sidewalks, curbs, gutters or private driveways cutting through or passing over any public sidewalks, curbs or gutters, shall first notify the city clerk in writing, of such intent, and shall be responsible for any and all damages caused by said construction, reconstruction or repair and shall be responsible for the proper maintenance of barricades, safety guards and lights for the protection of the traveling public for a period of twenty-four (24) hours after 8:00 a.m., of the next working day for employees of the city, following such notice. When such notice is released to the city on Friday, the construction shall then be maintained through Sunday and/or any legal holiday or double holiday, plus a period of eight (8) hours after 8:00 a.m. on the next working day for city employees following such Sunday, legal holiday or double holiday. When a permit is released to the city a day that precedes a legal holiday or double holiday, the construction shall be maintained through such legal holiday or double holiday plus a period of twenty-four (24) hours after 8:00 a.m., on the next working day for city employees following such legal holiday or double holiday.

If during the period above provided, it is found that the work has not been properly done, then the person holding the license and permit shall, upon notice from the public works director, correct the defect at once, notify the city in writing of said correction, and after notification, shall be responsible for maintenance of proper barricades, safety guards and lights for the protection of the traveling public for an additional period of the same length of time as outlined in the preceding paragraph.

(Code 1971, Sec. 10-113; Code 2003)

13-114. Moneys collected; to city treasury.

The moneys collected as license fees and permit fees under the provisions of this article shall be at once transmitted to the city treasury and the license and permit shall serve as the receipt. All sums collected under the provisions of this article shall be credited to the general operating fund of the city.

(Code 1971, Sec. 10-114; Code 2003)

Article 2. Excavations

13-201. Excavations; permit.

It shall be unlawful for any person, firm, corporation or other entity other than bonded contractors holding contracts to do construction work for the city, to cut any sidewalk or pavement, or make any excavation in any of the streets, alleys, or other public grounds in the city, for the purpose of laying, repairing, or removing any pipes, underground wires, or other conduits, or for any other purpose not specifically mentioned herein, unless such person, firm, corporation or other entity shall have first obtained a permit from the city. The permit fee shall be as established by Chapter 17.

(Code 1971, Sec. 10-201; Code 2003)

13-202. Persons eligible for permit; insurance

The following persons, firms, corporations and other entities, shall be eligible to secure permits to cut sidewalks or pavement, and to make excavations in the streets, alleys, and other public grounds in the city:

(a) Any public utility corporation having a franchise to operate in any street, alley, or other public grounds of the city;

(b) Licensed plumbers and master drain layers licensed by the city;

(c) Any other person, firm, corporation or other entity: PROVIDED, that such other person, firm, corporation or other entity shall first file and maintain with the city clerk a certificate of insurance with a minimum of \$500,000 coverage with the city named as an additional insured.

(Code 1971, Sec. 10-202; Code 1984; Code 2003)

13-203. Permits.

Permits hereunder shall be issued to public utility corporations having a franchise to operate in any street, alley, or other public grounds of the city, upon the filing with the city, an application for such permit by such public utility corporation: PROVIDED, That statements based on fees hereinafter provided will be rendered upon the first of each calendar month for the amount due the city on all permits issued to such public utility corporations prior to the 15th day of the preceding calendar month, which statements shall be due and payable on or before the last day of the calendar month in which same are rendered. The permit fees are as established by Chapter 17 of the fee schedule.

(Code 1971, Sec. 10-203)

13-204. Reinspection/non-business hours; fees.

The building inspector shall make a thorough reinspection of all excavations whenever deemed advisable upon any premises within the city. When the excavation is found to be in noncompliance with this article, the person, firm, corporation or other entity owning or conducting the same shall be notified in writing and shall make the necessary changes required to bring the excavation into compliance with this article within the specified time in the notice. Upon failure to comply with the written notice, the building inspector is hereby authorized to delay construction or excavation until instructed by the building inspector that any further construction or excavation may resume or begin. Fees for reinspection are as stated in Chapter 17.

(Code 1984; Code 2003)

13-205. Additional fee; discounts.

A sum in the amount of ten percent of the permit fee or fees shall be added to all permits for cutting sidewalk or pavement, for construction or repair of building foundations, to cover inspection of the excavation in preparation for backfilling as hereinafter provided.

(Code 1971, Sec. 10-205; Code 1984)

13-206. Excavation of unpaved streets and alleys; fees.

A fee shall be required for a permit to excavate in any unpaved street or portion of street, alley, or other public grounds, for the purpose of laying, repairing or removing any main pipes, underground wires, or other conduits, one such permit shall be required for each block or portion of block of street, alley, or other public grounds if the work is done with continuity. For the purpose of connecting, repairing or removing service pipes, underground wires or other conduits, or for any other purpose not specifically mentioned herein, one such permit shall be required for each connection unless such connection is made at the time of laying the main. Fees for Excavation Permits are as stated in Chapter 17.

(Code 1971, Sec. 10-206; Code 1984; Code 2003; Code 2007)

13-207. Barricades, guards, lights properly maintained.

Any person, firm, corporation or other entity making excavations in any of the streets, alleys, or other public grounds in the city shall at all times after such work is commenced, up to and including the time when said work is completed and the cut is released to and accepted by the city for replacement or repair as provided in sections 13-218:222 maintain proper barricades, safety guards, and lights for the protection of the traveling public.

(Code 1971, Sec. 10-208)

13-208. Sidewalk, pavement excavations; backfilled.

All excavations where sidewalk or pavement has been cut, shall either be backfilled with sand which shall be flushed into place with water, or shall be backfilled with excavated material dampened and thoroughly tamped in six-(6) inch layers until its compaction is equal to one-hundred percent (100%) of that of the adjacent undisturbed soil. The sand shall be free of rock, dirt or trash and the excavation shall be filled to within six inches of the surface of the remainder of the sidewalk or pavement. The person, firm, corporation or other entity making the excavation shall replace the excavation in accordance with section 13-220. All surplus excavated material shall be removed from the location by the person, firm, corporation or other entity making the excavation.

(Code 1971, Sec. 10-209)

13-209. Construction excavation properly cleaned; inspected.

All excavations for the construction or repair of building foundations, where adjacent to any street or alley lines, shall, as soon as practicable, be thoroughly cleaned of all building or casual debris of any kind, inspected by the city inspector, then backfilled with sand, free from rock, dirt or trash and flushed into place with water. The building contractor, or the owner where there is no contractor, shall notify the city at least eight (8) hours in advance of the time he or she expects to have any such excavation ready for inspection and backfill.

(Code 1971, Sec. 10-210)

13-210. Properly tamped and compacted.

Any excavation in any street or alley which is less than four (4) feet from any existing pavement, curb or sidewalk, or where such pavement, curb or sidewalk has been ordered to be constructed by action of the governing body but not yet constructed, shall be backfilled with the excavated material, dampened and thoroughly tamped in six (6) inch layers until its compaction is equal to one-hundred percent (100%) of that of the adjacent undisturbed soil, or it shall be backfilled with sand which shall be flushed into place with water to within six (6) inches of the surface of the remainder of the sidewalk or pavement and the rest of the backfill shall be made of excavated material securely tamped and left flush with the surface. In any sodded area, the sod shall be carefully removed, then reset as the work is completed.

(Code 1971, Sec. 10-211)

13-211. Pavement excavation one-foot beyond dirt excavation.

The pavement portion of all street pavement cuts shall be excavated for a minimum distance of one (1) foot beyond the edges of the dirt excavation except that when one side of the pavement cut touches a gutter, the gutter pavement shall not be excavated. The dimensions of the pavement cut as given on the permit shall include the extra excavation of pavement beyond the edges of the dirt excavation, all material and workmanship shall conform to specifications on file in the office of the city engineer.

(Code 1971, Sec. 10-212)

13-212. Unimproved street, alley; backfilled, rolled.

All excavations in any used or traveled portion of any unimproved street or alley, except as provided in the preceding section may be backfilled with the excavated material: PROVIDED, that after completion of the backfill, it shall be compacted by rolling with heavy equipment and all surplus material shall be trimmed and removed from the line of the ditch.

(Code 1971, Sec. 10-213)

13-213. Unimproved streets, alleys; backfill ditches, trenches.

It shall be the duty of any person, firm, corporation or other entity making an excavation in any of the unimproved streets, alleys, or other public grounds in the city to backfill and maintain all trenches or ditches in a safe condition for the traveling public until the excavated material has reached final settlement.

(Code 1971, Sec. 10-214)

13-214. Through or right-of-way streets; procedure.

Any public utility company, contractor, public agency, plumber or other person, firm, corporation or other entity having a project which necessitates making an excavation in a paved street, which is classified and approved by ordinance or resolution as a through or right-of-way street, shall work continuously and diligently without interruption and without regard for regular hours of work on said project until the completion of the same, unless other arrangements are approved in writing by the public works director before commencement of the project.

(Code 1971, Sec. 10-215)

13-215. Excavation defined.

Excavation for the purpose of sections 13-207:222 shall be defined as any cut made in the existing pavement of the street.

(Code 1971, Sec. 10-216; Code 1984; Code 2003)

13-216. All excavation work to comply with this article; exceptions.

Work on an excavation made either as a result of obtaining a permit from the city to make such excavation or as a result of entering into a contract with the city shall be subject to the provisions of this article, except that contracts with the city for the complete repaving or resurfacing of an existing paved street shall be exempt from this provision.

(Code 1971, Sec. 10-217; Code 2003)

13-217. Liability.

Any person, firm, corporation or other entity making excavations in any of the streets, alleys, or other public grounds in the city, shall at all times be liable to the city for damages arising by reason of any neglect or carelessness in any respect concerning said excavation prior to the time the cut is released to and accepted by the city for replacement and repair as provided in Sections 13-218:222 hereto, and shall indemnify, defend and hold the city harmless from all suits or claims or judgments for damages growing out of, arising from, or related to any negligent, intentional, wanton, reckless or other wrongful act or omission on the part of, or by, any person, firm, corporation, or other entity in making street cuts, excavations, erection or barricades, lights or other obstructions.

(Code 1971, Sec. 10-218; Code 2003)

13-218. Release to city for replacement; procedure.

Any person, firm, corporation or other entity when desiring to release to the city for replacement any sidewalk or curb or gutter or pavement cut, shall first notify the city, in writing, of such intent, but shall be responsible for any and all damages caused by the cut and shall be responsible for the maintenance of proper barricades, safety guards and lights for the protection of the traveling public for a period of twenty-four (24) hours after 8:00 a.m., of the next working day for city employees following such notice. When a notice is released to the city on Friday, the excavation shall be maintained through Sunday and/or any legal holiday or double holiday plus a period of eight (8) hours after 8:00 a.m. on the next working day for city employees following such Sunday, legal holiday or double holiday. When a permit is released to the city on the day before a legal holiday or double holiday, the excavation shall be maintained through Sunday and/or such legal holiday or double holiday plus a period of twenty-four (24) hours after 8:00 a.m., of the next working day for city employees following such Sunday, legal holiday or double holiday.

(Code 1971, Sec. 10-219; Code 2003)

13-219. Improper backfills and corrections thereof; procedure.

If, during the period above provided after the notice of release is given for the replacement of sidewalk, curb, gutter or pavement, it is found that the backfill has not been properly made, then the person, firm, corporation or other entity making said excavation shall, upon notice from the public works director, correct the defect at once, notify the city in writing of such correction, and after notification, shall be responsible for the maintenance of proper barricades, safety guards and lights for the protection of the traveling public for an additional period of the same length of time as outlined in section 13-218.

(Code 1971, Sec. 10-220; Code 2003)

13-220. Paving contractors to replace pavement cuts.

In replacement of all pavement, curb, gutter and sidewalk cuts, the person, firm, corporation or other entity making said cuts may, with the approval of the public works director or shall upon the order of the public works director contract with a paving contractor for the replacement, under inspection of the city inspector, of such cuts and shall be liable for the cost of replacing same, and for the maintenance of proper barricades, safety

guards, and lights for the protection of the public during the operation. All material and workmanship shall conform to specifications on file in the office of the city engineer.

(Code 1971, Sec. 10-222; Code 1984; Code 2003)

13-221. Deposit of collections to general operating fund.

The fees collected pursuant to this article shall be immediately transmitted to the city treasury and the issued permits shall serve as receipts. All such fees shall be credited to the general operating fund of the city.

(Code 1971, Sec. 10-224; Code 2003)

13-222. Penalty.

Any person, firm, corporation or other entity making any excavation in the streets, alleys, or public grounds of the city without first complying with the provisions of this article, or who violates any of the provisions of this article, shall be deemed guilty of a violation of this code and fined in accordance with the general penalty provisions in section 1-121 of this code. Each day the violation is committed or continued shall constitute a separate offense.

(Code 1971, Sec. 10-225; Code 1984; Code 2003)

Article 3. Hedges, Trees and Shrubs

13-301. Definitions.

- (a) Street Trees: Shall mean trees, shrubs, bushes and all other woody vegetation on land lying between the property lines on either side of all streets, avenues or ways within the city.
- (b) Park Trees: Shall mean trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or which public has free access as a park.
- (c) Community Forest: Shall mean all street and park trees as a total resource.
- (d) Very Large Trees: Shall mean those attaining a height of over sixty (60) feet.
- (e) Large Trees: Shall mean those attaining a height between forty (40) and sixty (60) feet.
- (f) Medium Trees: Shall mean those attaining a height between twenty (20) and forty (40) feet.
- (g) Small Trees shall mean those attaining a normal maximum height of twenty (20) feet.
(Ord. 765; Code 2003)

13-302. Street tree; species to be planted.

The city shall maintain a list of recommended trees for planting in public areas. This list shall be available to residents of the city upon request to aid in the selection of trees for private properties. The list of recommended trees will be those trees as listed in the publication Preferred Tree Species of South Central Kansas by the Kansas Urban Forestry Council, revision April 1999. Any request for variance of street tree plantings other than the species found on this list must be approved by the tree board.

(Ord. 765; Code 2003)

13-303. Spacing.

Street trees may not be planted closer together than the following:

- (a) Small Trees – fifteen (15) feet
- (b) Medium Trees – twenty-five (25) feet
- (c) Large Trees – thirty-five (35) feet
- (d) Very large trees – forty (40) feet

Exceptions may be granted by the tree board.

(Ord. 765; Code 2003)

13-304. Distances and clearances for planting.

(a) Curbs and Sidewalks - Small and medium street trees may be planted in the tree lawn where there is six (6) feet to ten (10) feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk or street. Exceptions may be granted by the tree board.

(b) Street corners and fire hydrants – No street tree shall be planted within twenty (20) feet of any street corner along an arterial street or within fifteen (15) feet of any street corner along the adjoining collector street. Distance will be measured from the point of nearest intersecting curblines. No street tree shall be planted within ten (10) feet of any fire hydrant.

(c) Utility facilities – No street tree other than those species listed as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire. No street tree may be planted within ten (10) lateral feet of any water meter or over or within five (5) lateral feet of any underground waterline, sewer line, transmission line or other utility.

(Ord. 765; Code 2003)

13-305. Public tree care.

The city shall have the right to plant, prune, maintain and move trees, plants and shrubs within the right-of-way or bounds of all streets, alleys, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the beauty of such public grounds. The city may remove, or cause, or order to be removed, any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is seriously affected with any injurious insect or disease.

(Ord. 765; Code 2003)

13-306. Tree topping.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this section at the determination of the tree board.

(Ord. 765; Code 2003)

13-307. Clearances over streets and walkways.

Maintaining clearances over streets and walkways shall be the responsibility of the abutting property owner. A clearance of eight (8) feet must be maintained over walkways and a clearance of fourteen (14) feet must be maintained over streets. Property owners are responsible for trees on their own property as well as trees on the public way that abuts their property. The public works director or his/her designee will notify in writing the owner of such trees in violation of the above clearance requirements, and stated improvements shall be accomplished within thirty (30) days of notification. In the event of failure to comply by the owner, the city shall have authority to prune such trees and charge the cost of pruning on the property tax notice.

(Ord. 765; Code 2003; Code 2015)

13-308. Dead or diseased tree removal.

The city shall remove or cause to be removed any dead or diseased tree within the city limits. Diseased trees are defined as those trees that may constitute a hazard to life and property, or harbor insects or disease, which represent a potential threat to other trees within the city (i.e. Dutch elm disease or pine wilt). The public works director or his/her designee will notify in writing the owner of such trees, and removal shall be accomplished within sixty (60) days of notification. In the event of failure to remove by the owner, the city shall have authority to remove such trees and charge the cost of removal on the property tax notice.

(Ord. 765; Code 2003)

13-309. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 765; Code 2003)

13-310. Interference with the tree board.

It shall be unlawful for any person to prevent, delay or interfere with the tree board or any of its representatives or agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any tree within the community forest, as authorized by this article.

(Ord. 765; Code 2003)

13-311. Review by governing body.

The governing body shall have the right to review the conduct, acts and decisions of the tree board. Any person may appeal from any ruling or order of the tree board to the governing body, who may hear the matter and make final decision.

(Ord. 765; Code 2003)

13-312. Habitual violators.

The term habitual violator is defined as any resident or non-resident person or entity who, within the immediately preceding five (5) years has been found guilty or pled guilty in the municipal court of the city three (3) or more times of violating this article.

(Ord. 765; Code 2003)

13-313. Failure to comply; penalty.

Should the person, corporation, partnership, association or other entity fail to comply with the notice to abate the nuisance or request a hearing, the code enforcement officer may file a complaint in the municipal court of the city against such person, corporation, partnership, association or other entity and upon conviction of any violation of provisions of this article, be fined any amount not to exceed \$300 or be imprisoned not to exceed thirty (30) days or both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. Upon the second conviction or plea to a violation of this article, such person, corporation, partnership, association or other entity shall be fined the sum of \$500. Upon conviction of a third violation of the article, such person, corporation, partnership, association or other entity shall be fined the sum of \$1,000. Any person or entity who is convicted as a habitual violator under this article shall be fined \$1,500 and shall be imprisoned for a term not to exceed five (5) days in jail.

(Ord. 765; Code 2003)

Article 4. Right-of-Way Maintenance

13-401. Policy.

It is the policy of the City of Haysville, Kansas, in discharge of the duties as trustee of the public right-of-way and for the overall public health, safety and welfare of the City, to establish rules and regulations concerning management of the public right-of-way.

The authority of an occupant to use and occupy the public right-of-way shall always be subject and subordinate to the public health, safety, and welfare requirements and regulations of the City. Every occupant shall comply with all laws, rules, and regulations governing the use of public right-of-way.

13-402. Registration.

(a) Unless otherwise exempt by the terms of this Article, each occupant engaged in providing, transmitting, supplying or furnishing utility service originating, running through or terminating within the City of Haysville, Kansas, or owning or controlling facilities within the public right-of-way shall file an annual registration statement on a form provided by the City.

(b) Prior to commencing any work, no occupant may construct, install, repair, remove, relocate, or perform any other work on any facilities or any part thereof in any City right-of-way without first being registered with the City of Haysville.

(c) The registration requirement shall not apply to planting or maintaining landscaping in the right-of-way, construction or repair of sidewalks, installation of street signs, news-racks, temporary signs and public pay phones.

(d) The registration requirement shall apply to any occupant having exempt facilities referenced above if that occupant also has nonexempt facilities elsewhere in the public right-of-way.

13-403. Annual registration statement.

(a) For purposes of complying with the annual registration requirement set forth above, every occupant shall provide the following information related to their use of the public right-of-way:

- (1) Identity and legal status of registrant, including related affiliates that are or may conduct activities listed in Section 2.
- (2) Name, address, telephone number, e-mail address and fax number of the contact person responsible for the accuracy of the registration statement. This person shall also serve as the registrant's agent and further be responsible for the distribution of any information pursuant to this Article to the appropriate person in the registrant's organization.
- (3) List of contact persons, including the name, address, telephone number, e-mail address and fax number for the following areas: right-of-way maintenance, right-of-way construction, and administration.

- (4) Name, address, telephone number, e-mail address and fax number of the local representative of registrant or operations center who shall be available at all times to act on behalf of registrant in the event of an emergency.
- (5) Description of registrant's existing or proposed facilities within the City of Haysville.
- (6) Description of utility service registrant intends to offer or provide or is currently offering or providing to any person or entity in the City of Haysville.
- (7) Information sufficient to determine whether the registrant is subject to franchising under State law.
- (8) Information sufficient to determine whether the registrant needs to/has applied for and received any certificate of authority required by the Kansas Corporation Commission to provide utility services in the City of Haysville.
- (9) Information sufficient to determine that the registrant needs to/has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide telecommunications services in the City of Haysville.
- (10) Such other information as may be required by the City of Haysville which is reasonably related to the use of the public right-of-way. Any material changes or modifications to the registration statement that affect the registrant's activities in the public right-of-way shall be submitted to the City within 30-days of such change or modification.

(b) The Annual Registration Fee shall be received by the City by February 15th of each calendar year. Such fee and late charges are outlined in Chapter 17.

13-404. Permit required.

Any person or entity desiring to conduct work on any facilities in, along, across, under, or over public rights-of-way must first apply for and obtain a permit from the City of Haysville in addition to any other permit or authorization to occupy public rights-of-way. If the facilities work must be done on an emergency basis, the person or entity conducting the work must notify the Director of Public Works of the City of Haysville at the first available opportunity and apply for any permits or authorizations from the City within two (2) business days. Emergency work must comply with all applicable laws, rules, and regulations.

(a) All applications for permits shall be submitted to the Director of Public Works on a form provided by the City Clerk with such information as required to allow the City to evaluate the application consistent with and necessary to accomplish the provisions of this Article.

(b) Each permit application shall be accompanied by the payment of the appropriate fee.

(c) The Director of Public Works shall review and cause the permit to be issued within ten (10) business days upon a showing that the applicant has met all the requirements of this Article. The Director of Public Works shall review the applications and his decision shall be based upon, but not limited to, the following:

- (1) Submission of a complete application.
- (2) Submission of the appropriate permit fee and bond.

- (3) Designated project commencement and termination dates.
 - (4) Sufficient scheduling and coordination information.
 - (5) Location and route of all facilities in the right-of-way.
 - (6) Description of work to be done in right-of-way.
 - (7) Proper restoration or protection of the right-of-way.
 - (8) Compliance with all applicable codes, rules and regulations.
 - (9) Coordination plan with existing facilities for their removal or relation of affected facilities.
 - (10) Applicant has properly registered pursuant to Section 2 of this Article.
 - (11) Proof of liability insurance.
 - (12) Other information as required to protect public health, safety and welfare.
- (d) The Director of Public Works may deny a permit request for any of the following reasons:
- (1) The applicant has failed to pay the permit fee for prior projects.
 - (2) The applicant has failed to return the right-of-way to an acceptable condition under previous permits.
 - (3) The work requested in the permit application will cause undue disruption to existing facilities.
 - (4) The applicant has failed to provide all necessary permit application information.
 - (5) The applicant is in violation of the provisions of this Article.
 - (6) The specific portion of the public right of way for which the applicant seeks use and occupancy is environmentally sensitive as defined by state and federal law or lies within a previously designated historic district as defined by local, state, or federal law.
 - (7) Any other reason for which granting of the permit would be detrimental to the public health, safety and welfare.
- (e) Subsequent to denial of a permit, the City shall provide the applicant with reasonable notice and opportunity to be heard and that said denial is in compliance with the provisions of this Article.

13-405. Construction standards.

- (a) The construction, operation, maintenance, and repair of facilities in the right-of-way shall be in accordance with applicable health, safety and construction codes as well as those standards promulgated by the City.
- (b) All facilities shall be installed and located with due regard for minimizing interference with the rights and convenience of property owners, including the City.

(c) No applicant shall place facilities where they will damage or interfere with the use or operation of previously installed facilities or obstruct or hinder other utilities serving the residents and businesses in the City.

(d) If available, applicants shall make a good faith attempt to co-locate their facilities with as many other utilities as possible so as to maximize the efficient allocation of space in the right-of-way. In instances where the City has placed conduit or ducting in the right-of-way and made it available, applicants shall install their facilities within the City conduit or ducting system, unless applicants can show a substantial hardship preventing such placement.

(e) Any and all public right-of-way damaged or disturbed during the facilities work shall be promptly repaired or replaced by the applicant to its functional equivalence prior to being damaged or disturbed.

(f) Any contractor, agent, affiliate, employee, or subcontractor used for facilities work in the right-of-way must be properly licensed under the laws of the State and all applicable local ordinances. Each contractor, agent, affiliate, employee, or subcontractor shall be accountable for the obligations herein to the same extent as the applicant. The applicant shall be ultimately responsible to ensure the contractor, agent, affiliate, employee, or subcontractor fully complies with the provisions of these Policies and Procedures and likewise shall be responsible for all acts or omissions of the contractor, agent, affiliate, employee, or subcontractor. Furthermore, upon written notice by the City, the applicant shall be responsible for promptly correcting acts or omissions by any contractor, agent, affiliate, employee, or subcontractor.

(g) Within 30-days of completion of any facilities work in the right-of-way, applicant shall provide City with a complete set of “as-built” drawings. Preliminary plans shall satisfy this requirement so long as those preliminary plans accurately reflect the facilities work done.

13-406. Fees.

Every applicant for facilities work in the right-of-way, at the time of filing of the permit application, shall pay to the City the applicable permit fees, except that any State or local government, governmental agency, public or private school, or water district organized under K.S.A. 19-3501 et seq., shall be exempt from the permit fees mandated exclusively by this Article.

Likewise, the permit fees mandated exclusively by this Article shall be waived for any facilities work in the right-of-way to extend utility service to a State, local or other governmental agency, public or private school facility.

Right-of-way permit fees may be established by Resolution of the Governing Body of the City of Haysville, Kansas.

Every occupant performing work in the right of way shall be required as a condition of their permit to post a performance bond, in a form acceptable to the City, from a surety licensed to conduct surety business in the State of Kansas, ensuring appropriate and timely performance in the construction and maintenance of facilities located in the right of way. The amount and term of the performance/maintenance bond shall be determined by the City based upon the size and scope of the work sought to be performed under the permit.

13-407. Failure to restore right-of-way.

If the occupant fails to restore the right of way in the manner and to the condition required by this Article, or any applicable City ordinance, rule or regulation, or fails to satisfactorily and timely complete all restoration required by the City, the City shall issue a written notice of violation giving the occupant ten (10) days to

restore the right-of-way in the manner and to the condition required by this Article. If the occupant fails to make the repairs required by the City, the City may affect those repairs and charge the occupant the cost of those repairs. If the City incurs damages as a result of a violation of this Section, then the City shall have a cause of action against the occupant for violation of this Section, and may recover its damages, including reasonable attorney fees, if the occupant is found liable by a court of competent jurisdiction.

13-408. Relocation of facilities.

(a) The City will attempt to provide affected utilities with as much notice as possible, prior to the need for relocation. In any event, no later than 90 days from written notice by the City, any occupant with facilities in the right-of-way shall, at its own expense, temporarily, or permanently remove or relocate, change or alter the position of any facilities within the right of way whenever the City has determined that such removal, relocation, change or alteration is reasonably necessary for:

- (1) Construction, repair, maintenance or installation of any City or other publicly funded project or improvement in or upon the public ways; and/or
- (2) Operations of the City in and upon the right-of-way.

(b) Whenever possible, the relocation, change or alteration of any facilities shall be underground unless waived by the City. The City may waive this underground requirement for technical reasons or if underground placement would cause severe hardship to the occupant.

(c) Relocation of facilities must be completed no later than 90 days from the date written notice was provided to the occupant by the City. This time period may be extended by the City for good cause as demonstrated by the occupant.

(d) Any relocation of facilities at the City's request must comply with all City ordinances except that the occupant shall not be required to pay any permit fees.

(e) The City shall provide occupant written notice of the failure to properly remove or relocate facilities. After 14 days from said written notice and in the event an occupant fails to remove, relocate or otherwise rearrange any facilities, the City may, at its option and in addition to the imposition of any penalties or any other remedies available, undertake or cause to be undertaken, such necessary removal or relocation. Any damages suffered by the City or its contractors as a result of such occupant's failure to timely remove or relocate its facilities shall be borne by such provider. Future permit applications may not be granted to the same or related occupant until such time as those facilities are removed or relocated. The City shall have no liability for any damage caused by such removal or relocation and the occupant shall be liable to the City for all reasonable costs incurred by the City in such removal or relocation.

13-409. Abandonment/removal of facilities.

- (a) An occupant who has determined to discontinue its operations in the City must either:
- (1) Provide satisfactory information to the City that the occupant's obligations for its facilities under this Article have been lawfully assumed by another occupant; or
 - (2) Submit to the City a proposal and instruments for dedication of its facilities to the City. If an occupant proceeds under this clause, the City may at its option:
 - (A) Accept the dedication for all or a portion of the facilities; or

- (B) Require the occupant, at its own expense, to remove the facilities in the right of way at ground or above ground level; or
- (C) Require the occupant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

(b) Any occupant who has abandoned facilities in any City right-of-way shall remove them immediately unless such removal would cause unnecessary disruption and destruction to existing facilities or the right-of-way. For purposes of this Article, “abandoned facilities” includes any facilities that have not been used for the purpose for which they were constructed over a continuous period of 12 months. The City will notify occupants in writing of their intentions to proceed under this Section. The occupant shall have 60 days to remove or otherwise remedy the situation to the satisfaction of the City. In addition to any other remedy available in law or equity, where facilities are abandoned, the City may either, take possession of the facilities, abate the facilities or require the occupant or the successor in interest to the occupant to remove the facilities at their expense.

13-410. Liability.

Every occupant of public rights-of-way shall assume all liability for any work which it performs in the right-of-way.

Occupants shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of the provider, any agent, officer, director, representative, employee, affiliate, or subcontractor of the occupant, or their respective officers, agents, employees, directors, or representatives, while installing, repairing, removing or maintaining facilities in a public right-of-way. The indemnity provided by this Section does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors, or subcontractors. If an occupant and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of the State of Kansas without, however, waiving any governmental immunity available to the City under state or federal law and without waiving any defenses of the parties under state or federal law. This Section is solely for the benefit of the City and occupant and does not create or grant any rights, contractual or otherwise, to any other person or entity.

An occupant or the City shall promptly advise the other in writing of any known claim or demand against the occupant or the City related to or arising out of the occupant’s activities in the public right-of-way.

13-411. Definitions.

In this Article, the following terms will have the following meanings:

- (a) Applicant: Any person or entity seeking a permit from the City to conduct or, in the case of an emergency, recognize work in a public right-of-way. An applicant must be properly registered before submitting a permit application.
- (b) City: City of Haysville, Kansas.
- (c) Entity: A corporation, partnership, limited liability company, association, firm and any governmental agency, authority, board, agency or department.

(d) Facilities: Including, but not limited to, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennas, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, supplying or furnishing utility services, cable television, communications, signaling, electricity, water, natural gas, steam or other services or similar functions.

(e) Liability Insurance: An amount not less than the minimums as set by the City, to protect the City and the Governing Body, officers, employees, and authorized agents thereof to the full extent indemnified hereunder from and against all claims by any person whatsoever for loss or damage from personal injury, death or property damage occasioned in any manner by the use of a public right-of-way. This provision may be satisfied by supplying the City a letter of self-insurance and appropriate documentation verifying the applicant's ability to provide no less than the minimum coverage required.

(f) Occupant: Any person or entity that occupies, uses, or seeks to occupy or use public lands or a public right-of-way through the placement of facilities therein. If the owner of any facilities leases, subleases, assigns or licenses the control or responsibility of any of those facilities to another person or entity, then the lessee, sublessee, assignee or licensee shall be deemed an occupant for that portion of such facilities.

(g) Person: An individual or natural person.

(h) Right-of-Way: Only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service.

(i) Utility Service: The providing, transmitting, supplying or furnishing cable television, communications, signaling, electricity, water, natural gas, steam or other similar service.

13-412. Violation.

Any contractor, agent, affiliate, employee, individual, or subcontractor performing construction or maintenance of facilities within the City's right of way without complying with the terms of this Chapter, may be cited for violation of this Chapter, and may also be subject to citation for Criminal Damage to Property.

Additionally, it is unlawful for any individual, proprietorship, partnership, company, corporation, municipal corporation or other entity to construct, erect, lay or otherwise place any pipeline, transmission line, main, pole, tower, sign or other structure above, across, upon or within any public land or right-of-way within the corporate limits of the City of Haysville, Kansas in violation of the provisions of this Article. Any individual signing an application for permit shall be deemed the permittee and may be individually prosecuted for any violation of such permit.

13-413. Penalty.

Any person, proprietorship, partnership, company, corporation, municipal corporation or other entity violating any of the provisions of this Article shall, upon conviction thereof by the Municipal Court of the City of Haysville, Kansas, be fined in an amount not to exceed five hundred dollars plus court costs. Each day constitutes a separate violation.

(Code 2010)

CHAPTER 14. TRAFFIC

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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, 48th Edition published in 2021”, 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 Code of the City of Haysville” and to which shall be attached a copy of the incorporating 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; Ord. 1037, Code 2016; Ord. 1048, Code 2018; Ord. 1056, Code 2019; Ord. 1065, Code 2020; Code 2022)

Article 2. Local Provisions

14-201. 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)

14-202. 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)

14-203. 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)

14-204. 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.

14-205. 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.

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.

(c) Penalty.

- (1) 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.

- (2) 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.
- (3) 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 than 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 subsection (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. Truck/RV Parking and Inoperable Vehicles

14-301. Residential district defined.

A residential district shall be defined for purposes 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)

14-302. 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, truck trailer unit larger than what is commonly referred to as a 1-ton truck (with a gross vehicle weight rating of 16,001 pounds or more), or a box type truck used for commercial purposes 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; Code 2018)

14-303. 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)

14-304. 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)

14-305. 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)

14-306. 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)

14-307. Penalty.

Any person violating this article 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)

Article 4. Speed Zones

14-401. 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)

14-402. 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 south side of Grand Avenue (71st Street South) north to the north city limit of Haysville, Kansas adjacent to Meridian Street; 40mph;
- (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)

14-403. 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:

<u>School Zone</u>	<u>Speed Limit</u>
(1) Nelson Elementary School:	20 MPH
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.	
(2) Rex Elementary School:	20 MPH
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.	

(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:
- (A) 7:45 a.m. to 8:30 a.m.
 - (B) 11:10 a.m. to 11:30 a.m.
 - (C) 12:30 p.m. to 12:55 p.m.
 - (D) 3:30 p.m. to 4:00 p.m.
- (2) Rex Elementary School:
- (A) 7:20 a.m. to 8:40 a.m.
 - (B) 11:10 a.m. to 11:30 a.m.
 - (C) 12:30 p.m. to 12:55p.m.
 - (D) 2:40 p.m. to 3:10 p.m.

(E) 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 5. Commercial Vehicle Safety Act

14-501. 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."

(Code 2009)

14-502. 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.

(Code 2009)

14-503. Amendments.

Sections 390.37 and 383.53 of the Federal Motor Carrier Safety Regulations, are hereby amended 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.

(Code 2009)

14-504. Penalties 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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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. The location of the required water meter and underground service barrel shall be on the house side of the approach located in the

public right-of-way. All locations of said meter and underground barrel requirements are subject to the approval of the public director or his/her designee. 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; Code 2020)

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.

(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 15-109:113 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 15-108:114.

(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; Ord. 551-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 permittee 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 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 permittee 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 permittee 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 permittee 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:

Agency: Shall mean the public works department.

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.

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.

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.

Backflow Preventer: Shall mean a device or means to prevent backflow.

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.

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.

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.

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.

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.

Free Water Surface: Shall mean a water surface at atmospheric pressure.

Flood Level Rim: Shall mean the edge of the receptacle from which water overflows.

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.

KDHE: Shall mean the Kansas Department of Health and Environment.

Non-Potable Water: Shall mean water that is not safe for human consumption or that is of questionable potability.

Plumbing: Shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.

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.

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.

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.

Tester: Shall mean a trained technician certified in the testing and repair of backflow preventers.

Vacuum: Shall mean any absolute pressure less than that exerted by the atmosphere.

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
Aspirators and ejectors	C-L at least 6 in. above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 in. above flood level rim of bowl.
Commercial dishwashing machines	C-L at least 6 in. above flood level of machines. Installed on both hot and cold water supply lines.
Garbage can cleaning machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines.
Hose outlets	C-L at least 6 in. above highest point on hose line
Commercial laundry machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 6 in. above highest sprinkler head or discharge outlet.
Steam tables	C-L at least 6 in. above flood level rim.
Tanks and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.
Flush tanks	Equipment with approved ball cock, installed according to manufacturer's instructions.
Hose bibs	C-L at least 6-in. 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 BACKPRESSURE	
Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Tanks and Vats - bottom inlets
Pressure tanks	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 ensure 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. Testing filing fees shall be provided for in Chapter 17. If a test report is not filed fourteen (14) days after the annual device test anniversary date, a monthly fine as provided for in Chapter 17 shall be added to the owner's utility statement until such time as the report is filed.

(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; Code 2019)

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 or 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:

- (a) Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (b) Director: Shall mean the public works director of the city or his/her authorized deputy, designee or representative.
- (c) Sewage: Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (d) Sewer: Shall mean a pipe or conduit for carrying sewage.
- (e) Public Sewer: Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (f) Combined Sewers: Meaning sewers receiving both surface runoff and sewage, are not permitted.
- (g) Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (h) Storm Sewer or Storm Drain: Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (i) Sewage Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.
- (j) Industrial Wastes: Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- (k) Garbage: Shall mean solid wastes from preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (l) 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.
- (m) 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.
- (n) Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal.
- (o) 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.

(p) PH: Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(q) 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.

(r) Suspended Solids or "SS": Shall mean solids that either float on the surface of, or are removable by laboratory filtering.

(s) Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(t) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(u) Person: Shall mean any individual, firm, company, association, society, corporation or group.

(v) Shall is mandatory; May is permissive.

(w) 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.

(x) 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.

(y) 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.

(z) 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.

(aa) Useful Life: Shall mean the estimated period during which a treatment works will be operated.

(bb) 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.

(cc) 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.

(dd) 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.

(ee) 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.

(ff) 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.

(gg) 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 polyvinylchloride (PVC) pre-formed saddle with stainless steel straps and adhered to the public sewer with required, listed PVC adhesive, 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; Code 2020)

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.

(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.

(Ord. 470; 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 became effective within the unincorporated portions of Sedgwick County, Kansas, on June 20, 2014, to be applied where such systems are permitted within the city of Haysville, Kansas. One copy of construction standards for septic system absorption fields, and other private sewage facilities, as promulgated by Sedgwick County, Kansas, shall be filed in the office of the city clerk and 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:

(a) 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.

(b) City means the City of Haysville, Kansas.

(c) 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.

(d) 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.

(e) Director means the Director of the City's Public Works Department or the Director's designee.

(f) Director of Governmental Services means the Director of Governmental Services of the City or the Director of Governmental Services' designee.

(g) 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.

(h) 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.

(i) Equivalent Residential Unit Rate or ERU Rate means the amount charged for each ERU in calculating the Stormwater Utility User Fee.

(j) 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.

(k) Fiscal Year means a twelve-month period commencing on the first day of January of any year.

(l) Governing Body means the Governing Body of the City.

(m) 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.

(n) Nonresidential Property means all property other than Single Family Property.

(o) Operating Budget means the annual budget established for the Stormwater Utility for the succeeding Fiscal Year.

(p) 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.

(q) 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.

(r) Residential Property means property used primarily for Single Family Dwelling Units.

(s) 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.

(t) 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.

(u) Stormwater Utility means the utility created by this article for the purpose of implementing and funding the Stormwater Management Program.

(v) Stormwater Utility User Fee means a fee authorized by Charter Ordinance No. 18 and this article, 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.

(w) 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.

(j) The Stormwater Utility User Fee imposed by this article, 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.

(k) 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.

<u>CLASS</u>	<u>PROPERTY SIZE</u>	<u>STANDARD MULTIPLIER</u>
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: Chief Administrative Officer and the City Clerk.
- (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. 60-2101(d).

(Code 2019)

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, thereafter, 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.

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 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 15-802 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. Stormwater runoff management plans.

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.

15-818. 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.

15-819. 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.

15-820. 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 article, 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.

15-821. 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.

15-822. 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.

15-823. 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 benchmark (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;

(e) One-hundred-year floodplain line with elevation;

(f) Easement and right-of-way information including drainage easements required for off-site drainage ways;

(g) Existing or proposed utility information.

15-824. 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.

15-825. 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.

15-826. 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.

15-827. 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.

15-828. 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.

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Article 1. Title, Purpose, Authority and Jurisdiction

100. Title.

These regulations, including the zoning district maps made a part hereof, shall be known and may be cited as the “The Haysville Municipal Zoning and Planning Code, December, 2020 Edition” and shall hereinafter be referred to as “these regulations.”

101. Purpose.

These regulations are intended to serve the following purposes:

- A. To promote the public health, safety, morals, comfort and general welfare;
- B. To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
- C. To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes including flood plains;
- D. To regulate and restrict the height, number of stories and size of buildings and structures including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;
- E. To protect property values and conserve energy and natural resources;
- F. To provide for adequate light and air and acceptable noise levels;
- G. To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;
- H. To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;
- I. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;
- J. To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and exceptions; and
- K. To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

102. Authority.

These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-736, 12-753 to 12-761 inclusive, 12-763, 12-764, 12-766, 12-3009 to 12-3012 inclusive, 12-3301 and 12-3302.

103. Zoning jurisdiction.

These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Haysville, Kansas, as presently exist or are hereafter established by annexation.

Article 2. Interpretation, Construction and Definitions

200. Rules of interpretation.

A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

B. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

C. Private Agreements. The provisions of these regulations are not intended to abrogate any easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have a responsibility to enforce such private agreements.

D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.

E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

F. Effect on Existing Permits. For all purposes except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that:

1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
2. Such permit had not by its own terms expired prior to such effective date; and
3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and
5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
6. Construction pursuant to such permit is completed prior to the expiration of such permit; and

7. When the use of land or a structure is completed under a permit to which this section applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.

G. Vesting of Development Rights. For the purpose of single-family developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within 5 years of recording a plat, the development rights in such shall expire.

For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by a city or county and construction has begun and substantial amounts of work have been completed under a validly issued permit.

201. Rules of construction.

A. In the construction of these regulations, the provisions and rules of the Section shall be preserved and applied, except when the context clearly requires otherwise:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected items, conditions, provisions or events shall apply; and
 - b. “Or” indicates that one or more of the connected items, conditions, provisions or events shall apply.
4. The word “shall” is mandatory; the word “may” is permissive.
5. The words “used” or “occupied” include words “intended, designed or arranged to be used or occupied.”
6. The word “lot” includes the words “plot,” “tract” or “parcel.”
7. Unless otherwise specified, all distances shall be measured horizontally.

B. In all other cases all words and phrases not defined in this article shall be defined by the commission as necessary utilizing a dictionary to limit possible definitions and using the spirit and intent of this chapter as a guide.

202. Definitions.

The following definitions shall be used in the interpretation and construction of these regulations.

A. Accessory apartment. An accessory use dwelling unit that may be wholly within, or may be detached from, a principal single-family dwelling unit.

B. Accessory use or structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

C. Agriculture. Includes farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, and the sale of such products on the premises by one engaged in agriculture as herein defined.

D. Alley. A public right-of-way along the side of or in the rear of a lot intended to provide a secondary means of access to and from the street and such lot. An alley is not intended for general traffic circulation. Any such access designated as a fire lane shall meet the fire code requirements for such. No lot shall front upon an alley.

E. All weather surface. Includes: 1) asphalt, minimum 2" inches depth, shall be placed over base material minimum 4" inches depth, 2) concrete, minimum 4" inches depth, 3) compacted rock/crushed concrete, minimum 4" inches depth, utilizing minimum 1" inch diameter rock with not more than 10% fines for a binder, 4) brick paver stone, minimum 2 3/8" inches thick shall be placed over base material minimum 5" inches depth. Base material shall consist of a minimum 4" inches depth crushed stone or gravel, and topped with sand minimum 1" inch depth. Utilization of the compacted rock/crushed concrete option shall require borders installed around all four sides, extending 2" to 3" inches above ground and not to impede drainage. Every all-weather surface must be properly maintained and kept free of potholes, weeds, grass, dust, trash, and miscellaneous scattered objects (debris) to qualify as an "all-weather" surface. A surface that is not maintained free of weeds and debris is not an "all-weather" surface as an improperly developed or maintained surface does not meet the goals or the intent of this definition.

F. Alteration, structural. Any change in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, or any substantial change in roof or exterior walls.

G. Attached structure. Any building or structure that is physically connected to another by means of the walls or roof touching.

H. Auction house. An enclosed place or establishment that primarily conducts or operates for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include flea markets, yard sales, livestock markets, or vehicle auctions. The term "auction house" shall not include on premise estate, foreclosure, real estate, or personal property sales conducted, as regulated by Article 5 of the Haysville City Code – Temporary Sales.

I. Automobile. A vehicle with GVW under 10,000 lbs.

J. Automobile service center. Buildings and premises where gasoline, oil, batteries, tires and automobile accessories and grease may be supplied and dispensed at retail and where the following services may be rendered and sales made:

1. Sale and servicing of spark plugs, batteries and distributor parts.
2. Tire servicing and repair, but no recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, bearings, mirrors, replace shock absorbers, and the like.
4. Radiator cleaning and flushing.
5. Washing and polishing and sale of automobile washing and polishing materials.

6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Front end alignment.
11. Drivetrain repair or replacement.
12. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for automobile service station customers as accessory and incidental to principal operation.
13. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at an automobile service center do not include the storage of an automobile not in operating condition for more than 60 days.

K. Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

L. Banking Services. An establishment engaged in deposit banking or consumer lending. Typical uses include commercial banks, savings institutions and credit unions.

M. Bed and Breakfast Inn. The use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than 15 guests on a paying basis.

N. Billboard. Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from the display.

O. Block. A tract of land bounded by streets, or by a combination of streets, railway right-of-way or waterways.

P. Board. Shall mean the board of zoning appeals.

Q. Boarding house. A building or portion thereof, other than a hotel or motel, where lodging and meals for four or more persons are provided for compensation.

R. Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

1. Building, accessory. A building which is on a foundation that meets the requirements of the adopted building code on the same lot as the main building or principle use, and of a nature customarily incidental and subordinate to the main building or principle use.
2. Building, auxiliary. A building on the same lot as the main building or principle use which may be on a substandard permanent foundation and of a nature customarily incidental and subordinate to the main building or principle use and does not exceed 99 square feet. For

example, a portable metal storage shed on a concrete slab with modified footings is an auxiliary building.

3. **Building, community.** A building for social, educational, and recreational activities of a neighborhood or community, provided, that any such use is not operated for commercial gain.

S. **Building, height.** The vertical distance measured from the adjoining curb grade to the highest point of the roof, provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

T. **Building line.** A line that is the distance that is required by the City of Haysville Zoning Regulations between a principal structure or accessory structure and the property line of the lot on which the structure is located. This term refers specifically to the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

U. **Class “A” Club.** A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans’ club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them. No memberships required.

V. **Class “B” Club.** A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment. Memberships only.

W. **College or University.** An institution of higher education offering undergraduate or graduate degrees and including such accessory uses as dormitories and stadiums.

X. **Commission.** The Haysville Planning Commission.

Y. **Construction Sales and Service, General.** An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors’ storage yards and public utility corporation storage yards.

Z. **Construction Sales and Service, Limited.** An establishment engaged primarily in the retail sale of materials used in the construction and maintenance of buildings or other structures, as well as limited outdoor storage of materials. Typical uses include home improvement centers, lawn and garden supply stores, electrical, plumbing and heating supply stores and public utility corporation storage yards. For the purposes of this definition, limited open air storage shall be screened by a six foot opaque fence or wall and shall be ancillary to the primary use and may not exceed 15 percent of the main building floor area unless the screening method is an extension of the architecture of the main building. Materials stored within the enclosure shall not be permitted to exceed the height of the fence or wall.

AA. **Convenience Store.** An establishment engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and which may specifically include a car wash as an accessory use, but shall not include vehicle repair.

AB. Correctional Placement Residence. A facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations:

1. prior to, or instead of, being sent to prison;
2. received a conditional release prior to a hearing;
3. as part of a local sentence of not more than one year;
4. at or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees;
5. received a deferred sentence and placed in facilities operated by community corrections; or
6. require court ordered guidance services for alcohol or chemical dependence.

Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

AC. Court. An open, unoccupied space other than a yard on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

1. Inner court. A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.
2. Outer court. A court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum dimension measured at right angles to its width.

AD. Detached Structure. Any building or structure that does not have a wall, roof or other structural member in common with or in permanent contact with another building or structure.

AE. District. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

AF. Drinking Establishment. Premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

AG. Dwelling.

1. One-family dwelling - (Single Family). A detached building used exclusively for residential purposes having suitable accommodations for only one family.
2. Two-family dwelling - (Duplex). A detached building used exclusively for residential purposes and designed for or occupied by two families independently of each other.
3. Three-family dwelling - (Triplex). A detached building used exclusively for residential purposes and designed for or occupied by three families independently of each other.

4. Four-family dwelling - (Fourplex). A detached building used exclusively for residential purposes and designed for or occupied by four families independently of each other.
5. Multiple-family dwelling - (Apartment, condominium). A building or portion of a building having suitable accommodations for five or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied permanently for residential purpose in which the rooms are occupied in apartments, suites or groups such as bachelor apartments, studio apartments, kitchenette apartments and all other dwellings similarly occupied. The term does not include premises occupied transiently as a temporary abode such as hotel, motel, dormitory and lodging or boarding and rooming houses.
6. Mobile home. A detached residential dwelling unit, manufactured prior to 1976 or not in conformance with HUD Code, that is designed for transportation on streets or highways on its own wheels or on latter or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations on jacks or other temporary foundations, connections to utilities and the like. A recreational vehicle is not to be considered a mobile home.
7. Modular home. A detached residential dwelling unit which meets existing city building codes and which is built off-site and delivered to site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on permanent foundation, connection to utilities and the like.
8. Residential-design manufactured home. A manufactured home on permanent foundation which has minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with the architectural and aesthetic standards specified (See Section 504). A residential-design manufactured home shall be considered a single-family dwelling. (K.S.A. 12-742)
9. Manufactured home. A structure consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code. Such units shall be connected to all utilities in conformance with applicable regulations. This shall not include a “residential-design manufactured home.” (K.S.A. 12-742)

AH. Dwelling unit. One or more rooms in a dwelling, apartment, condominium, or hotel designed for occupancy by one family for living purposes.

AI. Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.

AJ. Educational institutions. An institution which offers general academic instruction equivalent to the standards prescribed by the State Board of Education or Board of Regents.

AK. Entertainment, Indoor. An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, theaters, banquet facilities and video game arcades. It does not include buildings typically accessory to a subdivision that are for use by the subdivision’s residents and their guests.

AL. Entertainment, Outdoor. An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity ranges, miniature golf courses and drive-

in theaters. It does not include golf courses, parks, open space and recreational facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guests.

AM. Family. An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding household employees) not related by blood or marriage, living together in a single dwelling unit.

AN. Frontage. The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead end street.

AO. Frontage lot. That portion of the frontage which lies between the side lot lines of a single lot.

AP. Garage.

1. Private garage. A detached accessory building or portion of a main building for the parking and temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not occupants of the premises; (b) not more than one commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed 26,000 pounds gross vehicle weight rating.
2. Public garage. A building other than a private garage used for housing, care or repair of automobiles, or where such vehicles are equipped for operation, repaired, parked or stored for remuneration, hire, or sale.
3. Storage garage. (See Self-Service Storage.)

AQ. Governing Body. The mayor and city council of the City of Haysville.

AR. Green area. A landscape area set aside and maintained by the owner for the aesthetic enjoyment of the public.

AS. Group Home. A residential facility licensed by the state Department of Social and Rehabilitation Services, the Behavioral Service Regulatory Board or the State Board of Healing Arts that is occupied or intended to be occupied by persons with a "disability," as that term is defined in K.S.A. 12-736 as amended, and staff residents, none of whom need be related by blood or marriage. For purposes of this zoning ordinance, a group home shall be considered a single-family dwelling and shall be permitted wherever single-family dwellings are permitted.

AT. Group Home, Limited. A group home that is occupied by not more than ten persons, including a maximum of eight persons with a disability and a maximum of two staff residents, none of whom need be related by blood or marriage.

AU. Group Residence. A residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, children in need of care under the Code for Care of Children and emergency shelters for the homeless and for victims of crime, abuse or neglect and include establishments providing guidance services for persons receiving non-court ordered alcohol or chemical dependence treatment which will comply with all applicable regulatory requirements of federal, state or local government agencies. The term "group residence" does not include "group home" or "correctional placement residence."

AV. Group Residence, General. A group residence that is occupied by more than fifteen persons, including staff members who reside in the facility.

AW. Group Residence, Limited. A group residence that is occupied by six to fifteen persons, including staff members who reside in the facility.

AX. Hard surface. Asphalt, concrete or other similar surface impervious to water and strong enough for the intended use. A “Hard Surface” differs from an “All- Weather Surface” in that a “Hard Surface” does not include gravel or rock.

AY. Home occupation. A business, profession, occupation or trade conducted in a dwelling unit, for gain or support by a resident of the dwelling unit and which is accessory to the use of the dwelling unit as a residence.

AZ. Hotel. Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by 10 or more individuals for compensation whether it be paid directly or indirectly.

AAA. Improvements. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for residential, commercial or industrial purposes. Improvements shall include all facilities listed in Article VII of the subdivision regulations adopted by the city.

BA. Industrial dry cleaner. All dry cleaning establishments that derive less than 75 percent of their business from walk-in traffic.

BB. Industrial laundry. All laundries that derive less than 75 percent of their income from self-service customers.

BC. Launderette. All laundries whereby 75 percent of the business is self-service laundry--washers and dryers.

BD. Laundry or Dry Cleaning, Limited. An establishment primarily engaged in providing household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop-off and pickup.

BE. Laundry Services. An establishment primarily engaged in the large scale cleaning of laundry or that includes dry-cleaning activities other than those classified as low hazard in applicable codes.

BF. Livable area. The total contiguous area of a dwelling unit.

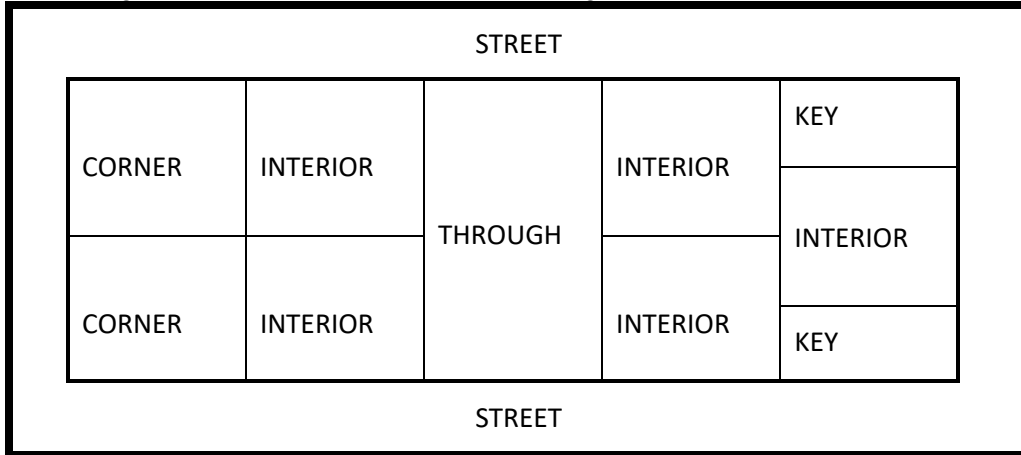
BG. Loading space. Space logically and conveniently located for bulk pickups and deliveries, scaled to such vehicles when required off-street parking space is filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. (See also Section 500.)

BH. Lot or plot. A portion or basic parcel of a subdivision or other tract of land intended to be the parcel by which such land would be individually developed and transferred. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this article, and having its principal frontage upon a public street or officially approved place.

1. Corner lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points

of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

2. Interior lot. A lot other than a corner lot.
3. Through lot. A lot not a corner lot with frontage on more than one street.



BI. Lot area. The total horizontal area within the lot line of a lot.

BJ. Lot depth. The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

BK. Lot lines. The lines bounding a lot as defined herein.

BL. Lot of record. A lot or portions of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds in Sedgwick County or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of Sedgwick County.

BM. Lot split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts that meet the criteria established within the subdivision regulations.

BN. Lot width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines measured along lot depth.

BO. Manufactured home park. A tract of land in one’s ownership that is used or intended to be used by 2 or more manufactured homes and which has sanitary facilities, water, electricity and other similar utilities available to permit residential occupancy of homes. The term ‘manufactured home park’ does not include sales lots on which unoccupied homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

BP. Manufactured home park boundary line. The outermost property line that encloses the spaces/lots contained within a manufactured home park or subdivision.

BQ. Manufactured home space. Shall mean a parcel of ground within a manufactured home park that is designated and intended to accommodate one manufactured home or mobile home, that provides service facilities for water, sewer, and electricity. Also referred to as a lot.

BR. Manufactured home subdivision. For the purpose of this chapter shall mean two or more lots, created at the same time by division from a larger tract, which are intended to be individually owned and developed manufactured homes and which have sanitary facilities, water, electricity and other similar utilities available to permit residential occupancy of the homes. Manufactured homes, modular homes, residential-design manufactured homes and site-built homes shall also be permitted unless prohibited by covenant or by conditions of the conditional use permit).

BS. Master plan. Any plan or map adopted by the city for guidance of growth and improvement of the city and its environs including modifications or refinements that may be made from time to time.

BT. Metes and bounds means a system of describing and identifying a parcel of land by measures (metes) and direction (bounds) from an identifiable point of reference.

BU. Motel or motor hotel. A group of attached or detached dwellings with separate toilet facilities for each unit, and which are provided for transient guests.

BV. Non-conforming structure or lot. A structure, or lot, lawfully existing at the time this zoning ordinance became effective, or as amended, which does not conform with the setback, height, lot size or other dimensional or property development standards applicable to the zoning district in which the structure or lot is located.

BW. Non-conforming use. Use of any land, building or structure which does not comply with the use regulations of the zoning district in which such use is located but which complied with the use regulations in effect at the time the use was established.

BX. Nurseries and Garden Centers. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, and other garden and farm variety tools and utensils.

BY. Nursing or Convalescent Home. A residential health care facility licensed and regulated by the State of Kansas which provides lodging, bed care, in-patient services and supervision for children or the aged who need regular medical attention, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or emergency medical services or institutions for the care and treatment of mental illness, alcoholism or narcotics addictions.

BZ. Original tract. A tract of land in existence at the time that Sedgwick County adopted subdivision regulations. (July 1, 1969)

CA. Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land.

CB. Park. A tract of land that is owned by or under the control of a public agency or homeowner's association that provides opportunities for active or passive recreational activities. Park may include outdoor swimming pools, swimming pool areas and hard surface recreational areas, provided these areas are unenclosed, except for fences, canopies, bathhouses or other minor structures.

CC. Parking area, private. An area, other than a Street or Alley, used or intended to be used for the Parking of the Motor Vehicles, boats, Trailers that are exempt from Motor Vehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the City or 8M in the County, and unoccupied Recreational Vehicles, any of which shall be owned, leased, borrowed, etc. by the

occupants of a Dwelling Unit that is located on the same Zoning Lot, and wherein not more than one Commercial Vehicle per Dwelling Unit is parked and the permitted Commercial Vehicle does not exceed 26,000 pounds gross vehicle weight rating.

CD. Parking space. (Automobile) A hard surface, (except may be “all weather” in areas identified as flood plains by the Zoning Administrator), surfaced area on privately owned property within or without a building or on a private or public parking area and sufficient in size for the parking of one automobile. The area shall conform to design criteria set forth in Section 500.

CC. Parts Car. An inoperable motor vehicle, including any vehicle without current registration, which is owned by a collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle, street rod vehicle or antique.

CD. Pedestrian way. A right-of-way for pedestrian traffic.

CE. Place. An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

CF. Planning consultant. Any person, firm, partnership, association, or corporation contracted to provide professional planning advice or service to the city.

CG. Plat. An engineering drawing/map of a tract of land that has been lawfully subdivided meeting the criteria established in the subdivision regulations and duly recorded in the office of the register of deeds of Sedgwick County.

CH. Porch. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports and open railing.

CI. Public way. Any parcel of land unobstructed from the ground to the sky, more than 10 feet in width, appropriated to the free passage of the general public.

CJ. Recreational vehicle. For the purpose of this chapter shall mean a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle and may or may not include individual toilet and bath. 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.

CK. Recreational vehicle campground. For the purpose of this chapter shall mean the use of a parcel or tract of land, which provides space for the transient occupancy of recreational vehicles, and which is lawfully permitted to be used for the parking and occupancy of two or more recreational vehicles. Recreational vehicles, whether new or used, which are parked for the purpose of storage, inspection or sale shall not be construed to be a recreational vehicle campground, and must be maintained to comply with all outdoor storage regulations.

CL. Replat. The subdivision of a tract of land that has previously been lawfully subdivided and a plat of such prior subdivision duly recorded.

CM. Restaurant. A public eating establishment in which the primary function is the preparation and serving of food on the premises.

CN. Restaurant club. A licensed food service establishment which, as determined by the director (as defined by K.S.A. 41-102), derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12 month period.

CO. Restaurant Drinking Establishment. Subject to a food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment which, as determined by the director (as defined by K.S.A. 41-102), derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12 month period.

CP. Rooming House. A building or portion thereof other than a hotel, where lodging for four or more persons is provided for compensation.

CQ. Safety Services. A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

CR. Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances or vehicles that are not in operating condition; and/or for the sale of parts thereof. Typical uses include vehicle salvage yards and junk yards.

CS. Schools, Elementary or Secondary. The use of a site for instructional purposes on an elementary or secondary level, approved under the regulations of the State.

CT. Screening. Fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fences, evergreen vegetation or berms.

CU. Self-Service Storage. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to tenants exclusively for dead storage of their goods or property.

CV. Setback line. The distance that is required by this Code between a Principal Structure or Accessory Structure and the property line of the Lot on which the Structure is located. (Note: The term Setback refers to a required minimum area, while the term Yard refers to the actual open area.)

CW. Shopping center. A group of retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities.

CX. Signs. As defined by the City's sign regulations (e.g., section 4-1500s).

CY. Spa. Exercise equipment, sauna, pool, or steam room.

CZ. Storage, Outdoor. The keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, trailers, or other similar items not considered accessory uses as listed in this code. This does not include the storage and/or baling of junk, scrap, paper, bottles, rags or similar materials. The term "Outdoor Storage" does not include "Vehicle Storage Yard."

DA. Street. A thoroughfare, whether public or private, 25 feet or more in width. For the purpose of this chapter, the word "street" shall include the words "road," "highway," "boulevard," "avenue," etc.

1. Arterial street. Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a

network of through streets, and which provides service and access to abutting properties only as a secondary function.

2. Collector street. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
3. Dead end street. A street or road that has no outlet and terminates in a dead end or cul-de-sac.
4. Freeway. Any divided street or highway with complete access control and grade separated interchanges with all other streets and highways.
5. Half street. A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.
6. Local street. (See residential street.)
7. Marginal access street. A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street.
8. Residential street. Any street designed primarily to provide access to abutting property to include lanes, drives, circles, boulevards, or any other designation that might be given to such streets.
9. Road or roadway. The paved or improved area existing on the street right-of-way exclusive of sidewalks, driveways or related uses.
10. Subcollector. Any street designed to provide passage to residential streets and convey traffic to collector streets or through traffic to lower order streets.

DB. Street lines. The right-of-way line of the street.

DC. Structure or building. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards and poster panels. For the purpose of this chapter, fences will not be considered structures.

DD. Subdivider. The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of the subdivision regulations for the purpose of subdividing land.

DE. Subdivision. Any division or redivision of land by means of mapping, platting, conveying, changing, or rearranging of boundaries, or otherwise, and shall also relate to the process of subdividing or other land subdivided, where appropriate to the context.

DF. Tavern. An establishment in which the primary function is the public sale and serving of malt beverages provided there is no dancing.

DG. Use, principal. The main and primary purpose for which land or a structure is designed, arranged or intended, or for which it may be occupied or maintained under this chapter.

DH. Utility, Major. Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities or agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses defined in this section.

DI. Utility, Minor. Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as lift stations, poles and lines, which do not generate discernable noise, odor or vibration within any nearby residential district, and which comply with the setback requirements of the district in which they are located.

DJ. Variance. To authorize in specific cases a deviation from the specific terms of the zoning ordinance, which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will, in an individual case, result in unnecessary hardship, and provided the spirit of the zoning ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district.

DK. Vehicle and Equipment Repair. An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair and paint and body shops.

DL. Vehicle Restoration, General. An establishment primarily engaged in painting of, restoration of, or body work to, motor vehicles or heavy equipment. Typical uses include paint or body shops. “Parts cars” may be stored on premises in conjunction with a general vehicle restoration business. Such inoperable vehicles must comply with the outdoor storage regulations, and those portions of the health and welfare code pertaining to their storage and maintenance.

DM. Vocational School. A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit.

DN. Wholesale and Warehousing, General. An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include truck terminal or bus servicing facilities, major mail distribution centers, frozen food lockers, motor freight terminals, moving and storage firms, and warehousing and storage facilities.

DO. Wholesale and Warehousing, Limited. An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be less than 50,000 square feet in area and operate during conventional business hours.

DP. Yard. An open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, is unoccupied and unobstructed from the ground upward, except as provided in this chapter.

1. Front yard. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front property line and the building line. On corner lots, the street address shall determine the primary front yard requirement which shall have the required front yard depth and the subordinate front yard other shall have no less than fifteen (15) feet.

2. Rear yard. A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines. In case of through lots and corner lots there will be no rear yards, but only front and side yards.
3. Side yard. From the front yard to the point of intersection of the rear yard or property line, when no rear yard exists.
4. Street yard. The area of a lot, which lies between the property line abutting a street and the street wall line of the building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard.

Article 3. General Regulations

300. Districts.

For the purpose of regulating the use of land, location of trades, industries and commercial enterprises, the zoning regulations provide for the city to be divided into districts as follows:

- A. Residential - AZ, AA, A, AAA, AB, AC, BB, B, CC, C;
- B. Commercial - OC, DD, D, E;
- C. Industrial - F, G.

301. District map adopted.

A. Boundaries of the zoning districts set out in Section 300 are hereby established as shown on the map designated as the zoning district map. The map and all the notations, references and information shown thereon are hereby made as much a part of this chapter as if the same were set forth in full herein. It shall be the duty of the city clerk to keep in file in his or her office an authentic copy of the map, all charges, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the office of the planning commission and the zoning administrator.

B. When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley, or platted lot lines or extension of the same, and if the exact location of such line is not clear, it shall be determined by the zoning administrator, due consideration being given to location as indicated by the scale of the zoning district map.

C. When the streets or alleys on the ground differ from the streets or alleys as shown on the zoning district map, the zoning administrator may apply the district designations on the map to the streets and alleys on the ground in such manner as to conform to the intent and purpose of the zoning regulations.

D. All territory which may hereafter be annexed to the city shall, unless otherwise noted, automatically be classed as lying and being in the District "AA" until such classification shall have been changed by an amendment to the zoning regulations as provided by law in keeping with the approved land use plan. Further, within 60 days after a review and update of the land use plan, following or in conjunction with annexation, all land annexed will be reviewed on the basis of the land use plan and the commission will make recommendations regarding land to be zoned by general revision of the existing zoning ordinance.

E. Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacation and all the area included in this vacation shall then and thenceforth be subject to all regulations of the extended district.

302. Boundaries of districts.

The boundaries of the districts are, unless otherwise indicated, the centerline of streets and alleys.

303. Regulations; all districts.

The rules and regulations governing all zoning districts in the city shall be as follows:

A. Except as specifically noted in this article, the type of construction permitted will be governed by the building codes duly adopted and in use in the city.

B. No yard, court or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be diminished in any way or again used, in whole or in part, as a yard, court or other open space for another building.

C. Except as hereinafter provided:

1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered for use, nor shall any building or structure or land to be used or changed in use to not comply with all of the district regulations established by this chapter for the district in which the building, structure or land is located, except as noted in Article 6.
2. The yard regulations and the lot area provisions required by this chapter shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of this chapter for any building or structure hereafter erected or structurally altered. No land required for yards or for lot area provisions now in use for an existing building or structure hereafter erected or structurally altered shall be considered as a minimum for a yard or lot area for any other building or structure.
3. Every building or structure hereafter erected, enlarged or converted to a use which requires off-street parking shall provide garage space or parking space in compliance with all of the district regulations established by this chapter for the district in which the building or structure is located.
4. Every building or structure hereafter erected, enlarged or converted for commercial or industrial purposes, shall provide reasonable facilities for the loading or unloading of goods in compliance with all the district regulations established by this chapter for the district in which the building, structure or land is located.

D. Offices, sheds, warehouses and open air storages used by building contractors in connection with the building of a principal building or the development of an area, may be erected and used in any district; provided, that they shall be removed from the premises within 10 days after substantial completion of the project or unusual suspension of work, or upon permit expiration, whichever is the earlier date. (See Section 704 for permit procedure.)

E. It shall be unlawful to remove minerals from the ground except in "G" Heavy Industrial Districts (excluding water).

F. It shall be unlawful to use a manufactured home for habitation except in "C" Manufactured Home Parks or Subdivisions and in compliance with all of the regulations and requirements contained in the current ordinance regulating manufactured homes, adopted by the city and on file in the offices of the commission, public works director, zoning administrator, and city clerk which code of rules and regulations is hereby adopted in its entirety and incorporated in Section 409.

G. The required front and side yard areas shall be landscaped and maintained in good condition.

H. Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other

officer to designate, delegate and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Article 4. Zoning Districts

400. Residential; “AA” district regulations.

The regulations relating to the Residential “AA” District shall be as follows:

A. Use Regulations. In the “AA” Single Family Dwelling District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Single family dwellings.
2. Conditional Uses. (See Section 702.)
 - a. Parks, playgrounds and community buildings owned and/or operated by the city.
 - b. Churches and their accessory buildings.
 - c. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - d. Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school but not including private kindergartens or nursery schools accommodating 10 or more students.
 - e. Safety Services.
3. Home Occupations. (See Section 502)
4. Detached accessory structures: Provided, that they are located within the side and/or rear yard of a lot and are in accordance with all setback requirements.

B. Height Regulations.

1. No building shall exceed three stories or 45 feet in height.

C. Area Regulations.

1. Minimum area of dwelling shall be not less than 1,500 square feet.
2. Lot area per family--The lot area for a one-family dwelling and accessory building shall be not less than 15,000 square feet.
3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
4. Front yard.

- a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.

Provided further, with regard to single family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

- b. In the "AA" Single Family Dwelling District, the minimum front yard setback shall be 30 feet; provided, that the minimum front yard setback of all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula: $(30' + X)/2$, where X equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided, that existing buildings located wholly or partly on the front half of lots having setbacks in excess of 35 feet shall be considered as having setbacks of 35 feet and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of lot shall not be considered.
- d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirement the greater setback shall be used.

5. Side yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
- b. On all lots which are hereafter improved with major buildings or additions to major buildings, such construction shall not reduce the side yard to less than six feet or height divided by four whichever is greater.
- c. A side yard width of not less than 25 feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings used, constructed or enlarged in the "AA" Single Family Dwelling district.

- d. Accessory building shall be not less than six feet from side lot lines or building height divided by four whichever is greater, nor shall they encroach on any platted or recorded easement.
 - e. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirements the greater setbacks shall be used.
6. Rear yard.
- a. There shall be rear yard having a depth of not less than 25 feet.

Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.

- b. Accessory building shall be not less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

D. Parking Regulations. (See Section 500.)

401. Residential; “AAA” district regulations.

The purpose of this section is to accommodate large lot, single-family residential development and complementary land uses. The “AAA” district is intended for application in areas where some public services are available and where soils are capable of accommodating septic tanks. The regulations relating to the Residential “AAA” District shall be as follows:

A. Permitted uses. The following uses shall be permitted by-right in the “AAA” District.

- 1. Single-family dwellings.
- 2. Manufactured Home
- 3. Churches and their accessory buildings.
- 4. Day care.
- 5. Golf Course.
- 6. Group home, limited.
- 7. Parks, playgrounds and community buildings owned and/or operated by the city.
- 8. School, elementary, middle and high.
- 9. Utility, minor.
- 10. Agriculture

B. Conditional uses. The following uses shall be permitted in the “AAA” District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Section 702.

1. Accessory apartment.
2. Group residence, limited and general.
3. Neighborhood swimming pool.
4. Cemetery.
5. Community assembly.
6. Convalescent care facility, limited.
7. Cultural group.
8. Day care, general.
9. Government service.
10. Hospital.
11. Library.
12. Safety services.
13. Utility, major.
14. Airport or airstrip.
15. Bed and breakfast inn.
16. Kennel, boarding/breeding/training and hobby.
17. Parking area and/or accessory drive ancillary.
18. Recreation and entertainment, indoor and outdoor.
19. Recreational vehicle campground.
20. Riding academy or stable.
21. Industrial, manufacturing and extractive uses:
 - a. Asphalt or concrete plant, general
 - b. Mining or quarrying
 - c. Oil and gas drilling
 - d. Rock crushing
22. Agricultural research.

23. Agricultural sales and service.

C. Property development standards. Each site in the “AAA” district shall be subject to the following minimum property development standards.

1. Minimum lot size: 20,000 square feet
2. Minimum lot width: 100 feet
3. Minimum front setback: 25 feet
4. Minimum rear setback: 25 feet
5. Minimum interior side setback: 10 feet
6. Minimum street side setback: 20 feet
7. Maximum height: 35 feet; 45 feet if located at least 25 feet from all lot lines; no maximum height limit for barns, silos and other similar farm buildings; heights for conditional uses to be determined as part of the conditional use permit.

D. Special “AAA” district regulations. The following special regulations shall apply to property in the “AAA” district.

1. Lot size requirements for nonresidential uses and uses served by private water supply. The minimum lot size requirement for residential uses served by private water supply shall be 40,000 square feet. The minimum lot size for nonresidential uses shall be established by the zoning administrator.
2. Lot size requirements for uses served by sewage lagoons. The minimum lot size requirement for uses served by sewage lagoons shall be five acres.
3. Permitted Animals. The following animals are permitted.
 - a. Dogs and Cats in accordance to City Code.
 - b. Large and Small Domestic animals including, but not limited to rabbits, fowl, bovine cattle, horses, sheep, and goats, in accordance with each of the following standards:
 - i. Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises.
 - ii. Maintaining the animals within a fenced enclosure.
 - iii. Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas.
 - iv. Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes.

- v. Storing grain or protein food in tightly covered, rodent-proof, metal containers or rodent-proof bins.
- vi. Maintaining the premises free of rodent harborage.
- vii. Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies, or providing other effective chemical means for the control of rodents and flies.
- viii. Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
- ix. Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to prevent domestic animals from breaking out or causing hazard to persons or property.
- x. Storing refuse in proper containers or in a manner approved by the health officer, and disposing of such refuse at least once each week or as frequently as may be required by the health officer.
- xi. Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week.
- xii. Providing proper drainage so that there is no accumulation of rainfall or liquid waste.

402. Residential; “A” district regulations.

The regulations relating to the Residential “A” District shall be as follows:

A. Use Regulations. In the “A” Single Family Dwelling District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

- 1. Single family dwellings.
- 2. Parks.
- 3. Conditional Uses. (See Section 702.)
 - a. Community buildings owned and operated by the city.
 - b. Churches and their accessory buildings.
 - c. Public libraries.
 - d. Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school but not including private kindergartens or nursery schools accommodating 10 or more students.

- e. Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand fill dirt, soil, etc.
 - g. Accessory apartments.
 - h. Safety services.
4. Home Occupation. (See Section 502.)
 5. Detached accessory structures: Provided, that they are located within the side and/or rear yard of a lot and are in accordance with all setback requirements.
- B. Height Regulations.
1. No building shall exceed three stories or 45 feet in height.
- C. Area Regulations.
1. Minimum area of dwelling - 600 square feet for each family.
 2. Lot area - the lot area for "A" single family dwellings and accessory buildings shall be not less than 6,000 square feet.
 3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
 4. Front yard.
 - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.

Provided further, with regard to single family dwellings only, an open, unenclosed porch may project into a required yard by a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.
 - b. In the "A" Single Family Dwelling District, the minimum front yard setback shall be 25 feet; provided, that the minimum front yard setback on all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula: $(25' + X)/2$ where X equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of lots having setbacks in excess of 35 feet shall be considered as having setbacks of 35 feet and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.
 - d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirements the greater setbacks shall be used.
5. Side yard.
- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
 - b. On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard of not less than six feet width or height divided by four whichever is greater.
 - c. A side yard width of not less than 25 feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings used, constructed or enlarged in the "A" Single Family Dwelling district.
 - d. Accessory building shall not be closer than three feet from the side yard of the foundation or shall not encroach on any platted or recorded easement. In addition; if there is a legally built structure set three feet from the side yard it can be added on to.
 - e. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirements the greater setbacks shall be used.
 - f. If an accessory building has been lawfully constructed with a side yard setback of three feet, additions to such lawfully constructed accessory buildings may be constructed with a three foot side yard setback.
6. Rear yard.
- a. There shall be rear yard having a depth of not less than 20 feet.

Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.

- b. Accessory building shall be not less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

D. Parking Regulations. (See Section 500.)

403. Residential; “AB” district regulations.

The purpose of this section is to accommodate large lot, single-family residential development and complementary land uses. The “AB” district is intended for application in areas where some public services are available. The regulations relating to the Residential “AB” District shall be as follows:

A. Permitted uses. The following uses shall be permitted by-right in the “AB” District.

1. Single-family dwellings.
2. Manufactured Home:
3. Church or place of worship.
4. Day care.
5. Golf Course.
6. Group home, limited.
7. Parks, playgrounds and community buildings owned and/or operated by the city.
8. School, elementary, middle and high.
9. Utility, minor.
10. Agricultural uses.

B. Conditional uses. The following uses shall be permitted in the “AB” District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Section 702.

1. Accessory apartment.
2. Group residence, limited and general.
3. Neighborhood swimming pool.
4. Cemetery.
5. Community assembly.
6. Cultural group.
7. Day care, general.
8. Government service.
9. Hospital.
10. Library.

11. Safety services.
12. Utility, major.
13. Bed and breakfast inn.
14. Parking area and/or accessory drive ancillary.
15. Industrial, manufacturing and extractive uses:
 - a. Mining or quarrying
 - b. Oil and gas drilling
 - c. Rock crushing

C. Property development standards. Each site in the “AB” district shall be subject to the following minimum property development standards.

1. Minimum lot size: 10,000 square feet
2. Minimum lot width: 80 feet
3. Minimum front setback: 25 feet
4. Minimum rear setback: 20 feet, except that the rear setback may be reduced to 5 feet when adjacent to a platted reserve which has a minimum width of 20 feet, provided however, there shall be no encroachment into or over any utility easement.
5. Minimum interior side setback: 10 feet
6. Minimum street side setback: 20 feet
7. Maximum height: 35 feet

404. Residential; “AC” district regulations.

The purpose of this section is to accommodate moderate-density, single-family residential development and complementary land uses. The “AC” district is intended for application in areas where some public services are available and where soils are capable of accommodating septic tanks. The regulations relating to the Residential “AC” District shall be as follows:

- A. Permitted uses. The following uses shall be permitted by-right in the “AC” District.
1. Single-family dwellings.
 2. Manufactured Home.
 3. Churches and their accessory buildings.
 4. Day care.

5. Golf Course.
6. Group home, limited.
7. Parks, playgrounds and community buildings owned and/or operated by the city.
8. School, elementary, middle and high.
9. Utility, minor.
10. Agriculture

B. Conditional uses. The following uses shall be permitted in the “AC” District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Section 702.

1. Accessory apartment.
2. Group residence, limited and general.
3. Neighborhood swimming pool
4. Cemetery.
5. Community assembly.
6. Cultural group.
7. Day care, general.
8. Government service.
9. Safety services.
10. Utility, major
11. Bed and breakfast inn.
12. Parking area and/or accessory drive ancillary.
13. Industrial, manufacturing and extractive uses:
 - a. Mining or quarrying
 - b. Oil and gas drilling
 - c. Rock crushing

C. Property development standards. Each site in the “AC” district shall be subject to the following minimum property development standards.

1. Minimum lot size: 6,000 square feet

2. Minimum lot width: 50 feet
3. Minimum front setback: 25 feet
4. Minimum rear setback: 20 feet, except that the rear setback may be reduced to 5 feet when adjacent to a platted reserve which has a minimum width of 20 feet, provided however, there shall be no encroachment into or over any utility easement.
5. Minimum interior side setback: 6 feet
6. Minimum street side setback: 15 feet
7. Maximum height: 35 feet

405. Residential; “AZ” district regulations.

The regulations relating to the Residential “AZ” District shall be as follows:

A. Use Regulations. In the “AZ” Single Family/Zero Lot Line Residential District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Single family dwellings.
2. Conditional Uses (See Section 702).
 - a. Home Occupation (See Section 502).
3. Detached Accessory Structures: provided, that they are located within the rear yard of a lot and meet the setback requirements of the primary structure.

B. General Conditions.

1. Land used for an “AZ” District:
 - a. Shall be located as a self-contained unit of development such as created by (1) a cul-de-sac; (2) zero lot line (ZLL) lots which face similar types of lots across a street and are not located on a street carrying substantial volumes of traffic such as arterial or collector streets; or (3) lots which face land use other than single or two-family dwellings either existing or potentially to be developed.
 - b. Shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to any problems of drainage or utility easements which may be created by the particular design concept.
2. A fencing and/or screening design plan for all ZLL lots shall be submitted showing how privacy for each lot and its relationship to other lots will be achieved.
3. To ensure privacy, no windows, doors or other openings shall be permitted on the wall with the most minimum setback. Such wall shall be constructed of the same material as the other exterior walls of the dwelling unit.

4. Each dwelling shall have adequate space for at least two automobiles on the driveway area.
5. Proposed restrictive covenants shall be submitted guaranteeing the maintenance of the fencing and/or screening plan, access for maintenance of structures in close proximity to one another, and other restrictions necessary to carry out the intent of the overall design concept.
6. In the event that within two years following approval by the Governing Body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the Planning Commission may initiate action to change the zoning district classification of the property. A public hearing shall be held at which time the applicant shall be given any opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and an appropriate recommendation to the Governing Body for official action.

C. Height Regulations.

1. No building shall exceed two stories or 35 feet in height.

D. Area Regulations.

1. Minimum area of dwelling - 600 square feet for each family.
2. Lot area - the lot area for "AZ" single family dwellings and accessory buildings shall be not less than 5,000 square feet.
3. Lot width - the lot width shall be not less than 50 feet.
4. Lot depth - the minimum lot depth shall be not less than 90 feet.
5. Front yard.
 - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.
 - b. In the "AZ" Single Family Dwelling/Zero Lot Line District, the minimum front yard setback shall be 15 feet on interior lots. On corner lots, 25 feet on all sides abutting a street, except that 15 feet is permitted where such frontage is adjacent to an interior zero lot line lot.
6. Side yard.
 - a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
 - b. A minimum of 10 feet shall be maintained between the adjacent residential structure. Overhanging eaves and gutters are permitted, provided that provisions for their extension and maintenance over adjacent property is contained in the restrictive covenants.

7. Rear yard.
 - a. There shall be rear yard having a depth of not less than 15 feet.

Provided further, that chimneys and egress windows may project into the required rear yard but shall not encroach upon any platted or recorded easement.

- b. Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

E. Parking Regulations. (See Section 500.)

406. Residential; “BB” one and two family district regulations.

The regulations relating to the Residential “BB” District shall be as follows:

A. Use Regulations. In the “BB” One and Two Family (Duplex) Dwelling District as defined in the terms of this article; no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Single or two family dwellings.
2. Parks.
3. Conditional Uses (See Section 702.).
 - a. Community buildings owned or operated by the city.
 - b. Churches and their accessory buildings.
 - c. Public Libraries.
 - d. Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school but not including private kindergartens or nursery schools accommodating 10 or more students.
 - e. Golf courses, except miniature golf courses and driving tees operated for commercial purposes and open to anyone who applies.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - g. Safety services.
4. Home Occupation (See Section 502.).
5. Accessory Buildings: Provided, that they are located in the rear yard and in accordance with the building code of the city.

B. Height Regulations.

1. No building shall exceed three stories or 45 feet in height.

C. Area Regulations.

1. Minimum lot area: That lot area for “BB” One and Two Family (Duplex) Dwelling shall not be less than 6,000 square feet.
2. Minimum area of dwelling shall be 600 square feet for each family.
3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
4. Front yard.

- a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.

Provided, with regard to single family and two family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

- b. In all other locations in the “BB” One and Two Family (Duplex) Dwelling District, the minimum front yard setback shall be 25 feet; provided, that the minimum front yard setback on all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula: $(25' + X)/2$ where X equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of lots having setbacks in excess of 35 feet, shall be considered as having setbacks of 35 feet and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.
- d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks on the recorded plat are shown in excess of the minimum setback requirement the greater setback shall be used.

5. Side Yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
 - b. On all lots which are hereafter improved with major building, such construction shall not reduce the side yard to less than six feet or height divided by four whichever is greater nor shall they encroach upon any platted or recorded easements.
 - c. A side yard width of not less than 25 feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public and semi-public buildings used, constructed or enlarged in the "BB" One and Two Family (Duplex) Dwelling District.
 - d. Accessory building shall be not less than three feet from side lot lines or building height divided by four whichever is greater, nor shall they encroach on any platted or recorded easement.
 - e. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. Where setbacks are shown in excess of the minimum on recorded plats, the greater setbacks shall be used.
6. Rear yards.
 - a. There shall be rear yard having a depth of not less than 20 feet except, if more than one building is constructed on a corner lot, there shall not be less than 20 feet between the front and rear building and the depth of the rear yard of the rear building shall not be less than 10 feet.
 - b. Accessory building shall be not less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

D. Parking Regulations. (See Section 500)

407. Residential; "B" two, three and four family district regulations.

The regulations relating to the Residential "B" District shall be as follows:

A. Use Regulations. In the "B" Two, Three and Four (Duplex, Triplex, Fourplex) Dwelling District, as defined in the terms of this article, no building shall be erected, enlarged, converted, or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Two, three and four family dwelling.
2. Parks.
3. Conditional uses (See Section 702).
 - a. Community buildings owned or operated by the city.
 - b. Churches and their accessory buildings.

- c. Public libraries.
 - d. Public schools (elementary schools and high schools) and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or high school.
 - e. Boarding and lodging houses.
 - f. Office of a physician, dentist, musician or other professional person.
 - g. Private Kindergartens, nurseries, doctors offices, hospitals and clinics, but not small animal hospitals or animal clinics.
 - h. Storage garages and parking lots for storage only.
 - i. Intensive care facilities.
 - j. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - k. Safety services.
4. Home occupations (See Section 502).
 5. Accessory buildings. Accessory buildings incidental to the above uses and located on the rear of the lot and in accordance with the building code duly adopted and in use in the city not involving the conduct of a retail business, commercial business or repair business.
- B. Height regulations. No building shall exceed 55 feet in height.
- C. Area regulations.
1. Minimum area of dwelling unit is 600 square feet per family.
 2. Minimum lot area is 6,000 square feet.
 3. Eave overhangs, cornices, chimneys, awnings, basement escape window wells and similar architectural appendages may extend into required yards by a maximum of 30 inches provided they shall not encroach on any platted or recorded easement.
 4. Front yard.
 - a. In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front lot line and the building line or the setback line shown on the plat.

Provided, with regard to two family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

- b. In all other locations in the "B" Two, Three and Four Family (Duplex, Triplex and Fourplex) Dwelling District, the minimum front yard setback of all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question: Provided further, that the application of this rule shall not reduce the minimum front yard setback to less than 20 feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard shall be determined by the following formula: $(25 + X)/2$

(X = the minimum front yard setback of the existing building).

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- c. The application of these regulations shall not increase the front yard setback to more than 35 feet: Provided further, that existing buildings located wholly or partly on the front half of the lots, having setbacks of 35 feet, and this figure of 35 feet shall be used in calculating the setback of buildings on adjacent lots. Buildings placed entirely on the rear half of the lots shall not be considered.
 - d. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks are shown in excess of the minimum setback requirements on recorded plats, the greater setback shall be used.
5. Side yard.
- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard setback shall be the same as the distance between the side lot line and the building shown on the plat.
 - b. On all lots which are hereafter improved with major buildings or additions to major buildings, such construction shall not reduce the side yard to less than six feet or height divided by four whichever is greater nor shall they encroach upon any platted or recorded easement.
 - c. A side yard width of not less than 25 feet on the side of a lot adjoining another building site shall be provided for all schools, libraries, churches, community buildings and other public or semi-public buildings used, constructed or enlarged in the "B" Two, Three and Four Family (Duplex, Triplex and Fourplex) Dwelling District.
 - d. Accessory buildings shall not be less than three feet from side lot lines or building height divided by four whichever is greater, nor shall they encroach on any platted or recorded easement.
 - e. Corner lots shall have at least a minimum of one front yard setback and a minimum 15 feet setback on the other side abutting a street. Where setbacks are shown in excess of the minimum setback requirements on recorded plats, the greater setback shall be used.

6. Rear yards.
 - a. There shall be a rear yard having a depth of not less than 20 feet between the front and rear building and the depth of the rear yard of the rear building shall not be less than 10 feet.
 - b. Accessory buildings shall not be less than 10 feet from the center line of any platted alley; they shall be located not less than five feet from the rear lot line nor shall they encroach upon any platted or recorded easement.

D. Parking regulations. (See Section 500)

408. Residential; “CC” apartment district regulations.

The regulations relating to the Residential “CC” district shall be as follows:

A. Use regulations. In the “CC” Apartment District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article except for the following uses:

1. Any permitted use in the “B” District.
2. Boarding and/or rooming houses.
3. Apartments.
4. Condominiums.
5. Home occupations (See Section 502.).
6. Conditional Uses (See Section 702.).
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

B. Height regulations.

1. None.

C. Area Regulations.

1. Minimum areas of each dwelling unit.
 - a. For those uses set out in the “B” Dwelling District the area required shall be the same as cited in the “B” District Regulations.
 - b. Boarding and lodging houses shall be at least 150 square feet of each dwelling unit.
 - c. Apartments shall have the following area:
 - i. Studio apartments-minimum livable area of 300 sq. feet.
 - ii. One bedroom apartments-minimum livable area of 400 square feet.

- iii. Two bedroom apartments - minimum livable area of 500 sq. feet.
- iv. Three bedroom apartments - minimum livable area of 600 square feet.

D. Lot area regulations.

1. Lot area shall not be less than 6,000 square feet.
2. Maximum building coverage of lot shall not exceed 50 percent of area within 12 feet of the ground.
3. Maximum lot coverage including parking shall not exceed 75 percent.
4. See Landscaping Regulations (Section 501.)

E. Front yard.

1. In all locations where building lines or setback lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard shall be the same as the distance between the front lot line and the building or the setback line shown on the plat.

Provided, with regard to single family and two family dwellings only, an open, unenclosed porch may project into a required front yard for a distance not exceeding eight feet but shall not encroach upon any platted or recorded easement.

2. In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of any arterial street with another arterial street, the measurement shall be 75 feet or three feet from the platted lot line whichever is greater.

F. Side yard.

1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
2. In all other cases side yard shall be six feet or height divided by four whichever is greater.

In no case shall any building be constructed so as to obstruct any platted or recorded easement.

G. Rear yard.

1. There shall be a rear yard having a depth of not less than 20 feet, except if more than one building is constructed on a corner lot, there shall be not less than 20 feet between the front and rear building and the depth of the rear yard of the rear buildings shall be not less than 10 feet.
2. Accessory buildings shall not be less than 10 feet from the centerline of any platted alley. Where there is no platted alley, they shall be located not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

409. Residential; “C” manufactured home parks or manufactured home subdivisions.

The following conditions shall be attached to the recorded deed of the land and shall be complied with by the present and future owners until such time as this use is discontinued. Such homes will not be allowed on individually owned zoning lots. Parks may be further governed by a Manufactured Home Park Ordinance of the City.

A. Use Regulations. In the “C” Manufactured Home Parks or Manufactured Home Subdivision, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Manufactured home park.
2. Manufactured home subdivision.
3. Conditional Uses.
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - b. Parks, playgrounds and community buildings owned and operated by the city.
 - c. Churches and their accessory buildings.
 - d. Public libraries.
 - e. Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school.
 - f. Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
 - g. Office of a physician, dentist, musician or other professional person.
 - h. Private kindergartens, nurseries, doctors offices, hospitals and clinics, but not small animal hospitals or animal clinics.
 - i. Storage garages and parking lots for storage only.
 - j. Intensive care facilities.

B. Height Regulations.

1. No building or structure shall exceed 35 feet in height.

C. Area Regulations.

1. Site Area:
 - a. The minimum site area for manufactured home parks or manufactured home subdivisions shall be 5 acres.

2. Lot Area:
 - a. The minimum lot area in manufactured home parks shall be 3,200 square feet for each manufactured home or mobile home.
 - b. The minimum lot area in manufactured home subdivisions shall be 5,000 square feet, with no more than 50% lot coverage.
3. Lot Width:
 - a. The minimum lot widths in manufactured home parks or manufactured home subdivisions shall be 40 feet.
4. Lot Depth
 - a. The minimum lot depth in manufactured home parks or manufactured home subdivisions shall be 80 feet.

D. Setbacks.

1. In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as shown on the plat.
2. In all other locations the setbacks shall be:
 - a. **Manufactured Home Parks.** All structures within the Manufactured Home Parks, whether permanent or temporary, except as allowed by Street and Parking Regulations, shall be setback at least 25 feet from any public street rights-of-way, at least 10 feet from any private roadway or private street, and must maintain a setback no less than 10 feet from any side or rear manufactured home/mobile home space boundary.

All manufactured homes/mobile homes shall be located as to maintain a clearance of not less than 20 feet from another manufactured home/mobile home or appurtenance thereto within the same manufactured home park.

- b. **Manufactured Home Subdivisions.** All structures within Manufactured Home Subdivisions shall be setback at least 25 feet from street rights-of-way or front lot lines, at least 20 feet from the rear lot line, and at least 6 feet from the side lot lines. Garages and carports shall be located in the side or rear yard. Any structure established for any main use, other than for dwelling purposes, shall comply with the same yard requirements for that use to be located in "A" Single Family dwelling district.

E. Street and Parking Regulations.

1. All manufactured home park spaces shall abut upon a park roadway or private street, with no manufactured home/mobile home having its direct access from a public street or highway unless such manufactured home/mobile home is located in a manufactured home subdivision, and unless in unusual circumstances the city deems that manufactured home/mobile homes shall have direct access from a public street or highway. All roadways and private streets shall have unobstructed access to a public street or highway, with all dead end roadways being provided

an adequate vehicular turn around (cul-de-sac) with a diameter of not less than 80 feet. All roadways shall meet the following requirements:

- a. Widths. All manufactured home spaces shall abut a private street or park roadway which maintains a street easement width of 50 feet and a paved width of 30 feet.
 - b. Curbs and Gutters. All private streets and park roadways shall have curbs and gutters on each side.
 - c. Parking and Layout. Spaces shall be laid out in such a manner as to accommodate easy access for service and emergency vehicles. Private streets and park roadways shall be plainly marked as to speed, traffic control, and other similar items.
 - d. Surface. All park roadways and private streets shall be surfaced with concrete, asphaltic concrete or asphalt in accordance with the City of Haysville's standard for paving and drainage improvements.
2. There shall be no on street parking allowed on any private or public street located in the Manufactured Home Park and Manufactured Home Subdivision district. Surfaced off-street parking shall be provided for each manufactured home/mobile home space. Off-street parking should be surfaced with concrete or similar material upon approval by the Public Works Director or their designee. Asphalt is a prohibited material for off-street parking.
 3. Each manufactured home/mobile home space shall be allowed one detached carport or similar structure for protected off-street parking coverage, provided that such structure shall not project into the front yard setback more than 5 feet, and provided that no off-street parking accessory structure shall be located in a dedicated easement. Such structure shall be constructed from a non-combustible material and shall be unenclosed with the exception of a roof.

E. Recreations, Landscape, and Screening

1. Each manufactured home park shall devote an area of land not to exceed 10 percent (10%) of the tract for developed recreational area - parks, playgrounds, and/or sidewalks. Individual recreational areas shall not be less than 5,000 square feet. Except for sidewalk improvements, required setbacks, driveways, and off-street parking spaces shall not be considered as recreational space.
2. Manufactured home parks shall be screened from all zoning districts other than the Manufactured Home Park or Manufactured Home Subdivision district. Screening shall be a solid or semi-solid fence or wall which is a minimum of six feet and a maximum of eight feet high.

In lieu of such a fence or wall, a landscape buffer may be provided not less than 25 feet in width and shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used, the buffer shall not be considered as any part of a required rear yard for a manufactured home space.

The fence, wall or landscape buffer shall be properly policed and maintained by the owner.

410. Commercial; “DD” hotel and motel district regulations.

The regulations relating to the Commercial “DD” District shall be as follows:

A. Use Regulations. In the “DD” District, as defined in terms of this article, no building shall be hereinafter erected, enlarged, converted, or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Motels and hotels including the usual related commercial enterprises such as, but not limited to,
 - a. Barber and beauty shops.
 - b. Restaurants and food service.
 - c. Gift shops (including notions, reading materials, smoking supplies, candies, gum, jewelry and specialty items).
 - d. Transportation offices.
 - e. Private clubs.
 - f. Conference and convention facilities.
2. Conditional Uses.
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

B. Height Regulations.

1. None.

C. Area Regulations.

1. Lot area regulations:
 - a. Lot area shall not be less than 10,000 square feet.
 - b. Maximum of 90% lot coverage including parking; however, off-street area must be provided for guests to load and unload private and public vehicles (cars, vans, buses, etc.).
 - c. See Landscaping Regulations (Section 501.)
2. Dwelling unit area regulations.
 - a. Each dwelling unit shall contain a primary room containing a minimum of 150 square feet of floor area.
 - b. Other habitable rooms in each dwelling unit shall contain not less than 70 square feet each.
 - c. Each dwelling unit shall contain a separate bathroom containing a water closet, lavatory and tub or shower.

- d. When housekeeping units are included:
 - i. The primary room shall contain a minimum of 220 square feet of floor area.
 - ii. As a minimum, the kitchen area will be of sufficient size to accommodate a cupboard, counter top and provide a sink, cooking appliance, refrigerator and clear working area of 30 inches in front of them.
 - e. No habitable room shall have less than a seven foot length or width dimension.
3. Setback Regulations.
- a. In all locations where building setback lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum setbacks shall be the same as those shown on the plat.
 - b. In all other locations in the “DD” District, the minimum building setback from adjacent street(s) shall be either 50 feet from the centerline of the street except that within 350 feet of the corner, the setback shall be 75 feet from the centerline of the street or three feet inside the property line, whichever is greater.
 - c. If zero lot line development is allowed, or any portion of the building is more than 150 feet from a public street, dedicated fire lanes shall be provided on at least two sides of the building.
4. Parking Regulations. (See Section 500.)
5. Screening Regulations.
- a. An approved screening plan will be required before final approval of a change to “DD” zoning. Such plan shall contain:
 - i. A detailed plan to screen the site from adjacent lesser zoned property.
 - ii. Type and kind of screening material. If living screen (trees and/or shrubs) is to be used, not only the type and location of planting, but also the anticipated growth time to maturity is to be included. A maintenance plan for the screening will be required.
 - iii. The effectiveness of such planned visual and/or sound barriers.
 - iv. The schedule for completion of the screening plan.

411. Commercial; “OC” Office Commercial District regulations.

A. The intent and purpose of this section is to establish a use district that is limited to offices and limited retail and service uses which are considered to be compatible when adjacent to or near residential areas and which uses are also compatible one to another within the district itself. They are smaller, less intense uses or are of such size and use to be low traffic generators. This district shall be established only when the property is contiguous to an Arterial Street as designated by the maps of the Transportation Plan Element Phase II, dated February 1988 or amendments thereto; or be established on a property that is contiguous to any non-residential zoning district.

B. In the “OC” Office Commercial District, no buildings or premises shall be used and no building or premises shall be hereafter converted, altered, enlarged or erected except for one or more of the uses permitted by the use regulations of this section. All buildings and structures erected, enlarged, converted or altered in the “OC” Office Commercial District shall conform to the area and bulk regulations set forth in this section.

C. All uses listed as permitted uses below shall be permitted in the “OC” Office Commercial District provided they comply with the following limitations:

1. No individual business shall occupy more than 5,000 square feet of floor area; provided, however, an exception to this limitation may be granted by the Haysville governing body subject to the following conditions:
 - a. A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.
 - b. Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.
 - c. Required off-street parking shall be determined to be not less than that required by the floor area used for office and sales purposes.
 - d. Any exception to the floor area granted by the governing body shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.
2. All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.
3. Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sale that do not require the use of vehicles and heavy equipment in the operation of the business other than for the delivery of goods or services to the home; e.g. florist truck, etc. Vehicles stored or retained on the site overnight shall be stored within the main structure, or an enclosed detached garage as approved by the commission.
4. No business shall display or store goods or equipment outside of an enclosed building.
5. No business establishments shall offer goods or services by way of drive-up windows or directly to customers’ parked motor vehicles.
6. Motor vehicles or heavy equipment parts, service or fuels shall not be displayed in this district.
7. Exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential property.
8. The use is limited to offices and limited retail and service uses which are considered to be compatible with and not unduly burdensome upon adjacent residential properties or residential areas located nearby.
9. The use is compatible to other businesses located nearby within the district itself.
10. The nature of any use located within the district shall be smaller, less intense uses.

11. Any business within the zone shall not generate more traffic per day upon its abutting streets than may be accommodated within its permitted parking areas.

D. Uses permitted:

1. Offices that will have no greater impact upon abutting streets and walkways than such streets and walkways were designed to carry, including the following:
 - a. Abstract and title companies.
 - b. Accountants' offices
 - c. Advertising agencies.
 - d. Architects' offices
 - e. Artist studios.
 - f. Attorneys' offices
 - g. Broadcasting or recording studios without transmitter towers.
 - h. Computer and data processing offices.
 - i. Dental offices and clinics
 - j. Engineers' offices
 - k. Medical offices and clinics
 - l. Offices, administrative, clerical sales services, including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the total floor area. Such display area shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
 - m. Optician and optical dispensaries
 - n. Photography studios.
 - o. Real estate offices.
 - p. Religious offices and headquarters.
 - q. Travel agencies.
2. Retail stores and personal service businesses including the following:
 - a. Artist, craft and hobby supply store.
 - b. Camera shop and photographic supplies.

- c. Clothing and costume rental store.
 - d. Drug store, pharmacy or apothecary.
 - e. Florist shop.
 - f. Hair stylists (barber and beauty shops).
 - g. Jewelry and jewelry repair.
 - h. Key shop.
 - i. Medical and orthopedic appliance stores.
 - j. Picture framing shop.
 - k. Shoe repair shop.
 - l. Tailor shop.
3. Residential uses as follows:
 - a. Each business or office may have an owner residence as a part of the business or office structure.
 4. Miscellaneous type uses including the following:
 - a. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served; and is determined by the commission to contribute to the necessity of the principal residence or business established on the zoning lot.
 - b. Off-street parking and loading accessory to the principal use established on the zoning lot.
 5. The following uses may be permitted as exceptions by the Haysville governing body; provided such uses shall comply with the use limitations of this district and any other conditions the governing body may deem necessary to protect adjacent properties:
 - a. Offices, retail stores and personal service business not specifically listed as a permitted use above, when it can be determined that the use is comparable to any of the above uses and compatible with the area.
- E. Conditional Uses.
1. Safety services.
 2. Wireless Telecommunication Facilities (See Section 505).
- F. Area regulations.
1. Lot area: There shall be a minimum lot width of 80 feet and a maximum area of 12,500 square feet.

2. Front yard: Minimum 20 feet or the setback line of the recorded plat.
 3. Side yard: The side yard shall not be less than six feet or the side yard requirement of the adjacent lot, whichever is the lesser.
 4. Rear yard: There shall be a rear yard of not less than 10 feet.
- G. Height limit.
1. No building shall be erected or enlarged to exceed a height of thirty-five feet.
- H. Lot coverage.
1. There shall be a maximum of 40 percent coverage of the lot by a total of all structures.
- I. Automobile parking.
1. Parking space and loading space to be provided equal to two spaces per each employee.
- J. Hours.
1. Monday-Saturday.7 a.m. to 10 p.m.

412. Commercial; “D” light commercial district regulations.

- A. Uses listed as permitted in the “D” Light Commercial District shall be permitted provided that they comply with the following regulations:
1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises; and
 2. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes; and
 3. All articles for sale, rent, display, storage or hire, must be kept within an enclosed building except:
 - a. Items specifically allowed by a permitted use;
 - b. Vending machines and newspaper stands may be displayed outside permanently; and
 - c. Merchandise that is for sale may be displayed in areas immediately adjacent to the building provided that:
 - i. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the governing body;
 - ii. No portion of the display shall obstruct handicapped accessibility or impede pedestrian movement;

- iii. No required off-street parking space or loading area will be utilized for display, storage or dispensing;
 - iv. No food or drink may be displayed outside the building except in accordance with the standards of the Wichita-Sedgwick County department of public health;
 - v. Christmas tree and associated sales may be conducted on property zoned “D” Light Commercial even though no building shall exist.
- B. The following regulations shall apply in all “D” Districts:
- 1. Uses permitted:
 - a. Any use listed as a permitted use in the “OC” Office Commercial, except that such uses must additionally comply with the regulations of this district.
 - b. Animal Hospitals, not including kenneling as a primary use.
 - c. Animal services including small animal grooming
 - d. Art and antique shops.
 - e. Automatic Teller Machine.
 - f. Automobile service center stations and related parts and accessory sales with outside storage of recyclable materials as follows:
 - i. Liquids, not to exceed one 300-gallon drum;
 - ii. Tires, to be stored in a container not to exceed 100 cu. ft. located at least 18” off the ground; and
 - iii. Scrap metal, to be in a container not to exceed 100 cu. ft.
 - g. Bakery goods shops.
 - h. Banking services.
 - i. Barber shop or beauty parlor, including services for hair, nails, and tanning.
 - j. Blueprinting or Photostatting.
 - k. Book or stationary store.
 - l. Business, music, dance, or commercial schools.
 - m. Camera shops.
 - n. Carwash.
 - o. Catering shops.

- p. Cigar store.
- q. Clinic, medical or dental for human treatment
- r. Clothes cleaning agency, pressing establishment or dry cleaning establishments using non-flammable agents, employing not more than two persons engaged in dry cleaning work.
- s. Computer sales and repair services.
- t. Confectionary stores.
- u. Convenience store.
- v. Custom dressmaking or millinery.
- w. Dairy stores.
- x. Decorating shop.
- y. Drapery shop.
- z. Drug store.
- aa. Dry goods and notions.
- bb. Entertainment, indoor
- ab. Feed, seed and commercial fertilizer sales.
- ac. Floor coverings and rug store.
- ad. Florist and gift shop.
- ae. Frozen food lockers--no slaughtering.
- af. Furniture store.
- ag. Furrier store.
- ah. Grocery, food or vegetable stores.
- ai. Hardware, plumbing, electrical or appliance store.
- aj. Health club or spa.
- ak. Heating, air conditioning, and plumbing services offices, provided no more than 50% of the floor area is dedicated to a showroom for products offered. Fabrication and manufacturing is prohibited.
- al. Hobby shop.
- am. Hospitals and Sanitariums.

- an. Ice dealers, if no ice manufacturing is involved as a major enterprise.
- ao. Ice rink.
- ap. Jewelry store.
- aq. Launderette.
- ar. Laundry or dry cleaning, limited.
- as. Liquor and malt beverage store.
- at. Meat market or delicatessen store.
- au. Medical, dental and optical laboratories.
- av. Mortuary and funeral home.
- aw. Newsstand.
- ax. Newspaper office without printing presses.
- ay. Nurseries and garden centers.
- az. Nursing or convalescent home.
- ba. Offices, business or professional.
- bb. Office Supply store.
- bc. Paint and wall paper store.
- bd. Park.
- be. Parking areas--public or customer improved in accordance with Section 500.
- bf. Pawn shop.
- bg. Pet shop or taxidermist, including small animal grooming.
- bh. Photographers and photo printing.
- bi. Post office.
- bj. The manufacture of pottery and figurines or similar ceramic products, using only previously pulverized clay kilns fired only by electricity or gas, for retail sales only.
- bk. Radio studios.
- bl. Restaurants, including refreshment stands and fast food establishments.
- bm. Restaurant clubs.

- bn. Retail stores and retail businesses.
- bo. Roller rink.
- bp. Rubber and metal stamp sales.
- bq. Safety services.
- br. Second hand store.
- bs. Shoe store or shoe repair shop.
- bt. Sporting good store.
- bu. Tailor, dressmaking or apparel shop.
- bv. Television studios.
- bw. Training facilities; provided that services are conducted within an enclosed structure typical of a classroom setting.
- bx. Indoor Theaters.
- by. Upholstering shop if conducted wholly within a completely enclosed building.
- bz. Uses customarily incidental to any of the above uses when located on the same lot.
- ca. Accessory buildings when located on the same lot.

B. Conditional uses. (See Section 702.)

1. Apartment or condominiums with five or more units complying with the conditions established in the "CC" District regulations (Section 408) allowed except for the front 100 feet from the property line and adjoining a residential use.
2. Automobile, motor home, and boat rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the storage is on a properly drained hard or all-weather surface and loading/unloading of vehicles takes place off of public streets.
3. Automobile repair shop.
4. Automobile retail sales and related parts and accessory sales.
5. Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.
6. Commercial Storage Warehouses.
7. Construction trade supply houses with fabrication, conducted wholly within a building, allowed as an incidental use.

8. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 9. Electronic assembly.
 10. Entertainment, outdoor.
 11. Laboratories, medical and nondestructive testing.
 12. Microwave tower.
 13. Monument sales.
 14. New or used automobile, truck and travel trailer sales with outside storage of vehicles for sale; provided that: All vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.
 15. Printing press operations including newspaper presses, catalogs and bindery.
 16. Public utility stations and/or substations.
 17. Radio transmission tower (needs to be based on size and power).
 18. Tool equipment rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the storage is on a properly drained hard or all-weather surface, and loading/unloading of vehicles takes place off of public streets. Any unit or vehicle rated at over 30 horsepower will be stored in the rear and screened from view to at least six feet in height.
 19. Wholesale food commissary.
 20. College or university.
 21. Vocational school.
 22. Wireless telecommunication facilities (See Section 505).
- C. Height regulations.
1. None.
- D. Area regulations.
1. Lot area regulations:
 - a. Lot area to not be less than 6,000 square feet.
 - b. Minimum of 10 percent of lot to be maintained landscaped area.

E. Front yard.

1. In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
2. In all other locations, the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline or three feet from the platted lot line whichever is greater.
3. Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.
4. Corner lots shall have at least minimum front yard setbacks on both sides.

F. Side yard.

1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
2. In all other cases, side yard shall be six feet or height divided by four whichever is greater.
3. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. When setback areas are shown in excess of the minimum setback requirements on recorded plats the greater setbacks shall be used.
4. The required side yard areas shall be landscaped with grass, shrubs, trees, and/or ground cover, and shall be maintained in good condition.

G. Rear yard.

1. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line.

H. Parking and loading regulations. (See Section 500)

I. Landscaping regulations. (See Section 501)

413. Commercial; “E” heavy commercial district regulations.

A. All uses listed as permitted in the “E” Heavy Commercial District shall be permitted provided that they comply with the following regulations:

1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to the uses permitted, except as specifically allowed in conjunction with conditional uses.
2. Such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

3. Any illumination shall be so arranged as to reflect the light away from adjoining premises.
- B. The following regulations shall apply in all “E” Heavy Commercial Districts:
1. Uses permitted.
 - a Any use listed as a permitted use in the “D” district, except that such uses must comply with the regulations of that district.
 - b Amusement enterprises, including billiard or pool hall, bowling alley, boxing arena, dance hall and games of skill and science.
 - c Animal feed store, wholly within a building or within a suitable enclosure to prevent obnoxious or nuisance conditions.
 - d Auction house.
 - e Automobile repair shop.
 - f Automobile retail sales and related parts and accessory sales.
 - g Automobile and trailer sales area: Provided, that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a fenced area and the storage is on a properly drained hard or all weather surface.
 - h New or used automobile, truck and travel trailer sales with outside storage of vehicles for sale; provided that: All vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.
 - i Baseball or football stadiums and sports arenas.
 - j Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.
 - k Class “A” Club.
 - l Class “B” Club.
 - m Commercial dry cleaning and/or laundry establishments.
 - n Commercial storage warehouse also including units available for rent and storage of property by individuals.
 - o Construction Sales and Service, Limited; provided, all material on premises of the outside storage area shall be located on a hard or all-weather surface and arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and City authorities and must be screened from adjacent properties.
 - p Drinking Establishments.
 - q Electronic Assembly.

- r Flea market.
- s Industrial dry cleaner.
- t Industrial laundry.
- u Lawn Mower and similar small equipment sales and repairs; provided, all repairs, materials and parts are stored within an enclosed building or on an all-weather surface screened from adjacent properties.
- v Lumber yard.
- w Machine shop/ welding shop/ metal furniture fabrication/ heat treating/ Blacksmithing; provided that; If this abuts residential, the area is screened by a minimum six foot tall opaque screen.
- x Microwave tower.
- y Monument sales.
- z Outdoor Storage Yard for which lease space for the temporary storage of operable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable automobiles and trucks, provided any area for the purpose of providing lease space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.
- aa Plumbing, heating and air conditioning supply houses with sheet metal duct fabrication allowed as an incidental use.
- aa Pony riding ring, without permanent stables.
- ab Printing press operations including newspaper presses catalogs and bindery.
- ac Private clubs.
- ad Radio transmission tower.
- ae Rental Facilities, where the primary business use is the rental of space for events, training, and seasonal sales in exchange for monetary compensation. Occupants that operate a temporary sale shall still be required to obtain any necessary permits as regulated by the Haysville City Code.
- af Restaurant Drinking Establishment.
- ag Tattoo Parlors.
- ah Tavern.
- ai Television transmission tower.
- aj Tool equipment rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the

storage is on a properly drained hard or all-weather surface, and loading/unloading of vehicles takes place off of public streets. Any unit or vehicle rated at over 30 horsepower will be stored in the rear and screened from view to at least six feet in height.

ak Outdoor theaters.

al Wholesale food commissary or catering establishment.

am Uses customarily incidental to any of the above uses when located on the same lot.

C. Conditional uses permitted. Businesses or shops in which products are manufactured, compounded, processed, assembled or treated, as listed below: or provided that all activities are conducted wholly within a completely enclosed building and outside storage completely screened from public view (See Section 702):

1. Ice cream manufacture.
2. Small aircraft supplies.
3. Truck body distributorship.
4. Wholesale auto supplies.
5. Wholesale bakery.
6. Wholesale candy and bakery.
7. Wholesale China.
8. Wholesale coffee, tea and spices.
9. Wholesale drugs.
10. Wholesale dry goods.
11. Wholesale electrical supplies.
12. Wholesale furniture.
13. Wholesale garden tools.
14. Wholesale glass distributors.
15. Wholesale hardware.
16. Wholesale household appliances.
17. Wholesale appliances.
18. Wholesale leather goods.
19. Wholesale paint and wallpaper.

20. Wholesale plumbing supplies.
21. Wholesale pump and engines distributor.
22. Wholesale service station supplies.
23. Wholesale welding supplies.
24. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
25. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacturing of similar products.
26. Blacksmith shop, welding, heat treating and machine shop.
27. Contractor's equipment storage yard or plant, retail sales of equipment commonly used by contractors.
28. Foundry casting lightweight nonferrous metal.
29. Laboratories, experimental or testing.
30. Cleaning and dyeing works and carpet and rug cleaning.
31. Manufacture, compounding, assembling or treatment of articles or merchandise from the following: previously treated feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
32. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
33. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, caves, small tool and die works and the like.
34. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, kilns fired only by electricity or gas.
35. Manufacture of musical instruments, toys, novelties and amusement devices.
36. Wholesale sheet metal and wholesale plumbing shops.
37. Small boat building.
38. Stone monument works.
39. Body shop.

40. Outdoor storage yards for the temporary storage of wrecked or otherwise inoperable vehicles, which are part of a business whose principal use is the providing of temporary outdoor storage of operable vehicles, boats, recreational vehicles and equipment, trailers and such. Such items shall be stored on an all-weather surface and be screened from adjacent properties and any public roadway.
 41. Wireless telecommunication facilities (See Section 505).
- D. Height regulations.
1. None.
- E. Area regulations.
1. Lot area regulation.
 - aa Lot area to not be less than 6,000 square feet.
 - ab Maximum lot coverage including parking to be 100 percent.
- F. Front yard.
1. In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
 2. In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
 3. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection the setback shall be measured as 75 feet from the centerline of the street.
- G. Side yard.
1. When zero lot line development is allowed or any portion of the building is more than 150 feet from a street, dedicated fire lanes shall be provided on rear yard of at least two sides of the building.
 2. In all other cases, side yard shall be six feet or height divided by four whichever is greater.
 3. Corner lots shall have at least minimum front yard setbacks on both sides abutting a street. When setback areas are shown in excess of the minimum setback requirements on recorded plats the greater setbacks shall be used.
- H. Rear yard.
1. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line.

I. Parking and loading regulations. (See Section 500)

414. Industrial; “F” light industrial district.

The following shall apply in all “F” Light Industrial Districts:

A. Uses permitted.

1. Any use specifically listed as a permitted use in “E” Heavy Commercial District, in conformance with the requirements of the regulations for this district.
2. Any of the following uses: provided that such use does not constitute a hazard or nuisance, including but not limited to, issues associated with fire, explosion, odor, dust, smoke, undue noise, excessive or unsupportable water use, emission of contaminants into public wastewater system, contaminants into sewer system, or vibration or other similar causes.
 - a Animal hospitals and kennels.
 - b Assembly and maintenance of oil rigging, agriculture implements and equipment.
 - c Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacturing of similar products.
 - d Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
 - e Building materials sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing plant unless enclosed in a building.
 - f Concrete and asphalt mixing plants.
 - g Construction Sales and Service, General; provided, all material on the premises of the outside storage area shall be arranged to permit reasonable inspection and access to all parts of the premises by fire, police and City authorities; located on an all-weather surface, and screened from adjacent properties and any public roadway.
 - h Distribution plants, parcel delivery, ice and cold storage plant, and bottling plant.
 - i Feed and fuel yard storage.
 - j Foundry casting lightweight nonferrous metal.
 - k Freighting or trucking yard or terminal.
 - l Grain storage and elevators.
 - m Industrial storage warehouse.
 - n Laboratories, experimental or testing.

- o Landscaping services, including offices and the outdoor storage of material and equipment; provided that materials and equipment are prohibited in the front setback, located on an all-weather surface, and screened from adjacent properties and any public roadway. Rock, decorative pavers or statues, and any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements.
- p Laundry, cleaning and dyeing works and carpet and rug cleaning.
- q Manufacture, repair or modification of air craft missile, related and allied equipment and component parts thereof, and allied and associated manufacturing, testing and research processes and functions.
- r The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, shell textiles, tobacco, wood, yards, and paint not employing a boiling process;
- s The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- t The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, caves, small tool and die works, and the like.
- u The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, kilns fired only by electricity or gas.
- v Manufacture of musical instruments, toys, novelties and amusement devises.
- w Metal Recycling and Recycling of Primarily Metal Goods, provided any operation that is not entirely conducted within an enclosed building shall be required to place all items stored on an all-weather surface and must be screened from adjacent properties and any public roadway.
- x Outdoor Storage Yard & Towing Storage Yard for the temporary storage of operable or inoperable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable or inoperable automobiles and trucks, provided any area for the purpose of providing space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.
- y Poultry or rabbit dressing.
- z Sheet metal and wholesale plumbing shops.
- aa Small boat building.
- ab Stone monument works.

- ac Vehicle Restoration, General
- ad Wholesale business, storage buildings and warehouses.
- 2. Uses customarily incidental to any of the above uses when located on the same lot.
- 3. Conditional uses.
 - a Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - b Wireless telecommunication facilities (See Section 505).
- B. Height regulations.
 - 1. None.
- C. Area regulations.
 - 1. Lot area regulation:
 - a Lot area to not be less than 6,000 square feet.
 - b Maximum lot coverage including parking may be 100 percent.
- D. Front yard.
 - 1. In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building or setback line shown on the plat.
 - 2. In all other location the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
 - 3. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
- E. Side yard.
 - 1. In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the side lot line and the building or setback line shown on the plat.
 - 2. On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.

3. If zero lot line development is allowed or any portion of the building is more than 150 feet from a public street, the dedicated fire lanes will be provided on at least two sides of the building.

F. Rear yard.

1. Accessory building shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of the rear lot line.

G. Parking and loading regulations. (See Section 500)

415. Industrial; “G” heavy industrial district.

In the “G” Heavy Industrial District, buildings and premises may be used for any lawful purpose subject to the following restrictions and to the following area and height regulations:

A. Uses Permitted: Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special hazards, including but not limited to, issues associated with fire, explosion, odor, dust, smoke, undue noise, excessive or unsupportable water use, emission of contaminants into public wastewater system, contaminants into sewer system, or vibration or other similar causes; provided, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the commission:

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of Paris manufacture.
3. Distillation of bones.
4. Explosives manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Gas manufacture.
8. Garbage, offal or dead animal incineration, reduction.
9. Glue manufacture.
10. Petroleum refinery and wholesale storage.
11. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
12. Stockyards.
13. Wholesale storage above ground of gasoline or other petroleum products in car lots or larger quantities.
14. Conditional Uses.

- a Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
 - b Wireless telecommunication facilities (See Section 505).
- B. Height Regulations.
- 1. None.
- C. Area Regulations.
- 1. Lot area regulations:
 - a Lot area not to be less than 6,000 square feet.
 - b Maximum lot coverage including parking can be 100 percent.
 - 2. Front yard.
 - a In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum front yard shall be the same as the distance between the front lot line and the building setback line shown on the plat.
 - b In all other locations the setback shall be measured as 50 feet from the centerline of the street except within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
 - c On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
 - 3. Side yard.
 - a In all locations where building lines or setback lines are shown on plats that have been approved by the commission and that are recorded in the office of the register of deeds of Sedgwick County the minimum side yard shall be the same as the distance between the side lot line and the building setback line shown on the plat.
 - b On corner lots where setbacks are not shown on a recorded plat the setback shall be measured as 50 feet from the centerline of the street except that within 350 feet of an intersection of an arterial street with another arterial street the measurement shall be 75 feet from the centerline.
 - c If zero lot line development is allowed or any portion of the building is more than 150 feet from a public street, dedicated fire lanes will be provided on at least two sides of the building.
 - 4. Rear Yard.

- a Buildings shall not be located in any platted or recorded easement or alley. Where there is no platted alley they shall be located no closer than three feet of rear lot line.

D. Parking and Loading Regulations. (See Section 500.)

416. Planned unit developments.

A. PURPOSE. The purpose of the Planned Unit Development (PUD) Districts is to encourage innovation in residential, commercial and industrial development; to gain a more efficient use of land; to utilize new technologies in urban land development; and to provide for a greater variety and flexibility in type, design, and layout of buildings.

B. GENERAL PROVISIONS.

1. Application for a PUD may be made for land located in any of the established Haysville zoning districts.
2. A PUD shall be in general conformity with the provisions of the adopted comprehensive plan.
3. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this chapter or the Subdivision Regulations, the provisions of this article shall prevail for the development of land for PUDs. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this chapter.

C. TYPE OF PLANNED UNIT DEVELOPMENTS. The following types of planned unit developments may be established.

1. PUD-R Planned Residential District
2. PUD-C Planned Commercial District
3. PUD-I Planned Industrial District

PUDs may combine two or more types of uses into a single plan.

D. STANDARDS AND CONDITIONS. The following provisions apply to all PUD districts:

1. The tract must be a continuous parcel under one ownership or held jointly by two or more owners.
2. The applicant shall satisfy the commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within 18 months following approval of the final application by the governing body, and a minimum of 50 percent of the total planned construction shall be completed within a period of six years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the commission upon the showing of good cause by the developer.

E. PRE-APPLICATION CONFERENCE. A pre-application conference shall be held with the PUD subcommittee of the commission in order for the applicant to become acquainted with the planned unit procedures and related City requirements.

F. PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURE. An application for a PUD shall constitute the filing of an application for a PUD District and shall be processed in the same manner prescribed for amending these zoning regulations. The same requirements for notice to property owners, advertisement of public hearing, protest petitions, and adoption by the governing body shall be required as in conventional zoning.

G. SUBMISSION AND REVIEW OF THE APPLICATION.

1. An applicant shall make application for the approval of the PUD to the commission. The applicant shall include, as part of the application, a preliminary development plan for the PUD.
2. The preliminary development plan shall include both, a development plan map and written statement, 15 copies of each.
3. The PUD map shall contain the following information:
 - a Existing topography with contours at two foot intervals.
 - b Areas subject to one hundred year flooding.
 - c Proposed location of buildings and other structures, parking area, drives, walks, screening, drainage patterns and plan, public streets, and any existing/proposed easements.
 - d Internal traffic circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
 - e Proposed screening and landscaping features.
 - f Areas that are to be conveyed, dedicated, or reserved as common open space.
 - g Relationship of abutting land uses and zoning districts.
4. The PUD statement to accompany the map shall contain the following information:
 - a An explanation of the character of the PUD.
 - b A statement of the present ownership and legal description of all the land included within the PUD.
 - c Copies of any special agreements, conveyances, restrictions, or covenants that will govern the use, maintenance and continued protection of the PUD and any of its common open space areas.
 - d A statement of the anticipated residential density, the proposed total gross floor area, and the percentage of the development that is to be occupied by structures.
 - e As appropriate, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.
 - f Maximum height of all buildings.

- g A statement of the objectives showing the relationship of the PUD to the Comprehensive Plan with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both.
 - h A time schedule for completion of the project or each phase thereof and improvements to be requested of the City and improvements to be made by the developer.
5. The applicant may submit any other information or exhibits the applicant deems pertinent in evaluation of the proposed PUD.
 6. A filing fee of \$90.00 shall accompany the application.

H. ACTION ON PRELIMINARY PUD PLAN.

1. Within sixty days after receiving the application, the commission shall review the application and hold a public hearing in accordance with state statute.
2. Within thirty days after the public hearing the commission shall prepare findings of fact with respect to the extent to which the preliminary PUD plan complies with the standards and conditions established, together with its recommendations to the governing body with respect to the action to be taken on the PUD plan. The commission may recommend approval, approval with contingencies, or disapproval.
3. The governing body, after a 14-day protest period, shall consider the commission's recommendation on the preliminary PUD plan.
 - a If the preliminary PUD is approved, the governing body shall adopt an ordinance approving the preliminary PUD plan, and establish a PUD District for the parcel or tract of land included in the preliminary PUD plan.
 - b If the preliminary PUD is disapproved, after following the necessary procedures as established by state statute, the applicant shall be furnished with a written statement of the reasons for disapproval of the plan.
4. In the case of approval, the applicant, within 15 days after receiving notification of the approval of the preliminary PUD plan, shall file with the County Register of Deeds a statement that such plan has been filed with the approving authority and has been approved and that such PUD is applicable to certain specifically legally-described land and that copies of said are on file with the City.

I. FINAL PUD PLAN CONTENTS AND APPROVAL.

1. Within six (6) months after approval of the preliminary plan, the applicant shall have the final plan prepared in conformance with the preliminary development plan. The final plan shall include:
 - a Construction drawings of all buildings to include: elevations, grading, and floor plans.
 - b Site plan.

- c Drainage Plan.
 - d Landscape and screening plan showing--species and size of all plant material, areas to be seeded, etc.
 - e Copies of any dedications for easements or rights-of-way and restrictive covenants.
 - f Evidence that no lots, parcel or tract or dwelling unit in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such PUD.
 - g Such bonds or guarantees and other documents that may have been required by the preliminary PUD plan pursuant to the provisions and procedures of the Subdivision Regulations.
 - h The final plan shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 - i Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, nor
 - j Increase by more than 10 percent the floor area proposed for non-residential use, nor
 - k Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings, nor
 - l Substantially change the design of the plan so as to significantly alter, as determined by the commission:
 - i. Pedestrian or vehicular traffic flow.
 - ii. The juxtaposition of different land uses.
 - iii. The relation of open space to residential development.
 - iv. The proposed phasing of construction.
2. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilitates for water, storm water, sanitary sewers or other public facilities.

In the event a public hearing is not required for final approval and the application of final approval has been filed, together with all drawings, specifications and other documents in support thereof, the commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the governing body for its final approval.

3. In the event the final plan submitted contains substantial changes from the approved preliminary plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.
4. In the event that a plan or section hereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the landowner shall fail to commence the PUD within 18 months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the commission upon written application by the landowner.

J. ENFORCEMENT AND MODIFICATION. To ensure the mutual interest of the resident and owners of the PUD and of the public, the enforcement and modification of the provisions of the Plan, as finally approved--whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions.

1. Enforcement:
 - a Enforcement by the City covers the provisions of the plan relating to:
 - i. The use of land and the use, bulk and location of buildings and structures.
 - ii. The quality and location of common space.
 - iii. The intensity of use or the density of residential units.
2. Enforcement by the Residents and Owners cover any additional items not listed in item (a) above.
3. Modification:
 - a A PUD District ordinance or an approved preliminary or final PUD plan may be amended by the governing body after public hearing as outlined in Section 416.
 - b No changes in the development plan that are approved under this chapter are to be considered as a waiver of the covenants limiting the use of the land, buildings, structures, and improvements within the area of the PUD, and all rights to enforce these covenants against any changes permitted are expressly reserved.

All enforcement and modification proceedings shall be subject to the provisions provided for by state statute.

K. PLATTING. For unplatted tracts or tracts being replatted, the approval of the preliminary PUD shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. The final plat shall be in accordance with the Subdivision Regulations and may be submitted with or incorporated with the final development plan. The final development plan and the final plat may be reviewed by the commission concurrently.

417. "P-O" protective overlay district.

A. **PURPOSE.** The protective overlay district may be applied in combination with any base zoning district. By tailoring use or property development standards to individual projects or specific properties, the protective overlay district is intended to:

1. ensure compatibility among incompatible or potentially incompatible land uses;
2. ease the transition from one zoning district to another;
3. address sites or land uses with special requirements; and
4. guide development in unusual situations or unique circumstances.

B. **USE AND PROPERTY DEVELOPMENT STANDARDS.** The protective overlay district, can be used to modify and restrict the use and property development standards of an underlying base zoning district. All requirements of a protective overlay district are in addition to and supplement all other applicable standards and requirements of this Code. Restrictions and conditions imposed by a protective overlay district shall be limited to the following:

1. prohibiting otherwise permitted or conditional uses and accessory uses; or making an otherwise permitted use a conditional use;
2. decreasing the number or average density of dwelling units that may be constructed on the site;
3. increasing minimum lot size or lot width;
4. increasing minimum setback requirements;
5. restrictions on access to abutting properties and nearby roads, including specific design features; and
6. any other specific development standards required or authorized by this Code.

C. **METHOD OF ADOPTION.** Restrictions imposed through a protective overlay district are considered part of this zoning code text and accompanying map. All property included in a protective overlay district shall be identified on the Zoning Map by adding the letters "P-O" and a number to the base zoning district symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with number 1. This chapter zoning or rezoning property to the protective overlay district shall specifically state the modifications imposed pursuant to Section 417B of this Code. The restrictions imposed shall be considered part of the text of this Code, and a violation of the restrictions shall be a violation of this Code.

D. **EFFECT OF PROTECTIVE OVERLAY DESIGNATION.** When the Protective overlay zoning designation is applied in combination with a base zoning district it shall always be considered to result in a more restrictive designation than if the base district did not have the protective overlay classification. In the event that the protective overlay designation was not originally requested as part of the rezoning application, but instead is added during the staff review or public hearing process, re-notification and re-advertisement of the requested zoning change shall not be required.

418. “HD-O” original town historic overlay district.

A. **PURPOSE.** The Original Town Historic Overlay District (HD-O) is intended to accommodate development and redevelopment within the area recognized as the Original Town of Haysville, while recreating the historical significance and unique qualities of the area. The design review provisions applicable within the HD-O are intended to preserve and recreate the area’s special historic character. The HD-O district is an overlay district; property within the district shall comply with the overlay district regulations of this section and the standards of the underlying zoning district. In the case of conflict between the regulations in this section and those of the underlying zoning district, the regulations in this section shall prevail.

B. **APPLICATION AREA.** The officially recognized Original Town Historic Overlay District shall be classified as “District – HD-O – Historic District,” and shall be used henceforth for purposes of recognizing all structures and real estate within the “Original Town” as part of a zoning overlay district. The official zoning map of the City of Haysville, Kansas shall be amended by this chapter to clearly show the overlay area. Such overlay district shall consist of the following parcels of property:

1. Haysville Town Site (Original Town Plat);
2. Hays’ 1st Addition;
3. 1st Masonic Addition;
4. W.E. Blaine 2nd Addition;
5. Solar Addition;
6. Lee’s Addition;
7. Metes and Bounds parcel facing Grand immediately to the northeast of the Haysville Town Site and generally having the dimensions of 140 feet by 220 feet; and
8. Metes and Bounds parcel facing Main Street immediately south of the Solar Addition continuing to the Southern City Limits.

C. **USE REGULATIONS.** The use regulations of this overlay district shall supplement and be in addition to the use regulations of the underlying districts. However, whenever an actual conflict arises between the language of the use regulations governing the underlying district and the language of this historic overlay district, the use regulations of this overlay district shall prevail over the underlying districts.

1. **Permitted Uses.** The following uses shall be allowed in the HD-O district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in subsections (2) or (3) as set forth below:
 - a Bed and Breakfast.
 - b Blacksmith Shop.
 - c Churches.
 - d Farm and Art Market
 - e Museum.

- f Public Park, playgrounds and community buildings.
2. Conditional Uses. The following uses shall be allowed only as a conditional use in the HD-O district, regardless if said uses are stated as permitted uses in the underlying districts:
- a Antique and Art Shop.
 - b Printing press operations including newspaper presses, catalogs and bindery.
 - c Restaurant, including catering as an incidental use.
 - d Restaurant Club.
3. Prohibited Uses. The following uses are explicitly prohibited in the HD-O district:
- a Animal Hospitals.
 - b. Apartment or condominiums.
 - c. Appliance store.
 - d. Automatic Teller Machine.
 - e. Automobile repair shop.
 - f. Automobile retail sales and related parts and accessory sales.
 - g. Automobile service center stations and related parts and accessory sales.
 - h. Automobile, motor home, and boat rental.
 - i. Beauty parlor.
 - j. Blueprinting or Photostatting.
 - k. Business or commercial schools.
 - l. Carwash.
 - m. Catering shops.
 - n. Cigar store.
 - o. Clinic, medical or dental for human treatment.
 - p. Clothes cleaning agency, pressing establishment or dry cleaning establishments using non-flammable agents, employing not more than two persons engaged in dry cleaning work.
 - q. Commercial fertilizer sales.
 - r. Commercial Storage Warehouses.

- s. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
- t. Dry cleaners.
- u. Electronic assembly.
- v. Frozen food lockers--no slaughtering.
- w. Furrier store.
- x. Health club or spa.
- y. Hospitals and Sanitariums.
- z. Ice dealers, if no ice manufacturing is involved as a major enterprise.
- aa. Ice rink.
- bb. Laboratories, medical and nondestructive testing.
- cc. Laundrette.
- dd. Liquor and malt beverage store.
- ee. Medical, dental and optical laboratories.
- ff. Microwave tower.
- gg. Monument sales.
- hh. Mortuary and funeral home.
- ii. New or used automobile, truck and travel trailer sales.
- jj. Nursing homes and skilled nursing centers.
- kk. Office Supply store.
- ll. Pawn shop.
- mm. Pet shop or taxidermist, including small animal grooming.
- nn. Plumbing, heating and air-conditioning supply houses with sheet metal duct fabrication allowed as an incidental use.
- oo. Public utility stations and/or substations.
- pp. Radio studios.
- qq. Radio transmission tower.

- rr. Roller rink.
- ss. Second hand store.
- tt. Sporting good store.
- uu. Television studios.
- vv. Tool equipment rental with outside storage of rental items.
- ww. Upholstering shop.
- xx. Vending machines and newspaper stands displayed outside permanently.
- yy. Wholesale food commissary.

C. HEIGHT REGULATIONS. No building shall exceed two stories or 35 feet; except a church steeple may extend beyond this height.

D. AREA REGULATIONS.

1. Lot Area Regulations:

- a The minimum lot size requirements shall be waived.
- b The minimum lot width requirement shall be waived.

2. Setbacks:

- a The minimum front setback shall be 35 feet from the centerline of the street.

E. SPECIAL PARKING REGULATIONS. The requirements of Section 500 shall be waived.

F. DESIGN REVIEW PROCEDURES.

1. Applicability. No new construction, nor alterations to building exteriors, including painting, nor alterations to fences, grounds or temporary on-site signs may be made, and no permits involving alterations to building exteriors, or permits for signs, sidewalks, driveways or demolition shall be issued by the Public Works Department for any structure or site located wholly or partially within the HD-O district until an application for such permit has been reviewed for compliance with the design standards of this article and approved by the Public Works Director, or his or her designee, with the concurrence of the Historic Committee.
2. Application. An application for a permit with the HD-O district shall be submitted in a form required by the Historic District Committee, as such committee is established in Chapter 1 of the Haysville Municipal Code. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as to conduct an adequate review of the application.
3. Action. After reviewing the completed application, the Public Works Director, or his or her designee, with the concurrence of the Historic Committee shall approve, approve with

conditions or modifications, or deny the request, in accordance with the design standards of this article. A property owner in the HD-O may appeal the decision of the Director to the Board of Zoning Appeals.

4. Time limit on Action. If within thirty days from the date of receipt of a complete application by the Public Works Director, no action has been taken on the application, the Public Works Department may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff.

H. DESIGN STANDARDS

1. General.

- a New Buildings, Reproductions and Alterations should be respectful of the character of the original town of Haysville. All building designs should be compatible with the major elements of the 1890-1910 eras of the prairie plains.
- b Metal windows and doors should be anodized or properly primed and enameled.
- c Permanent fences should avoid wire materials whenever possible.

2. Standards for Rehabilitation and Remodeling.

- a All construction, remodeling or rehabilitation of exteriors should ensure the visual integrity of the building, and be compatible with the overall architectural character of the district.
- b Additions to buildings should be compatible in appearance by coordinating style, materials, scale and detail with the original buildings in the district.
- c Accessory buildings should generally be compatible with the other structures on the street and be subject to these guidelines.
- d Existing doors and windows may be replaced with new products of design and/or materials similar to those which existed at the time of passage of this Code.

2. Standards for New Construction, Reconstruction and Reproduction.

- a All buildings should be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses or projections for entries and similar elements may be acceptable.
- b Mechanical or electrical equipment and trash receptacles should be hidden or screened from street level view.

3. Signs. Signage within the HD-O district shall be subject to the provisions of the City's sign regulations (e.g., section 4-1500s), as well as the following requirements as reviewed and approved by the Historic District Committee.

- a All signs, including interior and exterior window signs, must be approved as to design, colors, materials, placement, method of attachment, and method of illumination (if applicable).

- b Signs shall be designed and placed so as to appear as an integral part of the building design, in proportion to the structure and environment, and to respect neighboring properties within the HD-O district.
- c Signs should be designed with appropriateness relative to the services of the establishments served.
- d Signs should be maintained if they are determined to be an original part of the building or if they have acquired significance by virtue of their age, design, materials, craftsmanship, or historical significance.

I. **EXCEPTIONS AND MODIFICATIONS.** The design standards in this article may be modified or waived by the Historic District Committee with the concurrence of the Planning Commission, to allow for alterations that are required in order to maintain the continued functional viability of existing uses, or in extraordinary situations of development characteristics, economic hardship, or other circumstances, provided that the purposes and intent of these Standards are maintained through such interpretation.

J. **EMERGENCY REPAIRS.** The Director of Public Works may waive the standards and review procedures of this article in instances in which emergency repairs are required, provided that subsequent repairs comply with this article.

K. **CONFLICTS WITH OTHER CODE PROVISIONS.** No section of this article shall be construed to compel alterations that will conflict with any health or safety codes, or prohibit any alterations that are required to bring buildings into compliance with the Building Code.

419. "BC-O" Broadway Corridor Overlay District.

A. **PURPOSE.** The Broadway Corridor Overlay District is intended to address transportation, land use and site development in the South Broadway Corridor. The overlay district is a tool to help guide the quality of land development in the corridor and increase long-term economic viability through consistent land use, architecture, signage, landscaping and other site design features. The BC-O district is an overlay district; property within the district shall comply with the overlay district regulations of this section and the standards of the underlying zoning district. In the case of conflict between the regulations in this section and those of the underlying zoning district, the regulations in this section shall prevail.

Three special Subdistricts of the BC-O district are recognized. These subdistricts are special in that they have unique differences from the remaining BC-O district; however, they are consistent with the above stated purpose and intent of the BC-O. These subdistricts shall be classified as BC-O/R, BC-O/C, and BC-O/I. These subdistricts are intended to reflect the residential, commercial, and industrial uses in the corridor.

B. **APPLICATION AREA.** The officially recognized Broadway Corridor Overlay District shall be classified as "BC-O – Broadway Corridor Overlay District," and the official zoning map of the City of Haysville, Kansas shall be amended by this chapter to clearly show the overlay area and subdistricts.

C. **USE REGULATIONS.** The use regulations of this overlay district shall supplement and be in addition to the use regulations of the underlying districts. However, whenever an actual conflict arises between the language of the use regulations governing the underlying district and the language of this overlay district, the use regulations of this overlay district shall prevail over the underlying districts.

1. **BC-O Permitted Uses.** The following uses shall be allowed in the BC-O district. These additional uses are intended to supplement those uses permitted by the regulations of the

underlying district(s) that are not otherwise specifically included in subsection (2) as set forth below:

- a Any use listed as a permitted use in the “OC” Office Commercial, except that such uses must comply with the regulations of that district.
 - b Any use listed as a permitted use in the “DD” Hotel and Motel, except that such uses must comply with the regulations of that district.
 - c Lawn Mower and similar small equipment sales and repairs; provided, all repairs, materials and parts are stored within an enclosed building or on an all-weather surface screened from adjacent properties.
 - d Liquor and Malt Beverage store.
 - e Rental Facilities, where the primary business use is the rental of space for events, training, and seasonal sales in exchange for monetary compensation. Occupants that operate a temporary sale shall still be required to obtain any necessary permits as regulated by the Haysville City Code.
2. Prohibited Uses. The following uses are explicitly prohibited in the BC-O district:
- a Amusement enterprises, including billiard or pool hall, bowling alley, boxing arena, dance hall and games of skill and science.
 - b Animal feed store.
 - c Animal hospitals and kennels.
 - d Assembly and maintenance of oil rigging, agriculture implements and equipment.
 - e Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacturing of similar products.
 - f Auction house.
 - g Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
 - h Baseball or football stadiums and sports arenas.
 - i Building materials sales yard, including the sales of rock, sand, gravel and the like.
 - j Carpenter or cabinet shop
 - k Class “A” Club.
 - l Class “B” Club.
 - m Commercial dry cleaning and/or laundry establishments.

- n Commercial storage warehouse also including units available for rent and storage of property by individuals.
- o Concrete and asphalt mixing plants.
- p Construction Sales and Service.
- q Distribution plants, parcel delivery, ice and cold storage plant, and bottling plant.
- r Electronic Assembly.
- s Feed and fuel storage yard.
- t Feed, seed, and commercial fertilizer sales.
- u Flea market.
- v Foundry casting lightweight nonferrous metal.
- w Freighting or trucking yard or terminal.
- x Grain storage and elevators.
- y Industrial dry cleaner.
- z Industrial laundry.
- aa Industrial storage warehouse.
- ab Laboratories, experimental or testing.
- ac Landscape services.
- ad Laundry, cleaning and dyeing works and carpet and rug cleaning.
- ae Lumber yard.
- af Machine shop/ welding shop/ metal furniture fabrication/ heat treating/ Blacksmithing.
- ag Manufacture, repair or modification of air craft missile, related and allied equipment and component parts thereof, and allied and associated manufacturing, testing and research processes and functions.
- ah The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, shell textiles, tobacco, wood, yards, and paint not employing a boiling process.
- ai The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

- aj The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, caves, small tool and die works, and the like.
- ak The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, kilns fired only by electricity or gas.
- al Manufacture of musical instruments, toys, novelties and amusement devises.
- am Metal Recycling and Recycling of Primarily Metal Goods.
- an Microwave tower.
- ao Monument sales.
- ap Outdoor Storage Yard for which lease space for the temporary storage of operable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable automobiles and trucks.
- aq Outdoor Storage Yard & Towing Storage Yard for which lease space for the temporary storage of operable or inoperable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable or inoperable automobiles and trucks.
- ar Plumbing, heating and air conditioning supply houses with sheet metal duct fabrication allowed as an incidental use.
- as Pony riding ring, without permanent stables.
- at Poultry or rabbit dressing.
- au Printing press operations including newspaper presses catalogs and bindery.
- av Private clubs.
- aw Radio transmission tower.
- ax Restaurant Drinking Establishment.
- ay Sheet metal and wholesale plumbing shops.
- az Small boat building.
- ba Stone monument works.
- bb Tattoo Parlors.
- bc Tavern.
- bd Television transmission tower.
- be Tool equipment rental with outside storage of rental items.

- bf Outdoor theaters.
 - bg Vehicle restoration.
 - bh Wholesale business, storage buildings and warehouses.
 - bi Wholesale food commissary or catering establishment.
3. BC-O/R Permitted Uses. The following uses shall be allowed in the BC-O/R district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in subsection (4) as set forth below:
- a. Abstract and title companies.
 - b. Advertising agencies.
 - c. Animal grooming, small animals.
 - d. Artist, craft and hobby supply store.
 - e. Artist studios.
 - f. Bakery goods shop, no drive-thru.
 - g. Barber shop or beauty parlor, including services for hair, nails, and tanning.
 - h. Book store.
 - i. Camera shop and supplies.
 - j. Drug store, pharmacy, or apothecary.
 - k. Florists.
 - l. Grocery stores, provided they do not exceed 30,000 sq/ft.
 - m. Jewelry and jewelry repair, not as an accessory use to a pawn shop.
 - n. Key shop.
 - o. Parks, playgrounds, and community buildings owned and/or operated by the City.
 - p. Picture framing shop.
 - q. Newsstand.
 - r. Real estate offices.
 - s. Religious offices and headquarters.
 - t. Second hand store.

- u. Shoe repair shop.
 - v. Tailor shop.
 - w. Tire servicing, not as an accessory use to automobile repair or service.
4. BC-O/R Prohibited Uses. The following uses are explicitly prohibited in the BC-O/R district:
- a. Amusement enterprises, including billiard or pool hall, bowling alley, boxing arena, dance hall and games of skill and science.
 - b. Animal feed store, wholly within a building or within a suitable enclosure to prevent obnoxious or nuisance conditions.
 - c. Auction house.
 - d. Automobile retail sales and related parts and accessory sales.
 - e. Automobile and trailer sales area.
 - f. New or used automobile, truck and travel trailer sales with outside storage of vehicles for sale.
 - g. Baseball or football stadiums and sports arenas.
 - h. Carpenter or cabinet shop.
 - i. Class "A" Club.
 - j. Class "B" Club.
 - k. Commercial dry cleaning and/or laundry establishments.
 - l. Commercial storage warehouse also including units available for rent and storage of property by individuals.
 - m. Construction Sales and Service.
 - n. Drinking Establishments.
 - o. Electronic Assembly.
 - p. Flea market.
 - q. Industrial dry cleaner.
 - r. Industrial laundry.
 - s. Lawn Mower and similar small equipment sales and repairs.
 - t. Lumber yard.

- u. Machine shop/ welding shop/ metal furniture fabrication/ heat treating/ Blacksmithing.
 - v. Microwave tower.
 - w. Monument sales.
 - x. Outdoor Storage Yard for which lease space for the temporary storage of operable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable automobiles and trucks.
 - y. Plumbing, heating and air conditioning supply houses with sheet metal duct fabrication allowed as an incidental use.
 - z. Pony riding ring.
 - aa. Printing press operations including newspaper presses catalogs and bindery.
 - ab. Private clubs.
 - ac. Radio transmission tower.
 - ad. Rental Facilities, where the primary business use is the rental of space for events, training, and seasonal sales in exchange for monetary compensation.
 - ae. Restaurant Drinking Establishment.
 - af. Tattoo Parlors.
 - ag. Tavern.
 - ah. Television transmission tower.
 - ai. Tool equipment rental with outside storage of rental items.
 - aj. Outdoor theaters.
 - ak. Wholesale food commissary or catering establishment.
5. BC-O/C Permitted Uses. The following uses shall be allowed in the BC-O/C district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in subsection (6) as set forth below:
- a Amusement enterprises, including billiard or pool hall, bowling alley, boxing arena, dance hall and games of skill and science.
 - b Animal feed store, wholly within a building or within a suitable enclosure to prevent obnoxious or nuisance conditions.
 - c Animal hospitals and kennels.
 - d Auction house.

- e Automobile repair shop.
- f Automobile retail sales and related parts and accessory sales.
- g Automobile and trailer sales area: Provided, that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a fenced area and the storage is on a properly drained hard or all weather surface.
- h New or used automobile, truck and travel trailer sales with outside storage of vehicles for sale; provided that: All vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.
- i Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
- j Baseball or football stadiums and sports arenas.
- k Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.
- l Class "A" Club.
- m Class "B" Club.
- n Commercial dry cleaning and/or laundry establishments.
- o Commercial storage warehouse also including units available for rent and storage of property by individuals.
- p Construction Sales and Service, Limited; provided, all material on premises of the outside storage area shall be located on a hard or all-weather surface and arranged to permit reasonable inspection and access to all parts of the premises by fire, police, and City authorities and must be screened from adjacent properties.
- q Construction Sales and Service, General; provided, all material on the premises of the outside storage area shall be arranged to permit reasonable inspection and access to all parts of the premises by fire, police and City authorities; located on an all weather surface and must be screened from adjacent properties.
- r Distribution plants, parcel delivery, ice and cold storage plant, and bottling plant.
- s Drinking Establishments.
- t Electronic Assembly.
- u Feed and fuel yard storage.
- v Feed, seed, and commercial fertilizer sales.
- w Flea market.

- x Grain storage and elevators.
- y Industrial dry cleaner.
- z Industrial laundry.
- aa Landscaping services, including offices and the outdoor storage of material and equipment; provided that materials and equipment are prohibited in the front setback and are stored on an all weather surface, screened from any lesser zoning district. Rock, decorative pavers or statues, and any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements.
- ab Lawn Mower and similar small equipment sales and repairs; provided, all repairs, materials and parts are stored within an enclosed building or on an all weather surface screened from adjacent properties.
- ac Lumber yard.
- ad Machine shop/ welding shop/ metal furniture fabrication/ heat treating/ Blacksmithing; provided that; If this abuts residential, the area is screened by a minimum six foot tall opaque screen.
- ae Microwave tower.
- af Monument sales.
- ag Outdoor Storage Yard for which lease space for the temporary storage of operable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable automobiles and trucks, provided any area for the purpose of providing lease space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.
- ah Plumbing, heating and air conditioning supply houses with sheet metal duct fabrication allowed as an incidental use.
- ai Pony riding ring, without permanent stables.
- aj Printing press operations including newspaper presses catalogs and bindery.
- ak Private clubs.
- al Radio transmission tower.
- am Rental Facilities, where the primary business use is the rental of space for events, training, and seasonal sales in exchange for monetary compensation. Occupants that operate a temporary sale shall still be required to obtain any necessary permits as regulated by the Haysville City Code.
- an Restaurant Drinking Establishment.
- ao Stone monument works.

- ap Tattoo Parlors.
 - aq Tavern.
 - ar Television transmission tower.
 - as Tool equipment rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the storage is on a properly drained hard or all-weather surface, and loading/unloading of vehicles takes place off of public streets. Any unit or vehicle rated at over 30 horsepower will be stored in the rear and screened from view to at least six feet in height.
 - at Outdoor theaters.
 - au Vehicle restoration, general.
 - av Wholesale business, storage buildings and warehouses.
 - aw Wholesale food commissary or catering establishment.
6. BC-O/C Prohibited Uses. The following uses are explicitly prohibited in the BC-O/C district:
- a Assembly and maintenance of oil rigging, agriculture implements and equipment.
 - b Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacturing of similar products.
 - c Building materials sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing plant unless enclosed in a building.
 - d Concrete and asphalt mixing plants.
 - e Foundry casting lightweight nonferrous metal.
 - f Freighting or trucking yard or terminal.
 - g Industrial storage warehouse.
 - h Laboratories, experimental or testing.
 - i Laundry, cleaning and dyeing works and carpet and rug cleaning.
 - j Manufacture, repair or modification of air craft missile, related and allied equipment and component parts thereof, and allied and associated manufacturing, testing and research processes and functions.
 - k The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, shell textiles, tobacco, wood, yards, and paint not employing a boiling process;

- l The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
 - m The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, caves, small tool and die works, and the like.
 - n The manufacture of pottery and figurines or other similar ceramic products.
 - o Manufacture of musical instruments, toys, novelties and amusement devises.
 - p Metal Recycling and Recycling of Primarily Metal Goods, provided any operation that is not entirely conducted within an enclosed building shall be required to place all items stored on an all-weather surface and must be screened from adjacent properties and any public roadway.
 - q Outdoor Storage Yard & Towing Storage Yard for which lease space for the temporary storage of operable or inoperable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable or inoperable automobiles and trucks, provided any area for the purpose of providing lease space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.
 - r Poultry or rabbit dressing.
 - s Sheet metal and wholesale plumbing shops.
 - t Small boat building.
7. BC-O/I Permitted Uses. The following uses shall be allowed in the BC-O/I district. These additional uses are intended to supplement those uses permitted by the regulations of the underlying district(s) that are not otherwise specifically included in subsection (2) as set forth below:
- a Commercial storage warehouse also including units available for rent and storage of property by individuals.
 - b Landscaping services, including offices and the outdoor storage of material and equipment; provided that materials and equipment are prohibited in the front setback and are stored on an all weather surface, screened from any lesser zoning district. Rock, decorative pavers or statues, and any live plant materials shall not require all weather surface but shall be kept in an orderly manner and must still meet screening requirements.
 - c Machine shop/ welding shop/ metal furniture fabrication/ heat treating/ Blacksmithing; provided that; If this abuts residential, the area is screened by a minimum six foot tall opaque screen.
 - d Outdoor Storage Yard & Towing Storage Yard for which lease space for the temporary storage of operable or inoperable commercial trucks or trailers and recreational vehicles or equipment, boats, campers and operable or inoperable automobiles and trucks, provided

any area for the purpose of providing lease space for outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway.

D. SPECIAL PARKING REGULATIONS. The requirements of Section 500 shall pertain.

E. LANDSCAPE REGULATIONS. The requirements of Section 501 shall pertain.

F. SIGN REGULATIONS. Signage within the BC-O district and subdistricts shall be subject to the provisions of the City's sign regulations (e.g., section 4-1500s), as well as the following requirements.

1. Billboards and off-site advertising signs are prohibited in the BC-O district and all subdistricts of the BC-O district.
2. All signs, including interior and exterior window signs, must be approved as to design, colors, materials, placement, method of attachment, and method of illumination (if applicable).

G. DESIGN REVIEW PROCEDURES.

1. Applicability. No new construction, nor alterations to building exteriors, including painting, nor alterations to fences, grounds or temporary on-site signs may be made, and no permits involving alterations to building exteriors, or permits for signs, sidewalks, driveways or demolition shall be issued by the Public Works Department for any structure or site located wholly or partially within the BC-O district and subdistricts until an application for such permit has been reviewed for compliance with the design standards of this article and the South Broadway Corridor Plan concepts and approved by Zoning Administrator, or his or her designee.
2. Application. An application for a permit with the BC-O district and subdistricts shall be submitted in a form required by the Planning Department. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as to conduct an adequate review of the application.
3. Action. After reviewing the completed application, the Zoning Administrator shall approve, approve with conditions or modifications, or deny the request, in accordance with the design standards of this article. Any property owner in the BC-O district and subdistricts may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.
 - a. It is during this review that the Zoning Administrator shall verify that improvements or modifications are consistent with the land use, architecture (design standards), signage, parking/access, landscaping and any other concepts from the South Broadway Corridor Plan.
4. Time limit on Action. If within thirty days from the date of receipt of a complete application, no action has been taken on the application, the Public Works Department shall issue the necessary permits and the project shall proceed. This time limit may be waived by mutual consent of the applicant and staff.

H. DESIGN STANDARDS

1. General.

- a. New buildings, new accessory structures, and signage should be consistent with the recommendations of the South Broadway Corridor Plan. Consistency with plans will be determined during the review by the Zoning Administrator.
- 2. Standards for Remodeling and Expansion of Existing Buildings.
 - a. All construction, remodeling or rehabilitation of exteriors should be compatible in appearance with the South Broadway Corridor Plan.
 - b. Accessory buildings should generally be compatible with the other structures on the street and are subject to these guidelines.
 - c. Expansions or Additions to buildings in existence before August 1, 2012 may be allowed an administrative waiver from additional exterior building material requirements reflected in the plan. Any waiver requested from the requirements shall be reflected and noted on the site plan submitted for review.

I. **EMERGENCY REPAIRS.** The Director of Public Works may waive the standards and review procedures of this article in instances in which emergency repairs are required, provided that subsequent repairs comply with this article.

J. **CONFLICTS WITH OTHER CODE PROVISIONS.** No section of this article shall be construed to compel alterations that will conflict with any health or safety codes, or prohibit any alterations that are required to bring buildings into compliance with the building code.

420. Residential; “TH” Tiny Home Residential District regulations.

The regulations relating to the Residential “TH” District shall be as follows:

A. **Use Regulations.** In the “TH” Tiny Home Residential District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

- 1. Single family dwellings.
- 2. Conditional Uses (See Section 702).
 - a. Community buildings owned and operated by the city or Home Owners Association. The community building may be no more than 2,000 s.f. and meet the minimum International Building Code (IBC) requirements as adopted.
 - b. Home Occupation (See Section 502).
- 3. One detached Accessory Structure: provided, it is less in square feet than the primary structure, located within the rear yard of a lot and meets the setback requirements of the primary structure and shall not be less than five feet from the rear lot line, nor encroach on any platted or recorded easement.

B. **Home Owners Association.** For each subdivision located in the “TH” Tiny Home Residential District, a property owners’ or homeowners’ association shall be established for the purpose of ownership,

maintenance, and management of any and all open spaces, common areas, and private streets in accordance with K.S.A. 58-4601 et seq.

C. General Conditions.

1. Land used for a “TH” District:
 - a. Shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to drainage or utility easements which may be created by the particular design concept.
2. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he/she shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment in an underground system may be placed above ground but not in the public right-of-way. The Planning Commission may recommend and City Council may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical.
3. Each dwelling shall have adequate space for one automobile in the driveway area. The driveway must be a hard surface of either concrete or asphalt. All measurements shall be within the property line boundaries.

All properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being 10’.

4. In the event that within two years following approval by the Governing Body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the Planning Commission may initiate action to change the zoning district classification of the property. A public hearing shall be held at which time the applicant shall be given any opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and an appropriate recommendation to the Governing Body for official action.

D. Height Regulations.

1. No building shall exceed two stories or 25 feet in height.

E. Building Regulations. These building regulations are intended to be the minimum requirements.

1. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
2. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Haysville’s potable water system.
3. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Haysville wastewater system, in accordance with current city code.

4. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
5. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
6. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.
7. Primary electricity shall be required from the approved franchised electrical provider. Structures may utilize solar panels as a secondary source.
8. Heating & cooling may be obtained through standard means and practices and shall meet the ability to reach 70° Fahrenheit three (3) feet above the finished floor. Liquefied Petroleum Gas (LPG) used as a means to heat any structure is not permitted.
9. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
10. Loft – is a floor level located more than 30 inches above the main floor and open to the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.
 - a. The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
 - b. Loft access – The access to and primary egress from lofts shall be any type described in Sections D.10.L.
 - c. Stairways accessing lofts shall comply with this code or with Sections D.10.D.
 - d. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.
 - e. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
 - f. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height.
 - g. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform.

The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, 16 to 18 inches in height measured from the landing platform to the loft floor.

- h. Handrails shall comply with Section R311.7.8 of the currently adopted International Residential Code.
 - i. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code.
 - j. Ladders accessing lofts shall comply with Sections D.10.C. and D.10.J.
 - i. Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200 pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
 - ii. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
 - k. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.
 - l. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the currently adopted International Residential Code. The clear width at and below handrails shall not be less than 20 inches.
 - m. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.
- E. Area Regulations.
- 1. Maximum area of dwelling - 599 square feet for each primary structure.
 - 2. Lot area - the lot area for “TH” Tiny Home family dwellings and accessory buildings shall be not less than 2,100 square feet.
 - 3. Lot width - the lot width shall be not be less than 30 feet.
 - 4. Lot depth - the minimum lot depth shall be not be less than 70 feet
 - 5. Front yard.
 - a. In all locations where building lines, setback lines, or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the furthest projection from the primary structure or setback line shown on the plat.
 - b. In the “TH” Tiny Home District the minimum front yard setback shall be 10 feet on interior lots. On corner lots, 10 feet on all sides abutting a street.
 - 6. Side yard.
 - a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register

of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

- b. No building shall be less than five (5) feet from the property line or encroach on any recorded or platted easement. Overhanging eaves, gutters, and chimneys are not permitted in the side yard setback.

7. Rear yard.

- a. There shall be a rear yard having a depth of not less than 15 feet.

Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.

- b. Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

F. Parking Regulations. (See Parking Regulations Section 500.) A parking lot(s) may be established within the subdivision and include two stalls per residential lot in the Tiny Home Subdivision and measure 8½' X 19' per stall to provide additional parking.

G. Street Regulations. (See Section 5. of the Subdivision Regulations for Haysville, Kansas)

- a. Streets, as a condition of zoning, shall be platted according to the City's Subdivision Regulations, shall be considered private and maintained by the homeowner's association, shall be constructed of asphalt or concrete, be a minimum of 21 feet face to face curb, and 50 feet for street right-of way.

Article 5. Site Development Regulations

500. Off street parking requirements.

A. Scope and Application. In any zoning district, all structures built and all uses established after the effective date of this article, and, when an existing structure is expanded, off-street parking shall be provided in accordance with the following regulations.

1. Scope of regulations:
 - a New construction and new uses: For all buildings and structures erected, and all uses of land established after the effective date of this article, accessory off-street parking facilities shall be provided in accordance with the provisions contained herein. However, where a building permit has been issued prior to the effective date of this article, and provided that construction has commenced within six months of such effective date and diligently prosecuted to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this article.
 - b Expansion of a building or use: When the intensity of use of any building, structure, or premises shall be increased, additional parking facilities shall be provided as follows:
 - i. Whenever a building, structure or use existing prior to the effective date of this article is enlarged to the extent of less than 50 percent in floor area, the addition or enlargement shall comply with the parking requirements set forth herein.
 - ii. Whenever a building, structure or use existing prior to the effective date of this article is enlarged by one or more additions, the sum total of which increases the floor area to the extent of 50 percent or more, the uses contained within the original building or structure and all enlargements shall thereafter comply with the parking requirements set forth herein.
 - iii. Whenever an existing single-family dwelling with more than 950 square feet in floor area has less than two parking spaces, it shall be permitted to expand by not more than 25 percent in floor area without having to comply with the off-street parking requirements set forth herein.
 - c Change of use: Whenever a use existing prior to the effective date of this article shall be changed to a new use, parking facilities shall be provided as required for such new use.
2. Existing parking facilities: Accessory off-street parking facilities in existence on the effective date of this article, and located on the same zoning lot as the building or use served, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use.
3. Permissive parking facilities: Nothing in this article shall be deemed to prevent the establishment of additional off-street parking facilities to serve any existing building or use provided that all regulations herein governing the location, design, and operation of such facilities are satisfied.
4. Damage or destruction: Whenever a building or use existing prior to the effective date of this article, and for which the required number of parking spaces is not provided, is damaged or

destroyed by fire, tornado or other natural causes to the extent of 50 percent or more of its fair market value, shall be required to meet the off-street parking requirements and standards for that portion proposed to be rebuilt.

B. Off-street parking requirements.

1. General requirements: The following requirements shall govern in the design, location and number of off-street parking and stacking spaces.

- a Computation: When determination of the number of off-street parking and stacking spaces results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one space.
- b Utilization: Off-street parking and stacking facilities provided for the uses hereinafter listed shall be reserved exclusively for the parking of motor passenger vehicles, in operating condition, of patrons, occupants, visitors or employees of such uses.
- c Computing off-street parking: In computing the floor area to determine the requirements for off-street parking, such computations for a structure shall exclude:
 - i. The exterior wall width of the structure;
 - ii. Elevator shafts;
 - iii. Common courts or lobby areas;
 - iv. Mechanical equipment rooms;
 - v. Stairways;
 - vi. Restrooms;
 - vii. Basements, except those portions not used exclusively for service to the structure;
 - viii. Balconies;
 - ix. Incidental storage areas including but not limited to janitorial rooms, supply rooms, etc.

The building inspector shall determine then net floor area of the structure and shall require off-street parking as specified for the use set forth in the applicable district regulations.

- d Shared parking provisions: In the case of mixed uses, the off-street parking and stacking spaces required shall equal the sum of the requirements of the various uses computed separately, provided all regulations governing the location of accessory off-street parking and stacking spaces in relation to the uses served are adhered to.
- e There shall be no parking in established easements, and no vehicle including recreational vehicles shall be parked so as to be located upon or overhang onto an established easement.

2. Specific requirements:

- a Open and enclosed parking: Accessory off-street parking and stacking spaces may be open to the sky or enclosed within a garage.
- b Surfacing: All off-street parking and stacking spaces, aisles and drives shall be graded and paved with a hard surface, except areas determined by the zoning administrator to be in a flood zone as set forth within the currently adopted FIRM may use an all-weather surface which shall be maintained in good condition.
- c Location: Off-street parking and stacking spaces, aisles and drives shall be located as follows:
 - i. General
 - A. All required off-street parking and stacking spaces, aisles and drives shall be located on the same zoning lot as the use served.
 - B. No off-street parking shall be permitted in front yards, other than established hard surface driveways. Off-street parking in back and side yards shall be permitted on an all-weather surface. Off-street parking access path shall be an all-weather surface the width of the vehicle, and shall extend from the accessory off-street parking to the hard surface driveway or easement. All off-street parking shall not infringe on any road right-of-way or easement.
 - C. Aisles and drives shall not be considered in determining whether off-street parking and stacking requirements have been met except in the instance of single-family dwellings and duplexes.
 - D. For residential properties, all open off-street parking areas and pathways in side, street, and rear yards must have sight obscuring screening of not less than six (6) feet in height, between the parking area and or/pathway, and the adjacent residential property. When abutting property owners have entered into, and filed with the Sedgwick County Register of Deeds, a shared access agreement, this provision may be modified with the approval of the Zoning Administrator. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals.
- d Design: Except for single-family dwellings and duplexes, all off-street parking and stacking spaces, aisles and drives shall comply with the following prescribed standards:
 - i. Parking space dimension. An off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns, unless special parking is designated for variable sizes of vehicles.
 - ii. Access: Each off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to such parking space.
 - iii. Exiting a parking facility: No off-street parking facility shall be designed in such a manner that when exiting a parking facility it would require backing into a public street, unless specifically approved by the public works director. Such arrangements

- are to be discouraged, except in unusual circumstances wherein the traffic safety of the public can still be protected.
- iv. Curbing: Protective curbing shall be installed a minimum of three feet from a public sidewalk and two feet from adjacent property lines.
 - v. Markings: The parking spaces in all off-street parking areas shall be visibly delineated on the surface by painted or marked stripes.
- e Lighting: Any lighting used to illuminate off-street parking facilities shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot-candles measured at the lot line.
 - f Drainage: All stormwater runoff shall be collected, transported and disposed of in a manner as approved by the public works director or city engineer.
 - g Accessible parking: Where a use is required to provide accessibility for persons with disabilities, the required parking spaces shall be located and designed in accordance with standards as set by the Americans with Disabilities Act (ADA).
 - h Modification of parking requirements: Where it can be demonstrated by the property owner that a specific use has such characteristics that the number of parking or stacking spaces required is too restrictive, the public works director, city engineer and building inspector may upon request grant up to a 25-percent reduction in the number of required spaces. Such request shall be filed with the city building inspector as appropriate on forms as may be provided. Should a reduction greater than 25 percent be requested, a variance will need to be granted by the board of zoning appeals in accordance with the procedures set forth in article III. Where a reduction of 25 percent or less is requested, the applicant shall be required to reserve an area of land on the site of the use served equal in size to the area of land needed to provide the spaces for which a reduction is granted. Such land reserved shall be suitable for development of a parking facility and conform with the parking requirements.
 - i Condition of off-street parking facility: Any parking facility which does not meet the standards of this chapter and which shall create a nuisance to the public from any cause shall meet the requirements as recommended by the city public works director pertaining to screening, surfacing or entrances or exits.
 - j Parking limits for residential properties: All off-street passenger vehicle parking in back and side yards shall not exceed more than two (2) passenger vehicles. To accommodate those properties with back yard garages, or other less common design standards, property owners may apply to the Zoning Administrator for a modification to the two (2) passenger vehicle limit. Approval by the Zoning Administrator shall be in writing, and a copy of the approval maintained in the Office of the Zoning Administrator. Appeal of a denial by the Zoning Administrator shall be to the Board of Zoning Appeals. Additionally, all off-street recreational vehicle parking in side, street, and back yards shall not exceed more than one (1) of each type of recreational vehicle: One (1) boat, one (1) camper, one (1) RV, one (1) cargo trailer, and one (1) registered trailer.

C. Required number of off-street parking spaces. In all districts, unless otherwise stated within the district regulations, there shall be provided prior to the occupation of a building or commencement of a

principal use a minimum number of off-street parking and stacking spaces as set forth herein except as otherwise provided for in Section 500(d)(2).

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Single-Family	
Duplex	
Multi-Family	1.25 per one bedroom unit; 1.75 per 2bedroom or larger unit
Bed & Breakfast Inn	om
Hotels & Motels	oom plus additional space for restaurant, convention centers and other facilities as may be open to public
Congregate Living & Dormitory Type Dwellings	om
Developmentally Disabled Group Home	eping rooms
Assisted Living	
COMMUNITY FACILITIES AND INSTITUTIONAL USES	
Public and Private Educational Facilities	
ary & Secondary	1 per teacher/employee, plus 5 visitor spaces
High	mployee, plus 1 per four students
Church or Place of Worship	1 per every four seats in auditorium or largest room
Community Center	e feet of floor area
Reception, conference and assembly facility	e feet of floor area or 1/3 of the occupant load, whichever is less
Day Care Center	mployee, plus 1 per vehicle used in center, plus 1 per 10 children based on

	enrollment. To provide for the safe and convenient loading and unloading of persons as well as minimize traffic congestion, a paved unobstructed pickup space with adequate stacking area (as determined by the public works director) shall be provided at the building entrance.
Group Home	one parent, plus 1 per each resident who is permitted to drive
Hospital and Convalescent Care Facilities	plus 1 per employee in the largest working shift
Private Membership Association, Club, Lodge or Fraternal Organization	plus 1000 square feet of floor area
College or University	plus 1000 square feet of floor area per student enrolled
Business or Vocational School, Technical College	plus 1000 square feet of floor area
AL OFFICES	
Medical Offices and Clinics, Chiropractic, Dental, Optometrist, Osteopath, Pediatrician, etc.	plus 1000 square feet of floor area
Professional Governmental Offices: Accounting, Architectural, Engineering, Governmental, Insurance Sales, Law, Real Estate, Sales and Brokerage, etc.	plus 1000 square feet of floor area
Bank Branch Office	plus 1000 square feet of floor area, plus 3 stacking spaces for each external teller or customer service window
	plus 1000 square feet of floor area
Retail Establishments (other than listed)	plus 1000 square feet of floor area

Dining Type, where all food consumed within an enclosed structure	feet of floor area or t load, whichever is less
ut and Delivery Only, where no food consumed on the premises	oyee based upon maximum shift, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
type, where food may be consumed on the premises, outside a completely enclosed building, or served directly to customers in parked vehicles.	feet of floor area, plus 5 stack spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or vehicular circulation on the site or on any abutting street
od, an establishment whose principal business is the sale of pre- prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises	feet of floor area or 1/3 the occupant load, whichever is less, plus 5 stacking spaces per drive-in window. Such stacking spaces shall not be designed to impede pedestrian or
	tion on the site or on any abutting street
Automotive Service Station, Convenience Store	1 per 4 gas pumps, but, not fewer than 4 spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
Funeral Home or Mortuary	ats in the main seating area
Theater, adult/nonadult	ats
Automotive or Vehicle Carwash	1 per each 2 washing stalls plus 2 stacking spaces per washing stall
Shopping Centers	quare feet of gross floor area
RECREATION, ENTERTAINMENT AND AMUSEMENT	
Commercial Recreational Facility (other than listed)	feet of floor area
Courts, racquetball, handball, squash and tennis (when operated as, an independent use.)	or 1 per 2 spectator seats, whichever is greater

Amusement Indoor Establishments	feet of floor area
Auditorium, Fairgrounds, Stadiums and Grandstands	ts
Athletic Field	15 spaces for every diamond; 20 spaces for every soccer or athletic field, or 1 space for every 4 seats, whichever is greater
INDUSTRIAL USES	
Industrial Establishments (other than listed)	re feet of floor area
Warehousing	are feet of floor area to a maximum of 5 spaces for establishments up to 25,000 square feet, 5 spaces plus 1 for each additional 5,000 square feet above 25,000 square feet of floor area
Manufacturing or Establishments Engaged in Production, Processing, Packing and Crating, Cleaning, Servicing, or Repair of Materials, Goods or Products	e feet of floor area up to 25,000 square feet of floor area; and 1 per 1,000 square feet of floor area above 25,000 square feet of floor area
OTHER USES	
For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the public works director or his designee	

D. Approval of off-street parking facilities. The design of all off-street facilities shall be subject to the approval of the city or county building official as appropriate prior to issuance of a building and/or parking lot permit, or for any certificate of occupancy where no building permit is required. Before approving any off-street parking plan, the appropriate governmental official shall find the spaces, aisles and drives provided are usable as designed and meet the requirements as set forth herein.

1. Submission of site plan: Any application for a parking lot and/or building
2. Temporary permit: Prior to issuance of a certificate of occupancy, all parking and stacking spaces, aisles and drives shall be properly constructed and surfaced; except that the appropriate city or county building official may issue a temporary certificate of occupancy in those instances

where the building official finds that the surfacing cannot reasonably be completed due to adverse weather conditions or settling of land on the site after demolition or filling. A temporary certificate of occupancy shall be effective only to a date specified.

3. Enforcement: If the applicant fails to construct the parking facility in conformity with the requirements of this article or other prescribed requirements, the appropriate governing body may order the removal or replacement of the nonconforming parking facility or portion thereof. The cost of removal or replacement and any necessary reconstruction shall be levied as a special assessment against the property.
4. Public right-of-way shall not be utilized for internal traffic circulation or stacking for drive-up window facilities and similar such car-service features.

All facilities proposing “drive-in” and/or “carry-out” service features shall be reviewed and considered by the public works director or designee in respect to: ingress/egress to public right-of-way; the impact upon street side parking; adequacy of on-site vehicle storage, parking and traffic patterns; and pedestrian safety. The public works director shall not approve the proposal if the public safety and welfare are negatively impacted.

501. Landscaping.

A. PURPOSE. The purpose of this article is to enhance the attractiveness of the community through the establishment of landscape requirements. The standards herein established shall apply to all new development and certain levels of redevelopment, renovations and/or additions within the corporate boundaries of the City of Haysville, except single-family residences and duplexes.

Properly established and maintained, landscaping can improve the livability of neighborhoods, enhance the appearance of commercial areas, increase property values, improve relationships between non-compatible uses, screen undesirable views, soften the effects of structural features, and contribute to a positive overall image of the community.

B. DEFINITIONS. For the purpose of this article, certain terms or words used herein shall be interpreted as follows:

1. Average lot depth. The horizontal distance between the front and rear lot lines measured along the median between the side lot lines. For multiple-frontage lots, the average lot depth measured from each street shall be divided by the total number of streets to obtain one average depth for the lot.
2. Berm. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
3. Conifer tree. An evergreen tree, usually of the pine, spruce or juniper genus, bearing cones and generally used for its screening qualities. For purposes of these regulations, a conifer shall be considered a shade tree if it is at least five (5) feet tall when planted AND is one (1) of the evergreen trees listed in the Kansas Urban Forestry Council’s publication titled Preferred Tree Species for South Central Kansas AND will obtain a mature height of twenty (20) feet or greater.
4. Deciduous. Trees and shrubs that shed their leaves annually.
5. Evergreen. Trees and shrubs that do not shed their leaves annually.

6. Groundcover. Living landscape materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and which upon maturity normally reach the average maximum height of not greater than twenty-four 24 inches.
7. Landscape materials. Living plants, such as trees, shrubs, vines, groundcover, flowers and grasses. It may include such nonliving features as bark, wood chips, rock, brick, stone or similar materials (monolithic paving not included) and structural and/or decorative features such as fountains, pools, gazebos, walls, fences, benches, light fixtures, sculpture pieces, and earthen berms, terraces and mounds.
8. Landscaping. The product of careful planning and installation using any combination of landscape materials subject to the limitations set out in this article which results in the softening of building lines, the modification of environmental extremes, the definition of separate functional spaces and the presentation of a pleasing visual effect on the premises.
9. Mulch. Non-living organic, inorganic or synthetic materials customarily used in landscape design and maintenance to retard soil erosion, retain moisture, insulate soil against temperature extremes, suppress weeds, deter soil compaction, and provide visual interest.
10. Ornamental tree. A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as small deciduous trees and medium deciduous trees will be classified as ornamental trees for purposes of administering this article.
11. Parking lot. An area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. This definition shall include vehicle queuing or holding areas such as at car washes, drive-up windows, gasoline pumps, etc., but shall not include vehicle storage and display areas for new and used vehicle sales lots or parking for one-family and two-family dwellings.
12. Shade tree. Usually a deciduous tree-rarely an evergreen-planted primarily for its high crown of foliage or overhead canopy. Trees listed in the Kansas Urban Forestry Council's publication titled Preferred Tree Species for South Central Kansas as large deciduous trees and very large deciduous trees will be classified as shade trees for purposes of administering this article.
13. Shrub. A deciduous or evergreen woody plant smaller than a tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of twenty-four (24) inches or more.
14. Site specific. As used in this article, 'site specific' shall mean that the plant material chosen to be used on a site is particularly well suited to withstand the physical growing conditions which are normal for that location.
15. Street frontage. The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
16. Street wall. Any building wall facing a street.

17. Street wall line. A line that extends from the building parallel to the street wall until it intersects a side or rear lot line or a wall line of another building.
18. Street yard. The area of a lot, which lies between the property line abutting a street and the street wall line of the building. If a building has a rounded street wall or if the building is on an irregular-shaped lot, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard.
19. Xeriscape. Water conservation through creative landscaping which applies the following seven principles:
 - a. Plan and design carefully.
 - b. Improve the soil water holding capacity through use of soil amendments.
 - c. Use efficient irrigation methods and equipment.
 - d. Select site-specific, hardy plant materials, and then group all plants according to their sun and moisture needs.
 - e. Use turf grass appropriately in locations where it provides functional benefits.
 - f. Mulch.
 - g. Give appropriate and timely maintenance.
20. Zoning lot. A parcel of land that is designated by its owner or developer at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:
 - a. A single lot of record; or
 - b. A portion of a lot of record; or
 - c. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

C. SUBMISSION AND REVIEW OF LANDSCAPE PLANS.

1. Landscape plans shall be submitted when the applicant applies for a building permit and shall show the location of all landscape materials and shall be drawn to scale with the scale and north arrow indicated as well as names of all adjacent streets, the lot dimensions, the location of all utility and drainage easements, zoning of adjacent properties, and the legal description of the zoning lot. The plans shall contain a listing of the proposed plant materials indicating their numbers, names (both botanical and common) and sizes at the time of planting. The plans shall also state how water is to be provided to plant materials. Copies of the plans shall be submitted to the public works director, or his or her designee, in the quantity required by current policy. Statements setting out requirements of subsections 501.I.9, 501.I.10, 501.I.11 and 501.I.12 below shall be included on the landscape plan if they apply to the project. The number of parking spaces within each parking lot shall be shown. Calculations of the amount of required

landscaped street yard and number of parking lot trees, as well as the amount and number actually provided, shall be included as part of the landscape plan.

2. A review fee of \$100.00 shall accompany the plan.
3. An approved plan must be on file prior to the applicant receiving their framing inspection.

K. REQUIRED LANDSCAPED STREET YARD.

1. The minimum amount of landscaped street yard for non-residential districts or uses which are adjacent to at-grade expressway or freeway frontage roads, arterial or collector streets, or which are adjacent to local streets when across from residential districts, except as provided for in subsections 501.D.1.h below, shall be as follows:
 - a. On a zoning lot with an average lot depth of 175 feet or less - eight (8) square feet of landscaped street yard per lineal foot of street frontage.
 - b. On a zoning lot with an average lot depth of 175.01 feet to 275 feet - ten (10) square feet of landscaped street yard per lineal foot of street frontage.
 - c. On a zoning lot with an average lot depth of 275.01 to 375 feet - fifteen (15) square feet of landscaped street yard per lineal foot of street frontage.
 - d. On a zoning lot with an average lot depth of more than 375 feet - twenty (20) square feet of landscaped street yard per lineal foot of street frontage.
 - e. The square footage per lineal foot of street frontage may be reduced twenty percent (20%) if the minimum planting size of materials specified in subsections (3)(c) and (3)(d) of this section is increased by one-hundred percent (100%) or more.
 - f. Plant, installation and maintenance techniques meeting the principles of Xeriscape shall be utilized for landscaping required by these regulations.
 - g. On a zoning lot with frontage on two or more streets, each of which requires a landscaped street yard, the landscaped area requirement shall be based on the sum of the street frontages, less the greatest perpendicular distance between the property line abutting a street and the street wall line, multiplied by the factor based on average lot depth as defined above. On multiple-frontage lots where the use of the average lot depth, as defined in section 501.B, would require more landscaped street yard than would be required if each frontage were calculated individually, the lesser of the calculations may be used. Although the required amount of landscaped street yard does not have to be equally distributed to the various street frontages, there shall be no less than twenty percent (20%) of the total required landscaping within any street yard.
 - h. On collector streets with industrial zoning on both sides of the street, the requirement for a landscaped street yard shall be automatically waived.
 - i. When located in a residential district or adjacent to a residential district, vehicle parking shall not be located within the required from yard setback and such front yard shall remain unpaved and shall be landscaped.

2. Minimum number of trees within street yards: A minimum of one (1) shade tree shall be required per five-hundred (500) sq. ft. of area. Two (2) ornamental trees are equivalent to one (1) shade tree, or ten (10) shrubs are equivalent to one (1) shade tree, or five (5) shrubs are equivalent to one (1) ornamental tree.
3. Design standards for landscaped street yards and required trees:
 - a. Height. Trees shall be chosen that will not meet a maturity height the same height or taller as any high-lines in the street yard.
 - b. Spacing. Street trees may not be planted closer together than the following:
 - i. Small Trees -15 feet;
 - ii. Medium Trees - 25 feet;
 - iii. Large Trees - 35 feet; and
 - iv. Very Large Trees - 40 feet

Exceptions may be granted by the Planning Commission.

- c. Curbs and Sidewalks. Small and medium street trees may be planted in the tree lawn where there is six (6) feet to (10) feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk or, in the event a sidewalk does not exist, street trees shall be planted no closer than three (3) feet from the edge of the street. Exceptions may be granted by the Planning Commission.
- d. Street Corners and Fire Hydrants. No street tree shall be planted within twenty (20) feet of any street corner along an arterial street or within fifteen (15) feet of any street corner along the adjoining collector street. Distance will be measured from the point of nearest intersecting curblines. No street tree shall be planted within ten (10) feet of any fire hydrant.
- e. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch caliper measured six (6) inches above the ground; conifer trees --- five (5) feet.
- f. Shrubbery may be substituted for up to one-third (1/3) of the required trees at the rate of ten (10) shrubs for one (1) required shade tree. Substitute shrubbery shall be of a site-specific type that attains a mature height of at least two (2) feet and shall be no less than two- (2) gallon container size at the time of planting.
- g. Shrubbery, walls and fences which are twenty-five percent (25%) or more opaque in design shall be constructed no higher than three (3) feet above the finished grade in a required landscaped street yard when located within a right triangle, the sides of which are formed by a line extending twenty-five (25) feet toward the shrubbery, wall or fence from any vehicular access point along the street right-of-way line and a line extending six (6) feet away from and perpendicular to the street right-of-way line from the same access point. Shrubbery, walls or fences located near the intersection of streets shall maintain sight visibility clearance as specified in the City Code. All opaque fences shall be located toward

the private property side of required landscaped street yards along street right-of-way to maintain a landscaped appearance along the street.

- h. The intent of the landscaped street yard is to visually soften the mass of buildings and parking lots and to separate building areas from parking areas through the use of plantings. Paved plazas may be credited to a maximum of fifty percent (50%) of required street yard landscaping area if such plazas have trees and/or shrubbery which provide(s) visual relief to those building elevations forming the major public views of the project. Paved walkways and bike paths connecting public sidewalks to buildings located on private property within a landscaped street yard may also be credited to a maximum of fifty percent (50%) of the required landscaped street yard.

L. REQUIRED BUFFERS.

1. Buffers Between Non-Residential and Residential Development:

- a. Where Required - Such a buffer is required along the common property line of any non-residential project in any zoning district where such project is adjacent to a residential district.
- b. Design Standards - There shall be a minimum of one (1) shade tree or two (2) ornamental trees for every forty (40) feet or fraction thereof of lot line abutting the residential district. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the residential district. If utility and/or drainage easements occupy this fifteen (15)-foot perimeter area, the trees may be located outside the easements. Each tree shall be in a planting area having a minimum permeable ground surface of twenty-five (25) square feet. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5 -inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. These trees shall be in addition to any screening required by City Code.

2. Buffers Between Adjacent Multi-Family Residential and Single- Family/Two-Family Residential Projects:

- a. Where Required - Such a buffer is required along the common property line of any multi-family project (a project with three or more dwelling units in one building) in any zoning district where such a project is adjacent to a one-family or two-family zoning district.
- b. Design Standards – There shall be a minimum of one (1) shade tree or two (2) ornamental trees and five (5) shrubs for every fifty (50) feet of the length of the buffer. A minimum of one-third (1/3) of the trees and shrubs shall be evergreen. The minimum size at the time of planting of required trees shall be as follows: shade trees --- 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees --- 1.5-inch measured at a height of six (6) inches above the ground; conifer trees --- 5 feet in height. The minimum size of shrubs shall be two (2) gallon containers. The trees may be irregularly spaced but shall be within fifteen (15) feet of the property line common to the single-family/two-family residential projects. Parking shall be screened from adjacent residential areas in accordance with the parking lot screening requirements listed below. Required screening may be located within the buffer area. Parking may not be located within the buffer area.

M. PARKING LOT SCREENING AND LANDSCAPING.

1. Required Screening: All new parking lots or additions to parking lots shall be continuously screened from view from adjacent residential districts and certain types of streets when within one-hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of berms and/or plantings, with the following exemptions: 1) open parking lots in one-family and two-family residential projects in any zoning district and 2) open parking lots in industrial districts located on collector streets with industrial zoning on both sides of the street. Walls and fences may be used in combination with berms and plantings but may not be used as the sole means of screening a parking lot. This requirement shall apply to all at-grade expressway, freeway, arterial and collector street frontages and to all local streets when parking is across from residential zoning districts. On corner lots where parking is within one-hundred (150) feet of two (2) or more streets but not all the street frontages require parking lot screening (due either to type of street or zoning district across the street), the parking lot screening shall wrap around the corner of the lot from the frontage which does require screening for a distance of not less than one-hundred (100) feet.
 - a. Walls or fences used in combination with berms and/or plantings shall avoid a blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and/or trees.
 - b. All screening and landscape elements may be located within and be substituted for required landscape buffers and street yards, provided sight clearances are maintained as specified in section 501.D.3.g above and provided further that the minimum number of trees otherwise required in the yard or buffer are established in the street yard. Shrubs used in meeting screening requirements shall not be substituted for required trees.
 - c. Where walls and fences are to be combined with vines and shrubs to create the screening effect, they should be located in a planting strip with a minimum width of no less than three (3) feet from the edge of any adjacent sidewalk. Landscape materials shall be located on the public right-of-way side of the wall or fence.
 - d. Where shrubs, trees and other landscape materials are used exclusively to create the screening effect, they should be located in a planting strip with a minimum width of no less than five (5) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.
 - e. Where berms are to be combined with trees, shrubs, walls or fences to create the screening effect, they should be located in a planting strip with a minimum width of no less than ten (10) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.
 - f. Planting strips associated with parking lot screening may be located in whole or in part on public street right-of-way on the basis of an approved landscape plan, provided adequate public right-of-way exists, there is no less than fourteen (14) feet of right-of-way between the property line and the curb, no conflict exists with public utilities, and the location of berms, walks, irrigation fixtures and other permanent landscape features is subject to a minor street privilege granted through the office of the public works director.
 - g. The minimum size at the time of installation of plant materials used for parking lot screening shall be as follows: shade trees - 2-inch caliper measured at a height of six (6) inches above the ground; ornamental trees - 1.5 -inch caliper measured six (6) inches above the ground; conifer trees - 5 feet in height; shrubs -18-inch height. Shrubs used for parking

lot screening shall be expected to obtain a height of at least thirty-six (36) inches within the third year after planting. Spacing between shrubs will depend upon the type of shrub but shall be close enough to achieve a visual screen when the plants reach maturity.

- h. Evergreen and/or deciduous plant materials may be used, provided a solid screening effect is maintained on at least two-thirds (2/3) of the treated frontage during all seasons of the year.
 - i. All screening materials and landscape features shall be protected from vehicular damage or encroachment by appropriately located curbs or wheel stops.
2. Required Landscaping: All new parking lots or additions to parking lots which create twenty (20) or more spaces and which are required to provide screening in accordance with this section of the code shall also be required to provide at least one (1) shade tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof over twenty (20). Vehicle queuing and holding areas shall not be counted when determining the number of spaces in a lot. Up to one-half (1/2) of all trees required by the landscaped street yard calculations may be used to satisfy these parking lot landscaping requirements. The trees shall be located within and around the parking lot to enhance the appearance of the lot and to reduce the deleterious effect of large expanses of paved areas. In parking lots containing fifty (50) spaces or more with two (2) or more drive aisles and three (3) or more parking bays, all of which are contiguous, at least one-half (1/2) of the required trees shall be planted in interior planting islands with each tree having a minimum permeable ground surface area of twenty-five (25) square feet. Trees shall be protected from possible damage caused by vehicle bumpers by the use of bumper blocks, raised curbs or other protective means. The minimum acceptable tree size at the time of installation shall be a 2 inch caliper for a shade tree and a 1.5 -inch caliper for an ornamental tree, both measured at a height of six 6 inches above the ground.

N. PERCENTAGE IN LIVING MATERIALS. Unless otherwise specified, required landscape area shall consist of a minimum of fifty-five percent (55%) in ground surface covering by living grass or other plant materials. The foliage crown of trees that may extend over monolithic paved surfaces beyond the required landscaped area or over non-living surfaces within the required landscaped area shall not be used in the fifty-five percent (55%) or other required percentage calculation. The remaining forty-five percent (45%) of the required landscape area may be covered with bark, wood chips, rock, bricks, stone, or similar materials (monolithic paving not included). An effective weed barrier shall be required in non-living landscaped areas. The use of non-living materials in required landscape areas for other than mulching around trees, shrubs and planting beds shall be on the basis of a landscape plan approved by the public works director, or his or her designee.

O. SCREENING OF MECHANICAL EQUIPMENT, LOADING DOCKS AND TRASH RECEPTACLES. Screening shall be provided to reasonably hide from ground level view all ground level heating, air conditioning and other mechanical equipment, loading docks, trash receptacles or similar uses from adjoining street rights-of-way or from adjoining properties which are zoned a residential district or used for residential purposes. Such screening shall be on the basis of a landscape plan approved by the public works director, or his or her designee.

P. OTHER LANDSCAPE REGULATIONS.

- 1. Landscaping shall not conflict with the traffic visibility requirements.

2. The use of artificial trees, shrubs, vines, turf, or other plants as an outside landscape material is prohibited.
3. The planting of *Ulmus pumila* (Siberian elm) in required landscape areas will not be allowed.
4. The planting of female or cotton-bearing cottonwood trees will not be allowed in any required landscaped area.
5. Clumped or multi-trunked trees, where used, instead of single-trunk trees, shall be credited as only one (1) of the required trees.
6. Landscaping shall not interfere with the general function, safety or accessibility of any gas, electric, water, sewer, telephone, or other utility easement. Landscaping shall be limited to an eight-inch (8") mature height within three (3) feet of a fire hydrant, traffic sign, traffic signal or utility structure.
7. The existing indigenous vegetation on a site is encouraged to be retained in a development project and may be credited toward required landscaping, provided this vegetation is adequately protected during construction to insure long-term survival.
8. Where a calculation of a requirement results in a fractional number (such as 14.2 required trees), the requirement shall be considered the next greatest whole number (such as 15 required trees).
9. Landscaping in the right-of-way of a State Highway shall be approved by the District Engineer, where applicable.
10. Prior to excavation for screening or landscape purposes within public right-of-way or easements, the location of all underground utilities shall be determined by calling the Kansas One-Call System and the Haysville Public Works Department.
11. Berms, irrigation systems, street furniture, entry monuments, fountains, statuary or similar landscape features may be located within public street right-of-way, provided adequate right-of-way exists and a minor street privilege is received from the office of the public works director.
12. Walls and/or fences incorporated in any proposed landscape plan must comply with the City Code.
13. No more than seventy-five percent (75%) of the required landscape areas shall be covered by turf grasses unless the grass is buffalo grass.
14. Plants shall be high-quality nursery-grown stock, which meets the American Association of Nurserymen standards as specified by the American National Standards Institute in ANSI Z60.1-1986 or as may be amended in the future.

Q. MAINTENANCE.

1. The landowner is responsible for the maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.

2. Maintenance shall include mowing, trimming, weeding, cultivation, mulching, tightening and repairing of guys and stakes, resetting plants to proper grades and upright position, restoration of planting saucer, fertilizing, pruning, disease and insect control and other necessary operations.
3. All landscaped areas shall be provided with a readily available permanent water supply; provided, however, that landscaped areas utilizing drought-tolerant plants may use a temporary above-ground system and shall be required to provide irrigation for the first two (2) growing seasons only. Irrigation shall not be required for established trees and natural areas that remain undisturbed by development activities. Irrigation systems shall be designed and operated in a manner to avoid placing water on impervious surfaces and public streets. Long, narrow landscaped areas are difficult to irrigate efficiently, therefore landscaped areas less than five (5) feet in any dimension shall not be irrigated with overhead spray sprinklers. Drip irrigation is acceptable.
4. Disturbed soil between trees and shrubs in the planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.
5. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, then replanting shall occur within the first thirty (30) days of the next planting season.

R. EXCEPTIONS AND MODIFICATIONS. The provisions of this article may be modified and/or trade-offs permitted with respect to dimension or location within a property boundary. Permitted forms of modification and exception are identified as follows:

1. For purpose of application of this chapter, no buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.
2. The change in use, or redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the landscaping requirements of this chapter, except as follows:
 - a. When the value of the new addition, renovation or redevelopment exceeds fifty percent (50%) of the value of the existing development, as determined by the County Appraiser's office; or
 - b. When there is more than a thirty percent (30%) increase of the gross floor area on the site. New parking lots and additions to parking lots which are required to provide landscaping and/or screening in accordance with Section 501 F shall do so even if there is no increase in gross floor area or value.
3. Lots or tracts of land abutting the right-of-way of a railroad zoned for residential use and held by title separate from all abutting lands shall not be required to provide landscaped buffers along the common property line.
4. In those instances where a development site abuts a public park or other permanent public open space and where at least one-hundred sixty (160) feet of undisturbed natural foliage exists along the common lot line, a landscaped buffer requirement along the common property line is not required; provided, however, loading docks, trash containers, and storage areas on the development site along the common line shall be screened as provided by the City Code.

5. For purposes of this section, the City Inspector, in concurrence with the public works director or his/her designated representative, shall have the authority to interpret the language and specifics of application of the exceptions as outlined in this section. Appeals of the decisions of the city inspector and the public works director shall be filed with the planning commission. In the opinion of the city inspector and the public works director, where there exist extraordinary conditions of topography, existing vegetation, land ownership, site boundaries and dimensions, adjacent development characteristics or other circumstances not provided for in this section, the city inspector and public works director may modify or vary the strict provisions of this section in such a manner and to such an extent as is deemed appropriate to the public interest, provided that the purposes and intent of this article are maintained through such modification or variance.
6. No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than ten percent (10%) of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this article. Fifty percent (50%) of the total expended on landscaping shall be dedicated to living materials. In order to qualify for this exception, the property owner must submit a bona fide bid from a licensed contractor for the total project cost, and a bona fide bid from a licensed contractor or nursery man for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the article from any other items which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items, with approval of the public works director, or his or her designee, to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.
7. The preservation and protection from construction damage of each existing tree of six (6) or more inches in trunk diameter (measured six (6) inches above the ground) within a street yard, parking lot or perimeter buffer area of a site, shall be counted as two (2) trees for the purposes of meeting the required number of trees.

S. WATER CONSERVATION MEASURES. When meeting the landscape requirements outlined in this article, property owners are encouraged to use water in the most efficient way possible. A number of principles for effective water usage are found in the accepted approach to landscaping called Xeriscape. The term Xeriscape is derived from a Greek word meaning 'dry'. The desired effect of a Xeriscape, however, is to provide an attractive and even lush-appearing landscape with a minimum amount of water usage. This is accomplished through the application of the seven (7) basic principles of Xeriscape.

Information concerning the principles of Xeriscape is available from Botanica, the Haysville Public Works Department, the Haysville Municipal Building and the Haysville Tree Board. Property owners are encouraged to take advantage of the water-saving practices set out in the principles of Xeriscape.

Regardless of the extent to which the principles of Xeriscape are applied, automatic irrigation systems installed in association with the landscaping requirements of this article, shall be equipped with moisture-sensing devices or automatic rain shut-off devices that forestall scheduled watering cycles when moisture adequate to sustain healthy plant life is present.

T. ENFORCEMENT/ASSURANCES FOR INSTALLATION AND COMPLETION. Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, except when a certificate of occupancy is obtained by providing acceptable assurance to the city guaranteeing the completion of such landscaping, all work as indicated on a landscaping plan shall be inspected and approved by the city inspector, or his or her designee. At the time of inspection, the landowner shall possess a copy of the approved landscaping plan for use by the city inspector, or his or her designee.

At the time of inspection, the city inspector, or his or her designee, shall check the quantities and locations of landscape materials. At the time of such inspection, the landowner shall warrant that the completed landscaping complies with the requirements of this article. Such warranty shall include the quantities, locations, species and sizes of plants and other landscape materials used for compliance. In the event that an inspection is not conducted by the city inspector, or his or her designee, prior to the issuance of a certificate of occupancy because acceptable assurance has been provided to the city guaranteeing the completion of such landscaping, such inspection shall be done by the city inspector, or his or her designee, subsequent to the installation of such landscaping but prior to the release or expiration of the acceptable assurance.

A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions, and if the landowner submits the necessary assurances to the city inspector, or his or her designee, for the completion of the landscaping. The acceptable assurance guaranteeing the completion of the landscaping (such as an irrevocable letter of credit, certified check, or other acceptable assurance) shall be equal to one hundred twenty-five percent (125%) of the cost of the landscaping work and shall be accompanied by a written assurance that such landscaping will be completed to the satisfaction of the city inspector, or his or her designee.

502. Home occupations.

Home occupations shall consist of the following:

A. Authorization. Home occupations shall be approved by the Planning Commission unless otherwise specified in this section.

B. Definition. A business, profession, occupation or trade conducted for gain entirely within a residential building or, when permitted by subsection (C) of this section, within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings.
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance.
 - b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands or odors.
 - d. There shall be no outside storage of equipment or materials used in the home occupation in the front setback. There shall be no overnight parking of vehicles rated over one (1) ton in the front setback.
 - e. No more than two (2) persons shall be engaged in such home occupation other than a person occupying such dwelling unit as his or her residence.
 - f. The home occupation shall be conducted entirely within an enclosed structure.

- g. Signs shall be permitted in accordance with the City's sign regulations (e.g., section 4-1500s);
- h. This in no way is to be construed to override any restrictive covenants of record.
- i. No more than two (2) vehicles used to advertise or operate the business shall be parked in the front setback at the home occupation at one time.

D. Home Occupations Permitted. Home occupations include the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections (B) and (C) of this section:

1. Artists, authors or composers, dancers, music teachers, aerobics, martial arts, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time.
2. Home crafts, such as model making, rug weaving, etc.
3. Ministers, rabbis, priests for counseling purposes only.
4. Office facilities for sales persons, sales representatives, manufacturer's representatives, when no retailing or wholesaling is made or transacted on the premises.
5. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
6. Office facilities for service type business such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
7. Personal services such as dressmakers, seamstresses, tailors, barbershops, beauty shops.
8. Gunsmithing and gun sales as a hobby, if no more than 36 guns are sold per year. Ammunition or ammunition components for sale must be stored in a lockable, fireproof container that meets UL approval.
9. Child Care as governed by state law.
10. Massage Therapy

E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event, be deemed to include:

1. Animal hospitals.
2. Auto and/or other vehicle repair.
3. Funeral homes.
4. Kennels and/or stables, unless specifically permitted by the district regulations.
5. Medical and/or dental clinics or hospitals.

6. Renting of trailers, cars or other equipment.
7. Restaurants.
8. Occupations listed in any less restrictive zone or district.

503. Reserved.

504. Residential design manufactured homes architectural and aesthetic standards.

On and after January 1, 1992, residential-design manufactured homes, as defined in these regulations, shall be permitted subject to the following architectural and aesthetic standards:

A. The roof must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, or asphalt composition shingles, but excluding corrugated aluminum, corrugated fiberglass, or corrugated metal roof.

B. Exterior siding shall be of a material customarily used on site-built dwellings, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with the local building code.

C. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in "Guidelines for Manufactured Housing Installations" currently in effect at the time of installation. A continuous, permanent masonry foundation on top of the footing or masonry curtain wall, unpierced except for required ventilation and access which may include basements and garages, shall be installed under the perimeter of the home, also in accordance with the ICBO "Guidelines for Manufactured Housing Installations" currently in effect at the time of installation.

D. The required door must have a minimum of three (3) feet by three (3) feet landing which is constructed to meet the requirements of the local building code.

E. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.

F. Any addition or attached garage to a residential-design manufactured home shall comply with all construction requirements of the local building code.

G. At the point of highest elevation of the finish grade, maximum height of the foundation/curtain wall will be a maximum of ten (10) inches and a minimum of eight (8) inches.

505. Wireless telecommunications facilities.

A. **PURPOSE.** The purpose of this article is to regulate the placement, construction and modification of commercial wireless telecommunications facilities and antenna support structures in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City in compliance with the Telecommunications Act of 1996, Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6409(b), (c), 126 Stat. 156 (2012) (Spectrum Act), Section 332(c)(7) of the Communications Act and the

Federal Communication Commission's 2009 Declaratory Ruling, FCC Ruling 14-153, adopted October 17, 2014 and released October 21, 2014, and any other applicable laws.

B. OBJECTIVES. The objectives of this article are the following:

1. To regulate the placement, construction and modification of wireless telecommunications facilities in the City;
2. To regulate the location of wireless communication facilities in areas and on sites where the adverse impact is minimal;
3. To minimize the potential adverse visual impact of wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
4. To ensure that wireless telecommunications facilities are compatible with surrounding land uses;
5. To promote and encourage shared use/co-location of wireless telecommunications facilities and antenna support structures as the primary option for personal wireless telecommunications services instead of the construction of additional single-provider towers;
6. To avoid potential damage to property caused by wireless telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or when determined to be structurally unsound;
7. To encourage the safe, effective and efficient provision of personal wireless telecommunication services to the community;
8. To ensure that the regulation of personal wireless telecommunication services does not prohibit or have the effect of prohibiting the provision of such services; and,
9. To ensure that that the regulation of personal wireless telecommunication services does not unreasonably discriminate among functionally equivalent providers of such services.

C. DEFINITIONS. For the purpose of this article, certain terms or words used herein shall be interpreted as follows:

1. Abandonment. A failure to (a) to start operations within one hundred eighty (180) days of completion of the structure, or (b) to cease operation for a period of one hundred eighty (180) or more consecutive days.
2. Act. The Communications Act of 1934, 47 U.S.C. §§ 151 et seq., as amended, including the amendment known as the Telecommunications Act of 1996, and all future amendments.
3. Antenna. Any structure or device used to transmit or receive electromagnetic or optical signals for television, radio, digital, microwave, cellular, telephone, personal communication system (PCS) or similar forms of wireless telecommunication.
4. Antenna Support Structure. Any building or structure other than a tower or stealth monopole that can be used for the location of telecommunications facilities.

5. Applicant. Any person who applies for an administrative approval or conditional use permit or a building permit.
6. Array. A set of antennas for one (1) carrier or service that are placed on a structure at a given height and spaced so as to avoid interference.
7. Base Station. A station at a specified site that enables wireless communication between user equipment and a communications network, including any associated equipment such as, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. Base station includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a “base station” at the time the relevant application is filed with State or municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components
8. Camouflage. A wireless communication facility that is disguised, hidden, or integrated with an existing structure as an architecturally compatible element or a wireless communication facility that is placed within an existing or proposed structure so as to be effectively hidden from view. This is a form of stealth design.
9. City. The City of Haysville, Kansas.
10. Co-location. Locating wireless telecommunication facilities owned by more than one provider on/in a single antenna support structure, tower or stealth monopole structure. Co-location includes equipment associated with the antennas (such as wiring, cabling, cabinets, and backup-power).
11. Distributed antenna system (DAS) networks. DAS is a small-cell transmission system which uses components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other existing structures.
12. Engineer. Any qualified, licensed engineer who specializes in either electrical or microwave engineering, especially the study of micro-frequencies; and/or, who specializes in structural integrity and determining whether a tower or antenna support structure has the capacity to accommodate more than one provider.
13. Equipment enclosures. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and associated equipment. Associated equipment may include air conditioning, back power supplies and emergency generators.
14. Existing tower. Any tower in existence at the time of application for an administrative permit or conditional use permit.
15. FAA: The Federal Aviation Administration.
16. Fall Zone. The area on the ground within a prescribed radius, beginning from the base of a telecom structure or an antenna support structure within which there is a potential hazard from falling debris or collapsing material.
17. FCC: The Federal Communications Commission.

18. Guyed Tower. A type of tower that is supported, in whole or in part, by guy wires anchored to any surface.
19. Height. The vertical distance above grade to the highest point of the antenna support structure, including the lightning rod and antenna.
20. Landowner. Any person with fee title to a parcel of land within the City.
21. Lattice Tower. A self-supporting structure, erected on any surface, which consists of an open network of metal crossed strips or bars to support antennas and related equipment.
22. Modification. Any physical change to any element of a telecommunications structure or pre-existing structure.
23. Mount. The structure or surface upon which wireless communication facilities are mounted. There are three (3) types of mounts: (i) Building mounted - a wireless communication facility affixed to the roof or side of a building, (ii) Ground mounted - a wireless communication facility fixed to the ground such as a tower, and (iii) Structure mounted--a wireless communication facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
24. Monopole. A monopole structure, erected on any surface, which supports antennas and any connecting appurtenances.
25. Municipal Facilities. An antenna support structure owned by the City, including, but not limited to, water towers, fire stations and other similar buildings and structures.
26. Operator. An individual, partnership, association, joint-stock company, trust, or corporation engaged in control and maintenance of all instrumentalities, facilities and apparatus incidental to wireless telecommunication transmission, including but not limited to, a tower, antennae, associated buildings, cabinets and equipment. For the purposes of this article, an "operator" may or may not hold a lease, license or title on or for the site on which a tower is located.
27. Owner. Any person who develops, constructs, builds, modifies, erects or owns a telecommunications structure upon a parcel of land.
28. Person. Any individual person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.
29. Personal Wireless Telecommunications Services. Any personal wireless service as defined in the Act, including FCC-licensed commercial wireless telecommunications services such as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging and unlicensed wireless services and common carrier wireless exchange access services.
30. Pre-Existing Structure. Any telecommunications structure that existed prior to the effective date of this article or any telecommunications structure that exists outside the City limits either before or after the effective date of this article and is annexed into the City limits.
31. Provider. An entity licensed by the FCC or a state agency to transmit or receive electromagnetic or optical signals for television, radio, digital, microwave, cellular, telephone, personal

communication system (PCS) or similar forms of wireless telecommunication. A tower builder is not a provider.

32. Public Right-Of-Way. The area of real property in which the city has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include utility easements.
33. Screening. Materials that effectively hide personal wireless facilities from view, or landscaping in accordance with the requirements of the Zoning Ordinance.
34. Security Barrier. A wall, fence, or berm that has the purpose of sealing a wireless communication facility from unauthorized entry or trespass.
35. Stealth. A method of designing, constructing, and/or locating any telecommunications structure to blend in with the character and environment of the area in which it is located, and to enhance compatibility with nearby land uses and the area by minimizing visual impacts, incorporating the design principles.
36. Stealth Monopole. Any freestanding, monopole structure, 50 feet or less in total height, as measured from the ground, which incorporates stealth design principles, including but not limited to, camouflaging the structure as a tree, flagpole or light pole.
37. Substantial Change. a modification “substantially changes” the physical dimensions of a tower or base station, as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act, if it meets any of the following criteria:
 - a for towers outside of public rights-of-way, it increases the height by more than 20 feet or 10%, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
 - b for towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet;
 - c it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
 - d it entails any excavation or deployment outside the current site of the tower or base station;
 - e it would defeat the existing concealment elements of the tower or base station; or
 - f it does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

38. Support structure. A ground-mounted self-supporting vertical structure used to elevate or carry lines, cables, wires, or antennas for telecommunications, cable television, electricity or other utility services, or to provide lighting.
39. Telecommunications Structure (Structure). Any tower, stealth monopole or telecommunications facilities.
40. Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including buildings, shelters or cabinets that house telecommunications providers' equipment, associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a commercial tower or antenna support structure.
41. Tower. A self-supporting lattice, guyed or monopole structure that supports telecommunications facilities for the purpose of providing personal wireless telecommunications services, including any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities. The term tower shall not include stealth monopoles, as defined herein, or amateur radio operators' equipment, as licensed by the FCC.
42. Transmission equipment. Antennas and other equipment associated with and necessary to the operation of a telecommunication facility, including power supply cables and backup power equipment
43. Unlicensed wireless services. Commercial mobile services that operate on public frequencies and do not need a FCC license.
44. Wireless communication service and wireless communication facilities as used in the chapter shall be defined in the same manner as the Title 47, United States Code, Section 332 (c)(7)(C), as may be amended now or in the future and includes facilities for the transmission and reception of radio microwave signals used for communication, cellular phone, personal communication services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

D. APPLICABILITY

1. All wireless telecommunications facilities and antenna support structures, and any portion of which are located within the City shall be subject to this article, except as follows:
 - a. Amateur radio operators. This article shall not apply to any short-wave radio tower that is owned and operated by a federally licensed amateur radio station.
 - b. Residential Antennas. This article shall not apply to accessory antennas attached to residential structures whose purpose is receiving television, radio, microwave, telephone, digital data or similar forms of wireless information transmission for the sole use of the occupants. A provider shall comply with this article to utilize a residential structure as an antenna support structure for its network, and shall obtain the appropriate permits as required.
 - c. Utility poles. This article shall not apply to utility poles, which are utilized solely for the support of electrical, telephone, cable television or similar cables and wires, located on

public rights-of-ways or easements for that purpose, and are part of a system of such poles throughout the City.

- d. Broadcast systems and facilities. This article shall not apply to towers or telecommunications facilities utilized for the transmission of signals that do not constitute personal wireless telecommunications services.

E. ZONING REQUIREMENTS

1. Towers: A tower, and any related telecommunication facilities, shall only be permitted by administrative approval or conditional use permit, whichever is applicable, in all zoning districts. No person shall erect a tower upon any parcel of land unless:
 - a. An application for administrative approval is made, and approved, in accordance with this article; or
 - b. An application for conditional use permit is made, and approved, by the Governing Body.
2. Stealth Monopoles. Stealth monopoles and any related telecommunication facilities shall only be permitted by administrative approval or conditional use permit in all zoning districts. No person shall erect a tower upon any parcel of land unless:
 - a. An application for administrative approval is made, and approved, in accordance with this article; or
 - b. An application for conditional use permit is made, and approved, by the Governing Body.

F. PERMITS

1. Permit Required: No person shall locate an antenna or tower for wireless communication purposes or substantially change an existing wireless communication facility upon any lot or parcel within the City except as provided in this article.
2. Application Requirements for Administrative Approval or Conditional Use Permits: Each application for a permit shall conform to the requirements of this article. If a determination is made to request a Conditional Use Permit to originally site or modify an existing site, the provisions of Article 8 of the Zoning Regulations regarding conditional uses shall be followed, and the following shall be provided:
 - a. The name, address and telephone number of the landowner of any parcel of land or antenna support structure upon which the telecommunications structure will be situated. If the applicant is not the landowner, the applicant shall submit his or her name, address and telephone number. The landowner, owner and applicant shall sign the application.
 - b. The legal description and street address of the parcel of land, or antenna support structure, upon which the proposed telecommunications structure will be situated.
 - c. Elevation plans drawn to scale of all proposed wireless telecommunications facilities; an accurately scaled site plan showing existing buildings, proposed wireless telecommunications facilities and proposed landscaping and screening; and a written

description of all proposed wireless telecommunications facilities and proposed quantities, types and sizes of landscaping materials.

- d. Photographs of the site in its current condition, and accurately proportioned photo-realistic representations of the site showing the telecommunications structure in place with proposed landscaping and screening.
- e. If the applicant is not the landowner, the landowner shall provide an affidavit indicating consent to develop upon the landowner's property. The landowner shall sign an agreement with the City that states if abandonment occurs, the landowner shall be responsible for the removal of the proposed telecom structure if the owner fails to remove it. (See also Section Q Abandonment) The landowner shall file the agreement with the Register of Deeds as a condition of approval of any permit for any telecommunications structure, and shall provide a copy of the filed agreement to the City prior to approval of the permit for the telecommunications structure. The agreement shall refer to the life mentioned in Section Q - Abandonment.
- f. An affidavit from the manufacturer or engineer describing the maximum capacity of the telecommunications structure for co-location, including the number and type of providers it can accommodate, with consideration of radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems those considerations may pose to service delivery. The affidavit shall certify that the telecommunications structure has been designed and will be constructed to support the specified number of providers.
- g. For a stealth monopole or tower application, certification from the engineer of the structure's manufacturer that the structure is designed and shall be constructed to ensure that a structural failure or collapse will not create a safety hazard to adjoining properties and that the structure will collapse on itself within the fall zone designated by the manufacturer.
- h. Written statements from the applicant or engineer that indicate the following:
 - (1) a map showing the location of the proposed telecommunications structure and its service area; the location of the providers' other existing wireless telecommunications facilities in the area; applicable propagation models, search ring maps and other relevant documentation.
 - (2) The minimum height required to serve the proposed service area.
 - (3) An explanation why the proposed site is required to meet service demands and how it would interact with the providers' other existing wireless telecommunications facilities in the service area.
 - (4) Proposed stealth measures designed to minimize potentially adverse visual effects on nearby properties, with consideration of design, unobtrusiveness, minimum height necessary to accommodate antennae, avoidance of artificial light and the color of the telecommunications structure.

- (5) A description of the fall zone of the telecommunications structure, including the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
 - (6) The distance between the proposed telecommunications structure and the nearest residential dwelling unit and residentially zoned properties including any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
 - (7) A description of the security barrier, including the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, if any, surrounding the base of the telecommunications structure, including the method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- i. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications structure and demonstrate compliance with FCC standards regulating radio frequency (RF) emissions. This information is used solely for public information, as the FCC has the sole jurisdiction to regulate RF emissions. The City will not condition or deny an application because of potential RF impacts.
 - j. When applicable, documentation that the proposed tower or stealth monopole meets FAA requirements.
 - k. Any other information requested by the City that is reasonably necessary for the City to fully evaluate the application including information associated with any potential additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
 - l. An engineer shall provide the following written technical evidence:
 - (1) Evidence that existing wireless telecommunications facilities and antenna support structures within the proposed service area of the proposed telecommunications structure site are not capable of co-location to provide reasonable service to the proposed service area, due to height, capacity, structural strength or interference with other electromagnetic/radio frequencies, including, but not limited to, public safety communications, radio and television signals.
 - (2) Evidence that the proposed telecommunications structure meets the standards set forth in “Structural Requirements.”
 - (3) Evidence that the proposed site of the telecommunications structure, including any additional dimensions associated with a possible increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, does not pose a risk of explosion, fire or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other hazardous chemicals.
 - m. The applicant shall provide an affidavit, attesting to the following:

- (1) That the applicant made diligent efforts to install or co-locate on existing wireless telecommunications facilities or antenna support structures within the proposed service area.
 - (2) That the fees, cost or contractual provisions required by the owner(s) of other wireless telecommunications facilities or antenna support structures within the proposed service area are unreasonable.
 - (3) That other limiting factors render the use of other wireless telecommunications facilities and antenna support structures within the proposed service area, unsuitable.
- n. For towers, the applicant shall provide evidence that indicates why the use of alternative types of wireless telecommunications facilities, such as stealth monopoles or telecommunications facilities mounted on antenna support structures or municipal facilities, is insufficient or inadequate to meet the providers' service area needs.

G. PERMIT PROCESS

Except as otherwise provided within this article for siting of telecommunication facilities within right of ways, the following permit process shall be applicable within the City.

1. Administrative approval or Conditional Use Permit. The Administrator, and/or The Planning Commission and Governing Body shall consider an administrative approval or conditional use permit application, as applicable, subject to the requirements set forth within this article, and shall also take into account the following additional standards:
 - a. Whether substantial evidence exists to demonstrate that existing or approved wireless telecommunications facilities or antenna support structures are unsuitable for co-location or to serve the proposed service area.
 - b. Whether the proposed telecommunications structure(s) has incorporated a reasonable level of stealth design to minimize the visual impact of the telecommunications structure(s), given the type of telecommunications structure and the character of the area in which the structure(s) is proposed to be located.
2. Administrative Approval Process. Within ten (10) business days of receiving a complete application, the zoning administrator shall approve, approve with conditions, or deny the request for an administrative permit, or shall refer the application to the Planning Commission for a public hearing.
 - a. The zoning administrator may issue an administrative permit for the installation, structural modification, or change in height, dimension, or number of antenna of a wireless communication facility if:
 - (1) The proposed wireless communication facility satisfies the performance standards and other requirements of this article; and
 - (2) If the antenna component of the wireless communication facility will be installed or exists in a residential or commercial district, it will be attached to:
 - i. An existing support structure; or

- ii. A replacement or extension of an existing support structure, if the height of the replaced or extended support structure does not exceed the height of the original support structure by more than ten (10%) percent or more than ten (10) feet, whichever is greater. In addition, the diameter of the replaced or extended support structure shall not add an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
 - iii. Installation of ground cabinets that are not more than 10% larger in height or overall volume than any other ground cabinets associated with the structure (NOTE: A request for installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure shall require a conditional use hearing).
- (3) Written Findings Required. Any decision to deny an Administrative approval or Conditional Use Permit, under this section shall be made in writing and shall state the specific reasons for the denial. Any denial by the Governing Body shall be deemed a final administrative decision, subject to judicial review and appeal. In the event that a permit application is denied by the Governing Body, no new request for the same or substantially similar permit shall be accepted or processed within six (6) months after denial of that application.
 - (4) The Applicant may appeal any determination of the zoning administrator to the Planning Commission by converting the application to a request for a conditional use permit. The applicant may, by written notice to the zoning administrator, convert the request for an administrative permit to a request for a conditional use permit at no additional cost. Additionally, an applicant may, in lieu of and without first seeking an administrative permit hereunder, initially request a conditional use permit for a proposed wireless communication facility.
 - (5) Protests. The notification and protest area for permit applications shall be two hundred (200) feet from the property boundary of the proposed tower site. The protest procedure shall be as provided in K.S.A. 12-708 and Article 5 of the Haysville Zoning Code.
3. Conditional Use permit.
- a. Hearing. For any application to install, structurally modify, or change in height, dimension, or number of antenna a wireless communication facility that does not meet the criteria for an administrative permit, or for any application to install a new support structure in a residential district or commercial district, the planning commission may issue a conditional use permit after holding a public hearing in accordance with the procedures established in the Haysville Zoning Code.
 - b. Standards for evaluation of conditional use permit applications. The planning commission may approve, or approve with conditions an application for a conditional use permit in any zoning district after review and consideration of all of the following:
 - (1) Conformity with the city's comprehensive plan;
 - (2) Compatibility with abutting property and surrounding land uses;

- (3) Adverse impacts such as visual, environmental, or safety impacts;
 - (4) Color and finish of the proposed facilities;
 - (5) Screening potential of existing vegetation, structures and topographic features;
 - (6) Potential for adequate screening of proposed facilities;
 - (7) Scale of facilities in relation to surrounding land uses;
 - (8) Impact on entry corridors into the city;
 - (9) Impact on landmark structures, historically or architecturally significant structures or districts, or environmentally sensitive areas;
 - (10) Impact upon established easements;
 - (11) History of land use of property, including but not limited to: existing nuisance code violations, failure of property owner to abide by nuisance, health and safety, building or zoning codes, failure of property owner to enforce codes upon subject property when property occupied by a tenant, and documentation that property is currently subject to abandonment or foreclosure action;
 - (12) Property owner entering into abandonment agreement, which will be filed with the register of deeds and run with the property.
- c. Denial of conditional use permit. Any decision by the Planning Commission to deny a conditional use permit under this section shall be made in writing and shall state the specific reasons for the denial. Any denial by the Planning Commission may be appealed to the Governing Body. Any denial by the Governing Body shall be deemed a final administrative decision, subject to appeal and judicial review. In the event that a conditional use permit application is denied by the Planning Commission or Governing Body, no new request for the same or substantially similar administrative or conditional use permit shall be accepted or processed within six (6) months after denial of that application.
- d. Protests. The notification and protest area for conditional use permit applications shall be two hundred (200) feet from the proposed boundary areas of the site(s) of the wireless communication facilities. If a conditional use permit is approved by the planning commission, affected property owners shall have the same right to present a protest petition to the Governing Body and appeal that decision as property owners as provided for in rezoning cases.

H. SITING AND PLACEMENT WITHIN THE PUBLIC RIGHT-OF-WAY

1. Purpose and objectives. The purpose of this section is to establish requirements for the siting and placement of wireless communication facilities, including support equipment and support structure(s) (as defined herein) to such wireless communication facility, within the public right-of-way in a manner consistent with state and federal law, while ensuring the public health, safety, and welfare, including minimizing the visual effects of wireless communication facilities on public streetscapes, protecting public views, and otherwise avoiding and mitigating the potential impacts of wireless communication facilities on nearby properties and the community

at-large. The provisions of this section are not intended and shall not be interpreted to prohibit or to have the effect of prohibiting telecommunication services, nor shall they be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent telecommunication services.

2. Permit required.
 - a. No person shall install, structurally modify, or change in height, dimension, or number of antenna a wireless communication facility in the public right-of-way except upon approval of an administrative permit or a conditional use permit, as provided in this section.
 - b. Maintenance or repair of existing permitted wireless communication facilities shall be excluded from the permitting requirement of this section.
3. Complete Application Required. Within ten (10) business days after receiving a submitted application, if the zoning administrator, or designee, determines that the application is incomplete, such administrator, or designee, shall issue a written determination of incomplete application to applicant setting forth in detail the areas of such application that must be completed before such application may be processed. The notice of incomplete application may be communicated via e-mail, fax, or via regular mail, as applicant has indicated preference for this notice on the application.
4. Administrative Approval Process. Within ten (10) business days of receiving a complete application, the zoning administrator shall approve, approve with conditions, or deny the request for an administrative permit, or shall refer the application to the Planning Commission for a public hearing.
 - a. The zoning administrator may issue an administrative permit for the installation, structural modification, or change in height, dimension, or number of antenna of a wireless communication facility in the public right-of-way if:
 - (1) The proposed wireless communication facility satisfies the performance standards and other requirements of this section; and
 - (2) If the antenna component of the wireless communication facility will be installed or exists in a residential district or commercial district, it will be attached to:
 - i. An existing support structure; or
 - ii. A replacement or extension of an existing support structure, if the height of the replaced or extended support structure does not exceed the height of the original support structure by more than ten (10%) percent or more than ten (10) feet, whichever is greater. In addition, the diameter of the replaced or extended support structure shall not add an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
 - iii. Installation of ground cabinets that are not more than 10% larger in height or overall volume than any other ground cabinets associated with the structure (NOTE: A request for installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure shall require a conditional use hearing).

- b. Any decision to deny an administrative permit under this section shall be made in writing and shall state the specific reasons for the denial.
 - c. The Applicant may appeal any determination of the zoning administrator to the Planning Commission by converting the application to a request for a conditional use permit. The applicant may, by written notice to the zoning administrator, convert the request for an administrative permit to a request for a conditional use permit at no additional cost. Additionally, an applicant may, in lieu of and without first seeking an administrative permit hereunder, initially request a conditional use permit for a proposed wireless communication facility.
5. Conditional use permit.
- a. Hearing. For any application to install, structurally modify, or change in height, dimension, or number of antenna a wireless communication facility in the public right-of-way that does not meet the criteria for an administrative permit, or for any application to install a new support structure in the public right-of-way in a residential district or commercial district, the planning commission may issue a conditional use permit after holding a public hearing in accordance with the procedures established in the Haysville Zoning and Subdivision Codes.
 - b. Standards for evaluation of conditional use permit applications. The planning commission may approve, or approve with conditions an application for a conditional use permit in any zoning district after review and consideration of all of the following:
 - (1) Conformity with the city's comprehensive plan;
 - (2) Compatibility with abutting property and surrounding land uses;
 - (3) Adverse impacts such as visual, environmental, or safety impacts;
 - (4) Color and finish of the proposed facilities;
 - (5) Screening potential of existing vegetation, structures and topographic features;
 - (6) Potential for adequate screening of proposed facilities;
 - (7) Scale of facilities in relation to surrounding land uses;
 - (8) Impact on entry corridors into the city; and
 - (9) Impact on landmark structures, historically or architecturally significant structures or districts, or environmentally sensitive areas.
 - c. Denial of conditional use permit. Any decision by the Planning Commission to deny a conditional use permit under this section shall be made in writing and shall state the specific reasons for the denial. Any denial by the Planning Commission may be appealed to the Governing Body. Any denial by the Governing Body shall be deemed a final administrative decision, subject to appeal and judicial review. In the event that a conditional use permit application is denied by the planning commission or Governing Body, no new request for

the same or substantially similar administrative or conditional use permit shall be accepted or processed within six (6) months after denial of that application.

- d. Protests. The notification and protest area for conditional use permit applications shall be two hundred (200) feet from the proposed boundary areas of the site(s) of the wireless communication facilities. If a conditional use permit is approved by the Planning Commission, affected property owners shall have the same right to present a protest petition to the Governing Body and appeal that decision as property owners in rezoning cases.
6. Application Requirements.
 7. Performance criteria. Unless otherwise specified, all wireless communication facilities in the public right-of-way shall comply with the following performance standards. The planning commission may grant a waiver from these standards when the applicant has demonstrated that there is a need to close a significant gap in coverage or capacity that can only be met by placement of the proposed facilities in the proposed location, or if the applicant can demonstrate any technical limitations conflicting with the performance standards, and if the purpose and objectives of this section would be better served thereby.
 - a. Antennas shall be screened by means of canisters, shrouds or other screening measures and treated with exterior coatings of a color and texture to match the support structure upon which they are attached.
 - b. Any replacement support structure shall be of new material, and the replacement or extension of a support structure shall match the original and/or surrounding utility or light poles in material, style, design, color, and finish.
 - c. Antennas shall not extend more than thirty-six (36) inches from the top of the support structure.
 - d. Support equipment attached to a support structure (excluding ancillary attached electrical equipment, such as an electric meter or breaker panel) shall not exceed six (6) feet in height and two (2) feet in width, or project more than twenty-four (24) inches horizontally from the support structure.
 - e. All portions of the wireless communication facilities (other than the support structure and ground-mounted or underground support equipment) shall be located so as to provide adequate roadway clearance, to prevent interference or hazard to pedestrians, vehicular traffic, or other property in the public right-of-way.
 - f. Cable connecting an antenna to any support equipment shall be contained inside or shall be flush mounted to the support structure and covered with a metal, plastic, or similar material cap that matches the color of the support structure and is properly secured.
 - g. A new, modified, or replaced support structure shall not exceed eighteen (18) inches in diameter.
 - h. No signs or advertising shall be allowed on wireless communication facilities, except for small identification, address, warning, and similar information plates approved by the zoning administrator.

- i. Wireless communication facilities shall not be artificially illuminated unless required by applicable law to protect the public's health and safety.

I. PRE-EXISTING STRUCTURES

1. Pre-existing structures shall meet all requirements of this article upon modification, in accordance with these regulations.
2. All pre-existing structures shall comply with the following requirements of this Article:
 - a. "Building Permits, Certifications and Inspections."
 - b. "Maintenance."
 - c. "Abandonment."

J. BULK REGULATIONS

1. Maximum Height.
 - a. The height of a tower or stealth monopole shall be regulated by this article.
 - b. The height of a tower, including any antenna, shall not exceed one-hundred-fifty (150) feet, as measured from the ground. The maximum height limitation does not include a lightning rod, which shall not exceed an additional twenty (20) feet in height. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.
 - c. The total height of a stealth monopole shall not exceed fifty (50) feet, as measured from the ground. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.
 - d. The following height requirements shall apply to telecommunications facilities mounted externally on antenna support structures or municipal facilities:
 - (1) On structures 30 feet in height or less, telecommunications facilities shall be mounted consistent with the "Stealth Design Principles."
 - (2) On structures between 30 and 60 feet in height, telecommunications facilities shall not extend more than a combined height of 75 feet, including the structure on which it is mounted upon.
 - (3) On structures 60 feet in height or more, telecommunications facilities shall not extend more than 75 feet, including the structure on which it is mounted upon.
2. Setback Restrictions.
 - a. Towers. Towers shall be set back from all property lines a distance equal to the fall zone of the tower, as certified by the structure manufacturer's engineer. If the fall zone is not ascertainable, the tower shall be set back from all property lines a distance equal to the

height of the tower, including any antenna, plus other appurtenances. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.

- b. **Stealth Monopoles.** Stealth monopoles shall be set back from all property lines a distance equal to the fall zone of the structure, as certified by the structure manufacturer's engineer. If the fall zone is not ascertainable, the stealth monopole shall be set back from all property lines a distance equal to the height of the stealth monopole, including any antenna, plus other appurtenances. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.
- c. **Accessory ground-level equipment including guy-wire anchors** shall follow the setbacks for accessory uses in the applicable zoning district. When considering the dimensions of any accessory ground-level equipment, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.

K. STRUCTURAL REQUIREMENTS

1. All wireless telecommunications facilities shall be designed and certified by an engineer to be structurally sound and shall, at a minimum, be in conformance with these regulations and all applicable federal and city codes.
2. All towers and stealth monopoles shall be designed and constructed to collapse on themselves to minimize the impact on surrounding properties.

New towers or stealth monopoles shall be built, constructed or erected in the City to be capable of co-location. All new towers less than 100 feet in height and stealth monopoles shall provide space for at least two (2) separate providers. All new towers one-hundred (100) feet or higher in height shall provide space for at least three (3) separate providers.

3. **Antennas Mounted on Structures or Rooftops.** The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a. The cabinet or structure shall not contain more than 300 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than fifteen (15) percent of the roof area.
 - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
4. **Antennas Mounted on Utility Poles or Light Poles.** The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- a. In residential districts, the equipment cabinet or structure may be located:
 - i. In a front or side yard provided the cabinet or structure is no greater than five (5) feet in height or fifty (50) square feet of gross floor area and the cabinet/structure is located a minimum of twenty-five (25) feet from all lot lines. To allow for a future non-substantial change, the amount of additional space associated with such change shall be calculated and enough space allowed so that such change would continue to be outside the twenty-five (25) foot set back requirement.
 - ii. In a rear yard, provided the cabinet or structure is no greater than eight (8) feet in height or 100 square feet in gross floor area, inclusive of any future non-substantial change to increase height or area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
 - b. In commercial or industrial districts the equipment cabinet or structure shall be no greater than eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of any and all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
5. Antennas Located on Towers. The related unmanned equipment structure shall not continue more than 100 square feet of gross floor area or be more than eight (8) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 6. Modification of Building Size Requirements. The requirements of this Section may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by conditional use in an effort to encourage collocation.

L. USE LIMITATIONS

1. Stealth Design: The City may require stealth design of a tower or telecommunications facility, in accordance with regulations, depending on the character of the proposed location and type of tower or telecommunications facility.
2. Illumination:
 - a. Towers shall not be artificially lighted except as required by the FAA.
 - b. Notwithstanding subsection (1), in the case of a stealth telecommunications structure, illumination may be provided that is appropriate and customary for the type of stealth structure, as approved by the Conditional Use process.
 - c. Security lighting may be installed around the base of a tower or accessory telecommunication facilities, provided the lighting is a full cut-off design to prevent direct light from being cast upon nearby property and to prevent glare on nearby public streets, as approved by the Conditional Use process.

3. Security Fencing: The City may require the installation of a security fence around all sides of a telecommunications structure located at ground level, and shall review and approve the material and design of any fencing to ensure that it will in fact serve to secure the facility.
4. Screening and Landscaping: All landscaping on a parcel of land containing wireless telecommunications facilities and/or antenna support structures shall conform to the applicable landscaping requirements, if any, in the zoning district where the structure is located. The City may require year-round landscaping and/or screening in order to reduce visual impacts and enhance the compatibility of telecommunications structure(s) with the character of nearby land uses and the area. Such screening may consist of walls, fencing and/or landscaping or combinations thereof, as approved by the City, but any such screening may be reviewed to determine that it does in fact screen the facility from view.
5. Parking and Access. The parcel of land upon which a telecommunications structure is located shall either contain at least one (1) off-street parking space on the site, or shall identify other permanently available off-street parking associated with the site.

M. SIGNS

1. Signs Prohibited. No signs, flyers, flags or banners, shall be permitted on any telecommunications structure, except as may be required by the FAA, FCC, other federal or state agency or the City. A flag may be hung on an approved stealth flagpole structure in accordance with regulations.
2. Removal of Signs. The owner shall remove any sign placed on any telecommunications structure in violation of this section within five (5) days of notice having been sent by the City.
3. Notwithstanding any contrary provisions of the city's zoning ordinance, the following warning signs shall be utilized in connection with the tower or antenna site, as applicable:
 - a. If high voltage is necessary for the operation of the tower or associated equipment, "HIGH VOLTAGE--DANGER" warning signs shall be permanently attached to each side of the fence or wall surrounding the structure.
 - b. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart; (a) the height of the lettering of the warning signs shall be at least twelve (12) inches and the signs shall be installed at least five (5) feet above the finished grade; (b) the warning signs may be attached to freestanding poles if the content of the sign may be obstructed by landscaping.
 - c. A sign on the gate indicating the name and address of the tower owner and a phone number where the tower owner can be reached twenty-four (24) hours a day in case of an emergency shall be permanently attached to the fence.

N. STEALTH DESIGN FOR WIRELESS TELECOMMUNICATIONS FACILITIES

1. Stealth wireless telecommunications facilities shall be designed to blend in with the character and environment of the area in which they are proposed to be located, and to enhance compatibility with nearby land uses by minimizing visual impacts. Stealth wireless telecommunications facilities shall incorporate the following design principles, as applicable to the type of telecommunications structure and character of the location:

- a. Preserve the pre-existing character of the area as much as possible.
- b. Minimize the height, mass and proportion of wireless telecommunications facilities to minimize impacts on the character of the nearby area.
- c. Minimize the silhouette presented by new towers, stealth monopoles, antenna support structures and antenna arrays. Monopoles are favored over lattice-type towers; antennas mounted inside an antenna support structure or monopole, or mounted flush to the antenna support structure, are favored over triangular “top-hat” or other projecting external types of antenna arrays.
- d. Use colors, textures and materials that blend in with the existing environment; surfaces shall be painted, or otherwise treated, to match or complement existing background structures and surfaces, and to minimize reflection.
- e. Conceal telecommunication facilities from view by placing inside a building, steeple, penthouse, clock tower, flagpole or other appropriate structure. Architectural additions or appurtenances to existing antenna support structures that are intended to conceal telecommunication facilities, shall be designed to be appropriate in mass, scale, material, texture, color and character with the existing antenna support structure.
- f. Camouflage and/or disguise wireless telecommunications facilities to look like another type of structure or object, through methods including, but not limited to design, placement, use of materials, texture, color, year-round landscaping and screening, to blend in with the character of the surroundings, or integrate into the architectural elements and character of an existing antenna support structure to such an extent that it is indistinguishable by the casual observer from the structure on which it is located, or from the surroundings in which it is placed. Stealth monopoles designed to look like a flagpole shall utilize a flag that is appropriately sized for the height of the pole. Stealth monopoles disguised as a tree shall be of a height, character and placement that is appropriate to the location. Wireless telecommunications facilities mounted on roofs or similar structures shall be concealed from view by placement and setback from the edges and/or through use of architectural screening that is in character with the building or antenna support structure.
- g. Locate wireless telecommunications facilities in areas where trees and/or buildings obscure some or all the wireless telecommunications facilities from view, and install new year-round landscaping and screening around the site where visible from public streets or residential areas.
- h. Locate accessory equipment inside a building or in underground vaults when possible. Screen ground-level wireless telecommunications facilities through use of walls, fencing or year-round landscaping, or combinations thereof, which is appropriate in design, height and material to the character of the location and the structure to be screened.

O. MODIFICATION AND REPLACEMENT

1. Modification to existing site. Up to fifty (50) percent of the height of an existing tower may be replaced with no substantial change in height as part of modifications made to provide for co-location of a new facility. Replacement of more than fifty (50) percent of a tower shall be considered a new tower and shall meet all of the applicable requirements for new construction.

2. Rebuilding damaged or destroyed existing site. If more than fifty (50) percent of the tower or facility is damaged or destroyed, it shall be considered a new facility and shall meet all the applicable requirements for new construction. All replacement shall comply with then applicable building codes and a new administrative approval or conditional use permit and building permit shall be obtained and be completed within one hundred eighty (180) days from the date the tower or facility was damaged or destroyed. If no permit is obtained or it expires, or replacement is not timely completed, the tower or facility shall be deemed abandoned.

P. BUILDING PERMITS, INSPECTIONS AND CERTIFICATIONS

1. The applicant shall apply for and receive all applicable City permits prior to the construction of an antenna support structure or telecommunications structure. Wireless telecommunications facilities shall conform to the requirements of the applicable city codes and all other construction standards set forth by federal and state law. The City shall inspect the antenna support structure or telecommunications structure and issue a certificate of occupancy prior to use by the providers. It shall be a violation of this subsection for an owner to construct or use a telecommunications structure without the required permit, inspection or certificate of occupancy.
2. An engineer shall certify that all wireless telecommunications facilities are structurally sound. For new wireless telecommunications facilities, such certification shall be based upon the construction plans, and shall be submitted with an application. The City may require subsequent certifications if the City reasonably believes that the structural and/or electrical integrity of the telecommunications structure is jeopardized. Failure to comply within seven business days of such request shall be grounds for revoking such structure's occupancy permit, and ceasing operations until compliance is achieved.

Q. ABANDONMENT

1. The owner and/or provider of a telecommunications structure shall provide the City a copy of its notice to the FCC of intent to cease operations. The owner shall remove the structure at the owner's expense within one hundred and eighty (180) days from the date of abandonment. If the owner and/or provider fail(s) to provide the City with the proper notice of intent to cease operations, the structure may be declared a nuisance and dangerous structure in conformance with the City's nuisance code. Failure to remove the abandoned structure within ninety (90) days of issuance of notice that such facility has been declared a nuisance shall be grounds for the City to remove the structure with all costs of removing such dangerous and nuisance structure assessed against the landowner. The removal process shall be as set forth in the Haysville City Code for removal of nuisance and/or dangerous buildings.
2. If the landowner further refuses to remove the structure as required, the City shall remove the structure and place a lien on the real property in the amount of all direct and indirect costs associated with the dismantling and disposal of the structure.

R. MAINTENANCE

1. Owners shall employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public including sufficient anti-climbing and other measures to reduce the potential for trespass or injury.

2. Owners shall install and maintain wireless telecommunications facilities, fixtures and other equipment in compliance with the requirements of all federal, state and local codes and regulations, and in such manner that will not interfere with the use of other property.
3. All wireless telecommunications facilities shall be maintained in good condition, order and repair.
4. Licensed maintenance and construction personnel shall perform all maintenance and construction of wireless telecommunications facilities.
5. All wireless telecommunications facilities shall comply with the current RF emission standards, as determined by the FCC.

S. FEES. The following fees shall apply:

Administrative Permit (New Cell Tower)	\$500.00
Administrative Permit (Modification of Existing Structure)	\$250.00
Right of Way, Wireless Facility Administrative Permit	\$250.00
Conditional Use Permit Application (New Cell Tower)	\$500.00
Staff Review, Conditional Use Permit	\$40.00 per hour
Conditional Use Permit Deposit	\$1,000.00

Conditional Use Permit Deposit Process. The applicant shall submit with any Conditional Use Permit application, or at the time of converting an application for an administrative permit to a request for a Conditional Use Permit, an initial deposit of \$1,000.00 for each wireless facility location that is the subject of the application. After completing the preliminary review, the zoning administrator shall notify the applicant, in writing, of any additional information required to complete the review, and of any anticipated extraordinary costs or expenses for additional City staff time, postage and advertising, retention of expert or consultant assistance, or legal fees. If the zoning administrator identifies anticipated costs in excess of the deposit balance after payment of expenses incurred, the deposit shall be replenished or supplemented to the extent necessary to assure payment of the anticipated costs before the City shall incur those anticipated costs and before any further review of the application shall occur. At the conclusion of the permitting process a finalized statement shall be provided to the applicant, all deposit monies held by City in excess of actual costs shall be returned to the applicant.

T. ENFORCEMENT. It shall be the duty of the Chief Administrative Officer to appoint a Code Enforcement Officer, who shall enforce all provisions of this code. It shall be unlawful for any person to interfere with any City Official in the performance of the duties assigned under this sign code.

U. PENALTY. In addition to any other enforcement action or nuisance abatement action, 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 Chapter 1,

Article 2 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.

Article 6. Nonconforming Lots & Structures

600. Purpose, policy and applicability.

A. Purpose. The purpose of this section is to establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Code, in compliance with K.S.A. 12-771.

B. Policy. It is the general policy of the City to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Code to continue to exist and be used productively, while working to bring as many aspects of such use into conformance with the current Zoning Code as is reasonably practicable, and to terminate the right to carry out any nonconforming use as soon as such nonconforming use actually ceases, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of the property owner in continuing to use the property in a manner that no longer conforms to the requirements of this code but to control the expansion of the nonconformity and to control re-establishment of abandoned uses and limit re-establishment of buildings and structures that have been substantially destroyed.

C. No nonconformities created by adoption of the March 15, 1999 Zoning Regulations. No use of a building, structure or property that was in existence on March 14, 1999, and complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999, shall become or be deemed to have become nonconforming or noncomplying due to adoption of this Code. Any use of a building, structure or property and any building, structure or property that complied with the zoning ordinance or zoning resolution in effect prior to March 15, 1999 may be rebuilt, repaired or otherwise re-established to the extent that it existed on March 14, 1999. The burden of proof to establish that any contested use was in existence on March 14, 1999, and the scope of such use upon that date, is upon the property owner claiming the applicability of this section.

601. Nonconforming uses.

A. Maintenance and repair. Any structure which is part of a nonconforming use may be repaired or altered on the same terms set forth, under Section 602.1 of this section.

B. Enlargement and expansion within a building and enlargement and expansion of a building. A nonconforming use may be expanded within the floor area of an existing, conforming structure or within an expanded structure, subject to the limitations listed herein. In any residential district, such expansion shall be permitted into an area equal to the original floor area of the nonconforming use, when the expansion:

1. Does not increase the number of dwelling units;
2. Includes plans for all off-street parking and loading required to serve the expansion area;
3. If greater than 50 percent of the original floor area, is found by the Board of Zoning Appeals to be compatible with the neighborhood and not detrimental to the community, as determined by the effect of the expansion on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services.

C. Expansion of outdoor nonconforming uses. A nonconforming use of premises for which the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, may not be expanded except if such use may be expanded in a manner that conforms to the requirements of this Code. The Board of Zoning Appeals shall review a plan to enlarge a nonconforming use with a conforming use to determine

whether the nonconforming use may be brought into conformity with the zoning code as part of the development of such expansion.

D. Change in use. A nonconforming use may be changed to a new nonconforming use, provided that the new use shall be of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The initial determination of whether a proposed new use is a conforming use or is a less intense nonconforming use shall be made by the Public Works Director, or his/her designee, with an appeal to the Board of Zoning Appeals. In either case, the determination shall be based on the use hierarchy established by the Zoning Regulations. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to the less conforming use from which it was changed.

602. Nonconforming structures.

A. Maintenance and repair. Remodeling of a nonconforming structure within the existing building footprint shall be permitted without a zoning variance, all in conformance with current building codes. Any nonconforming structure damaged to the extent of 50 percent or less of its fair market value by fire, wind, tornado, earthquake, or other natural disaster, may be rebuilt in conformance with current building codes, provided such rebuilding does not increase the intensity of use as determined by the number of dwelling units (for residences) or floor areas or ground coverage (for nonresidential uses). The structure shall not be rebuilt closer to the property line than the original structure or the applicable setback lines, whichever is closer. Nonconforming structures damaged 50% or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the adopted building code related to construction in flood hazard areas. Any building so damaged more than 50 percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.

B. Enlargement and expansion. Any expansion of the nonconforming structure that increases the degree of nonconformance is prohibited. Expansions of the structure that do not increase the degree of nonconformance shall be permitted and shall not require a variance. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Public Works Director or his/her designee, with an appeal to the Board of Zoning Appeals.

C. Relocation. If a nonconforming structure is relocated within the area to which this Code is applicable, it shall be placed only in a location in which it fully conforms to the requirements of this Code.

D. Unsafe structures. Nothing in this section shall be construed to permit the continuing use of a building found to be in violation of basic life, safety or health codes of the City. The right to continue to use a noncomplying structure shall be subject to all applicable housing, building, health and other life safety and health codes of the City.

603. Nonconforming lots.

A lot shown on an approved and recorded subdivision plat on the date on which this Code became applicable to the lot, or a parcel shown on the assessor's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of this Code, subject to the provisions of this section.

A. Vacant lot. If the lot or parcel was vacant on the date on which this Code became applicable to it, then the owner may use the property as permitted by the applicable zoning district, provided that the use shall comply with applicable dimensional requirements of this Code to the maximum extent practicable. If the

applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Board of Zoning Appeals.

B. Lot with building or structure. If the lot or parcel contains a building or structure on the date on which this code becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity. An increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback. Remodeling of a structure within the existing building footprint or expansion in compliance with this section shall not require a variance but shall be reviewed by the Public Works Director or his/her designee as though the lot were conforming.

C. Lot merger. If the lot or parcel is smaller than would otherwise be required by this Code and such lot or parcel is at any time on or after the date on which this Code became applicable to such lot or parcel under common control with an adjacent lot or parcel, then the two shall be considered merged for purposes of this Code and shall in the future be considered together for purposes of determining compliance. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity. When a nonconforming lot or parcel shall not again be used as a separate lot or parcel, unless it is subdivided from the lot or parcel with which it has been merged; subdivision shall require full compliance with the requirement of this Code and the applicable subdivision regulations.

604. Other nonconformities.

A. Examples of other nonconformities. The types of other nonconformities to which this section applies include but are not limited to: fence height or location; lack of buffers or screening; lack of, or inadequate, landscaping; lack of, or inadequate, off-street parking; and other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use. However, a nonconformity other than those enumerated in Sections 601, 602 and 603 shall be brought into conformance upon the occurrence of any one of the following:

1. Any increase on the premises of more than 30 percent floor area or 50 percent value;
2. For a property in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.

B. The requirement that nonconformities be brought into conformance shall be subject to variance by the Board of Zoning Appeals where it finds that such conformance would involve an unreasonable hardship.

C. Policy. Because other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the City to eliminate such other nonconformities as quickly as practicable.

D. Increase prohibited. The extent of such other nonconformities shall not be increased, with or without a variance.

605. Nonconformities created by public action.

Nonconformities created by public action. When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Code without resort to the Board of Zoning Appeals.

606. Discontinuance.

A. Nonconforming use. When a nonconforming use has been abandoned, such nonconforming use shall not be renewed. When a building containing a nonconforming use has been destroyed or damaged to an extent exceeding 50 percent of its fair market value, such nonconforming use shall terminate and shall not be renewed and the building shall not be restored in a way that is designed primarily for a nonconforming use.

B. When abandoned. A nonconforming use shall be presumed abandoned when any of the following has occurred:

1. The owner has in writing or by public statement indicated intent to abandon the use;
2. A less intensive use has replaced the original nonconforming use;
3. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures;
4. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use; or
5. The property, if a land use conducted primarily outside of a building, has been vacant or completely inactive for 12 months;
6. The property, if a land use conducted primarily inside of a building, has been vacant or completely inactive for 24 months.

C. Overcoming presumption of abandonment. A presumption of abandonment based solely on the length of time a land use has remained vacant or inactive may be rebutted within 90 days of such use being deemed abandoned upon a showing, to the satisfaction of the Board of Zoning Appeals, that during such period of vacancy or inactivity the owner of the land or structure:

1. has been maintaining the land and structure in accordance with the all applicable building codes; and
 - a. has been actively and continuously marketing the land or structure for sale or lease based upon the existence of the nonconforming use; or
2. has been engaged in other activities that would affirmatively prove that there was not an intent to abandon.

607. Determination of nonconformity status.

In all cases, the property owner shall have the burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Code.

608. Registration on nonconformities.

A. Rights conditional. The rights given to those using or owning property involving nonconformity are specifically conditioned on the registration of the nonconformity with the Public Works Director, or his/her designee.

B. Registration process. The Public Works Director, or his/her designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of such nonconformities. The Public Works Director, or his/her designee, shall provide registration forms for this purpose.

C. Registration deadlines. Property owners shall have one year from the date on which the nonconformity first became nonconforming to register it. Subject to the verification procedures established by the Public Works Director, or his/her designee, nonconformities so registered shall be deemed to be lawful nonconformities, to the extent documented on the registration form. All rights to continuance, maintenance, repair and other continuation of the nonconformity shall apply.

D. Effect of not registering, appeal. The Public Works Director or his/her designee shall refuse to permit the expansion, continuance, repair, maintenance or other continuation of nonconforming status for nonconformity not registered in accordance with this section. An aggrieved party may appeal such denial to the Board of Zoning Appeals, which may grant a late registration status to the nonconformity if it finds that:

1. The failure to register the nonconformity occurred because the owner was unaware that the situation was nonconforming or from excusable neglect; and
2. The nonconformity was established lawfully in conformance with the then applicable Zoning Code, or is otherwise entitled to protection under a specific section of this Article.

E. If the Board of Zoning Appeals grants late registration status to the nonconformity, the owner shall then be entitled to all of the rights accorded to the nonconformity as though it were registered in accordance with the requirements of this section.

Article 7. Administration & Enforcement

700. Amendments.

A. The Governing Body may, from time to time, on its own motion or on petition, as provided herein, amend, supplement, change, modify, or repeal the regulations and restrictions as established herein and may change, restrict, or extend the boundaries of the various districts established herein.

B. Relevant matters considered when approving or disapproving zoning requests, may not necessarily be given the same weight in relation to any proposed amendment, including but not limited to, the following:

1. the character of the neighborhood;
2. the zoning and uses of properties nearby;
3. the suitability of the subject property for the uses to which it has been restricted;
4. the extent to which removal of the restrictions will detrimentally affect nearby property;
5. the length of time the subject property has remained vacant as zoned;
6. the relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;
7. recommendations of permanent staff; and
8. conformance of the requested change to the adopted or recognized master plan being utilized by the city.

C. All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon.

1. If such amendment, modification, change, restriction, or repeal is a general revision of existing ordinance, notice of such public hearing shall be published at least once in the official city newspaper at least 20 days prior to the date of the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms.
2. If such amendment, modification, change, restriction, or repeal is not a general revision of existing ordinance and will affect only specific property, it shall be designated by legal description and general location, and in addition to public notice as described in 700(C)(1) above, written notice of such proposed action shall be mailed to all owners of real property located within 200 feet of the nearest property line of the area proposed to be altered, and opportunity shall be granted to all interested parties to be heard at the public hearing. If the proposed property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet into any unincorporated area. Lists of affected properties and property owners shall be established through a certified document provided by a title company.
3. Whenever the City initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice

by publication and hearing in like manner as that required by subsection (C)(2). In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition, in accordance with K.S.A. 12-757(c)(2).

4. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.
5. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or the governing body.
6. Any notice in compliance with the provisions set forth above is sufficient to permit the planning commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing, unless the planning commission has previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard in accordance with the procedural rules of the planning commission.

D. An accurate written summary of the Public Hearing held by the Planning Commission shall be made. The Public Hearing may be adjourned from time to time. Within 60 days following the public hearing, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt the same in the form of the proposed change, either general or property specific, and shall submit the same, together with the written summary of the hearing thereon, to the Governing Body. If the planning commission fails to make a recommendation within 60 days following a public hearing, the planning commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing, shall be submitted to the Governing Body for further action.

E. Regardless of whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a three-fourths vote of all the members of the Governing Body. For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning, or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the total real property within the area required to be notified.

F. Upon receipt of the recommendation from the Planning Commission, the Governing Body either may: (1) Approve such recommendations by the adoption of the same by ordinance; (2) override the planning commission's recommendations by a 2/3 majority vote of the membership of the Governing Body, and approve an action deemed appropriate by such majority of such body; or (3) may return the same to the planning

commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

G. If the Governing Body returns the planning commission's recommendation for further consideration, the planning commission, shall at its next regularly scheduled meeting consider the same, and after consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Except as otherwise required by 700(E) above, upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt, or may revise or amend and adopt, such recommendation by ordinance, or it need take no further action thereon. If the planning commission fails to deliver its recommendation to the Governing Body following the planning commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly.

H. If such amendment affects the boundaries of any zone or district, the respective ordinance shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.

I. Any approved rezoning or zoning code amendment shall become effective upon publication of the adopting ordinance.

701. Changes by individuals or groups.

A. Application in writing for any changes in district boundaries or reclassification of any lot, tract, or parcel of land located in the city shall be filed with the commission and accompanied by such data and information as may be prescribed by the commission so as to assure fullest possible presentation of facts for the permanent record.

B. As such applications for changes or reclassification will affect specific property, it shall be designated by legal description and general street location, and shall be accompanied by a certified list, prepared by an abstract company, of all owners of real property within 200 feet of the area proposed to be changed or reclassified, excepting public streets and ways, located within or without the corporate city limits of the city. If the proposed amendment to property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

C. For process for such amendment, refer to Section 700.

D. A filing fee of \$200 and a publication fee of \$75 shall be paid to the city clerk upon filing each such application for each lot, tract, or parcel included in the application to change district boundaries or reclassify an area for the purpose of defraying costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.

E. Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, notice and protest petition requirements shall be in accordance with the provisions of K.S.A. 12-757 (c)(1).

702. Conditional uses.

The Governing Body may, from time to time, on its own motion or on petition, in the manner provided for herein, authorize in specific cases such conditional uses as are expressly allowed in the various districts.

A. Application. An application in writing for such conditional use shall be filed with the commission, accompanied by such data and information as may be prescribed by the commission so as to assure the fullest possible presentation of facts for the permanent record.

1. On the application, the property for which the conditional use is sought shall be designated by legal description and general street location.
2. Accompanying the application, a certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be obtained from an abstract company and is to be provided by the petitioner. If the proposed designated property is located in the "AAA" Residential District, or adjacent to the "AAA" Residential District, the area of notification of the action shall be extended to at least 1,000 feet in the "AAA" Residential District. If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.
3. A filing fee of \$200 and a publication fee of \$75 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 herein. A written receipt shall be issued to the person making such payment and the records thereof shall be kept in such a manner prescribed by law.

B. Public Hearing. The commission shall establish the time and place of the public hearing.

1. At least 20 days' notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.
2. In addition to such public notice, written notice of such conditional use shall be mailed to all property owners and applicable addresses within 200 feet of the property (excepting public streets and ways) and an opportunity granted to interested parties to be heard at the public hearing. If the proposed designated property is located in the "AAA" Residential District, or adjacent to the "AAA" Residential District, the area of notification of the action shall be extended to at least 1,000 feet in the "AAA" Residential District. If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

C. Consideration. The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of this Code to assure:

1. That proposed uses will not be contrary to the public interest.
2. That the spirit of the Code is observed.
3. That public safety and welfare is secured.
4. That substantially equal treatment under the law is preserved.

D. Criteria. The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a conditional use may be developed by the commission and incorporated into any recommendation in support of the requested conditional use.

1. Access and traffic load and/or flow.
2. Noise, light and odor.
3. Screening.
4. Parking, refer to parking section.
5. Services (public utilities).
6. Public health and safety.
7. Adequacy of facility and lot size.
8. Signs.
9. Review by fire marshal for designation.
10. Time limitations for implementing/beginning the use upon the property may be incorporated within the conditions of the conditional use when appropriate to ensure that when the use is begun the criteria upon which the conditional use was approved remains essentially the same.
11. Sunset provisions may be incorporated within the terms of the conditional use in accordance with the same standards set forth in Article 6 regarding abandonment of use.
12. Other considerations as appropriate.

E. Action. An accurate written summary of the Public Hearing held by the Planning Commission shall be made. The Public Hearing may be adjourned from time to time. Within 60 days following the conclusion of the public hearing, the Planning Commission shall prepare its recommendations, and by an affirmative vote of a majority of the entire membership of the commission either 1) adopt the recommendation including any conditions to be met in allowing the conditional use, or 2) deny the application including a statement of the reason(s) for such denial, and the recommendation, together with the written summary of the public hearing thereon, shall be submitted to the Governing Body. If the planning commission fails to make a recommendation on a conditional use request within the allotted timeframe, the planning commission shall be deemed to have made a recommendation of disapproval, and such default recommendation and written summary of the public hearing, shall be submitted to the Governing Body for further action.

F. Upon receipt of the recommendation from the Planning Commission, the Governing Body either may: (1) Approve such recommendation by the adoption of an Order; (2) override the planning commission's recommendations by a 2/3 majority vote of the membership of the Governing Body, and adopt an Order setting forth the action determined appropriate by such majority of that body; or (3) may return the recommendation to the planning commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

G. If the Governing Body returns the planning commission's recommendation for further consideration, the planning commission, shall at its next regularly scheduled meeting consider the same, and after

consideration, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Except as otherwise required by 700(E) above, upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt, or may revise or amend and adopt, such recommendation by Order, or it need take no further action thereon. If the planning commission fails to deliver its recommendation to the Governing Body following the planning commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly.

H. Protest. The same protest provisions set forth in Section 701 above shall apply to this conditional use process.

I. Existing Conditions. Uses which were legal at the time of the adoption of this zoning ordinance that would be conditional uses under the zoning ordinance shall be considered nonconforming uses and shall be continued and maintained in conformance with the provisions of Section 600.

703. Enforcement of these regulations.

A. It shall be the duty of the Director of Public Works, or designee, to enforce the provisions of this Code and to refuse to issue any permit for any building or structure, or for the use of any premises that would violate any of the provisions hereof, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or be in violation of any provision of this Code.

B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Code, the Director of Public Works, or designee, is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation and to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, or use in or about such premises.

704. Permits.

A. The existing character of structures and the use and occupancy of premises shall not be changed, nor shall any building, the use of which is proposed to be altered or changed, be hereafter erected or altered until a permit shall have been approved by the Director of Public Works, or designee, and issued by the city clerk stating that the proposed uses of such building or premises complies with all the provisions of this Code.

B. Application for permits shall be on forms approved by the Director of Public Works, or designee, and shall be filed with the city clerk. A record of all applications and permits shall be kept on file in the office of the City Clerk. If an application for a permit is made after the work for which the permit is sought has begun, then the cost of the permit shall be double the cost of a permit that is obtained prior to the time work has begun.

C. No permit shall be issued unless the application shows that the proposed structure and use will conform to the provisions of this Code.

D. Permits must meet the requirements of the City Subdivision Regulations and, thus, shall not be issued on land which is not shown on a recorded plat or replat, or a lot split, except for a continuation of an existing use or occupancy, accessory structures or uses, or additions to existing structures or uses. If platting is not required, all of the public improvements necessary to carry out the requested permit nevertheless may be

required at the applicants' expense, including, but not limited to, dedications in lieu of platting such as for easements and additional rights-of-way.

E. An appeal may be taken to the Governing Body from the action of the Director of Public Works, or designee, denying any permit by filing a notice of appeal, specifying the grounds therefore, with the City Clerk. The City Clerk shall schedule a hearing for the applicant before the Governing Body within thirty (30) days of receipt of such notice of appeal. If the Director of Public Works', or such designee's, action is determined to be justified because of noncompliance to this Code, the applicant shall be directed to the commission, as appropriate, to comply prior to issuance of any permit.

705. Penalty.

Any violation of the provisions of these regulations shall be a misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

706. Validity.

If a section, paragraph, clause, or provision of these regulations shall be declared invalid by any court or competent jurisdiction, the same shall not affect the validity of the Code or any part of provision thereof, other than the part so declared to be invalid.

Article 8. Subdivision Regulations

800. Subdivision regulations incorporated.

It is hereby incorporated by reference as if set out fully herein, the Subdivision Regulations adopted by the Governing Body of the City of Haysville, Kansas, by Ordinance, effective. No fewer than three copies of the Zoning and Planning regulations, including Article 8 relating to the Subdivision Regulations, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours.

Article 9. Creation Of a Planning Commission

900. Jurisdiction.

Jurisdictional boundaries of planning commission are hereby established as shown on the map designated as the "Zoning Jurisdiction Map," which such map shall include:

- A. Total jurisdiction within city limits;
- B. Primary recommendation within zone of influence, three mile ring, where overlap occurs within the city's zone of influence.
- C. Secondary recommendation within zone influence, three mile ring, where overlap occurs within the city's zone of influence.

Such map and all notations, references and the information shown thereon are hereby made a part of this chapter as if the same were set forth in full herein. It shall be the duty of the Planning Commission Secretary to keep on file in his or her office an authentic copy of the map, all changes, amendments or additions thereto and duplicate copies thereof shall be kept on file in the office of the commission and building inspector.

Article 10. Creation Of A Board Of Zoning Appeals

1000. Appeals.

Appeals to the board may be taken by any person aggrieved by any officer, department, board or bureau of the municipality during the enforcement of the Zoning Regulations, or affected by any decision of the administrative officer regarding the applicability of such restrictions and/or requirements imposed by the Zoning Regulations. Such grievance shall be taken within a reasonable amount of time to the board for consideration and/or action, by filing an appeal specifying the grounds thereof and paying the fee required. The officer from whom the appeal is taken shall forthwith transmit to the board, all papers constituting the record upon which the action appealed was taken. The board shall have the power to hear appeals (of, where, or when) it is alleged there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the Zoning Regulations.

A. Appeal: An appeal in writing shall be filed with the board accompanied by such data and information as may be prescribed by the board as to assure the fullest possible presentation of facts for the permanent record.

B. On the appeal, the property for which review and consideration is sought shall be designated by legal description and general street location.

C. Accompanying the appeal, a certified list of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be provided by the petitioner. If a proposed appeal to property for which review and consideration is sought is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

D. A filing fee of \$100 and a publication fee of \$50 shall be paid to the city clerk upon the filing of each appeal, for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment and records thereof shall be kept in such a manner as prescribed by law.

1006. Stay proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application or notice to the officer from the appeal of which is taken and on due cause shown.

1007. Hearing.

The board shall fix a reasonable time for the hearing of any appeal, variance or exception, give public notice thereof as well as due notice to the parties of interest, and decide same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

A. Hearing: The board shall establish the time and place of the public hearing.

B. At least 20 days notice of the time and place of the public hearing shall be published in the official paper of the City of Haysville.

C. In addition to such public notice, written notice of such appeal shall be mailed to all property owners and applicable addresses, within 200 feet of the property (excepting public streets and ways), each party to the appeal and the appropriate planning commission and an opportunity granted to interested parties to be heard at the public hearing. If the proposed property for which appeal, variance, or exception is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

1008. Variances.

The board is empowered to authorize in specific cases a variance from the specific terms of the zoning ordinance which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will in an individual case result in unnecessary hardship (total deprivation of use), and provided that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for variance may be granted in such case upon finding by the board that all of the following conditions have been met:

A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that it is not created by an action or actions of the property owner represented in the application;

B. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owner represented in the application;

D. That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

E. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

F. That granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinances.

1009. Exceptions.

The board is authorized to grant exceptions to the provisions of the zoning ordinance in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the board have the power to grant exceptions when conditions of this exception, as established in the zoning ordinance, are not found to be present.

1010. Special exceptions.

The board is authorized:

A. To grant a permit for a temporary building for commerce or industry in a dwelling district which is incidental to the dwelling development, which temporary building shall be located in the platted development area. No such permit shall be issued for more than 24 months or beyond completion of the project, whichever is shorter.

B. To grant a permit for the extension of a use or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership at the time of the adoption of the zoning ordinance, or at the time of annexation, whichever is later.

C. To determine in cases of uncertainty, the classification of any use not specifically enumerated in the zoning regulations.

1011. Further powers of the board.

In exercising the powers set out in this article, such board may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and that end shall have all powers of the officer from whom the appeal is taken.

1012. Vote required.

The concurring vote of a majority of the members appointed to the board shall be required to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required, or to affect any variation of the zoning regulations.

Article 11. Metropolitan Area Planning Commission

1100. Ratifying, concurring joint ordinance-resolution.

ORDINANCE NO. 238

AN ORDINANCE RATIFYING AND CONCURRING IN A JOINT ORDINANCE-RESOLUTION AND AN AGREEMENT DATED DECEMBER 19, 1967, WITH ANY AMENDMENTS THERETO, OF THE CITY OF WICHITA, KANSAS, AND SEDGWICK COUNTY, KANSAS, ATTACHING THE CITY OF HAYSVILLE, KANSAS, TO THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AND REPEALING ORDINANCE NO. 229 PERTAINING THERETO.

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

SECTION 1. The City of Haysville, Kansas, under the authority of K.S.A. 1965 Supp. 12-716, et seq., herein ratifies and concurs in the Joint Ordinance-Resolution establishing the Wichita-Sedgwick County Metropolitan Area Planning Commission and an Agreement dated December 19, 1967, with any amendments thereto, adopted by the Board of Commissioners of the City of Wichita and the Board of Commissioners of Sedgwick County. All future agreements or amendments are also ratified and concurred in, providing they are served on the Clerk of the City of Wichita and the Board of Commissioners of Sedgwick County. All future agreements or amendments are also ratified and concurred in, providing they are served on the Clerk of the City and the Chairman of the City Planning Commission, and provided the governing body does not officially object within 30 days of the service of such notice.

SECTION 2. That by such action the City of Haysville, Kansas, does hereby establish itself as a member of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION 3. The City Clerk is hereby directed to serve a copy of this ordinance to each governing body who is a member of the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Secretary of the Metropolitan Area Planning Commission.

SECTION 4. Ordinance No. 229 of the City of Haysville, Kansas be and the same is hereby repealed.

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

PASSED AND APPROVED, at Haysville, Kansas, this 26th day of February 1968.

THE BOARD OF COMMISSIONERS OF THE CITY OF WICHITA AND THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, ON THIS 19th DAY OF DECEMBER, 1967, PURSUANT TO THE ADOPTION OF A JOINT ORDINANCE-RESOLUTION CREATING THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, DO HEREBY AGREE TO THE FOLLOWING:

1. MEMBERSHIP, TERM, QUALIFICATIONS AND COMPENSATION. The Wichita-Sedgwick County Metropolitan Area Planning Commission shall consist of eight (8) members, four (4) of whom shall be appointed by the Mayor of the City of Wichita by and with the consent of the Board of Commissioners of the City of Wichita, and four (4) of whom shall be appointed by a majority vote of the Board of County Commissioners of Sedgwick County, Kansas. All terms shall commence on February 1, and expire on January 31. All terms of office other than the terms of the initial appointees shall be for four (4) years and until their successors shall have been duly appointed and qualified. All appointments to the Wichita-Sedgwick County

Metropolitan Area Planning Commission existing at the date of this Agreement shall remain in full force and the appointees shall remain in office for the term to which appointed. Each of the appointments shall be made so that no more than one City and one County appointment shall expire each year. In case of death, incapacity, resignation or disqualification of any member, the Board making the appointment of such member shall appoint another member for the unexpired term of such deceased, incapacitated, resigned or disqualified member. Any person residing within the City of Wichita shall be eligible for appointment by the Board of Commissioners of the City of Wichita. Any person residing within Sedgwick County (including incorporated areas), or within an area under which planning jurisdiction has been established, shall be eligible for appointment by the Board of Commissioners of Sedgwick County. Members of the Wichita-Sedgwick County Metropolitan Area Planning Commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as members of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

2. MEETINGS, ORGANIZATIONS, RECORDS. The Wichita-Sedgwick County Metropolitan Area Planning Commission shall convene for its meetings at such time and place as shall be fixed by its Chairman, and shall meet not less frequently than once a month. Said Planning Commission shall elect one member as Chairman and one member as Vice Chairman. The terms of the Chairman and Vice Chairman shall be for one year and until his successor shall have been elected and qualified. Special meetings of the Planning Commission may be called by the Chairman, or in his absence by the Vice Chairman, or a majority of all the Commissioners, on not less than 24 hours notice, such notice to be by mail or personal service by the Secretary or his representative, at the address given to the Secretary of the Planning Commission by such member. A quorum of the Planning Commission shall consist of five (5) members. The Planning Commission shall designate a Secretary and may also designate an Assistant Secretary, neither of whom need be members of the Planning Commission. The Secretary shall cause a proper record to be kept of all the proceedings of the Planning Commission. All action taken by the Wichita-Sedgwick County Metropolitan Area Planning Commission superseded hereby shall continue in full force and effect.

3. PLANNING COMMISSION AUTHORITY, FUNCTION, RESPONSIBILITY. The Wichita-Sedgwick County Metropolitan Area Planning Commission, herein sometimes referred to as the Planning Commission, shall have such power and duties as may be prescribed by law from time to time. As a primary function, the Planning Commission shall have the responsibility for the preparation, adoption, recommendation and maintaining of a long-range Comprehensive Development Plan to guide the future physical development of the area within the planning jurisdiction as established in the joint ordinance-resolution creating the Wichita-Sedgwick County Metropolitan Area Planning Commission. Such Comprehensive Development Plan shall consist of at least a land use element, a circulation element and a facilities element. The plan shall provide a statement of population distribution and density and proposed building intensities and other uses of land. The Commission shall recommend development plans for specific public works projects and for urban renewal. Such development plans shall be related to the Comprehensive Development Plan and shall ensure the integration of proposed land uses and for matters of access and relationship to the neighborhood within which such development plans provide for construction. Development plans shall also contain analysis of methods of financing proposed public works. The Planning Commission shall cause to be prepared zoning studies and shall recommend the zoning of all land within its jurisdiction as defined within the joint ordinance-resolution. The Planning Commission shall cause to be prepared recommendations governing the control of subdivisions within the area of its jurisdiction as heretofore defined. The Planning Commission shall cause to be prepared annually for the jurisdictions that they represent, a statement of current and past growth and development trends and anticipated growth for the succeeding year and for the succeeding five years. Such annual statement of anticipated growth and development shall also contain an annual review of the status of the General Plan and recommended adjustments in such Plan. Such annual review statement shall be transmitted to the administrative heads of the political jurisdiction involved for the use by the respective jurisdictions in the preparation of their annual capital improvement budget. The Planning Commission shall cause to have reviewed annually the proposed capital improvement budgets of the respective jurisdictions and shall comment

upon the proposed budget in terms of its conformity to and furtherance of the Comprehensive Development Plan. The Wichita-Sedgwick County Metropolitan Area Planning Commission shall assume and perform all of the powers, duties and functions heretofore vested in the Wichita City Planning Commission, and in the previously constituted Wichita-Sedgwick County Metropolitan Area Planning Commission.

4. WICHITA - SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT-- ESTABLISHMENT THEREOF. There is hereby established and created the Wichita-Sedgwick County Metropolitan Area Planning Department. The Director of such Department shall be appointed by the City Manager of the City of Wichita and by the majority vote of the Board of Commissioners of Sedgwick County, Kansas, by joint appointment. All subordinate employees shall be similarly appointed, but it shall be the responsibility of the personnel Division of the Department of Administration of the City of Wichita to make such examinations, conduct such tests, obtain such records and generally supervise the Personnel of the Planning Department as may be reasonably necessary and in accordance with general personal practices and procedures of the City of Wichita. The Director of Planning and all subordinate employees shall serve at the pleasure of the majority vote of the Board of County Commissioners and the City Manager of the City of Wichita.

5. BUDGET, DISBURSING AGENTS. At such times as may be prescribed by the governing bodies, the Planning Department shall submit to the Board of County Commissioners of Sedgwick County, Kansas, to the City Manager of the City of Wichita, and to all other local governing bodies of their planning commissions, who directly contribute to the funding of the Planning Commission, a budget of income and expenditures for the ensuing fiscal year. This budget shall be submitted for review and comment. After such review and comment, such budget shall be considered by the Board of County Commissioners of Sedgwick County, Kansas, and the Board of City Commissioners of the City of Wichita, Kansas, and such budget as submitted, or as the same may be amended, shall be approved and adopted by said governing bodies to the extent of approximately 50% of such amended or revised budget by the Board of Commissioners of the City of Wichita, and such fiscal support by any other member, city or county, as any one or more of such cities or counties feel it can make. The City Treasurer of the City of Wichita is hereby designated as the custodian and disbursing agent for the total budget; and the Board of County Commissioners shall direct the County Treasurer to pay over direct to the City Treasurer of Wichita the County's portion of such budget.

6. PLANNING MATTERS - PRIOR ACTION AND PENDING PROCEEDINGS. All planning and zoning actions of every kind or character heretofore taken by the Wichita City Planning Commission, or the Sedgwick County Planning Commission heretofore created, shall be continued in full force and effect and shall in no way be affected by this joint resolution and ordinance. All petitions for zoning change, petitions for vacation of streets, alleys and other public ways, requests for changes in street names, requests for approval of plats and dedications, Master or Comprehensive Plans, and all other matters pending before the Wichita-Sedgwick County Metropolitan Area Planning Commission upon the effective date of this joint resolution-ordinance shall continue to be processed by said Commission before which such applications may be pending until such matters are concluded.

7. AGREEMENT AND EFFECTIVE DATES. This Agreement between the City of Wichita and Sedgwick County shall be ratified by either ordinance (City) or resolution (Counties) of any city or county desiring to become a member of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

AGREED TO this 19th day of December, 1967, at Wichita, Kansas.

By the BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY

1102. Metropolitan area planning commission.

ORDINANCE NO. 29-610

JOINT ORDINANCE OF THE CITY OF WICHITA, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, PROVIDING FOR THE CREATION OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, DESIGNATING THE AREA OF PLANNING JURISDICTION, PROVIDING FOR THE METHOD OF ACCEPTING OTHER PARTICIPATING AGENCIES, PROVIDING FOR JOINT AGREEMENTS BETWEEN THE COOPERATING CITIES AND COUNTIES AND REPEALING A CERTAIN ORDINANCE AND RESOLUTION RELATING THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA: AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, BEING IN REGULAR SESSION IN THE OFFICE AT THE COURTHOUSE IN WICHITA, KANSAS, THIS 6th DAY OF DECEMBER, 1967.

SECTION 1. CREATION. There is hereby created by the Wichita-Sedgwick County Metropolitan Area Planning Commission, as authorized by K.S.A. 1965 Supp. 12-716, et seq. Its membership, authority, function, responsibility, budget and staff shall be as established in agreements between the cooperating agencies, unless provided for herein.

SECTION 2. PLANNING AREA JURISDICTION. The area of planning jurisdiction for comprehensive planning as may be defined by Statute or further agreement between the cooperating agencies, shall include all of Sedgwick County and such other areas which, in the opinion of the Commission, bears a direct relationship to the development of the area. The Planning Commission shall hold a hearing on all zoning matters within the City of Wichita and within the unincorporated area three miles from the City of Wichita or from any City becoming a member of the Metropolitan Area Planning Commission; or for such area as may be determined appropriate if zoning is established under the provisions of K.S.A. 1965 Supp. 19-2919, et seq. The Planning Commission shall have subdivision jurisdiction within the City of Wichita and the unincorporated area within three miles thereof, and/or such other unincorporated area as may be determined appropriate by the Board of County Commissioners of Sedgwick County, either by Resolution of that Board of County Commissioners or by concurrence with Subdivision Regulations adopted by the Planning Commission. The Planning Commission shall also have such other jurisdiction as may be possessed by any member governing body or their planning commission when expressly delegated to the Wichita-Sedgwick County Metropolitan Area Planning Commission by Resolution or Ordinance. All matters pertaining to planning, zoning or subdivision affecting land within three miles of any member city or county shall be referred to the local Planning Commission if there be one, for discussion and recommendation before said matter shall be considered before the Metropolitan Area Planning Commission for action.

SECTION 3. MEMBER CITIES OR COUNTIES-ACCEPTANCE-DISSOLUTION. Any city in Sedgwick County, or county abutting Sedgwick County, or any city within such County, wishing to attach itself as a member, may become a member by first notifying the Wichita-Sedgwick County Metropolitan Area Planning Commission at least 15 days before adopting an ordinance (city) or resolution (county), which ratifies this joint ordinance-resolution (and amendments or supplements thereto), and existing agreements between the cooperating cities and counties concerning the Metropolitan Area Planning Commission. The Ordinance-Resolution shall provide for the ratification and concurrence of this ordinance-resolution and any agreements concerning the establishment of the Metropolitan Area Planning Commission, as well as any delegation of or assignment of areas of planning jurisdiction. The Ordinance-Resolution shall also provide that in addition to all existing agreements being ratified, all future amendatory agreements are also ratified unless within 30 days

after service of such agreement upon a member city or county, they reject said amendment or new agreement. Such ordinance or resolution shall not become effective until all member units have been served a copy thereof. In the event any member shall wish to terminate its membership, the adoption of an ordinance or resolution shall be required, provided that such ordinance or resolution shall not become effective for 60 days after its service upon an officer of the Metropolitan Area Planning Commission.

SECTION 4. AGREEMENTS. The City of Wichita and the County of Sedgwick concurrently with the adoption of this Joint Ordinance-Resolution, shall enter into an agreement specifying the general purpose of the Planning Commission, designate the functions in addition to those contained herein, determining the number and qualifications of its members, provide for the manner of cooperation, the means and methods of operation and functioning of the Planning Commission, including the creation of a Planning Department, providing for the employment of personnel and consultants, determining the proportionate share of costs and expenses and such other matters as may be determined proper for consideration. Copies of such agreement shall be served upon the Clerks of the member cities or counties and the Chairman of their Planning Commissions, if there be any.

SECTION 5. SEVERABILITY. If this Joint Resolution and Ordinance, or any part thereof, shall be held or determined to be unconstitutional, illegal, ultravires or void, the same shall not be held or construed to change or annul any provision hereof which may be legal or lawful; and in the event this Joint Ordinance and Resolution, or any part thereof, shall be held unconstitutional, illegal, ultravires or void, the same shall not affect any action heretofore taken by the Wichita City Planning Commission, the Sedgwick County Planning Commission, or the Wichita-Sedgwick County Metropolitan Area Planning Commission as heretofore established and constituted.

SECTION 6. REPEAL. Ordinance No. 29-359 of the City of Wichita is hereby repealed.

SECTION 7. REPEAL. The Joint Ordinance-Resolution of the Board of County Commissioners of Sedgwick County, Kansas, adopted June 21, 1967, be and the same is hereby repealed.

PASSED AND APPROVED, at Wichita, Kansas, this 19th day of December, 1967.

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Article I. Title, Purpose, Authority and Jurisdiction

Section 1. Short title.

These regulations shall be known as the “Haysville Subdivision Regulations,” and shall hereinafter be referred to as “these regulations.”

Section 2. Purpose.

These Subdivision Regulations are designed and intended to serve the following purposes:

1. To provide for the harmonious development of the City of Haysville and portions of the unincorporated area of Sedgwick County;
2. To provide for the proper location and width of streets, building lines, open spaces, drainage, safety, and recreational facilities and for the avoidance of congestion of population;
3. To provide for the minimum width, depth, and area of lots;
4. To specify the extent to which, or manner in which road ways shall be graded and improved;
5. To specify the extent to which, or manner in which water, sewer, and other utility mains and piping or connections or other physical improvements shall be installed; and
6. To provide for and secure to the proper Governing Body, the actual construction of such physical improvements.

Section 3. Authority.

The requirements and recommendations set forth herein are designed to encourage an orderly municipal growth for Haysville through responsible land subdivision and are adopted under authority established by K.S.A. 12-741, et seq, as amended, 12-742, 12-749, 12-751 and 12-752, 12-760 and 12-761, 12-764, 12-766, 12-3009 through 12-3012, and 12-3301 and 12-3302.

Section 4. Jurisdiction.

These regulations shall apply to all subdivisions of land within the corporate limits of the City of Haysville, as presently exists or are hereafter established, and within the Urban Growth Boundary as defined by the Metropolitan Area Planning Commission and Sedgwick County Board of County Commissioners.

Section 5. Applicability.

Any owner or owners of land subdividing the same into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or establishing any street, alley or other property intended for public use or for the use of any purchaser or owner of lots, tracts, or parcels of land fronting on or adjacent thereto shall cause a subdivision plat to be made in accordance to these regulations unless exempted under Section 6.

Section 6. Exemptions.

Notwithstanding the requirements of Sections 2 through 5, these regulations shall not apply in the following instances or transactions:

1. For land in the unincorporated area, the division or further division of land into unplatted metes and bounds tracts, each of which contains 20 or more acres, and which:
 - a. Does not involve any new streets or easements of access, as determined by the Planning Commission, and is located adjacent to a public road which has been accepted by the County or a township or which is located adjacent to an existing private road whose right-of-way width conforms to the right-of-way standards of this Regulation.
 - b. In the case of an existing private road, there must be covenants filed of record which provide for the maintenance of the private road. The covenants must provide a mechanism which authorizes the County to maintain the private road, and charge incurred costs to the owners of the land being provided access, if the owners fail to maintain the private road.
 - c. Has land suitable for dwelling purposes which is not located in an area subject to flooding as determined by Section 2 of Article VI of these Regulations. If any portion of unincorporated property lies in a flood hazard area as shown on the Flood Boundary and Floodway Maps published by the Federal Emergency Management Agency or if drainage channels and swales exist on the property which carry runoff from adjacent property or public roads, the flood hazard area or drainage channel shall be protected by grant of easement, dedication or other similar device as may be required by the County Director of Public Works;
 - d. If the property is located adjacent to a public road right-of way which does not conform to the right-of-way width requirements of these Regulations, additional right-of-way shall be granted by dedication or easement as may be required to conform to these Regulations.
 - e. Is to be used for agricultural or single family residential purposes only; and
 - f. Conforms to any applicable zoning regulations and sanitary code.
2. A change in the boundary between adjoining lands which does not create an additional lot or tract or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.
3. Land used for street or railroad right-of-way, a drainage easement or other public utility easement subject to local, state or federal regulations; where no new street or easement of access is involved.
4. Land used for highway or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
5. A correction of a description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a "correction conveyance" and shall clearly identify the proper conveyance that is the subject of correction and the error contained in such prior conveyance.
6. Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations.

7. Any lot split approved in accordance with these regulations.
8. Any transfer by operation of law.

It shall be the responsibility of the property owner or their agent to provide to the Zoning Administrator copies of recorded instruments which show the name of the current owner and a complete legal description of the property for which an exemption is requested, including documentation identifying that date upon which the legal description for the property was established.

Any request made in writing for a determination as to qualifications for being exempt from these Regulations shall be answered by the Zoning Administrator either in the affirmative or negative within 30 days after the filing of the request or the exemption shall be considered granted.

Article II. Administration And Enforcement

Section 1. Division of responsibility.

The administration of these regulations is vested in the following governmental branches, agencies, departments or individuals of the city government:

1. Zoning Administrator
2. Office of the City Clerk of Haysville, known as the City Clerk.
3. Haysville Planning Commission.
4. Haysville Governing Body.

Each of the above named governmental branches, agencies, departments or individuals shall have the responsibilities hereinafter set forth.

Section 2. Duties of the zoning administrator

The Zoning Administrator, or designee, shall administer the provisions of these regulations and in furtherance of such authority, shall:

1. Inform applicants of procedures required for subdivision approval and vacations, provide application forms and other administrative forms to facilitate the process, and convey to subdividers the decisions of the Planning Commission.
2. Receive and establish files for all sketch plans, preliminary and final plats, replats, final plats for small tracts, lot splits and vacations together with applications therefore.
3. After determining the adequacy of the information submitted as suitable for distribution, forward copies of the preliminary plat and final plats for small tracts, when deemed necessary, to other appropriate governmental agencies and public and private utilities providers for their comments and recommendations.
4. Review and compile a list of comments on all preliminary plats to determine whether such plats comply with these regulations and similarly review and compile a list on all final plats to determine whether they comply with the preliminary plat, if any, and these regulations.
5. Forward preliminary and final plats to the Planning Commission for their consideration, together with the list of comments and recommendations.
6. Following review recommendation by the Planning Commission on all matters reviewed by the Planning Commission, check and assemble all pertinent data and drawings, then forward such recommendation and associated documentation to the Governing Body for final action.
7. Issue determinations of when property divisions are exempt from these Regulations as provided herein.
8. Make such other determinations and decisions as may be required by these regulations.

Section 3. Duties of the office of the city clerk related to these regulations.

The City Clerk of the City of Haysville shall:

1. File at least one copy of these regulations marked by the Clerk as “Official Copy as Incorporated by Ordinance No. _”, (i.e., the ordinance adopting these regulations as approved by the Governing Body). Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.
2. Distribute at cost to the City, official copies of these regulations to the police department, court, planning and zoning administrator, building inspector, city attorney and all administrative departments of the City charged with the enforcement of these regulations.
3. Process the required filing fees.
4. Provide clerical assistance to the Governing Body so as to facilitate and record their actions in the exercise of their duties relating to these regulations.

Section 4. Duties of the Haysville Planning Commission.

The Haysville Planning Commission shall:

1. Review and approve, approve conditionally, or disapprove preliminary plats.
2. Review and approve, approve conditionally, or disapprove final plats for compliance with the preliminary plat as approved, and approve or disapprove final plat and transmit same to the Governing Body for acceptance of dedications of streets, alleys and other public ways and sites.
3. Make recommendations to the Governing Body on vacations of recorded plats, rights-of-way, easements and other public reservations.
4. Make such other determinations and decisions as may be required of the Commission from time to time by law or these regulations

Section 5. Duties of the governing body.

The Governing Body shall:

1. Accept or not accept dedications of streets, alleys, easements, alleys, easements and other public ways and sites shown on final plats and in cases of disapproval or modification shall inform the subdivider and Planning Commission in writing of the reasons.
2. Approve or not approve vacations of recorded plats, rights-of-way, easements and other public reservations and, in the unincorporated area, to recommend or protest such vacations to be considered by the Board of County Commissioners.

Section 6. Enforcement.

No plat, lot split or vacation request shall be approved which does not comply with the provisions of these regulations.

Section 7. Filing fees.

For the purpose of defraying costs of proceedings described herein, filing fees shall be paid upon the filing of each application as established by Chapter 17 of the Haysville Municipal Code adopted by the governing body.

Article III. Interpretation And Construction

Section 1. Interpretation and construction.

1. Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable local law, ordinance, regulation, resolution, rule or regulation of any kind, the regulation that is more restrictive and imposes higher standards of requirements shall govern.

2. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of this regulation are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

3. No subdivision of land shall be made lawful solely by the adoption of these regulations if such subdivision did not lawfully exist at the time of the adoption of these regulations. If any existing subdivision of land is in conflict with these regulations in any manner, such subdivision shall remain unlawful until the requirements of these regulations have been complied with.

4. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances therefore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

5. In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:

- a. The singular number includes the plural and the plural the singular;
- b. The present tense includes the past and future tenses and the future the present; and
- c. The word "shall" is mandatory while the word "may" is permissive.

6. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.

7. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

Section 2. Definitions.

Any word or phrase that is defined in this Section shall have the meaning assigned to it by said Section wherever the word or phrase is used in these regulations.

1. Access Control. The limitation of public access rights to and from properties abutting streets or highways. Access control is used to preserve high-quality traffic service and to improve safety.

2. Agriculture. The use of a tract of land for growing crops, pasturage, nurseries, dairying or the raising of poultry or cattle and other livestock, including the structures necessary for carrying out farm operations and the residence(s) of those owning and operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, dog kennels, commercial

feedlots or commercial greenhouses; however, woodland and non-producing open space land are considered agricultural.

3. Base Flood Elevation. The highest elevation, expressed in feet above mean sea level, of the level of flood waters having a one percent chance of being equaled or exceeded in any given year (commonly called the 100-year storm).

4. Benchmark. Surveying mark made in some object that is permanently fixed in the ground, showing the height of that point in relation to North American Vertical Datum of 1988 (NAVD 88).

5. Blocks. A tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

6. Building Setback Line. A line indicating the limit beyond which buildings or structures may not be erected. Such line may be more, but not less restrictive than applicable zoning or other regulations.

7. Dedication. Gift or donation of real property by the owner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the governing body.

8. Design Standards. The basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these regulations.

9. Detention Pond. A storage facility for the temporary storage of storm water runoff designed in such a way to limit the maximum discharge to an amount equal to pre-developed conditions.

10. Developer. The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in the land. (see also Owner; Subdivider)

11. Developer's Agreement. A contractual agreement signed and notarized by the subdivider and the City or County, depending upon the location of the land being subdivided, which is conditioned upon approval of the final plat and acceptance of dedications thereon with primary concern for the installation and guarantees for public improvements.

12. Easement. A grant of specific property rights to land for the use of the public, a corporation or another person or entity.

13. Easement, Drainage. An easement required for the installation of storm water sewers or waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

14. Encroachment. Any obstruction in a delineated floodway, right-of-way, easement, building setback or adjacent land.

15. Frontage.

- a. Street Frontage. The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting on side of such street measured from the nearest intersecting street and the end of the dead-end street.

- b. Lot Frontage. That portion of the lot that lies between the side lot lines and is adjacent to the street serving the lot.
16. Governing Body. The Mayor and City Council of the City of Haysville.
17. Improvements. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in Article VII of these regulations.
18. Infrastructure. Facilities and services needed to sustain industry, residential, institutional, and commercial activities.
19. Lot. A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these regulations.
 - a. Lot, Double Frontage (a.k.a. Through Lot). A lot other than a corner lot, two opposite lot lines of which abut upon streets which are more or less parallel. On a Double Frontage or Through Lot, both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots, there shall be a common front lot line.
 - b. Lot, Reverse Frontage. A lot whose rear lot line also serves as the street line for a limited access highway or street.
 - c. Lot, Corner. A lot situated at the intersection of two streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - d. Lot, Through. (See Lot, Double Frontage.)
 - e. Lot, Interior. A lot whose side lot lines do not abut upon any street.
20. Lot Split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into tracts that meets the criteria established within these regulations.
21. Master Plan. Any plan or map adopted by the City for guidance of growth and improvement of the City and its environs including modifications or refinements that may be made from time to time.
22. Minimum Pad Elevation. The lowest ground elevation completely surrounding a structure or the lowest flood proofed opening into a structure. This elevation is expressed in city datum or mean sea level.
23. Open Space. An area of land or water, or combination thereof, planned for passive or active recreation or for protection, conservation or for preservation of natural resources, but does not include areas utilized for streets, alleys, driveways, or private roads, off-street parking or loading areas, or required, front, rear or side yards.
24. Original Tract. A tract of land in existence at the time, in 1969, that Sedgwick County adopted Subdivision Regulations. (July 1, 1969)
25. Owner. Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations. (See also, Developer; Subdivider)

26. Pedestrian Way (Crosswalk). A right-of-way across a block or providing access within a block to be used primarily for pedestrian traffic.

27. Petition. A legal instrument which serves as the basis for initiation of a public improvement project. A petition is frequently used during the platting process to guarantee the construction of certain improvements, e.g., street paving, water and sewer lines, drainage, etc. A petition is valid if its signatures are more than 50% either by area within the benefit district or by ownerships. Petitions are also used to initiate the vacation of streets, alleys, easements, other public reservations and plats.

28. Planning Consultant. Any person, firm, partnership, association, or corporation contracted to provide professional planning advice or service to the city.

29. Planned Unit Development (PUD). A platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations as approved by the governing body.

30. Planned Unit Development Plat. A plat containing additional language and depictions unique to one or more parcels contained therein, superseding zoning and subdivision regulations as approved by the planning commission and city council.

31. Plat. An engineering drawing/map of a tract of land which has been lawfully subdivided meeting the criteria established in the subdivision regulations and duly recorded in the office of the Register of Deeds of Sedgwick County.

- a. Sketch Plat. A map or plan of a proposed subdivision made prior to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
- b. Preliminary Plat. A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
- c. Final Plat. A map or plan of a subdivision prepared in accordance with these regulations to be placed on record with the County Register of Deeds.
- d. Replat. A new plat of a revision to a subdivision or portion thereof for which a final plat has previously been recorded. Such plats are processed as new plats for preliminary and final plat review and approval.

32. Public Way. Any parcel of land unobstructed from the ground to the sky, more than 10 feet in width, appropriated to the free passage of the general public.

33. Reserve. An area of property within a subdivision that is platted for specific uses, e.g., open space, entry monuments, landscaping, recreational facilities, utilities and drainage, floodway, private street, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowner's or lot owner's association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility.

34. Restrictive Covenants. Contracts entered into between private parties which constitute a restriction on the use of private property within a subdivision for the benefit of property owners and to provide mutual

protection against undesirable aspects of development which would tend to impair stability of values. Such restrictions may be set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. Restrictive covenants usually run with the land, and are not enforceable by a municipality.

35. Sanitary Sewers. Pipes that carry only domestic, commercial and industrial sewage and into which storm, surface and ground waters are not intentionally admitted.

36. Septic Tank. An individual sewage disposal system involving a water tight receptacle that receives the discharge of sewage from a building and is designed and constructed to permit settling of solids from liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial firms, at regular intervals. Septic tanks are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a septic tank system involves establishing a minimum lot area to provide for the system's operation, determining that the soil has an acceptable percolation rate and ensuring separation of the system from groundwater.

37. Setback Line. The line that is the distance that is required by the City of Haysville Zoning Regulations between a principal structure or accessory structure and the property line of the lot on which the structure is located.

38. Sewage. The total of organic waste and waste water generated by residential, commercial and industrial establishments.

39. Sidewalk. That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only

40. Stormwater Detention. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination of these techniques.

41. Street. The entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley" or other similar designation. Types of Streets include:

- a. Alley. A public right-of-way along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots. An alley is not intended for general traffic circulation.
- b. Arterial Street. Any street serving major traffic movements that is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.
- c. Collector Street. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
- d. Cul-de-Sac. A short street with only one outlet and which is permanently terminated by a vehicular turn-around at its closed end.

- e. **Dead-End Street.** A street having only one outlet and which does not benefit from a turnaround at its closed end.
- f. **Freeway.** Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.
- g. **Frontage or Marginal Access Road.** A local street which is parallel with and adjacent to a limited access highway or arterial street and which provides access to abutting properties and protection from through traffic on the limited access highway or arterial street.
- h. **Half Street.** A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.
- i. **Local Street.** Any street designed primarily to provide access to abutting property, to include lanes, drives, circles, boulevards, or any other designation that might be given to such streets.
- j. **Parkway Strip.** That portion of street right-of-way that is not a part of the roadway driving surface and which is located between the back of the street curb, or edge of the improved roadway surface, and the street right-of-way line. The parkway strip provides unobstructed right-of-way for the installation of public utilities (typically gas and water lines), sidewalks, street signs, street lights, street furniture, street trees, emergency call boxes and other ancillary uses. The parkway strip should not be confused with parking lanes that are often provided as part of street pavement. The parkway strip is sometimes called a street's side strip.
- k. **Private Street.** A right-of-way or easement which affords principal means of vehicular access to property abutting thereon, which right-of-way or easement is owned, controlled and maintained by persons other than the public.
- l. **Street Stub.** A short section of street right-of-way platted to provide future access to an adjacent unplatted tract of property

42. **Subdivider.** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land. (See also, Developer; Owner)

43. **Subdivision.** Any division or redivision of land by means of mapping, platting, conveying, changing or rearranging of boundaries, or otherwise, and shall also relate to the process of subdividing or other land subdivided where appropriate to the context.

44. **Turn Around.** An area at the closed end of a street with a single common point of ingress or egress (cul-de-sac) within which vehicles may reverse their direction without any backing up movements.

45. **Vision Triangle.** A triangular area in the form of an easement at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Dimensions for such vision triangles shall be determined by the standards applicable to vision triangles as defined in the City Zoning Regulations; however, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation or intensity of traffic volumes or speed.

46. **Waterway.** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or

intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

47. Wetland. A land area that is saturated by surface water or ground water at frequencies and durations sufficient to support a prevalence of plant life typically adapted for life in saturated soil conditions and as defined in Section 404, Federal Water Pollution Control Act of 1972 as amended, and delineated on maps prepared by the U.S. Fish and Wildlife Service and as field verified by on-site inspection.

Article IV. Procedure For Approval Of Subdivision Plats

Section 1. Application for subdivision approval.

Any person desiring or required to subdivide land that is subject to the provisions of these regulations shall file with the office of the Zoning Administrator an application that states the name and address of the person making the application, identifies the location of land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths. A proposed sketch plan of the subdivision may be attached to the application. The appropriate fee shall be paid upon filing the application.

Section 2. Pre-platting conference.

Any person desiring to subdivide land into 40 or more lots shall hold a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Owners of proposed subdivisions of less than 40 lots are encouraged to hold a pre-platting conference; however they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of this pre-platting conference is to inform the Zoning Administrator and City Staff of the possible future subdivision so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to the City's utility and street system and the City's development policies and plans. The conference enables the Zoning Administrator to inform owners and their agents of the general conformance or non-conformance of the subdivision proposal with the Subdivision Regulations, additional requirements for further processing of the plan, and to advise them of applicable zoning provisions or conflicts, and special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, soil problems, high water tables, etc.), as well as the provision of adequate public facilities.

The landowner or his representative may, if he deems desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the Zoning Administrator, which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed development, the general layout of the proposed subdivision, including the location and size of streets and the orientation, numbers and dimensions of the lots; plans for water supply and sewage disposal, and any particular design problems posed by the existing natural or manmade conditions and characteristics of the site which could benefit from an early discussion.

The pre-platting conference may include representatives of the City of Haysville and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding. No fee shall be charged for the pre-platting conference.

Section 3. Filing of preliminary plat.

The subdivider shall file with the Zoning Administrator such number of copies and a digital format of the preliminary plat as the Zoning Administrator may deem necessary for proper review.

Section 4. Contents of preliminary plat.

The preliminary plat shall contain information and data set out in Section 3, Article V of these regulations.

Section 5. Distribution and review of preliminary plat.

The Zoning Administrator, after the filing of the preliminary plat, shall make arrangements to distribute one or more copies of the preliminary plat to affected and interested governmental and public and private organizations as may be deemed appropriate for the particular proposed subdivision. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Planning Commission, signify approval, unless during this period a written request for an extension of time not to exceed 15 days is submitted to the Planning Commission.

Section 6. Action by the planning commission on preliminary plat.

The Planning Commission shall review the preliminary plat and consider the report and recommendation of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission may also conduct a public discussion, at which time interested persons may attend and offer evidence in support of or against such preliminary plat.

1. The Planning Commission shall thereupon determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.

2. If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat.

3. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions it may suggest modifications to satisfy such conditions and in such event;

- a. The subdivider may amend the preliminary plat to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
- b. If the subdivider rejects the suggested modifications or takes no action within the time allowed for Planning Commission action, the Planning Commission will disapprove the preliminary plat, and furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

4. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations. Notification of disapproval must be provided within 60 days after the preliminary plat was filed.

5. The subdivider may appeal the disapproval of the preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

Section 7. Failure of planning commission to act on preliminary plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date it is filed, or from the date the subdivider files the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or to waive such time limitations.

Section 8. Effect of approval of preliminary plat.

1. Approval of the preliminary plat shall signify the general acceptability of the proposed subdivision and shall be considered permission to prepare the final plat and such other items as are needed or required for submission with the final plat.

2. Such approval shall be effective for no more than two (2) years from the date approval was granted, unless, upon an application of the subdivider, the Planning Commission grants an extension of time beyond such period. If the final plat has not been approved and recorded as required by the provisions of this regulation within such two (2) year period, or any extensions granted thereto, the preliminary plat must be re-submitted to the Planning Commission as if no such plat had ever been approved. If there are no substantive changes from the preliminary plat which was originally approved, no additional fee shall be charged for such re-submission.

Section 9. Filing the final plat.

The final plat shall be filed with the Zoning Administrator's office within two (2) years after the date the preliminary plat is approved. The subdivider must provide both paper and digital copies of the final plat, such number and format to be designated by the Zoning Administrator to allow for proper review and government records.

Section 10. Action by the planning commission on the final plat.

The Planning Commission shall review and act upon the final plat within 60 days after it has been submitted for final approval. The Planning Commission shall approve the final plat if it is:

1. Substantially the same as the approved preliminary plat.
2. There has been compliance with all conditions, restrictions and requirements of this regulation and of all other applicable ordinances of the city.
3. There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

The Planning Commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval. If the Planning Commission disapproves the final plat, the subdivider shall be advised in writing of the reasons for such disapproval.

Section 11. Failure of planning commission to act on the final plat.

If the Planning Commission fails to act on the final plat within 60 days, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitations.

Section 12. Submission to the governing body.

Before a final plat is recorded, it shall be submitted to the Governing Body for approval and acceptance of dedications for streets and other public ways, access controls, public utility easements, and any land being dedicated or established for public use. The Developers Agreement for construction and payment of streets and utilities shall also be submitted at this time

Section 13. Action of governing body.

The Governing Body shall approve or disapprove the dedication of land for public purposes and the Developers Agreement within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modification to comply with the requirements established by the Governing Body. If the Governing Body disapproves or defers action on the final plat, it shall advise the Planning Commission and the subdivider in writing the reason for disapproval or deferment.

Section 14. Disapproval or deferment by the governing body.

In the event the Governing Body disapproves or defers action on the final plat, as referred to in Section 13, the Planning Commission shall meet with the subdivider to modify the final plat or Developers Agreement to comply with the requirements of the Governing Body.

Section 15. Failure of the governing body to act on the final plat.

If the Governing Body fails to act on the final plat within the time period specified in Section 13 above, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

Section 16. Approval of plats and acceptance of dedications by the county commission.

All Final Plats outside the corporate limits of the City shall also be submitted to the Board of County Commissioners for their review and approval and for the acceptance of dedications for public rights-of-way, access controls, utility easements and other public uses.

Section 17. Recording of final plat.

The Final Plat with all required signatures and in the exact form as approved by the Governing Body and Planning Commission shall be recorded with the County Register of Deeds within 30 days after approval of the Final Plat by the Governing Body, including the developer's agreement, any required restrictive covenants and any required separate instrument(s). Approval of the Final Plat by the Planning Commission and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds. The cost of recording the plat and associated instruments shall be paid by the subdivider.

Section 18. Phased developments.

An approved Preliminary Plat may be Final Platted in pieces rather than as a whole, provided the following conditions are met:

1. Each Final Plat shall contain an area of sufficient size to install improvements economically. The Final Plat should, if possible, contain at least 20 lots.

2. Each phase must consist of one or more geographically contiguous areas.
3. The approval of the Planning Commission is obtained. The decision of the Planning Commission to authorize the Final Plat shall be based on the advice of the City Engineer and Public Works Director regarding the feasibility of installing required improvements.
4. At least one Final Plat shall be submitted for approval within each 12 months period from the date of approval of the overall Preliminary Plat. All Final Plats for the overall Preliminary Plat shall be submitted for approval within five years from the date that the overall Preliminary Plat was approved. The Planning Commission, on written request of the subdivider, may, from time to time, grant extensions of time for submitting such Final Plats. Each such extension of time shall be for no more than one year.
5. All steps required for the approval of a Final Plat, including the recording of the plat, shall be complied with.

Section 19. Approval of final plats for small tracts.

If a proposed plat complies with the requirements of this section, then the Planning Commission may approve a Final Plat without first approving a Preliminary Plat.

1. Requirements. In order to qualify for approval in the manner provided for in this section, a proposed Final Plat shall comply with the following requirements:
 - a. For single-family and two-family developments the plat shall contain no more than 20 lots or exceed 10 acres. For multi-family or nonresidential uses involving areas not previously platted, the plat shall be not more than five (5) acres and involve no more than 2 lots. For previously platted properties, for which the present plat was recorded not more than 24 months prior to the filing of the application for a replat of that subdivision or portion thereof, the proposed plat shall not exceed five (5) acres nor include more than five (5) lots.
 - b. No public street is sought to be dedicated across the property or is contemplated to be projected through (as opposed to adjacent to) the property subject to the plat.
 - c. The proposed subdivision plat shall be in the form required by Section 3 of Article V of these Regulations and shall contain all the information and certificates required as part of a Final Plat, including all supplemental information.
 - d. Submission of a filing fee.
 - e. Submission of a vicinity map drawn to scale indicating existing topography, the location of existing utilities on or adjacent to the property, the location of existing buildings on the property and the names of owners of adjacent properties including zoning of the adjacent properties. The number of copies of the vicinity map which are required to be submitted with the Final Plat shall be determined by the Zoning Administrator.
2. Procedures
 - a. Final Plats submitted for approval pursuant to this section shall be filed with the Zoning Administrator and transmitted to the Planning Commission and affected and interested governmental, public and private organizations.

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- b. The approval of Final Plats by the Planning Commission pursuant to this section shall be subject to the same requirements for a Final Plat except insofar as said requirements require prior approval of, or compliance with, an approved Preliminary Plat.

Article V. Contents Of Plans And Plats

Section 1. Engineering accuracy.

Plats shall be prepared with the following accuracy:

1. Preliminary plats shall be drawn to scale with such accuracy as to determine the location of a lot, block, property and boundary lines, utility and other facilities, to the nearest foot.
2. Final plats shall be prepared with the accuracy required for traverse data. The following sheets or drawings shall be submitted with the final plat:
 - a. Traverse data, for the plat, including the coordinates of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distances less than ten thousand (10,000) feet in length, the error of closure shall be less than one (1) in ten thousand (10,000).
 - b. The computation of all distances, angles and courses that are shown on the final plat.
 - c. All stakes, monuments or other evidence found on the ground in use to determine the boundaries of the plat.

Section 2. Contents of preliminary plat.

The preliminary plat shall be drawn at a scale of one inch equals 100 feet. A variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. The following general information shall be shown on the preliminary plat:

1. The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to these regulations.
2. Date of preparation, north point, and scale of drawing.
3. An identification clearly stating that the map is a preliminary plat.
4. Location of the subdivision by measured distance to a section corner to define the location and boundaries of the tract that will be subdivided.
5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
6. The name and address of the owner, the subdivider, and the registered land surveyor or engineer who prepared the plat.
7. The following existing conditions shall be shown on the preliminary plat:
 - a. The location, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way and other important features such as section lines and corners, city boundary lines and monuments.
 - b. Contour lines or spot elevations based on North American Vertical Datum 1988 (NAVD88) having the following intervals:

- i. Two foot contour intervals for ground slopes less than 10 percent
 - ii. Five foot contour intervals for ground slopes exceeding 10 percent
 - iii. Spot elevations where the ground is too flat for contours.
 1. The date of the topographic surveys shall be shown.
 - c. The location and direction of all water courses and areas subject to flooding, including floodway and flood fringe areas, and base flood elevations, where required by Section 2 of Article VI.
 - d. Natural features such as rock outcroppings, marshes, lakes, wooded areas, and isolated preservable trees.
 - e. Existing use of the property including the location of all existing structures showing the location of those that will be removed and those that will remain on the property after the final plat is recorded.
 - f. The horizontal location, within the subdivision and in the adjoining streets and property, of existing sanitary and storm water sewers including flow lines, water mains, culverts, drain pipes, underground wiring, and gas lines proposed to serve the property to be subdivided.
 - g. Zoning on and adjacent to the tract, if any.
 - h. Location, elevation and description of the benchmark controlling the vertical survey.
8. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:
- a. Streets and sidewalks, showing the location, width and names and approximate grades thereof. The preliminary plat shall show the relationship of all streets and sidewalks to any projected streets and sidewalks shown or to any related Master Plan adopted by the Planning Commission, or Governing Body; or if no such Master Plan has been completed, then as suggested by the Planning Commission.
 - b. Easements showing width and purpose.
 - c. Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
 - d. Sites, if any, to be allocated for development with other than single family dwellings.
 - e. Sites, if any, to be dedicated or reserved for park, playground or other public purposes.
 - f. Proposed building setback lines, if any, but not less than current applicable zoning regulations.
 - g. Location and type of utilities to be installed including provision for storm water drainage.
 - h. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the applicable City's or County's Street Naming and Property

Numbering Policy, if adopted. Property numbers are assigned by the City or County depending upon the agreed upon jurisdictional policy.

9. Additional data and information to be submitted with the preliminary plat. The following data and information shall be submitted in separate statements and/or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:

- a. A vicinity map showing existing subdivision, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets. Such vicinity map shall also include a location map that identifies the area of the municipality in which the tract to be subdivided is to be located.
- b. A copy of any existing or proposed deed restrictions or covenants that affect the property, in outline form.
- c. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, fiscal guarantee, etc. If other than by petition, the approximate time that such improvements will be completed should be indicated. If by petition, the statement shall contain sufficient detail with respect to the proposed improvements to permit a determination to be made with respect to whether such improvements will comply with this regulation and other applicable statutes, ordinances and regulations. If the nature of the improvement is such that it is not practical to prepare and submit all necessary details prior to the approval of the preliminary plat, then the Planning Commission may waive the submission of such details provided that the additional data is submitted at least 30 days prior to the date that approval of the final plat is requested.
- d. A drainage concept showing the means by which storm waters shall be accepted from adjacent properties, handled internally and drained from the tract, to include an analysis of adjacent properties.
- e. A traffic impact study may be required at the discretion of the Zoning Administrator or the Planning Commission.

Section 3. Contents of final plat.

The final plat shall be prepared by a registered land surveyor and drawn in waterproof black on Mylar or its equivalent. Alternatively, a final plat may be prepared with a photographic process provided it is submitted on .004 inch polyester photographic film such as Mylar or its equivalent. The page or sheet size shall be 24 by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be 100 feet to one inch. A variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notion showing the whole number of sheets in the plat and its relation to other sheets (e.g., 1 of 3 sheets.) Linear dimensions shall be given in feet and decimal of a foot. The following information shall be shown on the final plat:

1. The name of the subdivision.
2. The date of preparation, scale, north point, legend and controlling topography; and physical features such as water courses, highways and railroads.

3. A legal description of the tract boundary.
4. The name of the owners and the registered land surveyor.
5. Reference points of existing surveys identified, related to the plat by distances, angles and bearings.
 - a. Section corners and/or adjoining corners of all adjoining subdivisions, or corners of existing plats, when a replat.
 - b. Section, township and range.
 - c. When the city or county has established the centerline of the street adjacent or within the proposed subdivision, the location of such centerline and monuments found or reset shall be shown.
 - d. All other monuments required to be installed by the provisions of these regulations.
6. Tract boundary, block boundary, street and other right-of-way lines with distances and angles and/or bearings. Where these lines follow a curve (all curves must be circular). The central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.
7. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block of tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
8. The width of the portion of the streets being dedicated and the width of any existing right-of-way. The centerline of streets which are adjacent to the perimeter of the subdivision shall be indicated.
9. All easements shall be denoted by fine dash lines, clearly identified as to purpose, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of identification. Rear easements shall be labeled as drainage and utility easements when necessary.
10. Lot numbers beginning with the number one, and numbered consecutively in each block. The numbers shall be solid and of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
11. Block letters continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
12. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale. If the plat proposes the creation of reserves, the text shall state the purposes of the reserve, as well as, who will own and be responsible for the maintenance of reserves. Future ownership and maintenance responsibilities for a reserve may also be documented by a restrictive covenant filed with the register of deeds that provides that a homeowners association, or similar entity, will hold title to the reserve and therefore be responsible for the reserve's maintenance.
13. Building setback lines, if any.

14. The name of each street shown on the subdivision plat or adjacent to its perimeter.

15. The location and elevation of permanent on-site and off-site benchmarks if the plat is establishing minimum building pad or lowest floor elevations. When the establishment of minimum building pad or lowest floor elevations are required, the required elevations shall be referenced in NAVD88 on the face of the plat. The platting of the minimum building pad or lowest floor elevations shall also be noted in the platting text.

16. If street rights-of-way, building setbacks, access controls, minimum building pad elevations, public easement or other public reservations are being vacated by the plat, proper reference to K.S.A. 12-512b, amended, shall be made in the platting text.

17. The following certificates, which may be combined where appropriate:

18. All names required on plat certificates must be typed or clearly printed below the signature.

A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.

a. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants. If the subdivision abuts or is within 100 feet of any FEMA-regulated floodplain or regulatory floodway, the dedicating certificate shall also recite that, "FEMA floodplain and regulatory floodway boundaries are subject to periodic change, and such change may affect the intended land use within the subdivision."

b. A certificate signed by the registered land surveyor responsible for the survey and final map. The land surveyor shall not sign the plat until all monuments, irons, or benchmarks required by these regulations, have been set. The signature of the surveyor shall be accompanied by his seal and shall state the month and year the survey was made.

c. The acknowledgment of a notary in either of the following forms:

i. For acknowledgement in an individual capacity:

State of Kansas, County of Sedgwick, SS:

This instrument was acknowledged before me on (date) by name(s) of person(s).

Seal or stamp _____, Notary Public

(Signature of Notarial Officer)

My commission expires: _____

ii. For an acknowledgement in a representative capacity:

State of Kansas, County of Sedgwick, SS

This instrument was acknowledged before me on (date) by name(s) of person(s) as (type of authority, e.g., officer, trustee, president, etc.) of (name of party on

behalf of whom instrument was executed) on behalf of (company, partnership, trust, etc.)

Seal or stamp _____, Notary Public

(Signature of Notarial Officer)

My commission expires:_____

- d. The certificate of the Planning Commission in the following form:

This plat was approved by the Haysville City Planning Commission on _____, 20__.

Dated Signed:_____, 20__

Haysville Planning Commission

_____, Chairperson

(Typed Name)

ATTEST:

_____, Secretary

(Typed Name)

- e. The approval of the City Attorney as required for additions to or within the City of Haysville under K.S.A. 12-401 et. seq in the following form.

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed:_____, 20__

_____, City Attorney

(Typed Name)

- f. The approval and acceptance of dedications by the Governing Body in the following form:

This plat approved and all dedications shown hereon, if any, are accepted by the City Council of Haysville, Kansas, this ____ day of _____, 20__.

_____, Mayor

(Typed Name)

(SEAL)

ATTEST:

_____, City Clerk

(Typed Name)

- g. The acceptance of dedications by the Board of County Commissioners of Sedgwick County for plats outside of the city limits in the following form:

The dedications shown hereon, if any, are accepted by the Board of County Commissioners of Sedgwick County, Kansas, on _____, 20_____.

_____, Chairman

(Typed Name)

(SEAL)

ATTEST:

_____, County Clerk

(Typed Name)

- h. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this ___ day of _____, _____.

_____, County Clerk

(Typed Name)

- i. The certificate of the Register of Deeds in the following form:

State of Kansas, County of Sedgwick, SS

This is to certify that this instrument was filed for record in the Register of Deeds Office on the ___ day of _____, _____, at _____ o'clock and is duly recorded.

_____, Register of Deeds

(Typed Name)

_____, Deputy

(Typed Name)

- j. Provision for all other certifications, approvals and acceptances that are now, or that may hereafter be, required by any statute, ordinance or regulation.

- k. The form of certificates may be modified as necessary with the approval of the Planning Commission and the City Attorney to meet Kansas State requirements.

1. Subdivisions which lie outside the City limits for which requests have been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement reading, "Owners of lands within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Haysville", which shall be shown on the final plat, and shall be restated by a restrictive covenant.

19. Supplemental information to be submitted with final plat. The following additional data shall be submitted with the final plat.

- a. A title report by an abstract or title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or any encumbrance on the plat. The consent of all such persons shall be on the plat.
- b. A certificate showing that all taxes due and payable have been paid in full, or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing bodies to meet this requirement.
- c. A copy of any deed restrictions or covenants applicable to the subdivision.
- d. A developer's agreement to be approved, accepted and recorded.
- e. A drainage plan shall be submitted to the appropriate engineer prior to, or at the time of, submitting the final plat for approval, to include analysis of surrounding properties.

The Subdivision plat shall clearly state that a drainage plan has been developed for the subdivision and that all drainage easements, rights-of-way, or reserves shall remain at the established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.

Article VI. Design Standards

Section 1. Principles of acceptability.

The subdivision shall be in conformity with any development plans of the City of Haysville or of Sedgwick County, and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform to the requirements of state laws and the standards established by these regulations.

Section 2. Land subject to flood.

1. Whenever a subdivision of land, including platting for manufactured home parks and other developments on one-lot plats, is located on flood prone land identified on a Flood Insurance Rate Map(s) (F.I.R.M.) prepared by the Federal Emergency Management Agency, the following requirements shall apply: (See Ordinance 912 for Model Floodplain Management.)

- a. Show on the preliminary and final plats the boundary lines and elevations for both floodway, if any, and base flood (100-year flood level); and
- b. Assure that (a) all such subdivisions are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, water, gas and electrical systems are located, elevated and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards.

2. All plats should be designated in North American Vertical Datum 1988 (NAVD88) and City Datum to conform to the National Flood Insurance Program Studies.

3. Where a subdivision is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a drainage reserve conforming substantially to the lines of the watercourse and such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses may be required. Watercourses will be concreted or vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. Drainage reserves shall be the responsibility of the individual lot owner or subdivider homeowners association until such time as the applicable Governing Body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage within said floodway or reserve provided further, that no building shall be constructed on or within said reserve nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the applicable Governing Body exercising jurisdiction and applicable state agencies. The plat shall clearly indicate ownership and maintenance responsibilities.

Section 3. Access.

1. All lots located in any subdivision shall be served directly by a public street, except that private streets may be permitted as a part of a plat approved by the governing body. Private streets may be permitted to serve an unplatted tract, parcel or platted lot if there is an irrevocable covenant of record to provide for the perpetual ownership, continuance and maintenance of the private street. The covenant must be approved by the governing body whose engineer approves streets.

2. Compliance with access control methods consistent with published KDOT standards shall be required for any subdivision or plat located adjacent to South Broadway (US-81).

3. All lots located in any subdivision must contain at least 30 feet of frontage for driveways directly connected to an opened public street and not across the land of others. Flag lots are not permitted, unless warranted by an unusual shape of the land or the ownership of property.

4. All street, alley, and driveway access connections made to arterial streets must be limited and approved by the City Engineer.

Section 4. Parks, playgrounds, open space, schools, streets and public facility sites.

Proposed subdivision land should provide open spaces suitably located and of reasonable size for parks, playgrounds, play lots and other recreational areas as well as reservation of land for school sites, fire stations sites, other public facilities and future streets (such as freeways or expressways).

1. Land for Public Facility Sites. Public agencies using the Comprehensive Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the State:

- a. The subdivider offers to sell to the appropriate public body, agency or authority, lands, sites and locations for parks, recreational areas, schools, fire stations or other public facilities. As soon as the preliminary plat has been received and reviewed, the Planning Commission shall give 45 days' notice to the public body, agency or authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.
- b. If the body receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.
- c. The time allocated for making the above determination may be extended with the mutual consent of the subdivider and the agency involved.

2. Land for Open Space. The following conditions may be required as part of the approval of any subdivision plat:

- a. That said subdivider shall dedicate to the appropriate public body, agency, or authority, an area of land not to exceed 10 percent of the tract being subdivided, for parks, playgrounds, open space, or other public facilities.
- b. The subdivider may make payment to the city in lieu of dedicating 10 percent of the subdivided land, providing this payment is equal in value to the estimated acreage value of 10 percent of the total subdivision. Determination of the land value for making in lieu of payments will require an appraisal to be presented to the Planning Commission for their concurrence. The fund that accumulates from payments in lieu of dedication shall be expended by the Governing Body for the acquisition of public land in accordance with the City's Master Plan related to open space or public facilities. The method of payments in lieu of dedication of land shall be established prior to final approval of the plat. The need for public open space is related to population density, an area of higher density requires a greater percentage of land for uses such as parks and other public facilities. Therefore, the decision reached by the Planning Commission regarding whether to accept an in lieu of payment should be based in large part on the number of lots

(proposed dwelling units) being proposed in the subdivision. Adequate provisions should be made to allow for public open space displaced throughout residential areas of the city.

- c. The subdivider may choose to include private parks, playgrounds, and/or open space as a part of the residential subdivision. These regulations do not include any minimum requirements regarding acreage or level of improvement for such facilities. However, in order to help meet the recreation needs of the future residents, subdividers are encouraged to provide such private facilities in their developments, or alternatively, to enter into partnership agreements with the applicable governing body, with the costs of providing land and making improvements to public parks, playgrounds and/or open space within the subdivision being shared equitably between the subdivider and the governing body.

Section 5. Land subject to excessive erosion by wind or water.

On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plat. Conservation standards adopted by the County Conservation District shall be adhered to.

Section 6. Specific standards. Streets layout and design.

1. The arrangement, character or type, extent, and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.

Where such is not shown on the Master Plan, the arrangement of streets in a subdivision shall meet the following criteria or standards:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or,
 - b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
2. Local streets shall be laid out so that their use by through traffic will be discouraged.
3. If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line, deep lots with rear service alleys such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic shall be provided.
4. If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
5. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the applicable Governing Body under conditions approved by the Planning Commission.

6. Street jogs on arterial and collector streets must conform to the requirements of the Kansas Department of Transportation (KDOT) Access Management Policy. On local streets with a right-of-way of 64 feet or less, centerline offsets of less than 150 feet shall be avoided.

7. When a proposed subdivision is adjacent to unplatted property, the platting of stub streets, to provide future access to the adjacent unplatted tract, shall be provided. If the adjacent unplatted tract is planned for development of a use not compatible with the property being subdivided, the requirement for stub street dedications may be waived. If the length of the stub street is greater than 150 feet, a temporary turnaround shall be platted or established by separate instrument. If platted, the platting text shall indicate that the turnaround will be automatically vacated upon extension of the street.

8. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.

9. Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even feet, even numbers only. The components involved shall be as follows depending upon the urban or rural type of characteristics of the street needed based on land use, traffic and density:

- a. Moving or traffic lanes may be variable from 9 to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction.
- b. Parking lanes for on-street storage of vehicles shall be at least 8 feet in width. For computation purposes, up to two feet for curb or shoulder may be included as part of the parking lane.
- c. Curbs shall be considered to require 2.5 feet irrespective of construction type.
- d. Shoulders for rural type roadways shall be not less than 3 feet in width.
- e. Parking strips for streets shall be at least 14 ½ feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees from an approved City list and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way. Ditches and border strips for rural type roads shall be variable in width based on drainage, utility installations and other needs.
- f. Based on the above general criteria, street right-of-way and roadways shall be calculated from the following guidelines:

URBAN AREA				Street Right-of-Way	Roadway Width*
Section	Line	Roads,	US	120 feet, except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of a section line or centerline with any other street.	48 feet and up Or per County Engineer for areas located outside the City Limits.
	Highways, and	Arterials			

Major Local Arterial	120 feet except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of the centerline of an arterial street with any other street.	48 feet and up
Minor Local Arterial	100 feet except that 150 feet of the right-of-way shall be required within 350 feet from the intersection of the centerline of an arterial street with any other street.	48 feet and up
Collector	80 feet	35 feet
Local, Residential: Single, two, three and four-family dwellings on continuous street more than 3 blocks in length.	64 feet	35 feet
Local, Residential: Street to be no more than 3 blocks in length with a maximum of 24 single-family lots (12 each side) per block and a covenant providing for 4 off-street parking spaces per dwelling unit on each lot	58 feet	29 feet
Local Residential: Street to be no more than 1 block in length with a maximum of 24 single-family lots (12 each side). Cul-de-sacs no longer than 300 feet to the center of the turnaround radius. A covenant providing for 4 off-street parking spaces per dwelling unit on each lot shall be submitted	50 feet	21 feet
Local, for business commercial and industrial areas	64 feet	35 feet
Alley (if required)	25 feet	25 feet
Sidewalks	N/A	6 feet

RURAL AREA	Street Right-of-Way	Roadway Width*
Collector, or industrial or Commercial – two moving lanes (17.5) plus shoulder, ditches and border area	80 feet	47 feet including shoulder
Residential – two moving lanes (12.5) plus shoulder, ditches and border area	70 feet	35 feet including shoulder

* Face to Face Curb

NOTE: These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established or ties into a collector or arterial system. Access control and acceleration and deceleration lanes may be required to properly handle traffic flow and to protect the carrying capacity of the street.

10. For streets and roadways on the Functional Classification System of the County, prevailing design standards shall apply.

11. Dead-end streets, designed to be so permanently, shall not be longer than seven times the average lot width or 500 feet, whichever is less, and shall have a turnaround at the closed end that has an outside roadway diameter of at least 80 feet and a street property line diameter of at least 110 feet. In the unincorporated areas of jurisdiction the turnaround at the closed end of a street shall have an outside roadway diameter of at least 75 feet and a street property line diameter of at least 150 feet (as per standards set forth by the County Engineer.)

12. Roadway grades, wherever feasible, shall not exceed the following with due allowance for reasonable vertical curves:

Roadway Type	Percent Grade
Arterial	3%
Collector	4%
Local	5%
Marginal Access	5%

No roadway grade shall be less than 0.4 percent unless approved by the appropriate engineer. Greater percentages of grade may be required where necessary to provide adequate drainage.

13. Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require

the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half-street, or portion thereof, exists and is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No construction of the roadway shall occur until the full right-of-way is provided.

Section 7. Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.

2. When provided, the width of an alley should be 25 feet.

3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.

4. Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

Section 8. Blocks.

1. The lengths, widths and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.
- c. Need for convenient access, circulation, control and safety of street traffic.
- d. Limitations and opportunities of topography.

2. A block should not exceed 1,200 feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.

3. All blocks should be so designed so as to provide two tiers of lots, unless a different arrangement is required by other physical limitation such as railroads, streams, etc.

4. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.

5. In blocks of 800 feet or more in length, a pedestrian access easement for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. The pedestrian access easement shall have a right-of-way not less than 10 feet, and extend entirely across such block at approximately the mid-point of the length of such block. A sidewalk shall be placed along the length of such right-of-way and constructed in accordance with the requirements for sidewalk improvements.

Section 9. Lots.

1. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. The maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other lots, the depth shall not exceed three times the width.
3. The minimum widths of residential lots measured as that required by zoning regulations.
4. Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths set forth in Subparagraph (3) above, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontages, as measured on the arc of such right-of-way line, is not less than 50 percent of the required lot width measured at the building setback line.
5. The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations or of any zoning ordinance applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning ordinance.
6. There shall be no double frontage lots for individual dwellings (e.g., single and two family units); except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
7. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
8. Corner lots for residential use shall have extra width to permit appropriate building setback from the side street.
9. For lots adjacent to or near local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in the mapped floodplain, the platting of the lowest floor shall be required. The minimum building opening elevation shall be expressed in NAVD88. The elevation requirement shall be indicated on the face of the plat as well as referenced in the platting text.
10. Lots located at an arterial street intersection or at an intersection with an acute angle, which in the opinion of the Planning Commission is likely to be dangerous to traffic movement, shall have a radius of 50 feet at the intersection of street rights-of-way.
11. For lots adjacent to railroad tracks, "complete access control" shall be dedicated across the lot's street frontage for a minimum distance of 150 feet from the centerline of the nearest railroad track.
12. Access issues including driveway distance from intersections, spacing standards for driveways along section line roads, median length at intersections, traffic impact studies, and cross lot access shall be in accordance with the requirements of the Sedgwick County Access Management Policy and approved by the Planning Commission.

13. For lots located adjacent to an arterial street, access control shall be dedicated across the lot's frontage to the arterial street. The number of permitted access points shall be determined by the Planning Commission based upon the recommendations of the engineer having jurisdiction and Zoning Administrator. Staff recommendations on the number of permitted access points and distance between access points, shall be a function of the amount of lot frontage, the arterial street operating speed and the traffic carrying capacity of street improvements. For commercial or industrial subdivisions along arterial streets, subdividers are encouraged to establish shared access points to the arterial street and provide access easements between lots to reduce the number and frequency of driveways onto the major street. Based upon the recommendations of the engineer having jurisdiction and Zoning Administrator, the Planning Commission may require the platting of access controls that establish:

- a. Joint access points along common property lines; or
- b. A cross-lot access agreement provided by the subject plat to the benefit of the adjoining property, whereby the adjoining property would subsequently, upon platting, be required to dedicate complete access control. In both above instances, a Cross-Lot Circulation Agreement would be required to ensure internal access among the lots.

Section 10. Easements.

Easements shall be provided for utilities and drainage, where necessary, and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. If a subdivision is traversed by a water course, drainage way, channel or stream, then storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection herewith. Pedestrian access easements may be required on plats when an access easement is needed to provide a connecting link to public or private parks or school site.

Section 11. Business, commercial and industrial subdivisions.

1. Streets. Notwithstanding the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business-commercial or industrial use may be increased by the Planning Commission to such extent as they may deem necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.

2. Blocks. Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.

3. Frontage Road. When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

4. Sidewalks. When lots in a proposed business, commercial or industrial subdivision front on any highway or arterial street, the subdivider shall be required to dedicate and improve sidewalks in accordance with the City's design standards. Sidewalks shall run parallel to such highway or street. The responsibility of maintenance for sidewalks shall be provided either in the plat's text or by separate instrument.

Section 12. Planned unit developments.

A comprehensive group development including, the townhouses, garden apartment complexes and condominiums together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard streets, lot and subdivision arrangements; provided that departure from the standards of the regulations can be made without destroying their intent.

Condominium plats shall conform to the following:

1. The plat must be in three-dimensions relating vertical control to NAVD88.
2. A bench mark must be set on or near the building site at ground level for future reference in locating units in the plat.
3. Each floor plan of the permanent structure must be shown, as well as basement and roof levels and area of plot plan. The dimensions and ties shown for each parcel must be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
4. All unit or apartment property lines shall be the interior surfaces of the perimeter walls, ceiling, windows and doors thereof.
5. A condominium plat must contain all of the certifications and approvals required for any plat. There must also be an approval by the official authorized to issue building, zoning or occupancy permits indicating that the building plan has been approved by his office and certification by the architect that the plat is in agreement with the building plan. If not within the city, a copy shall be submitted to the County Engineer and the Township Trustee of the Township in which located.

Section 13. Drainage

1. Drainage concepts and drainage plans, as required by Article 5 of these regulations, shall be submitted to the engineer having jurisdiction. Plans for the mitigation of stormwater pollution may also be required by the engineer.
2. If the drainage plan for a multiple-family, commercial or industrial subdivision calls for the passage of storm water runoff from one proposed lot onto another proposed lot, the subdivider shall submit a cross-lot drainage agreement for recording with the plat. The cross-lot drainage agreement shall clearly state which lots within the proposed subdivision are to accept storm waters from other lots within the subdivision.
3. If the drainage plan for a subdivision calls for the passage of storm water runoff from the proposed subdivision onto property that is outside the perimeter of the plat, the platting engineer and/or surveyor shall work with the engineer having jurisdiction. Based upon a determination by the engineer having jurisdiction, the subdivider may be required to provide for on-site detention of storm waters and/or acquire an off-site drainage easement or agreement. Any off-site drainage easement or agreement shall clearly state that the proposed subdivision may continue to drain onto the property that is beyond the subdivision's perimeter.
4. If the drainage plan for a subdivision calls for the proposed subdivision to accept drainage from property that is outside the perimeter of the proposed subdivision, the subdivider shall provide either specific drainage easements to handle the passage of storm water onto the plat or, by separate instrument, establish a drainage agreement or covenant with the owner of adjacent properties. The drainage agreement or covenant

shall clearly state that the proposed subdivision will continue to accept drainage from the affected adjacent properties. The choice between whether a specific drainage easement or a drainage agreement/covenant is needed shall be at the discretion of the engineer having jurisdiction.

5. When a subdivider proposes the dedication of right-of-way for drainage purposes, the subdivider shall also guarantee the construction of an improved channel or swale within the dedication, if necessary. The design of the channel or swale shall be approved by the engineer having jurisdiction.

6. A detailed drainage plan shall be submitted for urban-scale, multi-lot subdivisions and shall specify existing contour lines, finish grade elevations at all corners and, if the lot is crowned to drain two or more directions, the direction of storm water flow by arrows. For lots in the federal flood management areas, the required building pad elevations will be the lowest floor level, and for lots in the local flood area, it will be the elevation of the lowest opening. The detailed drainage plan shall be marked "approved by the applicable Engineer."

The submitting of the detailed drainage plan does not have to occur prior to review of the final plat by the Planning Commission. The detailed plan shall, however, be on file in both the appropriate engineer's office and the office of the appropriate building permit issuing official prior to release of the plat for recording. Modifications may be made to the plan by the appropriate engineer after the plat has been approved.

Article VII. Installation of Required Improvements

Section 1. Required improvements.

The subdivider of a proposed subdivision shall provide by one of the methods set out in these regulations in Article VIII for the installation of the following facilities and improvements:

1. When within the City of Haysville:
 - a. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with the standards set by the City Engineer.
 - b. All sidewalks located within the public areas, in accordance with the standards set by the City Engineer under the following conditions:
 - i. Sidewalks may be required on one or both sides of the street when needed to service pedestrian traffic flow leading to schools, parks, shopping areas or places of public assembly and where heavy traffic would warrant sidewalks for safety purposes. Sidewalks shall be required to extend or complete connecting links in the sidewalk system.
 - ii. In general, sidewalks shall be 6 feet wide and constructed with the inside edge of the sidewalk adjacent to the property line; an approved sidewalk plan can provide for an alternate placement.
 - iii. All sidewalks shall provide handicap access in conformity with K.S.A. 58-1301 et seq. and the federal Americans with Disabilities Act of 1990, 42 USCA 12101, as may be amended.
 - c. A water supply system for each lot in the proposed subdivision 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 the expected demand of the proposed subdivision.
 - d. Fire hydrants, which are in accordance with the standards of the City Engineer and County Fire Chief.
 - e. A sanitary sewer system for each lot meeting all specifications of the City Engineer, and when required by law, the State Board of Health and/or local Health Department authorities. 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 City's engineered system in relation to the estimated flow of the sanitary system of the proposed subdivision.
 - f. A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the specifications of the City Engineer. Such approved storm sewer system shall be connected to any existing storm sewer system of the City if such system is available and has adequate capacity. If such connection or capacity is not available, other adequate means for the discharge of such storm sewer system shall be provided by the subdivider. Plans for mitigating stormwater pollution may be required by the engineer.
 - g. A street lighting system meeting the requirements of the City Engineer.

- h. Street signs of such location, type and size as shall be approved by the City Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the city.
- i. Monuments shall be placed at all block corners, angle points, points of curves in streets and at points as shall be required by the City Engineer. The monuments shall be of such material, size, and length as may be approved by the City or County Engineer.
- j. Underground wiring in residential subdivisions, including both electrical power and communication service, except:
 - i. For lines rated over 12,000 volts.
 - ii. Appurtenances serving such lines which may be mounted on the ground, such as transformers, transformer pads and telephone service pedestals.
 - iii. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type of distribution system.
 - iv. All such construction and installation shall be under contract with the applicable utility company. Construction or installation shall occur after sanitary sewer lines, if any, are in place.
 - v. Nothing in this section shall be construed as to requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.
- k. Concrete, masonry and/or decorative iron fences or walls 6' in height and/or landscaping shall be constructed or provided where proposed residential subdivisions abuts arterial and / or other such street having relatively high traffic volumes and where abutting lots do not have access to such a street, provided that:
 - i. Walls, iron fences, and landscaping shall not be placed in the vision triangle or otherwise impair the vision of motorists.
 - ii. Walls, iron fences and landscaping shall be maintained by the developer, property owner or homeowner's association.
 - iii. Walls or iron fences shall be constructed within a wall easement that is at least 5 feet in width and is located adjacent to the street right-of-way.
 - iv. Utilities may cross wall easements, but walls or iron fences shall not be constructed in a utility easement unless such construction is approved by the City Engineer. Based on a recommendation of the City Engineer, the construction of walls or iron fences over a utility easement may require execution of a Hold Harmless Agreement, a commitment for special wall or fence construction provisions, i.e., removable sections, or the making of satisfactory arrangements with affected utility companies. Any special arrangements made necessary by proposed perimeter wall or iron fence construction for a subdivision shall be completed prior to submitting the plat for scheduling before the Planning Commission.
 - v. Wall and iron fences shall not exceed 6 feet in height unless authorized by the Planning Commission.

1. Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water and to mitigate stormwater pollution as required by City Code and further subject to the regulations of Kansas Department of Health and Environment.
2. When outside the City of Haysville:
 - a. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with the standards set by the County Engineer.
 - b. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the appropriate jurisdiction. In addition thereto, and where feasible, such water supply systems shall be connected to the city water system, at the most advantageous points, taking into account the size of the water main at such point and the expected demand of the proposed subdivision. Where reasonable practical dead-end water mains shall be avoided.
 - c. A sanitary sewer system for each lot in conformity with all specifications of the City of Wichita Department of Environmental Health/Sedgwick County Code Enforcement, as applicable.
 - d. A storm sewer system, separate and independent of the sanitary sewer system meeting all of the specifications of the County Engineer.
 - e. Street signs of such location, type and size as shall be approved by the County Engineer, giving due regard to the prevailing type, size and pattern of location utilized throughout the county.
 - f. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the County Engineer.

Section 2. Exceptions for existing improvements

(1) Where the proposed subdivision is a resubdivision and concerns an area presently having any or all required improvements set out in the preceding section, and where such improvements meet the requirements of said section, no further provision need be made by the subdividers to duplicate such improvements. However, where such existing improvements do not meet the requirements of the preceding section, the subdivider shall repair, correct, or replace such improvements so that all improvements will then meet the aforesaid requirements.

(2) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing an existing public street of less than the minimum required right-of-way or roadway width, land shall be dedicated so as to provide the minimum required street width, except as designated by the Planning Commission, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by the appropriate engineer. The appropriate engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The foregoing provisions requiring the widening of pavement shall not apply when the length of such pavement is less than 120 feet, or two dwelling units deep, whichever is less.

Section 3. Waiver of required improvements or guarantees of installation of same.

Any waiver of the required improvements may be made only by the Haysville Governing Body on a showing that such improvement is technically not feasible.

Section 4. Agreement and guarantees for installation of required improvements.

Except for monuments and landscaping, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body or the Board of County Commissioners may, at their discretion and in recognition of their financial position, share in the cost of oversized improvements which may benefit other related areas or the City or County-at-large:

1. Petitions to the Governing Body of the City or County as applicable shall be submitted for all phases of improvements within the proposed subdivision as a means of guaranteeing to the Governing Body the authority to install improvements. All of the following conditions shall be met:

- a. The petitions (to be secured from the applicable engineer) must be valid as provided under Kansas law.
- b. The petitions must be concurred in by the applicable engineer and accepted and approved by the applicable governing body concurrently with the approval of the final plat.
- c. The initiating resolution for such improvement must be adopted by the applicable Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be borne by the subdivider.
- d. Documents must be filed with the Register of Deeds showing either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a governing body and that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.

2. As an option to special assessments, the owner/subdivider may elect to install required improvements without City financing. The following procedures shall apply:

- a. The owners and/or the subdivider of the land proposed to be subdivided shall enter into a developer's agreement with the City or County (depending on the area in which the subdivision is located), under which the owners and/or subdivider agree to install such required improvements at their own expense in accordance with the approved plans and specifications, within the time prescribed by the provisions of these regulations. Such agreements shall constitute a contract between the City and the subdivider and all appropriate parties to the agreement shall have their signatures acknowledged. A developer's agreement shall be conditioned upon the approval of the final plat and filed either with the City Clerk or County Clerk depending upon the location of the land being subdivided.
- b. Simultaneously with the execution of the agreement provide for in the Subsection above, the owner and/or the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier check, escrow account, or irrevocable letter of credit in favor of the City, in the amount of the cost as estimated by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two years from the date that the final plat is approved by the Planning Commission.

Article VIII. Improvement Procedures

Section 1. Petitions.

If the subdivider intends to submit petitions to the governing body as the means to guarantee improvements required by Article VII of these regulations, the subdivider shall so advise the appropriate engineer at the time of the preliminary plat. If the petition method is authorized by the appropriate engineer, petitions shall be submitted to that engineer for forwarding to the appropriate governing body. For petitions to be acceptable guarantees, they must be approved by the governing body concurrently with the final plat. If petitions are rejected by the appropriate governing body, then a platting requirement has not been met and the subdivision shall not be approved by the governing body. In this instance, the plat shall be placed on hold until such time as the applicant has resolved his financial obligations, or has selected another acceptable guarantee method (i.e., cash deposit, actual construction, letter of credit or performance bond).

Section 2. Final improvement plans

When the use of petitions has not been authorized by the appropriate engineer, or proposed petitions have been rejected by a governing body, the subdivider shall have a licensed professional engineer prepare engineering drawings for the required improvements. The engineering drawings shall contain all data and information specified in Section 3 below. Such drawings shall be certified by a licensed professional engineer, and shall be submitted in duplicate to the City Engineer or County Engineer, if appropriate, at least thirty days prior to the date that approval of the final plat is requested. Failure to do so will be considered automatic consent to an extension of, or waiver, by the subdivider of any time limitation for plat approval. The subdivider may contract with any governmental agency or public utility company to prepare the required engineering drawings.

The engineer having jurisdiction may waive the requirement for submission of final improvement plans, prior to the plat being considered by the governing body if, in the engineer's opinion, adequate substitute information has been submitted. In this instance, information shall be submitted that permits a determination of expected costs for both the preparation of final improvement plans and the installation of required improvements. The guarantee submitted shall be of a sufficient dollar amount to cover the costs of plan preparation and improvement construction.

Section 3. Content of engineering drawings.

Engineering drawings for required improvements shall contain the following data and information:

1. Plans, details, specifications and cost estimates for roadway and sidewalk (if any) construction, including plans, survey indicating existing topography and elevation, including curb and sidewalk elevation, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. This information shall be shown on standard plan and profile sheets unless otherwise required by the appropriate engineer.
2. Plans, profiles, details, specifications, and cost estimates of proposed storm drainage improvements.
3. Plans, profiles, details, specifications, and cost estimates of proposed water distribution systems and proposed water supply facilities and fire hydrants, if any.
4. Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants, if any.

5. Grading plans for all lots and other sites in the subdivision.
6. When unusual site conditions exist, the Planning Commission may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
7. All plans shall be based on North American Vertical Datum of 1988 (NAVD 88) for vertical control.
8. All plans for underground and overhead wiring and gas lines shall be prepared by, or at the direction of, the utility involved.

Section 4. Review of plans.

The appropriate engineer, either city or county, shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with their design standards. If such drawings are consistent and so comply, the engineer shall forward to the Planning Commission, a notice that they so conform and comply. In the event that the drawings do not so conform or comply, the engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Planning Commission, a notice as to the items of nonconformity or noncompliance.

Section 5. Approval of planning commission.

The Planning Commission shall approve a final plat only when the approval of the engineer has been received that the plans and engineering drawings have been approved or that the appropriate petitions, if authorized, have been filed with the Governing Body.

Section 6. Construction of improvements.

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved and there shall have been compliance with all of the requirements relating to an agreement, bond and deposit specified in Article VIII, of these regulations.

Section 7. Inspection.

All improvements constructed or erected shall be subject to inspection by the appropriate engineer. The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider. Before any construction or required inspections take place, the subdivider shall post a deposit with the City or County Engineer or such agency entrusted to keep such security for the official, to cover the cost of such inspections. The subdivider shall give at least 48 hours written notification to such official prior to the performance of any of the following work:

1. All phases of roadway and sidewalk construction.
2. All phases of construction, including, but not limited to water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvement.

Section 8. Inspection procedures.

After notice is received as specified in Article VII, the official designated in Article VII may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications.

If in the opinion of the engineer, such work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the official as provided in the preceding subsection.

Section 9. Final inspection.

Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the appropriate engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six months of the date and notification.

When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the engineer that the improvements are again ready for final inspection. After the final inspection is made and before acceptance of the improvement by the governing body, the subdivider shall execute and file an affidavit with the appropriate engineer certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

Section 10. Report to governing body.

If a final inspection indicates that all improvements as installed contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the official shall certify to the Governing Body that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat. The receipt of such notification by the Governing Body shall constitute the date on which the six month period specified in Section 10, Article IV shall commence.

Section 11. Acceptance of improvements.

Upon the receipt by the Governing Body of the certificate of the appropriate engineer that all improvements have been installed in accordance with the engineering drawings, as approved and in conformity with the requirements of this regulation and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution or utility by letter formally accept such improvements. The improvements shall become the property of the Governing Body.

Section 12. Vacation of undeveloped subdivision.

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

Article IX. Building And Other Permits

Section 1. Permits.

No building permit, zoning certificate or occupancy certificate, except for the situations indicated shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of these regulations until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits and/or zoning certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these regulations, including but not limited to provisions of these regulations related to approval of plans and specifications for required improvements and the posting of bonds and establishment of escrows to secure the completion of such improvements.

No occupancy certificate for the use of any structure or use within a subdivision approved for platting, replatting or lot splitting shall be issued until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways.

For existing structures or uses on an unplatted tract or on a portion or portions of platted lots, building permits may be issued for purposes of repair and maintenance of such structures or the continuation of the existing use. Additions to or expansion of principal structures or the addition of an accessory use when a principal structure already exists shall be allowed only if the involved property would otherwise be in compliance with the area's zoning and all normal requirements of that zoning such as setbacks, lot coverage, height limitations and so forth. In no case shall a non-residential use, multi-family use involving four or more dwelling units or continuation of an existing use be allowed to expand, make additions, and/or add accessory structures that would exceed 50% of the gross square footage of the existing principal structure or structures or use on the site without such site first complying with the above noted requirements.

Article X. Appeals And Variances

Section 1. Appeals general.

The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these regulations by the Planning Commission, to the Governing Body of the City of Haysville. Any such appeal shall provide a hearing de novo (hearing of new evidence). In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except, as otherwise provided by law. If the Governing Body over rules the Planning Commission, the Governing Body shall make its decision, in writing, stating the reason therefore and return such decision and plat to the Planning Commission for reapproval as required by law.

Section 2. Variances.

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria, e.g. lot width, lot depth, block length, etc., the Planning Commission may grant a variance from such provision.

1. The Planning Commission shall not grant a variance unless it shall find that the strict application of these regulations will create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of these regulations and that the public safety and welfare will be protected.

2. Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements required in Article VII, unless approved by the Governing Body as provided for in the preceding Section. Consideration of an application for a variance pursuant to this condition does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the city or county relating to variances.

3. When used in this Section, the term “unwarranted hardship” shall mean the complete deprivation of use as distinguished from a mere inconvenience.

Section 3. Variance – planned unit development.

When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, then the Planning Commission may vary the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a planned development plan in accordance with the standards, conditions and restrictions of such zoning regulation.

Article XI. Lot – Splits

Section 1. General intent and purpose

In order to provide a less time consuming and costly procedure for the division of existing platted lots, resulting in the creation of additional building sites, the Planning Commission hereby delegates to the Zoning Administrator, authority for approving or disapproving lot splits in accordance with the following regulations. Lots zoned residential, office, or commercial may be split to create a maximum of four (4) lots; industrially zoned lots may have unlimited lot splits subject to the approval guidelines listed below. A lot split is required before a building permit can be issued for any property that is the remainder of an original lot from which other portions have been split or replatted.

Section 2. Application procedure.

Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator. The request for approval shall consist of the following:

1. A completed lot split application form.
2. The appropriate filing fee as established by the Governing Body.
3. Four (4) copies of a drawing to scale shall be submitted of the lot(s) involved if there are no structures present; and if structures exist on any part of the lot(s) being split, four (4) copies of a survey, prepared by a licensed land surveyor of the lot(s) showing the precise location of structures thereon shall be submitted. The drawing or survey shall depict or provide the following:
 - a. The precise nature, location and dimensions of the proposed split;
 - b. The legal description(s) for the proposed split;
 - c. The amount of square footage contained in each portion of the original lot;
 - d. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated;
 - e. All platted building setbacks;
 - f. All platted easements, building setbacks, access control or public rights-of-way that have been previously vacated. The Vacation Ordinance number or recording information for the Vacation Order shall be referenced; and
 - g. The following certificate of Approval.

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)

) ss

CITY OF HAYSVILLE)

I hereby certify that this lot split has been examined by Haysville City Zoning Administrator and found to comply with the Subdivision Regulations of the City of Haysville, Kansas, and is, therefore, approved for recording.

Date Signed: _____, 20____.

_____, (Printed Title)

(Print Name)

STATE OF KANSAS)

) ss

CITY OF HAYSVILLE)

The foregoing instrument was acknowledged before me this ____day of _____, 20____, by _____.

(SEAL)

_____, Notary Public

My appointment expires_____.

- 4. Two (2) copies of a drawing that indicates the location of existing municipal water mains, water meters and sanitary sewer laterals that serve the lot split site.

Section 3. Approval guidelines.

Approval or disapproval of lot splits shall be made based on the following guidelines:

- 1. A lot split shall not be approved unless all the following requirements have or can be satisfied:
 - a. A new street or alley is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.

- c. Such action will result in significant increases in service requirements, e.g., utilities, drainage, schools, traffic control, streets, etc.; or will interfere with maintaining existing services, e.g., additional curb cuts, repaving, etc.
- d. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
- e. All easement requirements have not been satisfied.
- f. Such split will result in a landlocked tract. (Access easements are an appropriate means to provide access to lots without public road frontage.)
- g. A substandard sized lot or parcel will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations or sanitary code.
- h. The lot is subject to periodic flooding which cannot be feasibly corrected by fill.

2. Review of lot splits by affected and interested governmental and public and private organizations as appropriate may be required for lot splits that may result in significant increases in service requirements (e.g., utilities, schools, traffic controls, etc.), interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.) or propose private easements for access and/or utilities. Such determination shall be made by the Zoning Administrator. If a review by these organizations is necessary, 25 additional copies of the lot split drawing or survey shall be provided by the applicant along with information regarding the location of existing utilities.

3. The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, the installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other land owner (s) in the original subdivision.

4. The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot-split within 30 days of application. If approved, and after all conditions have been met, the appropriate Zoning Administrator shall sign the certificate of approval on the lot split drawing or survey. A certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, the official files of the Planning Commission, and a copy shall be furnished to the applicant.

Article XII. Amendments

Section 1. Procedure.

Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The Planning Commission shall prepare its recommendations and by a majority vote adopt the proposed subdivision regulations and shall submit them in writing with a written summary of the hearing to the Governing Body.

The Governing Body either may approve, override or return amendments for reconsideration to the Planning Commission. The Planning Commission may resubmit original, new or amended recommendations to the Governing Body. Upon return from the Planning Commission to the Governing Body, the Governing Body by simple majority may adopt, revise, or amend and adopt or take no further action. If the Planning Commission fails to deliver its recommendations to the Governing Body following the Planning Commission's next regular meeting, the Governing Body shall consider it as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance.

Article XIII. Severability And Effective Date

Section 1. Severability.

If any provisions of these regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations so as to be completely severable and the remaining provisions of these regulations shall remain in full force and effect.

Section 2. Effective date.

These regulations shall take effect and be in force from and after their adoption by the Planning Commission, approval by the City Council of an ordinance incorporating these regulations by reference and publication of such ordinance in the official City newspaper.

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Article 1. Charges, Taxes and Fees

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 dollar (\$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 a twelve (12) month period. 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 a twelve (12) month period. 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 a twelve (12) month period. 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.

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; a publication fee of \$50.00.
- (b) Variances. A filing fee of \$100.00 and a publication fee of \$50.00.

Mailing Fee. Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with an application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete.

(Code 2019)

17-310. 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 occurrence of such re-inspection.

(Code 2020)

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 building shall pay at the time of application a refundable deposit of either: (i) one hundred dollars (\$100.00) for any use requiring a City issued temporary special event permit; or (ii) fifty dollars (\$50.00) for all other uses, which deposit shall be used 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) on Mondays through Thursdays and one hundred dollars (\$100.00) for Fridays through Sundays.

(c) Monthly use. The fee for use of the community building once per month on Mondays through Thursdays shall be seven hundred twenty dollars (\$720.00) per year.

(Code 2003; Code 2007; Ord. 1043)

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. Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with an application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete. 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; Code 2019)

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/Mechanical Contractor	\$10.00
License	\$75.00
Master Certificate	\$20.00
Journeyman's Certificate	\$10.00
Certificate Fee Plumbing Contractor	\$5.00
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-four dollars (\$84.00), 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	\$25.00 (see 17-368 below)
	(Code 2012; Code 2020)

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

Animal at large/Violation of Dog Park Rules & Regulations set forth in Chapter 12, Article 4:

First offense	\$25.00
Second offense, within a twelve (12) month period	\$50.0
Third offense, within a twelve (12) month period	\$75.00
Fourth and subsequent offense, within a twelve (12) month period	\$100.00

2-112.	Endangering Animals	Class C violation
	A sum not exceeding \$500.00 and/or one (1) month in custody	
2-202.	Barking dog	\$25.00
2-201.	No tag attached	\$25.00
2-213.	Rabies vaccination require	\$50.00

NUISANCE OFFENSES

Burning (unlawful)	\$500.00
Any nuisance offense set forth within Chapter 7, Article 4:	Class C violation
A sum not exceeding \$500.00 and/or one (1) month in custody	
1.	Upon conviction for a first offense, by a fine up to \$250.00.
2.	Upon conviction of a second or subsequent offense, by a fine of not less than \$250.00 and not more than \$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; Code 2020; Ord. 1064; Ord 1076; Code 2022)	

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. Approach permit.

The permit fee for an approach within the city shall be fifty dollars (\$50.00).
(Code 2003; Code 2007; Code 2021)

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 (\$30.00).

(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 (\$30.00).

(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 occurrence of such reinspection.

(Code 2003; Code 2007; Code 2020)

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.

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 twenty dollars (\$20.00) payable to Sedgwick County, 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; Code 2019)

17-332. Electrical permits.

Fees for building permits shall be set for in the Electrical Code as adopted and enforced by the City of Haysville.

(Code 2003; Code 2007; Code 2012; Code 2020)

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 occurrence for such reinspections.

(Code 2003; Code 2007; Code 2020)

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 occurrence of such inspections.

(Code 2003; Code 2007; Code 2020)

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 aged fifty-five (55) and older.
 - (c) Military: Active Duty serviceperson with current military ID card.
 - (d) Campus/HMS Student: A current student attending USD 261 Campus, Haysville High School or any Haysville Middle School.
 - (e) Youth (6 years - 5th Grade): Any person between 6 yrs of age and fifth (5th) grade.
 - (f) Children (5 Years and younger): Any person aged five (5) years or younger.
 - (g) 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: Families are defined as an individual, their spouse and their dependent children aged 23 and under.
 - (b) Single: Limited to one person.
 - (c) Senior: Limited to one person, aged fifty-five (55) and older.
 - (d) Military: Active Duty serviceperson with current military ID card.
 - (e) Campus HS Student: Any student attending Campus HS or Haysville High School. Limited to one person.
 - (f) Haysville MS Student: Any student attending Haysville Middle Schools. Limited to one person.
- (3) HAC: Activity Center Rental Rooms - Room/Deposits
 - (a) Rental Room A & B: Rental of the rental rooms will be based on the number of hours requested per day.
 - (b) 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 shall pay a Damage Deposit of fifty dollars (\$50.00). Groups applying for a special event permit 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 fifty-four (54) years of age;
 - (3) Senior: persons fifty-five (55) years of age or older.
- (b) Season Passes
- (1) Families are defined as an individual, their spouse and their dependent children aged 23 and under
 - (2) Individual: Any single individual, limited to only one person.
- (c) Ticket books: Ticket books containing twenty (20) 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; Ord. 1043)

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, or any other form of refused or returned payment, including credit card and PayPal, pursuant to section 1-404.

(Code 2003; Code 2007; Code 2015)

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 and enforced by the City of Haysville.

(Code 2020)

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 occurrence of such re-inspections.

(Code 2003; Code 2007; Code 2020)

17-354. Mobile food vendors; fee.

The permit fee required by Chapter 5, Article 16 of this code for Mobile Food Vendors shall be as set forth below.

- (a) \$25.00 for each thirty (30) days, or portion thereof;

- (b) \$125.00 for six (6) months; or
- (c) \$200.00 for one (1) calendar year.

(Code 2020)

17-355. Municipal judge pro tempore; fee.

A municipal judge pro tempore shall be paid a fee of one hundred fifty dollars (\$150.00) per court day pursuant to section 9-105.

(Code 2019)

17-356. 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)

17-357. Park shelters.

The fees for use of city park shelters shall be as provided in this section.

- (a) For use of shelters without electrical service and without restrooms, ten dollars (\$10.00);
- (b) For use of shelters with electrical service and without restrooms, twenty-seven dollars (\$27.00);
- (c) For use of shelters with electrical service and with restrooms, thirty dollars (\$30.00);
- (d) For use of enclosed shelters with restrooms, sixty-five dollars (\$65.00) with a fifty dollar (\$50.00) refundable deposit to cover possible clean up and damage costs;
- (e) For use of Historic District Gazebo, fifty-five dollars (\$55.00) with a fifty dollar (\$50.00) refundable deposit to cover possible clean up and damage costs; or
- (f) Home Town Market facility, fifty dollars (\$50.00). The Home Town Market community open-air market establishes fees for booth rental in a manner established for that program. The fee charged for a lost key shall be twenty dollars (\$20.00).

(Code 2003, Code 2004; Code 2007; Code 2008; Ord. 1043; Ord. 1081; Code 2022)

17-358. 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)

17-359. 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)

17-360. 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)

17-361. 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)

17-362. Plumbing permits.

Fees for building permits shall be set forth in the Plumbing Code as adopted and enforced by the City of Haysville.

(Code 2003; Code 2007; Code 2012; Code 2020)

17-363. 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 occurrence of such inspections.

(Code 2003; Code 2007; Code 2020)

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. 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.

17-367. Public defender/conflicts counsel; fee.

When an attorney is appointed to act as a public defender in municipal court due to a conflict of interest or other reason, the fee for such representation shall be seventy five dollars (\$75.00) for up to two appearances in a single matter.

(Code 2019)

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 than within a park or camp, permitted in accordance with sections 5-1503 for a period not to exceed 14 days, upon the payment of a fee of \$10.00. There shall not be more than four such permits issued for the placement of a manufactured home, mobile home, or recreational vehicle in accordance with sections 5-1503 on the same property in any 12 month period.

(Code 2020)

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 and enforced by the City of Haysville.

(Code 2020)

17-373. Senior center building rental.

The city shall charge and receive for the rental of the Senior Center the fee provided for in this section and authorized by this code. Rental of the Senior Center is for Members fifty-five (55) years of age or older for functions benefiting senior citizens.

(a) The fee for the rental of the Senior Center shall be fifty dollars (\$50.00) for Members of the Senior Center.

(b) Senior Center rental deposit. Each Member applying to rent the Senior Center shall pay at the time of application for such use a refundable deposit of one hundred dollars (\$100.00) 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.

(Code 2003, Code 2004; Code 2007; Code 2009; Code 2018)

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 five hundred dollars (\$500.00).

(Code 2003; Code 2007; Code 2020)

17-375. Sign permits.

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. The fee for return of an impounded sign pursuant to section 219-D of the Sign code shall be ten dollars (\$10.00).

(Ord. 902; Code 2007; Code 2019; Code 2021)

(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. Backflow device test filing fee shall be ten dollars (\$10.00). Late filing of backflow device test shall be ten dollars (\$10.00) per month pursuant to section 15-134.

(Code 2003; Code 2007; Code 2019)

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 and for mailing any required notifications are in addition to the filing fees. These will be billed to the applicant. Repayment to the City of such additional costs shall be a condition precedent to an application being deemed complete.

(Code 2007; Code 2019)

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 twenty dollars (\$20.00) per week plus applicable sales tax, not to exceed two (2) weeks and distributed as follows:

\$10.00 to water

\$10.00 to sewer

Any water used shall be metered at normal residential rates.

(Code 2019)

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; C.O. No. 21)

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 seven hundred fifty dollars (\$1,750.00) for each meter connection of 3/4-inch or 5/8-inch, a fee of two thousand dollars (\$2,000.00) for each meter connection of 1-inch, and a fee of three thousand five hundred dollars (\$3,500.00) for each meter connection of two (2)-inches.

(Code 2003; Code 2005; Code 2007; Code 2008; Code 2015; Code 2020)

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 forty dollar (\$40.00) 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; Code 2020)

17-389. Water meter calibration.

The fees provided for by section 15-140 of this code for testing of water meters shall be twenty dollars (\$20.00) for the first test if the meter was found accurate within two percent (2%) and forty dollars (\$40.00) for subsequent tests within a one (1) year period.

(Code 2003; Code 2007; Code 2020)

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) Infrastructure Fee. For all users, a \$7.00 per month, infrastructure maintenance and improvement fee.

(b) Users located inside city limits. The charges for water users within the city limits shall be \$3.50 per 1,000 gallons. Users outside of the city but added to the system due to contamination concerns as identified by KDHE in 2017 related to the former American Cleaners Dry Cleaners Site, 412 W. Grand Avenue, shall be charged the same rate as users located inside city limits.

(c) Users located outside city limits. The charges for water users located outside the city limits shall be \$3.92 per 1,000 gallons.

(d) Bulk users. The charges for bulk users of water shall be \$3.50 per 1,000 gallons.

(Code 2003, Code 2004; Code 2007; Ord. 949; Code 2010; Code 2018; Code 2019)

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 twenty-five 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 twenty dollars (\$20.00).

(Code 2003; Code 2007; Code 2020)

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.

Mailing costs arising out of any application shall be the responsibility of the applicant. If the City carries out any mailing in association with a zoning application all such costs shall be immediately assessed back to the applicant. Repayment to the City of such mailing costs shall be a condition precedent to an application being deemed complete. An incomplete application may not be heard by the Planning Commission or Board of Zoning Appeals.

(Code 2003; Code 2007; Code 2008; Code 2016)

APPENDIX A – CHARTER ORDINANCES

NOTE: The charter ordinances included in this appendix are for informational purposes only. Each of them contains the substance as passed by the city governing body, but enacting clauses, publication clauses and signatures have been omitted. Complete copies of each ordinance as passed are on file in the office of the city clerk. Copies of charter ordinances also are on file with the secretary of state. Date of passage is shown in parentheses at the end of the text.

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Charter Ordinance No. 1

CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM SECTION 14-204 THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT AND PROVIDING FOR THE ELECTION OF COUNCILMEN, THEIR QUALIFICATIONS, TIE VOTING AND FILLING OF VACANCIES.

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

SECTION 1. That the City of Haysville, Kansas, a mayor-council city of the second class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it-section 14-204 of the Kansas Statutes Annotated. Said section applies only to the mayor-council cities of the second class and applying to said city, and to provide substitute and additional provisions as hereinafter provided.

~~SECTION 2. Each ward of the City of Haysville shall have two councilmen and shall be chosen by the qualified electors of their respective wards, and no person shall be eligible to the office of councilmen who is not at the time of his election or appointment, an actual resident landowner of the ward for which he is elected or appointed, and if any councilman shall move from the ward from which he was elected or appointed, his office as councilman shall thereby become vacated. Whenever there shall be a tie in the election of councilmen, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen, and all vacancies shall be filled by appointment by the remaining members of the City Council; said appointment shall be for the period from and after the vacancy date until date of the next April city election, at which election said unexpired term shall be filled by election.~~

(09-12-1966; Amended by C.O. No. 1A)

Charter Ordinance No. 1A

A CHARTER ORDINANCE AMENDING SECTION 2 OF CHARTER ORDINANCE NUMBER 1 OF THE ORDINANCES OF THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS WHICH ORDINANCE IS A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM SECTION 14-204 THE GENERAL STATUTES OF KANSAS, 1949, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT AND PROVIDING FOR THE ELECTION OF COUNCILMEN, THEIR QUALIFICATIONS, TIE VOTING AND FILLING OF VACANCIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS:

SECTION 1: That Section 2 of Charter Ordinance Number 1 of the City of Haysville, Sedgwick County, Kansas shall hereafter read as follows:

SECTION 2: Each ward of the City of Haysville shall have two (2) councilmen and shall be chosen by the qualified electors of their respective wards, and no person shall be eligible to the office of councilman who is not at the time of his election or appointment, an actual resident landowner of the ward for which he is elected or appointed, and if any councilman shall move from the ward from which he was elected or appointed, his office as councilman shall thereby become vacated. Whenever there shall be a tie in the election of councilmen, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen, and all vacancies shall be filled, at the option of the remaining members of the city council, either by appointment by the remaining members of the city council or by a special election; said appointment or special election shall be for the period from and after the date of appointment or election until date of the next April city election, at which election said unexpired term shall be filled by election.

(05-22-1967)

Charter Ordinance No. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM SECTION 32 OF HOUSE BILL NO. 1709 OF THE 1968 SESSION OF THE KANSAS LEGISLATURE, WHICH SECTION AMENDED K.S.A. 1967 SUPP. 14-201; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF OFFICERS.

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

SECTION 1. The City of Haysville, Kansas by the power vested in it by Article 12, Section 5 of the constitution of the state of Kansas, hereby elects to exempt itself from and make inapplicable to it Section 32 of House Bill No. 1709, of the 1968 session of the Kansas Legislature, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory section is applicable to this city but is not applicable uniformly to all cities.

~~SECTION 2. There shall be elected on the first Tuesday in April of each odd numbered year a mayor and one councilman from each ward, and on each even numbered year one councilman from each ward, as hereinafter provided. The councilman shall be chosen by the qualified electors of their respective wards, and to be eligible for the office of councilman, this person shall at the time of his election or appointment, be an actual resident of the city for at least 6 months prior to election or appointment and shall be a homeowner (or be in process of buying his home) in the City of Haysville and if any councilman shall move from the ward from which he was elected or appointed, his office as councilman shall thereby become vacated. Those members of the governing body elected in 1967 shall have terms that expire in 1969 and those members elected in 1968 shall have terms that expire in 1970.~~

SECTION 3. The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a chief of police, city clerk, city treasurer, city attorney, and may appoint policemen and such other officers as they may deem necessary. Officers and appointees 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 council of this city) and until their successors are appointed and qualified. The council shall by ordinance specify their duties and compensation, and by ordinance may abolish any office created by them whenever they may deem it expedient. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered.

(09-30-1968; Amended by C.O. No. 2A)

Charter Ordinance No. 2A

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 2 OF THE CODE OF THE CITY OF HAYSVILLE, KANSAS, AND PROVIDING ADDITIONAL AND SUBSTITUTE PROVISIONS RELATING TO TERM OF OFFICE.

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

SECTION 1. Charter Ordinance No. 2, Section 2 is hereby amended to read as follows:

~~SECTION 2. There shall be elected on the first Tuesday in April of each odd-numbered year a mayor and one councilperson from each ward, and on each even-numbered year one council person from each ward as hereinafter provided. The council person shall be chosen by the qualified electors of their respective wards, and to be eligible for the office of council person, this person shall at the time of his/her election or appointment, be an actual resident of the City for at least six (6) months prior to election or appointment and if any councilperson shall move from the ward from which he/she was elected or appointed, that office as councilperson shall thereby become vacated. Those members of the governing body elected in 1984 shall have terms that expire in 1988 and those members elected in 1985 shall have terms that expire in 1989.~~

~~Whenever there shall be a tie in the election of council persons, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen, and all vacancies shall be filled by appointment by the remaining members of the city council at a regular council meeting within thirty (30) days of said vacancy; said appointment shall be for the period from and after the date of appointment until date of the next April City election, at which election said unexpired term shall be filled by the election.~~

~~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 the city, removal from the office, refusal to qualify or other wise, the president of the council shall become mayor until the next regular city election and a vacancy shall occur in the office of the councilperson becoming mayor. Thereupon the council shall elect from its membership a new president of the council.~~

~~SECTION 3. The original Section 2 of Charter Ordinance No. 2 of the City of Haysville is hereby repealed.~~

~~SECTION 4. Should any section, clause, or provision of the ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.~~

(11-28-1983; Section 3 repealed by C.O. No. 3; Repealed by C.O. No. 2B)

Charter Ordinance No. 2B

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE 2-A, RELATING TO THE ELECTION AND TERMS OF OFFICE OF THE MAYOR AND COUNCIL PERSONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS:

SECTION 1. Charter Ordinance 2-A of the City of Haysville, Kansas, is hereby repealed.

(01-30-1984)

Charter Ordinance No. 3

A CHARTER ORDINANCE TO AMEND SECTION 3 OF CHARTER ORDINANCE NO. 2 OF THE CITY OF HAYSVILLE, KANSAS, AND REPEALING THE ORIGINAL SECTION THEREOF; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF OFFICES, AND TO EMPLOYEES

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

~~SECTION 1. The city of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby amends Section 3, of Charter Ordinance No. 2 of the City of Haysville, Kansas to read as follows:~~

~~The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, chief of police, city clerk, city attorney, and may appoint such other department heads as he may deem necessary. The municipal judge of the municipal court, chief of police, city clerk, city attorney, and other department heads 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 council of this city) and until their successors are appointed and qualified. The council shall by ordinance specify their duties and compensation, and by ordinance may abolish any office created by them whenever they may deem it expedient. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered. All other officers, policemen and employees shall be hired by the department heads and shall hold their positions for an indefinite term, however any officer, policeman or employee may be terminated at any time with just and due cause. Any such termination shall be subject to any provisions relating thereto as contained in the "city officers handbook of rules and regulations," or the "City Employees Handbook" as it pertains thereto. The officer, policeman or employee so terminated may request a hearing before the council by submitting the request in writing to the mayor provided the request for hearing in made within thirty days of termination date, and provided further that said officer, policeman, or employee has completed the prescribed probationary period. The mayor shall cause the hearing to be placed on the next regular council meeting and any such termination so appealed shall be upheld upon a 2/3 affirmative vote of all members of the city council.~~

~~The ordinance will apply to all officers, policemen and employees so employed prior to the publication date contained hereon.~~

SECTION 2. Section 3 of Charter Ordinance No. 2 of the City of Haysville, Kansas is hereby repealed.
(07-26-1976; Repealed by C.O. No. 3A)

Charter Ordinance No. 3A

A CHARTER ORDINANCE TO AMEND SECTION 1 OF CHARTER ORDINANCE NO. 3 OF THE CITY OF HAYSVILLE, KANSAS, AND REPEALING THE ORIGINAL SECTION THEREOF AND SECTION 1-201 OF THE CODE: AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND TO EMPLOYEES.

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

SECTION 1. The city of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby amends Section 1, of Charter Ordinance No. 3 of the City of Haysville, Kansas, to read as follows:

~~— The mayor shall appoint, by and with the majority consent of all the members of council a municipal judge of the municipal court, chief of police, city clerk, city attorney, treasurer, and may appoint such other officer department heads as he may deem necessary. The municipal judge of the municipal court, chief of police, city clerk, city attorney, treasurer, and other department heads 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 council of this city) and until their successors are appointed and approved by a majority of the council. For good cause shown, the mayor, with the consent of majority of all members of council, may remove any such officer. All officers shall have the right to present grievances to the city council. The grievance shall be made in writing to the president of the council, and he shall cause the hearing to be placed on the agenda of the next regular meeting. Any such grievance shall be upheld by a majority of all the members of the council. The council shall by ordinance specify their duties and compensation and by ordinance may abolish any office created by them whenever they may deem it expedient. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the service rendered. All officers, policemen, and employees shall be hired by the department heads, with approval of the mayor. Initial employment of any city personnel shall be approved by majority of all council elect at the next regular council meeting and hire in date, salary as per salary schedule recorded in the minutes. If council approves employment, then the employer shall hold their position for an indefinite term; however, any officer, policeman, or employee may be terminated at any subject to the provisions set forth in the City Employee Handbook as it pertains thereto. The officer, police man or employee so grieved shall follow grievance procedures. If the grievance reaches appeal to the council, then the employee may request, in writing, a hearing before the council. The mayor shall cause the hearing to be placed on the agenda at the next regular council meeting. The request for a hearing before the council must be made within thirty (30) days after the grievance board has made their recommendation to the mayor and department head. The appeal shall be upheld upon an affirmative vote of the majority of all the members of the council. The mayor may not vote other than to break a tie vote. This ordinance will apply to all officers, police men, employees and department heads so employed prior to the publication date contained hereon.~~

SECTION 2. Section 1 of Charter Ordinance No. 3 and Section 1-201 of the Code of the City of Haysville, Kansas are hereby repealed.

(10-26-1977; Repealed by C.O. No. 8)

Charter Ordinance No. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE KANSAS, FROM THE PROVISIONS OF K.S.A. 1973 SUPP. 12-4112, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE CODE OF ROCEDURE FOR MUNICIPAL COURTS.

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

SECTION 1. The City of Haysville, Kansas is a council-mayor city of the second class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 1973 Supp. 12-4112, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory provisions are applicable to this city, but are not applicable uniformly on all cities.

SECTION 2. Costs may be assessed against accused persons for administration of justice in any municipal court case where the accused is found guilty or the accused pleads guilty. The costs should be assessed in accordance with terms contained in any ordinance of the City of Haysville, Kansas, establishing a cost of administration of justice. If it appears to the court that the prosecution was instituted without probable cause and from malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his motives for instituting the prosecution. If, upon hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed against the complaining witness or other person initiating the prosecution.

At the conclusion of each municipal court case, the court shall, where applicable, assess the costs against the party responsible for payment and shall cause to be delivered to such responsible party a complete statement of the costs, specifying each item of service and the fee assessed for such service.

(07-26-1976)

Charter Ordinance No. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM K.S.A. 14-204, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT AND PROVIDING FOR THE ELECTION OF COUNCILMEN, THEIR QUALIFICATIONS, TIE VOTING AND FILLING OF VACANCIES.

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

SECTION 1. That the City of Haysville, Kansas a mayor-council city of the second class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it Section 14-204 of the Kansas Statutes, Annotated. Said section applies only to the mayor-council cities of the second class and applying to said city, and to provide substitute and additional provisions as hereinafter provided.

~~SECTION 2. Each ward of the City of Haysville shall have two (2) councilmen and shall be chosen by the qualified electors of their respective wards, and no person shall be eligible to the office of councilmen who is not at the time of his election or appointment, an actual resident homeowner of the ward for which he is elected or appointed and if any councilman shall move from the ward from which he was elected or appointed his office as councilman shall thereby become vacated. Whenever there shall be a tie in the election of councilmen, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen, and all vacancies shall be filled by appointment by the remaining members of the city council at a regular council meeting within thirty (30) days of said vacancy; said appointment shall be for the period from and after the date of appointment until date of the next April City election, at which election said unexpired term shall be filled by election.~~

~~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 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 councilman becoming mayor. Thereupon the council shall elect from its membership a new president of the council.~~

(09-27-1976; Amended by C.O. No. 5A)

Charter Ordinance No. 5A

A CHARTER ORDINANCE TO AMEND SECTION 2 OF CHARTER ORDINANCE NO. 5 OF THE CITY OF HAYSVILLE, KANSAS, AND REPEALING THE ORIGINAL SECTION THEREOF; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS AND THE TERMS OF OFFICES, AND TO EMPLOYEES

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

SECTION 1. The city of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby amends Section 2 of Charter Ordinance No. 5 of the City of Haysville, Kansas to read as follows:

SECTION 2. Each ward of the City of Haysville shall have two (2) councilmen and shall be chosen by the qualified electors of their respective wards, and no person shall be eligible to the office of council- men who is not at the time of his election or appointment, an actual resident qualified voter of the ward for which he is elected or appointed and if any councilman shall move from the ward from which he was elected or appointed his office as councilman shall thereby become vacated. Whenever there shall be a tie in the election of councilmen, the winner shall be determined by lot by the judges of the election of the ward in which it shall happen, and all vacancies shall be filled by appointment by the remaining members of the city council at a regular council meeting within thirty (30) days of said vacancy; said appointment shall be for the period from and after the date of appointment until date of the next April City election, at which election said unexpired term shall be filled by election.

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 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 councilman becoming mayor. Thereupon the council shall elect from its membership a new president of the council.

SECTION 3. The original Section 2 of Charter Ordinance No. 5 of the City of Haysville, Kansas is hereby repealed.

(11-22-1976; Superseded by C.O. No. 23)

Charter Ordinance No. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM K.S.A. 12-4203 AND 12-4204, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT RELATING TO THE CODE OF PROCEDURE FOR MUNICIPAL COURTS.

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

SECTION 1. That the City of Haysville, Kansas a mayor-council city of the second class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and exempts itself from and makes inapplicable to it the provisions of K.S.A. 12-4203 and 12-4204 and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to first-class cities, but are not applicable uniformly to all cities.

~~SECTION 2. A copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer upon the accused person, and the complaint shall forthwith be filed with the municipal court, except that a complaint may be filed initially with the municipal court and, if so filed, a copy of the complaint shall forthwith be delivered to the city attorney. The city attorney shall cause a notice to appear to be issued unless he has good reason to believe that the accused person will not appear in response to a notice to appear, in which case he may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the municipal judge or, in the absence of the judge but pursuant to his written authorization, the municipal court clerk or assistant clerk has probable cause to believe that (a) there has been the commission of a violation of a municipal ordinance; (b) the accused person committed such violation, and (c) the accused person will not appear in response to a notice to appear.~~

~~If the city attorney fails either to cause a notice to appear or to request a warrant to be issued on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with him alleging the violation of an ordinance, order the city attorney to institute proceedings against any person. Any such municipal judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the municipal judge to preside therein.~~

SECTION 3. Notice to appear; contents; form. A notice to appear shall describe the offense charged, shall summon the accused person to appear, shall contain a space in which the accused person may agree, in writing to appear at a time not less than ten (10) days after such notice to appear is given, unless the accused person shall demand an earlier hearing. A notice to appear may be signed by a municipal judge, the clerk of the municipal court, the city attorney, or any law enforcement officer of the city.

A notice to appear shall be deemed sufficient if in substantially the form of the notice to appear set out in K.S.A. 12-4205 or if in substantially the following form, to wit:

IN THE MUNICIPAL COURT OF _____, KANSAS

IN THE CITY OF _____, KANSAS

vs.

ACCUSED PERSON

ADDRESS

NOTICE TO APPEAR

The City of _____, Kansas, To The Above Named Accused Person.

You are hereby summoned to appear before the Municipal Court of _____, Kansas, on the ____ day of _____, _____, at _____ o'clock __.m., to answer a complaint charging you with

If you fail to appear, a warrant will be issued for your arrest.

Dated _____, _____.

Signature of Official

Title of Official

I agree to appear in said Court at said time and place.

Signature of Accused Person

RETURN

The undersigned hereby certifies that on the _____ day of _____, _____, the notice to appear was served, mailed, or delivered

Law Enforcement Officer

Charter Ordinance No. 6A

A CHARTER ORDINANCE AMENDING SECTION 2 OF CHARTER ORDINANCE NO. 6 EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM K.S.A. 12-4203 and 12-4204, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT RELATING TO THE CODE OF PROCEDURE FOR MUNICIPAL COURTS.

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

SECTION 1. That the City of Haysville, Kansas, a mayor-council city of the second class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to and exempts itself from and makes inapplicable to it the provisions of K.S.A. 12-4203 and 12-4204 and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to first-class cities, but are not applicable uniformly to all cities.

SECTION 2. That Section 2, of Charter Ordinance No. 6 shall be amended as follows:

(a) Except as provided in subsection (b), a copy of the complaint shall be served, together with a notice to appear or a warrant, by a law enforcement officer upon the accused person, and the complaint shall forthwith be filed with the municipal court, except that a complaint may be filed initially with the municipal court and, if so filed, a copy of the complaint shall forthwith be delivered to the city attorney. The city attorney shall cause a notice to appear to be issued unless he has good reason to believe that the accused person will not appear in response to a notice to appear, in which case he may request that a warrant be issued. Such warrant will be issued if the complaint is positively sworn to and the municipal judge or, in the absence of the judge but pursuant to his written authorization, the municipal court clerk or assistant clerk has probable cause to believe that (i) there has been the commission of a violation of a municipal ordinance;(ii) the accused person committed such violation, and (iii) the accused person will not appear in response to a notice to appear. If the city attorney fails either to cause a notice to appear or to request a warrant to be issued on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with him alleging the violation of an ordinance, order the city attorney to institute proceedings against any person. Any such municipal judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with the municipal judge to preside therein.

(b) If a law enforcement officer is the complainant, he or she may serve a notice to appear upon an accused person prior to the service of the complaint upon such person, provided: (i) a copy of the notice to appear and complaint shall be filed with the municipal court not later than 9:00 a.m. of the next business day of the municipal court following the day the notice to appear was served upon the accused person; (ii) a copy of the complaint shall be available to the accused person at the office of the clerk of the municipal court after 9:00 a.m. of the next business day of the municipal court following the day the notice to appear was served upon the accused person; and (iii) the city attorney shall serve a copy of the complaint upon the accused person at this or her initial appearance or arraignment in the municipal court.

(04-22-1985)

Charter Ordinance No. 7

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM K.S.A. 79-5011; PROVIDING, SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND AUTHORIZING THE LEVYING OF TAXES TO CREATE A SPECIAL FUND FOR THE PURPOSE OF PAYING EMPLOYEE BENEFITS.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section S of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5011, and to provide substitute and additional provisions as hereinafter set forth in this charter ordinance.

SECTION 2. The provisions of K.S.A. 79-5001 to 79-5016, inclusive, shall not apply to or limit the levy of taxes by the City of Haysville, Kansas for the payment of:

- a. Principal and interest upon bonds and temporary notes;
- b. No-fund warrants issued with the approval of the state board of tax appeals;
- c. Legal judgments rendered against the city;
- d. Rent due under any lease with a public building commission;
- e. Special assessments charged against the city at large;
- f. Employee benefits costs.

SECTION 3. The provisions of Article 50 of Chapter 79 of the Kansas Statutes Annotated shall not apply to any taxes authorized by state law to be levied in addition to or exempt from the aggregate levy limitation of the City of Haysville, Kansas.

Amounts produced from any levy specified or authorized in this charter ordinance, including any levy or purpose authorized to be levied in addition to or exempt from the aggregate levy limit of the City, shall not be used in computing any aggregate limitation under Article 50 of Chapter 79 of the Kansas Statutes Annotated,

SECTION 4. The City of Haysville, Kansas is hereby authorized to levy a tax for the purpose of paying the city's share of employee benefits costs. As used in this charter ordinance, employee benefits costs shall include payments made by the city for employee benefits, exclusive of any salary, wages, or other direct payments to such employees, as may be prescribed by ordinance of the governing body.

SECTIONS 5. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not effect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

(07-10-1978)

Charter Ordinance No. 8

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE WHOLE OR PART OF K.S.A. 14-201, 14-205, 14-301, 14-306 and 14-307, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE APPOINTMENT OF A CITY ADMINISTRATOR AND TO THE POWERS AND DUTIES OF SAID CITY ADMINISTRATOR AND OF THE MAYOR AND THE COUNCIL, AND REPEALING CHARTER ORDINANCE NO. 3A and ORDINANCE NO. 364.

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

~~SECTION 1. INAPPLICABLE PROVISIONS OF KANSAS STATUTES ANNOTATED:~~

~~The City of Haysville, Kansas, a mayor/council city of the second class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make exempt itself from and make inapplicable to it K.S.A. 14-201, 14-205, 14-301, 14-306 and 14-307, which sections apply to said city but not uniformly to all cities of Kansas, and to enact substitute and additional provisions on the same subject as herein provided.~~

~~SECTION 2. OFFICE OF CITY ADMINISTRATOR ESTABLISHED:~~

~~The position of City Administrator is hereby established. The Administrator shall be appointed by the Mayor, with the confirmation of a majority of the council elect.~~

~~SECTION 3. IMPLEMENTATION, SALARY AND QUALIFICATIONS:~~

~~The City Administrator shall be appointed prior to January 1, 1981, and all duties shall commence on said date. He/she shall hold office at the will of the Mayor and council. The salary of the City Administrator shall be established by regular salary ordinance of the city. The City Administrator shall be chosen on the basis of administrative ability and professional competence. He/she shall give such bond as the council may require for the faithful performance of his/her duties. The City Administrator need not be a resident of the city when appointed, and at the council's discretion, need not be a resident of the city during his/her term of office.~~

~~SECTION 4. POWERS AND DUTIES OF THE CITY ADMINISTRATOR:~~

~~The powers and duties of the City Administrator shall include but not be limited to the following:~~

- ~~a.—To see that the laws and ordinances of the city are enforced.~~
- ~~b.—To devote all necessary time and attention to the affairs of the city and be responsible to the governing body and Mayor for the efficient administration of its affairs.~~
- ~~c.—With the approval of the Mayor and confirmation of a majority of the council elect, to appoint and remove all heads of departments whose positions are established by the governing body, the City Engineer, the Municipal Judge, and the City Attorney. The City Administrator shall hire and discharge all other employees whose positions are authorized by the governing body, at such compensation as may be set or authorized by the governing body. All such employees shall perform their duties subject to the discretion of the City Administrator or that department head or superior to whom the City Administrator may assign such employee. Provided further, that the City Administrator may delegate such authority to hire, and discharge employees whose positions are authorized by the governing body. Any such hiring or discharge shall be reported to the governing body at the next regular council meeting.~~

~~d.— To supervise all non-elected city employees, officers and appointees, excepting City Attorney and Municipal Judge.~~

~~e.— To attend all meetings of the governing body with the right to take part in the discussion, but having no vote.~~

~~f.— Make recommendations to the governing body concerning salary scales, cost of living increases, raises and fringe benefits of appointed officers and employees.~~

~~g.— Be responsible for accounting procedures, billing methods, record keeping and computer programming for the city.~~

~~h.— Prepare and submit to the governing body a line item budget by July 1 of each year.~~

~~i.— Review all insurance policies of the city on an annual basis and make recommendations to the governing body.~~

~~j.— Exercise general supervision and control over all city purchases and expenditures in accordance with the city budget and within guidelines specified by the governing body. Any major deviation (\$1,000.00 or more) from the current budget will be coordinated with the governing body prior to purchase or fund commitment.~~

~~k.— In conjunction with the planning and park boards, recommend to the governing body workable plans for the city improvements and future development.~~

~~l.— Maintain current knowledge of state and federal financial grants and available assistance from other agencies, and to prepare, submit and monitor financial grants and applications.~~

~~m.— Serve as public relations officer for the city in contacts with residents and businesses in order to maintain a good relationship between city government, county commissioners, local citizens and businesses.~~

~~n.— Coordinate the work of all boards, volunteer departments and committees appointed by the governing body.~~

~~o.— To perform such other duties as may be prescribed by ordinance, resolution or direction of the governing body.~~

~~SECTION 5. GRIEVANCE PROCEDURE:~~

~~Any department head, city official, or employee shall have the right to present grievances in accordance with the grievance procedures set forth in the Employee's Handbook for the City of Haysville, edition current to the date of the act giving rise to the grievance.~~

~~If any such grievance reaches the stage of an appeal to the governing body, the employee shall make, within thirty days from the date of the last decision on the grievance, a written request to the city clerk for a hearing before the governing body, and the city clerk shall cause the hearing to be placed on the agenda for the next regular council meeting. The grievance shall be upheld upon a majority vote of the governing body.~~

~~SECTION 6. DEPARTMENTAL REORGANIZATION:~~

~~All major departmental reorganizations will be approved by a majority vote of the governing body.~~

~~SECTION 7. ABSENCE OR DISABILITY OF THE CITY ADMINISTRATOR:~~

~~During the absence or disability of the City Administrator, the Mayor shall appoint an acting City Administrator with council confirmation.~~

~~SECTION 8. POWERS AND DUTIES OF MAYOR:~~

~~a. Except as specifically provided in this ordinance, the establishment of the office of City Administrator shall in no way limit or change the rights, powers, duties and responsibilities of the Mayor and council as prescribed by statute not herein made inapplicable, for cities of the second class.~~

~~b. The mayor shall preside at all meetings of the City council and shall have a casting vote when the council is equally divided and none other.~~

~~c. The Mayor shall appoint, by and with the consent of a majority of council elect, the members of all boards, commissioners, and voluntary departments, such as, but not limited to, the library board, planning commission, park board, and board of zoning appeals.~~

~~SECTION 9. ORDERS AND REPORTS:~~

~~It shall be the general practice of the governing body to issue orders and directives to all city officers and departments and receive reports and communications through the office of the City Administrator.~~

~~SECTION 10. REPEAL:~~

~~Charter Ordinance No. 3A and Ordinance No. 364 are hereby repealed in their entirety. Provided further that any and all provisions of Ordinance and Charter Ordinance in conflict with the provisions herein are hereby repealed.~~

~~SECTION 11. QUALIFICATIONS OF OFFICERS; APPOINTMENT OF NONRESIDENTS; REMOVAL OF OFFICER, EFFECT; OATHS AND BONDS:~~

~~All officers elected or appointed except where otherwise by ordinance specifically required or permitted to be nonresidents, shall be qualified electors of said city, except that the city may appoint nonresidents as City Engineer, City Attorney, Municipal Judge, and City Administrator, and as law enforcement officers when deemed necessary, including the appointment of nonresidents who also serve as City Attorney, Municipal Judge or law enforcement officer of another municipality or public agency. The City Attorney shall be a qualified elector of the county in which said city is located or of an adjoining county.~~

~~SECTION 12. SEPARABILITY:~~

~~If any phrase, clause paragraph or section of this ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, it is hereby declares that the governing body would have enacted the remaining portions of this ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.~~

(10-27-1980; Repealed by C.O. No. 8B)

Charter Ordinance No. 8A

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 8 OF THE CITY OF HAYSVILLE, KANSAS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE POWERS AND DUTIES OF THE CITY ADMINISTRATOR AND CONTRACTING FOR LEGAL SERVICES.

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

~~SECTION 1. INAPPLICABLE PROVISIONS OF KANSAS STATUTES ANNOTATED:~~

~~The City of Haysville, Kansas, a mayor council city of the second class, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to make itself exempt from and make inapplicable to it K.S.A. 14-201 and 14-205, which sections apply to said city but not uniformly to all cities of Kansas, and to enact substitute and additional provisions on the same subject as herein provided.~~

~~SECTION 4. POWERS AND DUTIES OF THE CITY ADMINISTRATOR AMENDED:~~

~~Section 4 of Charter Ordinance No. 8 of the City of Haysville, Kansas, is hereby amended to read as follows:~~

~~SECTION 4: POWERS AND DUTIES OF THE CITY ADMINISTRATOR:~~

~~The powers and duties of the City Administrator shall include but not be limited to the following:~~

- ~~a.— To see that the laws and ordinances of the city are enforced.~~
- ~~b.— To devote all necessary time and attention to the affairs of the city and be responsible to the governing body and Mayor for the efficient administration of its affairs.~~
- ~~c.— With the approval of the Mayor and confirmation of a majority of the council elect, to appoint and remove all heads of departments whose positions are established by the governing body, the City Engineer, and the Municipal Judge, and to contract for legal services with a licensed law office or firm within Sedgwick County, Kansas, to provide legal services as needed to the City Council for the Council's advice and representation. The City Administrator shall hire and discharge all other employees whose positions are authorized by the governing body, at such compensation as may be set or authorized by the governing body. All such employees shall perform their duties subject to the discretion of the City Administrator or that department head or superior to whom the City Administrator may assign such employee. Provided further, that the City Administrator may delegate such authority to hire and discharge employees whose positions are authorized by the governing body. Any such hiring or discharge shall be reported to the governing body at the next regular council meeting.~~
- ~~d.— To supervise all non-elected city employees, officers and appointees, excepting the Municipal Judge.~~
- ~~e.— To attend all meetings of the governing body with the right to take part in the discussion, but having no vote.~~
- ~~f.— Make recommendations to the governing body concerning salary scales, cost of living increases, raises and fringe benefits of appointed officers and employees.~~

~~g. Be responsible for accounting procedures, billing methods, record keeping and computer programming for the city.~~

~~h. Prepare and submit to the governing body a line item budget by July 1 of each year.~~

~~i. Review all insurance policies of the city on an annual basis and make recommendations to the governing body.~~

~~j. Exercise general supervision and control over all city purchases and expenditures in accordance with the city budget and within guidelines specified by the governing body. Any major deviation (\$1,000.00 or more) from the current budget will be coordinated with the governing body prior to purchase or fund commitment.~~

~~k. In conjunction with the planning and park boards, recommend to the governing body workable plans for the city improvements and future development.~~

~~l. Maintain current knowledge of state and federal financial grants and available assistance from other agencies, and to prepare, submit and monitor financial grants and applications.~~

~~m. Serve as public relations officer for the city in contacts with residents and businesses in order to maintain a good relationship between city government, county commissioners, local citizens and businesses.~~

~~n. Coordinate the work of all boards, volunteer departments and committees appointed by the governing body.~~

~~o. To perform such other duties as may be prescribed by ordinance, resolution or direction of the governing body.~~

~~SECTION 11. QUALIFICATION OF OFFICERS; APPOINTMENT OF NONRESIDENTS; REMOVAL OF OFFICER, EFFECT; OATHS AND BONDS; AMENDED:~~

~~Section 11 of Charter Ordinance No. 8 of the City of Haysville, Kansas, is hereby amended to read as follows:~~

~~SECTION 11. QUALIFICATION OF OFFICERS; APPOINTMENT OF NONRESIDENTS; REMOVAL OF OFFICER, EFFECT; OATHS AND BONDS:~~

~~All officers elected or appointed except where otherwise by ordinance specifically required or permitted to be nonresidents, shall be qualified electors of said city, except that the city may appoint nonresidents as City Engineer, Municipal Judge, and City Administrator, and as law enforcement officer when deemed necessary, including the appointment of nonresidents who also serve as Municipal Judge or law enforcement officer of another municipality or public agency.~~

~~SECTION 12. INDEPENDENT CONTRACTOR:~~

~~The law office or firm contracted to perform legal services shall be an independent contractor and shall not be an employee or officer of the City of Haysville, Kansas. The law office or firm shall decide, with approval of the City Administrator, which of its members shall represent the City in a legal capacity on any particular occasion or occasions.~~

~~SECTION 13. REPEALING:~~

~~Any and all provisions of Ordinances or Charter Ordinances in conflict with the provisions herein are hereby repealed.~~

SECTION 14. SEPARABILITY:

~~If any phrase, clause, paragraph or section of this 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 ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.~~

(12-29-1980; Repealed by C.O. No. 8B)

Charter Ordinance No. 8B

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCES 8 AND 8A WHICH EXEMPTED THE CITY OF HAYSVILLE FROM THE PROVISIONS OF K.S.A. 14-201, 14-205, 14-301, AND 14-306, AND RELATED TO THE APPOINTMENT, DUTIES, AND POWERS OF THE CITY ADIMINISTRATOR, THE POWERS AND DUTIES OF THE MAYOR AND CITY COUNCIL, AND CONTRACTING FOR LEGAL SERVICES.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby repeals Charter Ordinances 8 and 8A which exempted the City from the provisions of K.S.A. 14-201, 14-205, 14-301 and 14-306, and related to the appointment, powers and duties of the city administrator, the powers and duties of the mayor and city council, and contracting for legal services.

(08-12-1985)

Charter Ordinance No. 9

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILIE FROM THE PROVISIONS OF K.S.A. 79-1952 AND ALLOWING THE CITY TO INCREASE ITS LIBRARY MILL LEVY FROM 3 MILLS TO A MAXIMUM OF 6 MILLS.

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

SECTION 1. The City of Haysville, Kansas is a mayor-council city of the second class. By the power vested in it by Article 12, Section 5 of the constitution of the State of Kansas, it hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 79-1952 and to provide substitute and additional provisions as hereinafter set forth in this ordinance. The provisions of K.S.A. 79-1952 are applicable to cities of the second class, but are not uniformly applicable to all cities. Moreover, the provisions of the statute do not pertain to limits of indebtedness.

SECTION 2. The City of Haysville, Kansas may increase its mill levy to support its public library from the current 3 mill rate up to a maximum of 6 mills.

SECTION 3. This charter ordinance shall be submitted to a referendum so that the voters of the City of Haysville, Kansas may determine whether it shall take effect. The referendum shall be held pursuant to Article 12, Section 5(3) of the constitution of the State of Kansas. This charter ordinance shall become effective if a majority of electors vote in its favor at the referendum.

(06-11-1984)

Charter Ordinance No. 10

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651 AND 12-1651a AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE OFFICIAL NEWSPAPER OF THE CITY.

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

~~SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1651 and 12-1651a and provide substitute and additional provisions as set forth in this ordinance. Such statutory sections are applicable to this City but are not uniformly applicable to all cities.~~

~~SECTION 2. The purpose of this ordinance is to provide the best possible notice to the citizens of the City of Haysville concerning the affairs of city government and to aid in the economic development of business within the City.~~

~~SECTION 3. The governing body of the City of Haysville shall designate a newspaper to be the official newspaper of the City, which shall continue to be the official paper until such time as the governing body shall designate otherwise. Circumstances permitting, the City will publish a resolution of the governing body in the former official paper, designating the new official newspaper and stating its name and address.~~

~~SECTION 4. Except as provided in Section 5, the official newspaper of the City of Haysville shall:~~

- ~~a. Be published at least weekly, fifty times a year;~~
- ~~b. Provide news, information and advertisements concerning the of Haysville, Kansas, and Unified School District No. 261, that it shall not be a trade, religious or fraternal publication.~~
- ~~c. Have general paid subscriptions which exceed 50 percent of the number of votes cast in the last election of the governing body of the City; provided, that the publisher shall verify the number of subscriptions to the governing body of the City at the first council meeting of each quarter of the in the calendar year; provided further, that this subsection shall not apply if it is circulated by the United States mail to substantially all of the residential addresses within the City free of charge.~~
- ~~d. Contain the designation "Official Newspaper of the City of Haysville, Kansas," under the title of the paper, otherwise known as the "page one ear."~~

~~SECTION 5. If the newspaper selected for the official newspaper of the City fails to meet the requirements set forth in Section 4, the official newspaper shall be one which has the following qualifications:~~

- ~~a. It must be published at least weekly, fifty times a year and have been so published for at least one year prior to the publication of any official city publication.~~
- ~~b. It must be entered at the post office of publication as second class mail matter.~~
- ~~c. More than fifty percent of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis.~~
- ~~d. It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.~~

(09-23-1985; Repealed by C.O. No. 10B)

Charter Ordinance No. 10A

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 10, EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651 AND 12-165 1a AND PROVIDING SUBSTITIITE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE OFFICIAL NEWSPAPER OF THE CITY.

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

~~SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, elects to exempt itself from and make inapplicable to it the provisions of K.S.A 12-1651 and 12-1651a and provide substitute and additional provisions as set forth in this ordinance. Such statutory sections are applicable to this City but are not uniformly applicable to all cities.~~

~~SECTION 2. Section 5 of Charter Ordinance No. 10 shall be amended to read as follows:~~

~~Section 5. If the newspaper selected for the official newspaper of the City fails to meet the requirements set forth in Section 4, the official newspaper shall be one which has the following qualifications:~~

~~a. It must be published at least weekly, fifty times a year and have been so published for at least six months prior to the publication of any official city publication.~~

~~b. The publication must be delivered by hand or by mail to more than fifty percent of the population of the City of Haysville on a weekly basis.~~

~~c. It shall have a general circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.~~

(04-10-1995; Repealed by C.O. No. 10B)

Charter Ordinance No. 10B

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCES 10 AND 10A WHICH EXEMPTED THE CITY OF HAYSVILLE FROM THE PROVISIONS OF K.S.A. 12-1651 AND 12-1651a, WHICH RELATED TO THE OFFICIAL NEWSPAPER OF THE CITY.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby repeals Charter Ordinances 10 and 10A which exempted the City from the provisions of K.S.A. 12-1651 AND 12-1651a, which related to the official newspaper of the city.

(04-10-2000)

Charter Ordinance No. 11

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, and 14-205 RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 5A.

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

~~SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it, provisions of K.S.A. 14 201, 14 204, and 14 205, and amendments thereto, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such statutory sections are applicable to this city but are not uniformly applicable to all cities.~~

~~SECTION 2. GENERAL ELECTIONS. There shall be elected, on the first Tuesday in April of each odd-numbered year, a mayor and one council member from each ward and on each even numbered year, one council member from each ward.~~

~~SECTION 3. ELECTION OF COUNCIL MEMBERS. Each ward of the city shall have two council members and 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.~~

~~SECTION 4. VACANCIES. All vacancies shall be filled by appointment by the remaining members of the city council at a regular council meeting within thirty days of said vacancy. Such appointment shall be for the period from and after the date of appointment and until the date of the next April city election. On such date, the unexpired term shall be filled by election.~~

~~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 absence of the mayor and 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. Thereupon, the council shall elect from its membership a new president of the council.~~

~~SECTION 7. OFFICERS, APPOINTMENT. The mayor shall appoint, by and with the consent of council, a municipal judge of the municipal court, a chief of police, city clerk, city treasurer, city attorney, and may appoint policemen and such other officers as the mayor may deem 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 city council, and until their successors are appointed and qualified. The council shall, by ordinance, specify the duties and compensation of the appointed officers. The city council may, by ordinance, abolish any office created by them whenever they may deem it expedient except those specifically named herein. The council may retain a licensed professional engineer to act in the~~

~~capacity of city engineer for specifically defined duties, and provide for reasonable compensation for the services rendered.~~

~~SECTION 8. OFFICERS, QUALIFICATIONS. Except where otherwise specifically required or permitted by ordinance, all appointed or elected officers shall be qualified electors of the city, except that the mayor may appoint non residents as city engineer, municipal judge, city attorney and as law enforcement officers when deemed necessary, including the appointment of non residents who also serve as municipal judge or law enforcement officers of another municipality or public agency.~~

~~SECTION 9. REPEAL. Charter Ordinance No. 5A is hereby repealed, provided further, that any and all provisions of any ordinance and any charter ordinance in conflict with the provisions herein are hereby repealed.~~

~~SECTION 10. SEVERABILITY. If any phrase, clause, paragraph or section of this 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 ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.~~

(11-23-1987; Repealed by C.O. No. 23)

Charter Ordinance No. 11A

A CHARTER ORDINANCE AMENDING SECTION 7 AND SECTION 8 OF CHARTER ORDINANCE NO. 11 EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A 14-205 RELATING TO THE APPOINTMENT OF NONRESIDENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME SUBJECT.

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

~~SECTION 1. That the City of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it, provisions of K.S.A 14-205, and amendments thereto, and provide substitute and additional provisions as set forth in this Ordinance. Such statutory sections are applicable to this City but are not uniformly applicable to all cities.~~

~~SECTION 2. That Section 7, of Charter Ordinance No. 11 shall be amended as follows:~~

~~The mayor shall appoint, by and with the consent of council, a municipal judge of the municipal court, a chief of police, director of governmental services, city clerk, public works director, city treasurer, city attorney, recreation director and may appoint police officers and such other officers as the mayor may deem 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 until their successors are appointed and qualified. The city council may, by ordinance, abolish any office created by them whenever they may deem it expedient except those specifically named herein.~~

~~SECTION 3. That Section 8, of Charter Ordinance No. 11 shall be amended as follows:~~

~~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 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 previous terms or who was employed by the City of Haysville prior to the passage of this ordinance 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 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.~~

~~SECTION 5. If any phrase, clause, paragraph or section of this 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 Ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.~~

(07-26-2004; Repealed by C.O. No. 23)

Charter Ordinance No. 12

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE FROM K.S.A. 79-5001 TO 79-5017, INCLUSIVE, AND ANY AMENDMENTS THERETO.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5001 to 79-5017, inclusive and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

SECTION 2. The provisions of K.S.A. 79-5001 to 79-5017, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Haysville.

(05-23-1988)

Charter Ordinance No. 13

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE FROM K.S.A. 79-5021 TO 79-5035, INCLUSIVE, AND ANY AMENDMENTS THERETO.

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

SECTION 1. The city of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-5021 to 79-5035, inclusive and any amendments thereto, which is an enactment of the legislature applicable to this city but which is not applicable uniformly to all cities.

SECTION 2. The provisions of K.S.A. 79-5021 to 79-5035, inclusive, and any amendments thereto, shall not apply to any taxes levied by the City of Haysville.

(06-11-1990)

Charter Ordinance No. 14

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM K.S.A. 79-1952, AND ANY AMENDMENTS THERETO.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it K.S.A. 79-1952, and any amendments thereto, which is an enactment of the legislature applicable to this City but which is not applicable uniformly to all cities.

SECTION 2. The provisions of K.S.A. 79-1952 and any amendments thereto, shall not apply to any taxes levied by the City of Haysville, Kansas.

(07-20-1992)

Charter Ordinance No. 15

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4108, AND PROVIDING SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.

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

SECTION 1: EXEMPTION. The City of Haysville, Kansas, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to it K.S.A. 12-4108 which applies to this city but does not apply uniformly to all cities.

SECTION 2: CLERK OF THE MUNICIPAL COURT; POWERS AND DUTIES. The Governing Body of the City of Haysville, Kansas, may provide for the office of Clerk of the Municipal Court. The Municipal Court Clerk shall be hired pursuant to existing personnel policies within the City of Haysville, Kansas.

The Clerk shall issue all process of the Court, administer oaths, file and preserve all papers, docket cases, and set same to trial, and shall perform such other acts as may be necessary to carry out the duties and responsibilities of the Municipal Court. All Municipal Court fines shall be paid directly to the officers of the City Clerk.

(10-09-1995)

Charter Ordinance No. 16

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1651 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE OFFICIAL NEWSPAPER OF THE CITY.

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

SECTION 1. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1651 and provide substitute and additional provisions as set forth in this ordinance. Such statutory sections are applicable to this City but are not uniformly applicable to all cities.

SECTION 2. The purpose of this ordinance is to provide the best possible notice to the citizens of the City of Haysville concerning the affairs of the city government and to aid in the economic development of business within the City.

SECTION 3. The governing body of the City of Haysville shall designate a newspaper to be the official newspaper of the City, which shall continue to be the official paper until such time as the governing body shall designate otherwise. Circumstances permitting, the City will publish a resolution of the governing body in the former official paper, designating the new official newspaper and stating its name and address.

SECTION 4. Except as provided in Section 5, the official newspaper of the City of Haysville shall:

- a. Be published at least weekly 50 times each year and have been so published for at least one year prior to the publication of any official city publication.
- b. Have more than 50% of the circulation sold to the subscribers either on a daily, weekly, monthly or yearly basis.
- c. Have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.

SECTION 5. If the newspaper selected for the official newspaper of the City fails to meet the requirements set forth in Section 4, the official newspaper shall be one which has the following qualifications.

- a. Be published at least weekly 50 times each year.
- b. Provide news, information, and advertisements concerning the community of Haysville, Kansas, and Unified School District No. 261, provided that it shall not be a trade, religious or fraternal publication.
- c. Be made available to the citizens of Haysville by placement in a minimum of a total of ten (any combination) Haysville businesses, public buildings, and/or professional offices.
- d. Have a minimum printing equal to one-half of the total number of households in
- e. Contain the designation "Official Newspaper of the City of Haysville, Kansas," under the title of the paper, otherwise known as "page one ear."

(04-10-2000)

Charter Ordinance No. 17

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 11 OF THE CITY OF HAYSVILLE, KANSAS, EXEMPTING THE CITY OF HAYSVILLE, KANSAS FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, AND 14-205 RELATING TO THE ELECTION AND APPOINTMENT OF CITY OFFICERS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING SECTIONS 1 AND 2 OF CHARTER ORDINANCE NO. 11.

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

~~SECTION 1. EXEMPTION. The City of Haysville, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it, provisions of K.S.A. 14-201, 14-204, and 14-205, and amendments thereto and provide substitute and additional provisions as hereinafter set forth in this Ordinance. Such statutory sections are applicable to this City but are not uniformly applicable to all cities in the State of Kansas.~~

~~SECTION 2. GENERAL ELECTIONS. There shall be elected, on the first Tuesday in April of 2004, one councilperson 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 of 2007 and every four years thereafter, one councilperson 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 councilperson 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.~~

~~Section 3. SECTIONS 1 AND 2 OF CHARTER ORDINANCE NO. 11 REPEALED. Sections 1 and 2 of Charter Ordinance No. 11 of the City of Haysville, Kansas, as originally enacted, are hereby repealed. Any provisions of any ordinance or charter ordinance found to be in conflict with the provisions herein are hereby repealed.~~

~~Section 4. SEVERABILITY. If any phrase, clause, paragraph or section of this 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 ordinance without the phrase, clause, paragraph or section so held unconstitutional or invalid.~~

(12-30-2003; Repealed by C.O. No. 23)

Charter Ordinance No. 18

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF THE WATER POLLUTION CONTROL ACT, K.S.A. 12-3101 THROUGH K.S.A. 12-3107, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING TO THE ESTABLISHMENT, OPERATION, MAINTENANCE, IMPROVEMENT, AND REGULATION OF SEWER SYSTEMS, INCLUDING BUT NOT LIMITED TO, STORM AND SURFACE WATER DRAINAGE SYSTEMS AND FLOOD PROTECTION WORKS, AND TO THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR THE PROPERTY AND IMPROVEMENTS NECESSARY FOR ALL ASPECTS OF THE MANAGEMENT OF THESE SYSTEMS.

WHEREAS, A Storm Water Management Program will provide both general and specific benefits to all property within the City of Haysville, (the "City"), and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of storm water; the reduction of hazards to property and life resulting from storm water runoff; improvement in general health and welfare through reduction of undesirable storm water conditions; improvement of water quality in the Storm Water Management System and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on storm water and appropriate balancing between development and preservation of the natural environment.

WHEREAS, The Storm Water Management Program will also initiate innovative and proactive approaches to storm water 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, 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.

WHEREAS, Both standard and innovative storm water management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the City.

WHEREAS, Implementation of the Storm Water Management Program will require the expenditure of significant amounts of public money.

WHEREAS, All developed property in the City will benefit from the Storm Water Management Program.

WHEREAS, The City desires to fairly distribute costs of the Storm Water Management Program implementation among all developed property which generates the need therefore.

WHEREAS, The City has determined that the establishment of a Storm Water Utility is an appropriate method of funding certain portions of the costs of implementing the Storm Water Management Program.

THE CITY OF HAYSVILLE, KANSAS, BY VIRTUE OF THE POWERS VESTED IN IT BY ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS, HEREBY ELECTS TO EXEMPT ITSELF AND MAKE INAPPLICABLE TO IT SECTIONS 12-3101, 12-3102, 12-3103, 12-3104, 12-3105, 12-3106, AND 12-3107 OF THE KANSAS STATUTES ANNOTATED, WHICH APPLY TO THE CITY, AND WHICH ARE NOT UNIFORMLY APPLICABLE TO ALL CITIES, AND THE CITY HEREBY PROVIDES FURTHER SUBSTITUTE AND ADDITIONAL PROVISIONS AS SET FORTH HEREIN.

SECTION 1. Definitions. For the purpose of this Charter Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

- A. Person shall mean any person, firm, corporation, association, partnership, political unit, or organization.
- B. Sewer, Sewer System, and Sewer Systems shall mean surface water and storm sewers that exist at the time this Charter Ordinance is adopted or that are hereafter established 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, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.
- C. Storm Water Customer shall mean the owner of any real property served, whether voluntarily or involuntarily, by the function of any Sewer, Sewer System, or Sewer Systems, which captures, controls, conveys, discharges, manages, or regulates the flow or water quality of storm and surface waters within and from the City, or is served by the administration, activities and operation of the Storm Water Management Program of the City. This service shall include, but not be limited to, capturing, controlling, conveying, discharging, improving, managing, and regulating the flow and water quality of storm and surface water from a property or from other properties situated at higher or lower elevations that might otherwise be subservient in right, and the administrative, planning, technical, regulatory and enforcement actions necessary to provide these services.
- D. Storm Water Management Program shall mean 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 systems and facilities, plus such non-operating expenses as reserves and bond debt service coverage associated with provision of the Storm Water Management Program.

SECTION 2. Sewer Systems; Powers of the City. The City shall have all powers necessary or convenient to plan, study, design, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, manage, and regulate and enforce the proper use of a Sewer System or Sewer Systems, including the powers that the City may, from time to time, establish by way of ordinances and/or resolutions adopted by the Governing Body of the City and including, but not by way of limitation, the following powers:

- A. To impose service fees on Storm Water Customers. The method of calculating and fixing these service fees shall be as established by ordinary ordinances or by rules and regulations heretofore or hereafter adopted;
- B. To provide that service fees authorized in subparagraph (A) above may be certified by the City Clerk to the County Clerk of Sedgwick County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as taxes;
- C. To use the proceeds of the service fees authorized in subparagraph (A) above, together with any other available revenues, to pay the costs of the Storm Water Management Program, including but not limited to the costs to plan, study, design, engineer and operate the Storm Water

Management Program and to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, manage, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for, and regulate and enforce the use of a Sewer System or Sewer Systems;

- D. To use and to pledge the proceeds of the service fees authorized in subparagraph (A) above, and any available taxes, to pay the principal and interest on general obligation or revenue bonds heretofore or hereafter issued; and pending the issuance of the general obligation bonds or revenue bonds to issue temporary financing for these purposes;
- E. To contract with agencies of the federal government, the State of Kansas, other states, counties, cities, drainage districts, public bodies of the state, or other states, or with any person to jointly plan, study, design, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for a Sewer System or Sewer Systems; regulate the use of a Sewer System or Sewer Systems; and to plan, study, design, engineer, operate, administer, maintain, and manage the Storm Water Management Program;
- F. To contract with agencies of the federal government, State of Kansas, other states, counties, cities, drainage districts, public bodies of the state, or other states, or with any person for receiving and treating storm or surface water from outside the limits of the City;
- G. To carry out the Storm Water Management Program, including but not limited to the power to plan, study, engineer, design, administer, manage, maintain, and operate the Storm Water Management Program and to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for and regulate the use of a Sewer System or Sewer Systems within or outside the City;
- H. To borrow money and to apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the federal government, the State of Kansas, other states, counties, cities, drainage districts, or any other public body for the purposes of this act, and the City may, when contracting with the federal government for financial assistance, include in any contract the conditions imposed pursuant to federal law as the City may deem reasonable and appropriate;
- I. To, under the authority granted herein, establish a storm and surface water utility to be accounted for as a separate enterprise fund or special revenue fund of the City, as deemed reasonable and appropriate by the Governing Body of the City; and
- J. To utilize any mechanism deemed reasonable and appropriate by the Governing Body of the City to deliver billings to Storm Water Customers for services.

SECTION 3. Rules and Regulations Authorized; Billing and Collection of Service Fees. The City shall have the power by ordinance or resolution to adopt rules and regulations that shall relate to the management and operation of its Storm Water Management Program and Sewer System or Sewer Systems; the method of calculating and fixing the service fees applicable to properties served by the Sewer System or Sewer Systems or activities associated therewith; security for the payment thereof, and methods and rules of collection; and the disposition of the revenue therefrom. In the event any person served by the City's Sewer System or Sewer Systems shall neglect, fail or refuse to pay service fees fixed by the Governing Body of the City, as authorized by rules and regulations adopted under the authority of this section and if a billing system has been established

for the delivery and collection of service fees, the City may take any action authorized by law to collect any fees that are due and owing, including the provisions provided for in Chapter 15 of the Haysville City Code regarding collection of overdue sewer or water fees.

SECTION 4. Issuance of Sewer System revenue bonds; requirements.

- A. The Governing Body of the City shall have the power to issue revenue bonds from time to time in its discretion, without an election, to finance the planning, altering, enlarging, extending, improving, constructing, and reconstructing of a Sewer System or Sewer Systems under this Charter Ordinance. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the City derived from or held in connection with its Sewer System or Sewer Systems: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government.
- B. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Charter Ordinance are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.
- C. Bonds issued under this section shall be authorized by ordinance or resolution of the governing body and may be issued in one or more series and shall bear such date or dates, be payable on demand or mature at such time or times, bear interest at such rate or rates, not exceeding the maximum rate of interest prescribed by K.S.A. 10-1009, be in such denomination or denominations, be in such form, have such rank or priority, be executed in such manner, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such ordinance or resolution issued pursuant thereto.

SECTION 5. Powers supplemental and additional. The power granted herein with respect to the Storm Water Management Program, including but not limited to the power to plan, study, design, engineer, alter, enlarge, extend, improve, construct, reconstruct, develop, redevelop, operate, manage, maintain, protect, acquire real or personal property by purchase, lease, donation, condemnation, or otherwise for and regulate the use of a Sewer System or Sewer Systems and to issue bonds shall be supplemental to and not amendatory of the provisions of all other laws heretofore or hereafter in force and shall not be construed to limit the City's authority under the provisions of any other laws.

(12-28-2006)

Charter Ordinance No. 19

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 11, WHICH EXEMPTS THE CITY FROM PORTIONS OF K.S.A. 14-204 AND PROVIDES FOR THE ELECTION AND APPOINTMENT OF CITY OFFICERS, AND HEREBY PROVIDES SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

~~SECTION 1. 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 K.S.A. 14-204, an Act of the Kansas Legislature that is non-uniform in application.~~

~~SECTION 2. The City of Haysville, Kansas, also hereby elects to amend Charter Ordinance 11, adopted on November 23, 1987, regarding appointment of City Council members to vacant positions, by amending Section 4 of that Charter Ordinance as follows:~~

~~Section 4. VACANCIES. All vacancies shall be filled by appointment of an eligible candidate by the remaining members of the City Council. Such appointment shall occur at a regular council meeting two meetings after the Governing Body is either informed of the vacancy by the Mayor at a regular meeting, or receives and accepts a resignation at a regular meeting of the City Council, whichever shall occur first. Such appointment shall be for the period from and after the date of appointment and until the date of the next April city election. On such date, the unexpired term shall be filled by election.~~

~~SECTION 3. Those sections of Charter Ordinance 11, not amended by action of this Charter Ordinance shall remain in force and effect.~~

(01-22-2007; Superseded by C.O. No. 23)

Charter Ordinance No. 20

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 11A, WHICH EXEMPTS THE CITY FROM PORTIONS OF K.S.A. 14-205 AND RELATING TO THE APPOINTMENT OF CERTAIN CITY POSITIONS, THE APPOINTMENT OF NONRESIDENTS TO CITY POSITIONS, AND HEREBY PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

~~SECTION 1. 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 K.S.A. 14-205, an Act of the Kansas Legislature that is non-uniform in application, and did make inapplicable to itself through Charter Ordinance 11, 14-201, adopted on November 23, 1987.~~

~~SECTION 2. The City of Haysville, Kansas, hereby elects to amend Charter Ordinance 11A, adopted on July 26, 2004, regarding the appointment of the City Comptroller, and removing the City Clerk and the City Treasurer from the list of appointed city officials, by amending Section 2 of that Charter Ordinance as follows:~~

~~Section 2. The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a chief of police, director of governmental services, city comptroller, public works director, city attorney, recreation director, and may appoint police officers and any other officers 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. 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 city clerk and city treasurer shall be included within the Office of the City Comptroller, but shall henceforth be filled in accordance with City Personnel Policy for non-appointed employees, in a manner set forth within City Personnel Policy.~~

~~SECTION 3. Those sections of Charter Ordinance 11A, not amended by action of this Charter Ordinance shall remain in force and effect. All parts of ordinances in conflict herewith are hereby repealed to that degree that such ordinance(s) may not be construed in conformance with this act.~~

~~SECTION 4. 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.~~

(7-23-2007; Repealed by C.O. No. 23)

Charter Ordinance No. 20A

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 20, WHICH EXEMPTS THE CITY FROM PORTIONS OF K.S.A. 14-205 AND RELATING TO THE APPOINTMENT OF CERTAIN CITY POSITIONS, THE APPOINTMENT OF NONRESIDENTS TO CITY POSITIONS, AND HEREBY PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

~~SECTION 1. 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 K.S.A. 14 205, an Act of the Kansas Legislature that is non uniform in application, and did make inapplicable to itself through Charter Ordinance 11, which was adopted on November 23, 1987, K.S.A 14 201 pertaining to terms of appointment for non-elected City officials,.~~

~~SECTION 2. The City of Haysville, Kansas, hereby elects to amend Charter Ordinance 20, adopted on July 23, 2007, regarding the appointment of the City Comptroller and the removal of the City Clerk and the City Treasurer from the list of appointed city officials, by amending Section 2 of that Charter Ordinance as follows:~~

~~Section 2. The mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a chief of police, director of governmental services, city clerk/treasurer, public works director, city attorney, recreation director, and may appoint police officers and any other officers 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. 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 3. Those sections of Charter Ordinance 11A, not amended by action of this Charter Ordinance shall remain in force and effect. Charter Ordinance 20 is hereby repealed. All parts of ordinances in conflict herewith are hereby repealed to that degree that such ordinance(s) may not be construed in conformance with this act. All references to the City Clerk in such ordinances shall henceforth be interpreted to mean the City Clerk/Treasurer or such official's designee.~~

~~SECTION 4. 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.~~

(12-27-2007; Repealed by C.O. No. 23)

Charter Ordinance No. 21

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF SUBPARAGRAPH (a) OF K.S.A.12-1697 AND FROM THE PROVISIONS OF SUBPARAGRAPH (e) OF K.S.A. 12-1698, WHICH RELATE TO THE LEVY OF A TRANSIENT GUEST TAX, TO THE MAXIMUM RATE THEREOF, AND TO THE PURPOSES FOR WHICH TRANSIENT GUEST TAX REVENUES MAY BE SPENT; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS, PURSUANT TO THE POWER VESTED IN IT BY ARTICLE 12, SECTION 5, OF THE CONSTITUTION OF THE STATE OF KANSAS, HEREBY ELECTS TO EXEMPT ITSELF FROM AND MAKE INAPPLICABLE TO THIS CITY AN ACT OF THE KANSAS LEGISLATURE THAT IS NON-UNIFORM IN APPLICATION.

SECTION 1. The City of Haysville, Kansas, hereby elects to exempt itself from the provisions of subparagraph (a) of K.S.A. 12-1697 and from the provisions of subparagraph (e) of K.S.A. 12-1698, which relate to the levy of a transient guest tax, to the maximum rate thereof, and to the purposes for which transient guest tax revenues may be spent and hereby provides substitute and additional provisions on the same subjects as set forth herein.

SECTION 2. Substitute and additional provisions for K.S.A. 12-1697(a) shall be as follows: The Governing Body of the City of Haysville, Kansas, is hereby authorized to levy a transient guest tax at a rate not to exceed nine percent (9%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court. The percentage of such tax shall be determined by the Governing Body and shall be specified in an ordinary ordinance authorizing the same.

SECTION 3. Substitute and additional provisions for K.S.A. 12-1698(e) shall be as follows:

Such funds may be maintained in the general fund of the City and may be used;

1. to defray the cost of providing municipal services to convention and tourism functions, including police, fire, street department or park and recreation department functions;
2. to support projects and activities which impact or promote economic development within the City;
3. to assist with maintaining City infrastructure in a manner that encourages economic development, including but not limited to road construction and maintenance, park maintenance, and utility improvements; and
4. to promote the general economic welfare of the City and its environs, as deemed appropriate by the Governing Body.

SECTION 4. All other provisions of K.S.A. 12-1697 and K.S.A. 12-1698 shall remain the same.

(07-26-2010)

Charter Ordinance No. 22

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 11A, WHICH EXEMPTS THE CITY FROM PORTIONS OF K.S.A. 14-205 AND RELATING TO THE APPOINTMENT OF CERTAIN CITY POSITIONS, THE APPOINTMENT OF NONRESIDENTS TO CITY POSITIONS, AND HEREBY PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

~~SECTION 1. 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 K.S.A. 14 205, an Act of the Kansas Legislature that is non uniform in application, and did make inapplicable to itself K.S.A 14 201 pertaining to terms of appointment for non elected City officials through Charter Ordinance 11, which was adopted on November 23, 1987, and amended through Charter Ordinances 11A adopted on July 26, 2004, and Charter Ordinance 20, adopted on July 23, 2007.~~

~~SECTION 2. The City of Haysville, Kansas, hereby elects to amend Charter Ordinance 20, regarding the designation of titles of officials and their removal from office for cause, by amending Section 2 of that Charter Ordinance, which amended Section 2 of Charter Ordinance 11A, which amended Section 7 of Charter Ordinance 11. The amended language shall be as follows:~~

~~Section 2. 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.~~

~~SECTION 3. Those sections of Charter Ordinances 11, 11A and 20, not amended by action of this Charter Ordinance shall remain in force and effect in conformance with applicable provisions of such Charter Ordinances and State law. 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 4. 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.~~

(11-13-2012; Repealed by C.O. No. 23)

Charter Ordinance No. 23

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. If a vacancy occurs on the City Council by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise, the vacancy shall be filled by appointment of the Governing Body of the City within thirty (30) days following the creation of the vacancy. Such appointee shall serve for the period from and after the date of appointment until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. 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. Such appointee shall serve only for the period from and after the date of assuming the position of Mayor until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. 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 previous 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.

(12-14-2015; Amended by C.O. No. 24 and C.O. No. 28)

Charter Ordinance No. 24

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, 14-204, 14-205, RELATING TO THE APPOINTMENT OF CITY OFFICIALS AND OFFICERS, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND AMENDING CHARTER 23.

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

SECTION 1. Section 7 of Charter Ordinance 23 is amended as follows:

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, city prosecutor, 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 2. Section 8 of Charter Ordinance 23 is amended as follows:

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, city prosecutor, 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 previous 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 3. 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.

(08-08-2016)

Charter Ordinance No. 25

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-617 ET SEQ. AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO SEWER IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Haysville, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-618, K.S.A. 12-619, K.S.A. 12-621 and K.S.A. 12-624 are part of an enactment of the Kansas Legislature (K.S.A. 12-617 et seq.) relating to sewer improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-618, K.S.A. 12-619, K.S.A. 12-621 and K.S.A. 12-624, and to provide substitute and additional provisions therefor.

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

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-618, K.S.A. 12-619, K.S.A. 12-621 and K.S.A. 12-624, and shall be governed by the substitute and additional provisions contained herein.

SECTION 2. Authorization of Sewer Improvements; Bonds. The City shall have the authority to build, construct, improve, repair or purchase sewer improvements, including the acquisition of land or an interest therein necessary therefor, within or without the limits of the City, to serve the City, including but not limited to the following: sewer mains, interceptor sewers, pumping stations, sewers, sewer service lines, drains, outlets, treatment and disposal works. The City may issue its general obligation bonds (the “Bonds”) to pay the costs of such improvements when authorized to do so by the adoption of a resolution by the governing body of the City describing the type of sewer improvement to be provided for and the amount of Bonds to be issued. The Bonds shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

SECTION 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

(06-22-2020)

Charter Ordinance No. 26

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 14-111 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO SPECIAL MEETINGS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Haysville, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas and

WHEREAS, K.S.A. 14-111 relating to meetings of council, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from certain provisions of K.S.A. 14-111 regarding the calling of special meetings, and to provide substitute and additional provisions therefor.

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

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-111 regarding the procedure for calling of special meetings, and shall be governed by the substitute and additional provisions contained herein.

SECTION 2. Amendment to Article 1 Section 1-305 of the City Code. Article 1, Section 1- 305 of The City Code regarding special meetings is hereby amended to provide as follows:

SPECIAL MEETINGS. Any special meeting may be called either by (i) the mayor or (ii) 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 special 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.

SECTION 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

(10-26-2020)

Charter Ordinance No. 27

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 14-111 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO REGULAR MEETINGS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Haysville, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 14-111 relating to meetings of council, is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from certain provisions of K.S.A. 14-111 regarding regular meetings, and to provide substitute and additional provisions therefor.

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

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-111 regarding regular meetings, and shall be governed by the substitute and additional provisions contained herein.

SECTION 2. Amendment to Article 1 Section 1-304 of the City Code. Article 1, Section 1-304 of The City Code regarding regular meetings is hereby amended to provide as follows:

MEETINGS. The governing body shall have regular meetings on the second Monday of each month at 7:00 p.m. and additional meetings at any time of the year 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.

SECTION 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

(08-23-2021)

Charter Ordinance No. 28

A CHARTER ORDINANCE EXEMPTING THE CITY OF HAYSVILLE, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 14-204 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO FILLING VACANCIES IN OFFICES OF COUNCIL MEMBERS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of Haysville, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 14-204 relating to filling vacancies in offices of the mayor or council members, is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from certain provisions of K.S.A. 14-204 regarding filling vacancies in offices of council members, and to provide substitute and additional provisions therefor.

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

Section 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-204 regarding filling vacancies of council members, and shall be governed by the substitute and additional provisions contained herein.

Section 2. Amendment to Article 1 Section 1-203 of the City Code. Article 1, Section 1-203 of The City Code regarding filling vacancies of council members is hereby amended to provide as follows:

1-203. VACANCIES. If a vacancy occurs on the city council by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise, the vacancy shall be filled by appointment of the governing body of the City within forty-five (45) days following the creation of the vacancy. Such appointee shall serve for the period from and after the date of appointment until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. In no event shall the city call for a special election to fill such vacancy

Section 3. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

(02-14-2022)

APPENDIX B – FRANCHISES

NOTE: The franchise ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, repealers and signatures have been omitted. Complete copies of each ordinance as adopted is on file in the office of the city clerk. Date of adoption of each franchise ordinance is shown in parentheses at the end of the text.

(Reserved.) 1

(Reserved.)





CITY OF HAYSVILLE, KANSAS

RECREATION DEPARTMENT - 523 SARAH LANE/P.O. BOX 404
HAYSVILLE, KANSAS 67060 - (316) 529-5922 (316) 529-5923 - FAX

TO: The Honorable Russ Kessler
City Council Members

FROM: Rob Arneson, Recreation Director

SUBJECT: Purchase of Gator

DATE: November 3, 2022

The Haysville Recreation Department is requesting authorization to purchase a John Deere Gator. With the continued addition of special events Haysville Recreation puts on every year, there is high demand for usage of the city's current gators. There have been several times that the Rec Dept and Public Works need them at the same time.

John Deere Gator XUV835M	Prairieland Partners	\$26,774.01
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I am requesting authorization to purchase the John Deere Gator XUV835M from Prairie Land Partners for a total of \$26,774.01.

This will be paid for out of Sustainability Grant Funds.

This is before you for your consideration.





HAYSVILLE POLICE DEPARTMENT

October 2022

TOTAL CALLS	746	DOGS IMPOUNDED	11
CASE NUMBERS ISSUED	342	SUMMONS ISSUED	03
SUMMONS ISSUED	132	RELEASED TO OWNER	09
CITY CODE	05	RELEASED TO COUNTY	02
CRIMINAL MISD	15	DECEASED ANIMALS	00
TRAFFIC MISD	20	ANIMALS HELD	00
TRAFFIC INF	71		
VOIDED	00	CONTACTS FOR NO	
WARNINGS	21	CITY LICENSE	00
ARRESTS	40	LICENSES PURCHASED	
ADULT	35	15 th TO 15 th OF MONTH	62
JUVENILE	05		
CINC	00		
CITE/RELEASE	14		
HPD WARRANTS	17		
OUTSIDE ARRESTS	00		
MV ACCIDENTS	11	WARRANTS ISSUED	15
INJURY	02		
NON-INJURY	09		
VACATION HOMES	02		
COMMUNITY POLICING	05	K9 DEPLOYMENTS	04
		MILES DRIVEN	15,616
SPECIAL WATCH	02		
CRS WALK –INS	153		
INCOMING CALLS	909		
OUTGOING CALLS BY CRS	93		





Open/Court Cases

Case Number	Date of Notice	Violation Address	Case Comments	Violations List	Enforcement Step	Days Open
4387	11/9/2022	329 N Nelson Ave, Haysville, Kansas, 67060	White truck parked on the grass in the back yard and numerous boxes lining the side of the house, fence and backyard. Door	Nuisance (Sec. 7-401);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Door Hanger Left	0
4386	11/9/2022	235 Turkle Ave, Haysville, Kansas, 67060	Blue Toyota Corolla (KS: 688 JUZ) parked on the grass in the front yard of residence. Door hanger left. Follow up on	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Door Hanger Left	0
4385	11/8/2022	6608 S Seneca St, Wichita, Kansas, 67217	Premises contains multiple forms of conveyance parked on the grass and numerous nuisance violations of materials. NOV sent	Nuisance (Sec. 7-401);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Notice of Violation - Sent	1
4384	11/7/2022	169 Hungerford Ave, Haysville, Kansas, 67060	RP reports neighbor has junk and miscellaneous appliance in driveway and stacked on a trailer in front of his residence. Spoke to homeowner and left door hanger. Follow up on	Nuisance (Sec. 7-401)	Door Hanger Left	2
4383	11/7/2022	1556 W Hickory St, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Door hanger left. Follow up on 11/14/2022.	Weeds/Grass Residential (Sec. 7-6)	Door Hanger Left	2
4220	7/13/2022	1306 E Grand Ave, Haysville, Kansas, 67060	<p>RP reports a bus parked in the grass on premises. Door hanger left. Follow up on 07/19/2022.</p> <p>07/19/2022 during follow up investigation it was determined the bus had been removed, but the backyard has extremely overgrown weeds/grass and limbs/brush throughout property. Backyard also contains the remains of a pool, which has overgrown weeds/grass growing within, but was undetermined whether or not stagnant water remains. Drone flyover scheduled for a later time to determine pool contents/condition. NOV sent regarding condition of backyard.</p> <p>07/22/2022 NOV signed.</p> <p>07/26/2022 most of the yard has been mowed, but the remainder still has overgrown weeds/grass and limbs/brush that require removal. Follow up on 08/01/2022.</p> <p>07/28/2022 called homeowner (Hannah Rossow - 316-239-4507) and advised the remaining areas need to be mowed the the limbs/brush removed. She advised the mower is shredding belts and they have ordered a new one and will continue once it arrives. They are also in the process of filling in the pool, but dirt/filling is expensive and it is taking time. As long as progress and efforts are being made, I will continue to work with the Rossow's with allowing more time to cleanup.</p>	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Court Date	119



Open/Court Cases

Case Number	Date of Notice	Violation Address	Case Comments	Violations List	Enforcement Step	Days Open
4197	7/6/2022	6400 S Mabel St, Wichita, Kansas, 67217	<p>07/06/2022 RP reports no evidence of trash service since January and an increase of mice in the area. Inspection also resulted in no evidence of trash receptacles or any other containers on the premises. No answer at residence. Door hanger left.</p> <p>07/07/2022 No contact at residence.</p> <p>07/08/2022 NOV sent.</p> <p>07/12/2022 NOV receipt received.</p> <p>07/18/2022 Still no evidence of trash service at residence. No contact with occupants. Application for NTA in progress.</p> <p>07/25/2022 NTA pending PD service.</p> <p>07/28/2022 went to 6400 S. Mabel for an unrelated matter. Asked the male tenant if they had acquired trash service and was advised they had not, but he would obtain it today. I contacted PD and let them know the tenants were home/in the back yard and asked them to serve the NTA today.</p> <p>07/28/2022 NTA served by Officer Liang by personal service. Court date 08/16/2022, at 1400.</p> <p>08/16/2022 a trash receptacle was viewed in the front yard of</p>	No Trash Service (Sec. 7-204)	Court Date	126



Open/Court Cases

Case Number	Date of Notice	Violation Address	Case Comments	Violations List	Enforcement Step	Days Open
4130	6/6/2022	7149 S Hydraulic Ct, Haysville, Kansas, 67060	<p>06/06/2022 - NOV sent.</p> <p>06/09/2022 - NOV signed.</p> <p>06/14/2022 - Review of premises shows no change to conditions reported.</p> <p>06/23/2022 - Revisited premises -- no change.</p> <p>06/24/2022 - Contacted by RP: "Donna <dsand0613@gmail.com> Hello Stephen</p> <p>It's been a couple of weeks. Can you tell me if there is anything the city can do about 7149 S Hydraulic court, and if not, can you point me in the right direction for next steps.</p> <p>Thank you...Chris and Donna Sand 316-312-7245"</p> <p>06/24/2022 - Applied for NTA.</p> <p>07/01/2022 - NTA to be served by PD.</p> <p>08/08/2022 inquired with Lidia on the status of NTA service by PD.</p>	Nuisance (Sec. 7-401)	Court Date	156



Open/Court Cases

Case Number	Date of Notice	Violation Address	Case Comments	Violations List	Enforcement Step	Days Open
4043	3/9/2022	2075 E EMMETT AVE	<p>06/14/2022, Spoke to property owner, Clarence Fraizer, who was given a deadline of 06/28/2022 to cleanup the remainder of the junk, trash, autos, etc. on the premises, before being issued an NTA in court.</p> <p>06/22/2022 Owner, Clarence Fraizer, came into Public Works and advised he sold the property at 2075 E. Emmett 2-3 weeks ago. (No documentation was provided or available). Advised he was going on vacation and would bring documentation into Public Works. (Documentation was never provided). Checked with Sedgwick Co. Register of Deeds who advised there have been NO transactions associated with this property. Parcel search still shows property is registered to Clarence Fraizer in a Trust.</p> <p>06/27/2022 checked with Sedgwick County Register of Deeds and there have been NO transactions or changes in ownership filed. Parcel search still shows FRAZIER CLARENCE L LIV TR.</p> <p>06/28/2022 application for NTA.</p> <p>06/29/2022 Court Date of 08/02/2022, at 1400 issued. Tried calling Clarence Fraizer at his home residence (316-945-8509), but no response. Clarence later called and made arrangement to come into Public Works to meet. After meeting, Clarence decided not to sign the NTA until he made contact with his attorney. Contacted Clarence later in the day and he advised his</p>	Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401);Nuisance Automobile (Sec. 7-401.1)	Court Date	245
3614	6/29/2021	7050 S PLAZA DR	<p>Court date was moved to 12/7/21 Next court date 1/18/21 Next Court Date 6/14/2022</p> <p>Set for 7/12/2022 and he obtained a public defender</p> <p>07/13/2022 continued to 07/26/2022.</p> <p>07/27/2022 continued to 08/23/2022.</p> <p>08/23/2022 re-inspection -- skirting coming off/buckling, front door major damage, siding needs paint and out building's roof needs hole repaired.</p> <p>08/24/2022 court continued to 10/25/2022.</p>	No Trash Service (Sec. 7-204)	Court Date	498



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
3998	3/1/2022	617 W GRAND AVE		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	56
4020	3/1/2022	758 E KARLA CT		Nuisance Automobile (Sec. 7-401.1)	Closed	-1
4025	3/1/2022	758 E KARLA CT		Nuisance Automobile (Sec. 7-401.1);Other	Closed	-1
3997	3/1/2022	225 S BALLARD DR		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	57
3994	3/1/2022	212 N JANE ST	NTA was issued and dropped off at PD to be served o 12/8. Email was sent to Sgt. on 12/8 asking NTA to be served. 12/21 Email to LT. was sent asking for an update. It had not been served as of 12/21. PD served on 1/8 court date of 1/18/2022	Storage of Material (Sec. 7-111e)	Closed	57
3995	3/1/2022	137 S WARD PKY		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	57
3996	3/1/2022	217 S BALLARD DR	Owner called Trailer is on AWS	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	57
4004	3/2/2022	145 S TURKLE AVE		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	56
4002	3/2/2022	454 S TURKLE AVE		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	57
3999	3/2/2022	310 S LAMAR AVE		Storage of Material (Sec. 7-111e)	Closed	57
4001	3/2/2022	300 W 4TH ST		Storage of Material (Sec. 7-111e)	Closed	57
4000	3/2/2022	305 S LAMAR AVE		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	57
4009	3/3/2022	429 S STEARNS AVE		Nuisance (Sec. 7-401);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	37
4008	3/3/2022	423 S WIRE AVE		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	37
4003	3/3/2022	242 S LAMAR AVE		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	57
4007	3/3/2022	201 S STEWART DR		Nuisance (Sec. 7-401)	Closed	37
4019	3/4/2022	6415 S HALE ST		Nuisance Automobile (Sec. 7-401.1)	Closed	3
4015	3/4/2022	215 N LAMAR AVE		Nuisance (Sec. 7-401)	Closed	4
4022	3/7/2022	1415 E DIEDRICH AVE	Left a door hanger.	Nuisance (Sec. 7-401)	Closed	5
4005	3/7/2022	1301 W 2ND ST	Owner called needs a more time to get fence fixed. Owner called and is working on putting fence back up and removed car. needs more time.	Nuisance (Sec. 7-401)	Closed	45
4010	3/7/2022	212 N JANE ST	Dumping Chicken manure in yard and round neighbors mail in the citys easemant . Not removing chicken waste and manure from Premises or approved containers as defined by city code.	Nuisance (Sec. 7-401)	Closed	34
4027	3/7/2022	758 E KARLA CT	Door Hanger left on door.	Nuisance Automobile (Sec. 7-401.1)	Closed	5
4018	3/9/2022	203 N MARLEN DR		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	8



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4028	3/10/2022	428 S WIRE AVE	Blight in yard was cleaned up. Will be sending letter regarding brush pile to the north of the house.	Other	Closed	7
4041	3/10/2022	334 S TURKLE AVE		Storage of Material (Sec. 7-111e)	Closed	1
4037	3/10/2022	337 N BAUGHMAN AVE	Door hanger left.	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401)	Closed	3
4036	3/10/2022	301 S GERMAN AVE		Storage of Material (Sec. 7-111e)	Closed	3
4042	3/14/2022	335 S GERMAN AVE		Storage of Material (Sec. 7-111e)	Closed	5
4039	3/14/2022	114 S WIRE AVE	Talked to owners room mate after door. Hanger left. Said they will be in compliance before reinspection.	Nuisance Automobile (Sec. 7-401.1)	Closed	7
4029	3/14/2022	454 S TURKLE AVE	3/8/2022 letter sent to owner and tenant. Owner signed for letter received verification 3/11/22.	Nuisance (Sec. 7-401);Other	Closed	11
4030	3/14/2022	114 E SANDY AVE	Letter sent 3/8/2022 Neena called needs till 4/22/22 number is 312-9589	Unsafe or Dangerous Structure (Sec. 7-5)	Closed	11
4038	3/14/2022	354 N APPLE LN	Door hanger left.	Storage of Material (Sec. 7-111e);Nuisance Automobile (Sec. 7-401.1)	Closed	7
4044	3/14/2022	1939 E EMMETT AVE		Storage of Material (Sec. 7-111e)	Closed	5
4046	3/16/2022	1503 E SPRING CIR		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	7
4052	3/16/2022	441 S WIRE AVE		Nuisance (Sec. 7-401)	Closed	6
4051	3/16/2022	202 N LAMAR AVE		Other	Closed	6
4066	3/18/2022	221 N Marlen Dr, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	0
4065	3/21/2022	6511 S A St, Wichita, Kansas, 67217		Storage of Material (Sec. 7-111e)	Closed	3
4035	3/22/2022	915 W SUMMEY AVE	called 3/7/2022 mom passed needs more time. Given till 3/18/2022	Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	15
4061	3/22/2022	145 Van Arsdale Ave, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	7
4068	3/24/2022	321 Turkle Ave, Haysville, Kansas, 67060	Door hanger left. Tenant visited public works was angry left the door hanger. wrote the property owner and tenant a letter on 3/22/2022	Nuisance Automobile (Sec. 7-401.1)	Closed	3
4023	3/24/2022	530 S TURKLE AVE	Left door knocker. 3/8/2022 letter sent.	Other	Closed	22
4060	3/24/2022	315 Spring Dr, Haysville, Kansas, 67060	Called bringing in a rolloff. check back on 3/28/22.Both vehicle's have been removed roll-off is in place 3/24/2022.	Storage of Material (Sec. 7-111e);Nuisance Automobile (Sec. 7-401.1)	Closed	9
4064	3/25/2022	100 Sandy St, Wichita, Kansas, 67217		Storage of Material (Sec. 7-111e);Other	Closed	7
4062	3/25/2022	157 Stewart Ave, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	10
4071	3/25/2022	1503 Spring Cir, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	2
4067	3/28/2022	110 S Lamar Ave, Haysville, Kansas, 67060	spoke with resident seemed willing to comply.	Storage of Material (Sec. 7-111e)	Closed	7



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4072	3/28/2022	425 6th St, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	4
4073	3/28/2022	339 6th St. Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	4
4059	3/28/2022	226 Van Arsdale Ave, Haysville, Kansas, 67060	Owners deceased property including truck in probate. decedents daughter will be going by 3/25/2022 to clean up the yard.	No Trash Service (Sec. 7-204);Storage of Material (Sec. 7-111e);Nuisance Automobile (Sec. 7-401.1)	Closed	14
4063	3/30/2022	309 N Moy Ct, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	12
4076	3/30/2022	510 W 5th St, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	2
4081	3/31/2022	317 Sunset Ave, Haysville, Kansas, 67060		No Trash Service (Sec. 7-204)	Closed	2
4088	4/4/2022	616 E Peach Ave, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	3
4074	4/4/2022	132 Sarah Ln, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Other	Closed	7
4082	4/4/2022	241 N Jane St, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	6
4058	4/4/2022	226 Wire Ave, Haysville, Kansas, 67060	4/4/2022 blue chevy is gone and the residents appear to have cleaned up the property not sure about trash service.	Storage of Material (Sec. 7-111e);Nuisance Automobile (Sec. 7-401.1);Other;Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	24
4086	4/4/2022	229 Western Ave, Haysville, Kansas, 67060		Other	Closed	5
4085	4/6/2022	212 Sarah Ln, Haysville, Kansas, 67060	Contacted tenant via phone asked them to get the land lord to call me gave all contact information.	Storage of Material (Sec. 7-111e)	Closed	7
4083	4/6/2022	241 N James Ave, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	8
4094	4/7/2022	952 E Grand Ave, Haysville, Kansas, 67060		Other	Closed	0
4092	4/7/2022	325 Stewart Ct, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Weeds/Grass Residential (Sec. 7-6)	Closed	3
4091	4/7/2022	349 Stewart Ct, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	3
4075	4/11/2022	425 N Baughman , Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	14
4089	4/13/2022	351 Stewart Ct, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	9
4099	4/18/2022	1030 E Karla Ct, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	4
4098	4/19/2022	946 E Karla Ct, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4102	4/19/2022	128 Sarah Ln, Haysville, Kansas, 67060		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	1
4105	5/3/2022	6539 S Corey St, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	14
4103	5/3/2022	200 Western Ave, Haysville, Kansas, 67060	Reported by Sharri Wille'	No Trash Service (Sec. 7-204)	Closed	15
4100	5/3/2022	1024 E Karla Ct, Haysville, Kansas, 67060	Homeowner got Title on 4/22/22 to vehicle and need till Tuesday 4/26/22 to get tagged updated by DS	Nuisance Automobile (Sec. 7-401.1)	Closed	19
4097	5/3/2022	923 W 4th St, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401)	Closed	22
4095	5/3/2022	417 N Baughman Ave, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1)	Closed	25
4093	5/3/2022	140 S Ballard Dr, Haysville, Kansas, 67060		Nuisance Automobile (Sec. 7-401.1);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	28
4096	5/9/2022	6406 S Osage St, Wichita, Kansas, 67217		Storage of Material (Sec. 7-111e)	Closed	28
4123	5/23/2022	408 Linden Ln, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	0
4107	5/23/2022	6548 S Osage St, Wichita, Kansas, 67217			Closed	20
4122	5/24/2022	340 Wire Ave, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	1
4119	5/24/2022	815 W Hollywood St, Wichita, Kansas, 67217		Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	1
4116	5/24/2022	815 W Sunflower Dr, Wichita, Kansas, 67217		Nuisance Automobile (Sec. 7-401.1);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	1
4113	5/24/2022	6536 S Marion Dr, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	11
4110	5/24/2022	6400 S Osage St, Wichita, Kansas, 67217		Nuisance (Sec. 7-401)	Closed	11
4104	5/24/2022	424 W Grover Ave, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	35
4069	5/24/2022	205 S Ballard Dr, Haysville, Kansas, 67060	property owners son moved away leaving vehicle needs a month to get his son to remove the vehicle. Will keep checking status.	Nuisance Automobile (Sec. 7-401.1)	Closed	64
4109	5/24/2022	7031 Shahin Dr, Haysville, Kansas, 67060	The tires have been aired up and the weeds that were once surrounding the truck have been cut. There is no sign that the truck is inoperable.	Nuisance Automobile (Sec. 7-401.1);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	12



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4118	6/1/2022	905 W Sunflower Dr, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	9
4129	6/6/2022	248 N Maynard Ave, Haysville, Kansas, 67060		Other	Closed	0
4120	6/8/2022	901 Alexander Dr, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	16
4117	6/8/2022	825 W Sunflower Dr, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	16
4136	6/13/2022	210 W Sunflower Dr, Wichita, Kansas, 67217	06/13/2022 - Contacted by vehicle owner, Tony Mora, who advised once help arrives, vehicle will be moved to an enclosed building today.	Nuisance Automobile (Sec. 7-401.1)	Closed	6
4128	6/14/2022	417 Western Ave, Haysville, Kansas, 67060		Storage of Material (Sec. 7-111e)	Closed	11
4131	6/14/2022	6420 S A St, Wichita, Kansas, 67217		Nuisance (Sec. 7-401)	Closed	8
4132	6/14/2022	240 Turkle Ave, Haysville, Kansas, 67060		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4139	6/14/2022	801 W Sunflower Dr, Wichita, Kansas, 67217	Follow up on 06/13/2022	Nuisance (Sec. 7-401)	Closed	6
4140	6/14/2022	228 Champion St, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	6
4143	6/14/2022	400 W Hollywood St, Wichita, Kansas, 67217	Weeds/Grass - Limbs/Brush - Trash -- Follow up on 06/14/2022.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	5
4112	6/14/2022	307 Mimosa Dr, Haysville, Kansas, 67060	Contacted Dwight on 06/08/2022 and scheduled mowing service.	Weeds/Grass Residential (Sec. 7-6)	Closed	32
4134	6/14/2022	232 Western Ave, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	7
4142	6/15/2022	815 W Hollywood St, Wichita, Kansas, 67217	Door hanger left for violations of overgrown weeds/grass and limbs/brush located in backyard. Follow up on 06/14/2022.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	6
4145	6/17/2022	300 Cain Dr, Haysville, Kansas, 67060	Owner advised he would make a conscious effort to find another means of storing the compost in a different manner or location. Follow up on 06/17/2022.	Nuisance (Sec. 7-401)	Closed	4
4106	6/21/2022	140 S Ballard Dr, Haysville, Kansas, 67060	The property owner appears to have made progress.	Weeds/Grass Residential (Sec. 7-6)	Closed	49
4144	6/21/2022	239 German Ave, Haysville, Kansas, 67060	Grass/weeds overgrown. Trash/debris in front yard. Door hanger left. Follow up 06/21/2022.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	8
4146	6/21/2022	342 Van Arsdale Ave, Haysville, Kansas, 67060	Follow up on 06/21/2022	Weeds/Grass Residential (Sec. 7-6)	Closed	8
4151	6/21/2022	7046 S Broadway Ave, Haysville, Kansas, 67060	Spoke to business owner about correcting issue of vehicles parked on grass. Follow up on 06/22/2022.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4157	6/21/2022	Arc Pro Professional Welding Service	Overgrown weeds/grass on/around business's premises, along with broken up pallets/wood/lumber. Spoke to business owner who advised the issue(s) would be addressed. Follow up 06/23/2022.	Nuisance (Sec. 7-401);Weeds/Grass Commercial (7-6)	Closed	5
4155	6/21/2022	7135 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on/around business's premises. Spoke to business owner who advised the issue would be addressed. Follow up 06/23/2022.	Weeds/Grass Commercial (7-6)	Closed	5
4159	6/21/2022	201 W Sunflower Dr, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4160	6/21/2022	321 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4162	6/21/2022	314 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4164	6/21/2022	6435 S Walnut St, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4166	6/21/2022	215 Trout Ave, Haysville, Kansas, 67060	City Inspector reports vehicle not parked on all weather service at 215 trout.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4
4126	6/21/2022	335 Van Arsdale Ave, Haysville, Kansas, 67060	06/14/2022, Premises still in violation. Violation letter sent.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	20
4173	6/23/2022	240 Turkle Ave, Haysville, Kansas, 67060		Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	1
4152	6/24/2022	Precision Auto	Spoke to business owner about correcting issue of vehicles parked on grass. Follow up on 06/22/2022.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	9
4165	6/24/2022	166 N Marlen Dr, Haysville, Kansas, 67060	06/21/2022 spoke to owner who advised TITLE of vehicle is in transit. He will fix tire and move vehicle into driveway and tag ASAP. Recheck 06/28/2022. Determined to be a PD issue.	Nuisance Automobile (Sec. 7-401.1)	Closed	7
4148	6/27/2022	314 Alice St, Haysville, Kansas, 67060	06/27/2020 made contact with tenent (Lauren Mader-Cauble 316-300-9686), by telephone, who advised she had mowed the lawn on 06/16/2022 in accordance with her contract. She also advised it will be mowed again before 06/30/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	12
4154	6/27/2022	416 Spring Dr, Haysville, Kansas, 67060	Owners contacted and they advised the truck would be moved and they would have it registered. Follow up on 06/23/2022. 06/27/2022 passed to PD.	Nuisance Automobile (Sec. 7-401.1)	Closed	11
4169	6/27/2022	149 N Moy Ct, Haysville, Kansas, 67060	Recheck 06/28/2022.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4171	6/27/2022	311 Hungerford Ave, Haysville, Kansas, 67060		Weeds/Grass Residential (Sec. 7-6)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4156	6/28/2022	7141 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on/around business's premises. Spoke to business owner who advised the issue would be addressed. Follow up 06/23/2022. 06/28/2022 Owner compliance.	Weeds/Grass Commercial (7-6)	Closed	12
4150	6/28/2022	7335 S Broadway Ave, Haysville, Kansas, 67060	Spoke to business owner about correcting issue of vehicles parked on grass. Follow up on 06/22/2022. Progress is being made. Recheck 06/28/2022. 06/28/2022 Owner compliance.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	13
4158	6/28/2022	Arc Pro Professional Welding Service	Overgrown weeds/grass on/around business's premises. Also a white, Dodge Durango parked in grass/weeds in rear of business. Follow up 06/23/2022. 06/28/2022 Owner compliance.	Weeds/Grass Commercial (7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	12
4186	7/5/2022	6500 Hollywood, Wichita, Kansas, 67217		Weeds/Grass Residential (Sec. 7-6)	Closed	7
4191	7/5/2022	333 Peach Tree Ln, Haysville, Kansas, 67060	06/30/2022 Door hanger left. Homeowner called and advised they would have a mowing service take care of the lawn this weekend. Follow up on 07/04/2022. 07/05/2022 case closed, owner compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4192	7/5/2022	232 Stearns Ave, Haysville, Kansas, 67060	RP reports overgrown grass/weeds on premises, particularly the utility easement (over 6 feet high). Re-evaluate on 07/05/2022. 07/05/2022 case closed, owner compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4193	7/5/2022	239 Hungerford Ave, Haysville, Kansas, 67060	RP reports overgrown grass/weeds on premises, particularly the backyard. Re-evaluate on 07/05/2022. 07/05/2022 case closed, owner compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4163	7/5/2022	6447 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022. 06/16/2022 Door hanger left. 06/21/2022 NOV sent. 06/25/2022 NOV signed. 07/05/2022 case closed, owner compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	19



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4189	7/5/2022	316 W 6th St, Haysville, Kansas, 67060	06/29/2022 Door hanger left 07/05/2022 owner compliance	Nuisance (Sec. 7-401)	Closed	6
4184	7/5/2022	340 Wire Ave, Haysville, Kansas, 67060	Door hanger left 06/27/2022. Limbs/Brush pile. Follow up on 07/04/2022. 07/05/2022 revisited property, owner compliance.	Nuisance (Sec. 7-401)	Closed	8
4111	7/6/2022	6406 S Osage St, Wichita, Kansas, 67217	6/8/2022-Four NOV letters have been signed for. Moving forward with court process. NTA case #202201823. 06/23/2022 NTA cancelled. 6406 S. Osage put in next Thursday's paper. Pending abatement. 07/01/2022 spoke to Dwight about abatement. Awaiting estimate. 07/06/2022 abatement completed. 08/24/2022 posted in newspaper 09/04/2022. Abatement scheduled for 09/06/2022. 08/24/2022 abated. Case closed.		Closed	54
4138	7/6/2022	905 W Sunflower Dr, Wichita, Kansas, 67217	Home owner has been found to be deceased and no other interested parties located. 06/27/2022 NOV posted on residence's door. Posted in newspaper 06/30/2022 for abatement. 06/28/2022 Property owner (Nate Kirk - 316-706-7391) called and advised original owner deceased. Home is now on the market to sell. Lawn/yard will be mowed and taken care of by Thursday (06/30/2022). Follow up 07/01/2022. 07/01/2022 Spoke to Dwight about abatement and advised he could get to it by 07/06/2022. 07/06/2022 Dwight advised lawn had already been mowed. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	28



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4172	7/7/2022	243 N Ward Pkwy, Haysville, Kansas, 67060	Recheck 06/28/2022. 06/27/2022 NOV sent. 08/01/2022 no change. Appears vacant. Other City notices posted on doors/windows. Sent to Trisha for newspaper posting for abatement 08/04/2022. 08/01/2022 Dwight advised he should get to it by 08/09/2022. 08/09/2022 abatement completed.	Weeds/Grass Residential (Sec. 7-6)	Closed	16
4114	7/7/2022	6400 S Mabel St, Wichita, Kansas, 67217	Court Date: 7/5/2022. 06/27/2022 NOV posted on residence's door. Posted in newspaper 06/30/2022 for abatement. 07/01/2022 spoke to Dwight about abatement and advised he could get to it around 07/06/2022. 07/06/2022 abatement completed.	Weeds/Grass Residential (Sec. 7-6)	Closed	55
4147	7/7/2022	313 N Nelson Ave, Haysville, Kansas, 67060	Fence still up on 06//27/2022. 06/27/2022 NOV sent. 07/07/2022 made contact with homeowner (Jaime Taylor - 316-300-7225) who advised she has removed the "wire" and removed the power source of the electric fence. The yellow tabs remain on the fence as a deterrent for the dogs, but the fence has no electric current. Case closed.	Other	Closed	23
4153	7/7/2022	241 Lamar Ct, Haysville, Kansas, 67060	RP reports mattresses discarded in front yard. Also found to have overgrown weeds/grass. Follow up on 06/21/2022. 06/21/2022 NOV sent. 07/07/2022 determined to be incorrect address.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	22
4161	7/7/2022	224 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass found to be on premises. Door hanger left. Follow up on 06/24/2022. 07/07/2022 voluntary compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	21



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4167	7/7/2022	801 W Sunflower Dr, Wichita, Kansas, 67217	Recheck 06/28/2022. 06/27/2022 NOV sent. 07/07/2022 voluntary compliance.	Weeds/Grass Residential (Sec. 7-6)	Closed	16
4176	7/7/2022	200 Fager Dr, Haysville, Kansas, 67060	Premises was found to have overgrown weeds/grass and a vehicle parked in the yard. Follow up on 06/28/2022. 06/27/2022 NOV sent. -- Nuisance Auto on grass. 07/07/2022 voluntary compliance.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	15
4178	7/7/2022	201 Fager Dr, Haysville, Kansas, 67060	Reporting Party: Linda Million 316-524-0304 207 W. Fager Dr. Premises was found to have overgrown weeds/grass and brush/limbs. Follow up on 06/28/2022. 06/27/2022 NOV sent. 07/07/2022 voluntary compliance.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	15
4180	7/7/2022	227 Champion St, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises, along with a deteriorating privacy fence. Also found to have limbs/brush in yard. Follow up on 06/28/2022. 06/27/2022 NOV sent for Dangerous Fences and Brush/Limbs. 07/01/2022 NOV signed receipt received. 07/05/2022 spoke to homeowner, who is making a conscious effort to comply with violations. Extension to complete 07/08/2022. 07/07/2022 voluntary compliance.	Nuisance (Sec. 7-401);Other	Closed	15



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4137	7/11/2022	228 W Sunflower Dr, Wichita, Kansas, 67217	<p>Door hanger posted.</p> <p>06/07/2022 NOV sent.</p> <p>06/09/2022 NOV signed.</p> <p>06/14/2022 vehicle still on premises.</p> <p>06/21/2022 owner advised in process of selling vehicle. Recheck 07/05/2022.</p> <p>07/01/2022 owner called and advised sale fell through. Vehicle is currently listed on Facebook for sale. Owner was advised to move vehicle inside but said if he did that he would have to move something out. Owner has until 07/05/2022 before NTA is issued.</p> <p>07/06/2022 made contact with vehicle owner, who advised he was still trying to sell the vehicle and asked for a little more time. He was given until 07/11/2022 before NTA WILL be issued.</p> <p>07/11/2022 vehicle has been moved and grass/weeds mowed. Case closed, owner voluntary. compliance.</p>	Nuisance Automobile (Sec. 7-401.1)	Closed	34
4190	7/11/2022	232 German Ave, Haysville, Kansas, 67060	<p>06/29/2022 Property has overgrown weeds/grass. Follow up 07/04/2022.</p> <p>07/05/2022 revisited property -- no change</p> <p>07/05/2022 NOV sent.</p> <p>07/11/2022 voice message from Brandon McDaniel to call him back.</p> <p>07/11/2022 property owner (Leo Harding) advised his son is paying/purchasing the property from his father and is supposed to be keeping the yard up as well. Harding advised he was going to go to the residence today and address the issue.</p> <p>07/11/2022 occupant came into voluntary compliance. Case close.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	12



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4195	7/11/2022	6449 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	RP reports overgrown weeds/grass and miscellaneous junk on premises, Door hanger left. Follow up on 07/11/2022. 07/11/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	6
4182	7/11/2022	6536 S Marion Dr, Wichita, Kansas, 67217	06/27/2022 Door hanger left. 07/05/2022 revisited property -- no change. 07/05/2022 NOV(s) sent - (1) to Haysville address (1) to Wichita address. 07/11/2022 Owner came into voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	14
4185	7/11/2022	336 N. Delos	RP reports overgrown weeds/grass at this location. Door hanger left. Follow up on 07/04/2022. 07/05/2022 revisited property -- no change. 07/05/2022 NOV sent. 07/07/2022 NOV received by homeowner. Homeowner's daughter called and advised they are working to resolve the issue. 07/11/2022 Owner came into voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13
4188	7/11/2022	425 W 6th St, Haysville, Kansas, 67060	06/29/2022 RP reports an unregistered motorcycle parked on the sidewalk in front of the residence. Door hanger left. Follow up 07/04/2022. 07/05/2022 revisited property -- no change. 07/05/2022 NOV sent. 07/11/2022 Owner came into voluntary compliance. Case closed.	Nuisance Automobile (Sec. 7-401.1)	Closed	12
4194	7/11/2022	317 Stearns Ave, Haysville, Kansas, 67060	07/05/2022 Door hanger left. 07/11/2022 Owner came into voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4196	7/11/2022	1000 Anita Dr, Haysville, Kansas, 67060	RP reports limbs/brush in the street/culdesac/yard at 1000 W. Anita Dr. Door hanger left. Follow up on 07/11/2022. 07/11/2022 Owner came into voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	5
4207	7/12/2022	7106 S. Broadway Ave., Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Door hanger left. Follow up on 07/19/2022. 07/12/2022 lawn/yard crews completed maintenance today. Voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	0
4225	7/18/2022	554 E Grand Ave, Haysville, Kansas, 67060	59' white commercial box trailer parked on grass on premises. Pastor's wife spoken to about situation and advised they would contact person(s) responsible for picking up the trailer. Door hanger left. Follow up on 07/21/2022. 07/18/2022 Trailer removed. Voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4
4149	7/18/2022	441 Stearns Ave, Haysville, Kansas, 67060	Follow up on 06/22/2022. ATTENTION CODY . 06/27/2022 NOV returned without signature. Attempted to contact Ramzie Othman by telephone (316-293-0989), but was unsuccessful. Moving toward abatement process. 06/27/2022 NOV posted on front door of residence. 06/27/2022 residence posted in newspaper for abatement. 06/30/2022 contacted by homeowner who advised lawn has been mowed, trash cleaned up and is in progress for remaining items. 07/18/2022 voluntary compliance. Case closed.	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	33



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4187	7/18/2022	807 W Summey St, Wichita, Kansas, 67217	06/28/2022 RP reports abandoned/disabled vehicles parked in the grass, in the front yard of 807 W. Summey. Door hanger left. 07/05/2022 revisited property -- no change. 07/05/2022 NOV sent. 07/12/2022 NOV posted on front door of residence. 5 days given before abatement on 07/18/2022. 07/18/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	20
4199	7/18/2022	854 E Karla Ct, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Door hanger left. Follow up on 07/13/2022. 07/18/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	10
4202	7/18/2022	806 E Karla Ct, Haysville, Kansas, 67060	RP reports furniture in the driveway of premises (i.e. recliner, chair, etc.). Contact made with homeowner, who advised cleanup in progress. Door hanger left. Follow up on 07/18/2022. 07/18/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	7
4203	7/18/2022	216 W Summey St, Wichita, Kansas, 67217	RP reports overgrown grass/weeds in the easement of property. Door hanger left. Follow up on 07/18/2022. 07/11/2022 homeowner called and asked for clarification regarding the tending of his easement. He also wanted additional information on extending his fence line. He was referred to the City Inspector. Homeowner advised he would address the situation and get it taken care of forthwith. 07/18/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	7
4206	7/18/2022	316 E Hemphill Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Residence appears abandoned/unoccupied. Utilities show inactive. Door hanger left. 07/12/2022 NOV sent. Posted in newspaper 07/21/2022. 07/18/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4208	7/18/2022	1126 E Grand Ave, Haysville, Kansas, 67060	Property has overgrown weeds/grass. Door hanger left. Follow up on 07/19/2022. 07/18/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4211	7/19/2022	912 W Summey St, Wichita, Kansas, 67217	Overgrown grass/weeds on premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4212	7/19/2022	915 W Summey St, Wichita, Kansas, 67217	Overgrown grass/weeds on premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4217	7/19/2022	310 Turkle Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises, along with limbs/brush. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	6
4221	7/19/2022	156 Alexander Dr, Haysville, Kansas, 67060	RP reports a green Ford F-150 parked in the front yard of premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4222	7/19/2022	715 W Country Lakes Pl, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the front yard and tree line of property. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4223	7/19/2022	6516 S Mabel St, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4170	7/19/2022	305 S Twin Pines Ave, Haysville, Kansas, 67060	Door Hanger left on 06/23/2022. 06/27/2022 NOV sent. 07/07/2022 weeds/grass out of control. 07/08/2022 notice returned without signature. Notice sent to Trisha for posting in newspaper for Thursday 07/14/2022. 07/19/2022 abatement completed by Dwight. Case closed.	Weeds/Grass Commercial (7-6)	Closed	28



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4168	7/22/2022	145 N Moy Ct, Haysville, Kansas, 67060	<p>Recheck 06/28/2022.</p> <p>06/27/2022 NOV sent.</p> <p>07/07/2022 weeds/grass appears to have been mowed, but junk/items remain.</p> <p>07/07/2022 contacted by homeowner, who advised she received and signed for NOV. She also advised has mental health issues and difficulties maintaining her property. She asked for an extension to continue cleaning up the current issue(s). Extension granted for two weeks. Revisit on 07/21/2022.</p> <p>07/22/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	31
4216	7/22/2022	426 W 4th St, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass in backyard of property, along with a pile of boards. Door hanger left. Follow up on 07/20/2022.</p> <p>07/15/2022 homeowner called and requested more time to conduct cleanup. I advised that there would be an extension until 07/22/2022 and the issue would be revisited at that time.</p> <p>07/22/2022 voluntary compliance. Case closed.</p>	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	9
4198	7/25/2022	301 Lamar Ct, Haysville, Kansas, 67060	<p>06/22/2022 RP reports mattresses discarded in front yard. Also found to have overgrown weeds/grass.</p> <p>07/07/2022 NOV sent.</p> <p>07/11/2022 sent to Trisha for posting in newspaper for abatement. Appear in newspaper on 07/21/2022.</p> <p>07/25/2022 pending abatement.</p> <p>07/25/2022 Dwight advised lawn had been mowed and mattress removed prior to their arrival. Voluntary compliance by owner/tenant. Case closed.</p>	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	18



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4070	7/25/2022	217 S Ballard Dr, Haysville, Kansas, 67060	<p>Door hanger left on 06/14/2022 for weeds/grass, no apparent trash service and junk, etc. in yard.</p> <p>ROV letter signed 06/21/2022.</p> <p>Cale investigating. Disposition to follow.</p> <p>06/28/2022 attempted to contact Dwight for abatement.</p> <p>07/01/2022 spoke to Dwight, who advised cost would be \$125.00 and could get to it by 07/06/2022. Cost approved by PWD.</p> <p>07/06/2022 abatement begun, grass mowed. Rest of cleanup pending.</p> <p>07/25/2022 abatement completed Tuesday by Dwight. Case closed.</p>	Nuisance (Sec. 7-401)	Closed	126
4209	7/25/2022	7135 S Broadway Ave, Haysville, Kansas, 67060	<p>Property has overgrown weeds/grass. Door hanger left. Follow up on 07/18/2022.</p> <p>07/18/2022 NOV sent.</p> <p>07/20/2022. NOV signed.</p> <p>07/21/2022 was contacted (by email) by Angie Vailas for Equisset LLC who advised they had received the NOV and are working with their tenant to clear up the issue. She advised she would reach back out when the job was done.</p> <p>07/25/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	13



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4200	7/25/2022	119 S Sunnyside Rd, Haysville, Kansas, 67060	<p>RP reports (2) vehicles (Grey Oldsmobile and a Grey Chevrolet SUV) parked in overgrown grass in the backyard of premises. Door hanger left. Follow up on 07/18/2022.</p> <p>07/18/2022 NOV sent.</p> <p>07/21/2022 homeowner came into Public Works, advised he had received the NOV and asked for more time (aside from the 5 days) to take care of the violations. Homeowner was given until 07/29/2022 to complete the tasks.</p> <p>07/25/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile (Sec. 7-401.1);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	14
4210	7/25/2022	Arc Pro Professional Welding Service	<p>Weeds/grass is overgrown at the back of the property. Door hanger left. Follow up on 07/18/2022.</p> <p>07/18/2022 NOV sent.</p> <p>07/20/2022 received a call from Ted Garcia (business owner) who had received the NOV and asked if I could come and directly point out what violations needed to be addressed so they could proceed.</p> <p>07/20/2022 arrived at Arc-Pro welding and was immediately greeted with bad attitudes and disrespect. Explained the violation(s) that I had written and the ones I had not. Made each clear as to what needed to be done and cleaned up. They advised the cleanup would continue and that they were also going to erect a privacy fence between 7135 and 7133 South Broadway to prevent further issues.</p> <p>07/25/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	12
4227	7/25/2022	7130 S Kansas St, Haysville, Kansas, 67060	<p>RP reports trailers and a boat parked in the grass on premises. Door hanger left. Follow up on 07/25/2022.</p> <p>07/25/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4231	7/25/2022	1316 E Lonna St, Haysville, Kansas, 67060	RP reports garbage bags on the ground in front of 1316 E. Lonna St. Door hanger left. Homeowner (Julie) called and advised she had missed a payment on trash service. Service will resume this week and trash will be removed on next rotation. Follow up on 07/25/2022. 07/25/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	5
4232	7/25/2022	354 Apple Ln, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the backyard of premises. Door hanger. Follow up on 07/25/2022. 07/25/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4234	7/25/2022	346 Hungerford Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass and a Dodge truck and moped parked in the front yard of premises. Door hanger left. Follow up on 07/25/2022. 07/25/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4235	7/25/2022	6449 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	RP reports a dead tree limb hanging over her garage from the neighbor's yard and wants it removed for safety. Door hanger left after speaking with homeowner. Follow up on 07/25/2022. Nuisance violation: 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: (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. 07/25/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	4
4205	7/25/2022	6410 S Osage St, Wichita, Kansas, 67217	RP Reports overgrown weeds/grass between the buildings on premises. Door hanger left. Follow up on 07/18/2022. 07/18/2022 NOV sent. 07/21/2022 homeowner's father called, advised they had received NOV and asked for clarification of area to be mowed. He advised it would be taken care of on 07/22/2022. 07/25/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4214	7/26/2022	901 W 65th St S, Wichita, Kansas, 67217	Overgrown grass/weeds on premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 no change. NOV sent. 07/26/2022 NOV returned to sender -- no signature. Follow up on property -- voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13
4204	7/26/2022	6453 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	RP reports overgrown grass/weeds in the easement of property. Door hanger left. Follow up on 07/18/2022. 07/18/2022 NOV sent. 07/26/2022 NOV returned to sender -- no signature. Follow up -- voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	15
4213	7/26/2022	927 W 65th St S, Wichita, Kansas, 67217	Grey van, Maroon van, Blue truck parked on grass, Grey van has flat tire. Door hanger left. Follow up on 07/19/2022. 07/19/2022 no change. NOV sent. 07/25/2022 NOV signed. 07/26/2022 voluntary compliance. Case closed.	Nuisance Automobile (Sec. 7-401.1);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	13
4239	7/28/2022	7310 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. NOV sent on 07/27/2022 to Denver, CO address. 07/27/2022 called the property owner (Andrew Brake - 303-638-0602) and advised him of the code violation(s). He advised the property was being "hayed" by a local farmer, who should also be tending to the property. He asked if he could take my information and have the farmer contact me, so I provided him with such. I also advised Brake he would be receiving an NOV in the mail. 07/28/2022 received a call from the farmer (Mark Bergkamp) who tends the field at 7310 S. Broadway. He advised the field is currently "planted" crop that he doesn't intend to "hay" until approximately October. Since the field is "farm use," I have elected to close this case and revisit the situation in October.	Weeds/Grass Commercial (7-6)	Closed	1



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4201	8/1/2022	328 N Ward Pkwy, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass on premises. Door hanger left at 314 N. Ward Parkway. Follow up on 07/18/2022.</p> <p>07/19/2022 NOV sent (both to Wichita and Haysville addresses).</p> <p>07/26/2022 3/4 of the property has been mowed. The remainder still has overgrown weeds/grass and limbs/brush that require removal. A second "improvement request" was left at 314 N. Ward Parkway indicating what needed to be completed. Follow up on 08/01/2022.</p> <p>08/01/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	21
4229	8/1/2022	1401-1599 Blossom Ave, Haysville, Kansas, 67060	<p>07/19/2022 RP reports overgrown weeds/grass on premises. NOV sent.</p> <p>07/26/2022 property owner called, received the NOV and advised the address is actually 7429 S. Broadway. He asked if he could hire the City to mow the property and was told no. He advised he would hire a crew and have it taken care of this week.</p> <p>08/01/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	13
4230	8/1/2022	1042 E Karla Ct, Haysville, Kansas, 67060	<p>RP reports (2) white Chevrolet vans (KS: 562 JZJ & 466 MNN) parked in the grass in front of 1044 E. Karla Ct. Door hangers left on both vehicles. Contacted PD for investigative follow up due to uncertainty of vehicle ownership. Follow up on 07/25/2022.</p> <p>07/25/2022 both vehicles remain parked in grass--no change. NOV sent.</p> <p>08/01/2022 vehicle owner called and asked about NOV. Situation explained and advised he could not park the vehicle(s) on the grass. Owner advised he would attempt to find an alternative solution.</p> <p>08/01/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	13



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4233	8/1/2022	7335 S Broadway Ave, Haysville, Kansas, 67060	<p>Premises has overgrown weeds/grass and vehicles parked on surface that is not all-weather. NOV sent 07/20/2022.</p> <p>07/22/2022 business owner called, advised they had received the NOV and wanted clarification on its contents and where, specifically, the areas they are responsible. I provided (emailed) a map containing the property lines of the business to aoneautosalvage@hotmail.com and explained they were responsible for everything within. They told me they'd never been responsible for some of the previously (i.e. by the ditch) and I explained that they are for everything within their property line. They are to mow, have vehicle(s) on all-weather surfaces, vehicles that are operable and registered and have fences 6 feet high with opaque screening to the public. I was told the fenced area, specified in the pictures sent with the NOV had an all-weather surface (rock). I viewed that area and it had deteriorated to dirt and grass. He was advised to have it re-done. Follow up on 07/27/2022.</p> <p>07/27/2022 Don called and advised progress was being made to come into compliance with violations. He was going to contact KDOT to see if he could place rock all the way to the edge of Broadway. He also wanted me to stop by and view the progress to make certain they were in compliance.</p> <p>07/27/2022 followed up and inspected the progress made by the business owner(s). Fresh rock had been laid for the all-</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	12
4249	8/1/2022	143 Trout Ave, Haysville, Kansas, 67060	<p>RP reports vehicle parked in the yard of premises, not on an all weather surface. Door hanger left. Follow up on 08/02/2022.</p> <p>08/01/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4141	8/2/2022	316 Sarah Ln, Haysville, Kansas, 67060	<p>06/09/2022 Notice given to maintenance manager regarding weeds/grass, nuisance vehicle/trailer, brush/limbs.</p> <p>06/14/2022 Follow up on property - no change</p> <p>06/14/2022 NOV issued to management in person</p> <p>06/27/2022 Follow up on property - no change</p> <p>06/28/2022 Application for NTA</p> <p>06/29/2022 Court Date 08/02/2022, at 1400.</p> <p>08/01/2022 followed up on property and found it to still contain large amounts of brush/limbs that need to be removed. It also has weeds/grass that needs to be mowed and the trailer with the jet ski is still not parked on an all-weather surface.</p> <p>08/02/2022 This was originally reported as 316 Sarah Ln. After first appearances in court, it has been determined to be 401 Sarah Ln and owned by Village Green LLC, which is the apartment complex across the street. The original Notice of Violation letter was personally served to the apartment complex management. Obviously, it had the incorrect name and address. I advised dismissing the current NTA entirely, due to my mistake.</p>	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	54



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4135	8/3/2022	209 Anita Dr, Haysville, Kansas, 67060	<p>Drone overflight determined pool stagnant water violation.</p> <p>No changes as of 06/14/2022. Notice sent.</p> <p>06/22/2022 spoke to owner who advised in the process of hiring 3rd party to cleanup premises. May take 2-3 weeks. Will give 2 weeks and revisit on 07/05/2022 to consider further action(s).</p> <p>07/05/2022 revisited property and some progress has been made, but underlying issues remain. Application for NTA in progress.</p> <p>07/06/2022 attempted to serve NTA at residence, but received no response from tenant(s).</p> <p>07/07/2022 attempted to serve NTA at residence, but received no response from tenant(s). NTA passed to PD for service.</p> <p>07/12/2022 NTA served by Officer Mullin. Court date 08/02/2022, at 1400 hours.</p> <p>08/01/2022 homeowners have appeared to cleaned up the property as requested. Voluntary compliance.</p> <p>08/02/2022 dismissed with court costs. Case closed.</p>	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	57



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4218	8/3/2022	1126 E Grand Ave, Haysville, Kansas, 67060	<p>RP reports a white Ford truck parked in the grass on the premises and a dead/dying tree that needs to be removed. Door hanger left. Follow up on 07/19/2022.</p> <p>07/19/2022 white Ford truck has been removed from grass. Dead/dying tree remains. NOV sent regarding tree.</p> <p>07/22/2022 NOV signed.</p> <p>07/25/2022 NOV receipt received.</p> <p>08/01/2022 no change. Tree remains.</p> <p>08/02/2022 tree removal has commenced. The top half of the tree has been cut down and its remains are on the ground beside it. The main trunk remains.</p> <p>08/03/2022 tree has been completed cut down. Case closed.</p>	Dead/Diseased Tree Removal (Sec. 13-308);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	21
4237	8/4/2022	415 W Grover Ave, Wichita, Kansas, 67217	<p>Overgrown weeds/grass and a large pile of limbs/brush on premises. Door hanger left. Follow up on 08/01/2022.</p> <p>08/01/2022 no change. NOV sent.</p> <p>08/06/2022 NOV receipt received. Signed 08/03/2022.</p> <p>08/06/2022 homeowner came into PW and asked for clarification of his NOV. Once clarified, he advised his lawn would be mowed today and he would notify me when it was completed.</p> <p>08/06/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	10
4215	8/8/2022	916 W 65th St S, Wichita, Kansas, 67217	<p>Overgrown grass/weeds on premises. Door hanger left. Follow up on 07/19/2022.</p> <p>07/19/2022 no change. NOV sent.</p> <p>08/08/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	26



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4228	8/8/2022	118 S Sunnyside Rd, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 07/25/2022. 07/25/2022 no change. NOV sent. 08/02/2022 residence appears to be undergoing a move. There are dumpsters and movers relocating items from the residence. 08/08/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	21
4248	8/8/2022	319 N Maynard Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass, junk/trash/abandoned items on premises. Door hanger left. Follow up on 08/02/2022. 08/01/2022 no change. NOV sent 08/02/022. 08/08/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	11
4250	8/8/2022	346 Sunset Ave, Haysville, Kansas, 67060	RP reports junk/clutter on premises, along with overgrown tree limbs. Spoke to homeowner and left door hanger. Gave 30 days for limbs and 5 for clutter. Follow up on 08/08/2022. Tree limbs overhanging into street. 08/08/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	7
4251	8/8/2022	6436 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	RP reports vehicle(s) parked in the grass on premises. Door hanger left. Follow up on 08/08/2022. 08/08/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	6
4252	8/8/2022	320 W Sunflower Dr, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/08/2022. 08/08/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4254	8/8/2022	1313 E Diedrich Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/08/2022. 08/08/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4255	8/8/2022	201 N Moy Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/08/2022. 08/08/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4256	8/8/2022	241 N Jane St, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/08/2022. 08/02/2022 received a call from a neighbor complaining of the tall grass/weeds and blowing trash from the front yard. Neighbor also advised the residents had moved out. 08/08/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4259	8/9/2022	213 S Delos Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4261	8/9/2022	225 S Ballard Dr, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4262	8/9/2022	249 Trout Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4263	8/9/2022	233 Lamar Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises, trash around front porch and Black Nissan parked in grass in front of residence. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4264	8/9/2022	6522 S Mabel St, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4265	8/9/2022	417 W Hollywood St, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4266	8/9/2022	6519 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4260	8/9/2022	246 S Delos Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/09/2022. 08/09/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4238	8/10/2022	310 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/01/2022. 08/01/2022 no change. NOV sent. 08/08/2022 no change. Door hanger still posted on door. Residence appears to be vacant. Posted in newspaper for abatement 08/11/2022. Dwight also notified. 08/08/2022 NOV receipt received. Signed on 08/06/2022. 08/09/2022. Abatement completed.	Weeds/Grass Residential (Sec. 7-6)	Closed	16
4257	8/15/2022	224 Alexander Dr, Haysville, Kansas, 67060	Maroon suburban reported to be parked in the grass on premises. Door hanger left. Follow up on 08/08/2022. 08/08/2022 vehicle still parked on grass in front of residence. NOV sent. 08/11/2022 NOV signed receipt received. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	13
4268	8/15/2022	763 E Forest Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4269	8/15/2022	742 E Forest Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4270	8/15/2022	710 E Forest Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4271	8/15/2022	257 S Marlen Dr, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4274	8/15/2022	St Mark's Presbyterian Church	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	5
4275	8/15/2022	115 S. Wire, Haysville, Kansas, 67060	Blue Dodge SUV parked on grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4276	8/15/2022	221 Sunset Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4277	8/15/2022	157 S. Wire Ave, Haysville, Kansas, 67060	Blue/grey Pontiac 4 door passenger car parked on grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4278	8/15/2022	170 S. German Ave, Haysville, Kansas, 67060	Silver Ford truck parked on grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4280	8/15/2022	236 Stewart Dr., Haysville, Kansas, 67060	Tan GMC truck parked on grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4281	8/15/2022	168 Western Ave, Haysville, Kansas, 67060	White Ford Ranger truck parked on grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4273	8/16/2022	Kraola Korner Inc	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 no change. NOV sent. 08/16/2022 voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	7
4283	8/16/2022	129 Fager Dr, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/16/2022. 08/16/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4253	8/16/2022	139 S Twin Pines Ave, Haysville, Kansas, 67060	<p>Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/08/2022.</p> <p>08/08/2022 no change. NOV sent.</p> <p>08/12/2022 NOV signed receipt received. Follow up on 08/17/2022.</p> <p>08/16/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	14
4258	8/16/2022	401 Sarah Ln, Haysville, Kansas, 67060	<p>06/09/2022 Notice given to maintenance manager regarding weeds/grass, nuisance vehicle/trailer, brush/limbs.</p> <p>06/14/2022 Follow up on property - no change</p> <p>06/14/2022 NOV issued to management in person</p> <p>06/27/2022 Follow up on property - no change</p> <p>06/28/2022 Application for NTA</p> <p>06/29/2022 Court Date 08/02/2022, at 1400.</p> <p>08/01/2022 followed up on property and found it to still contain large amounts of brush/limbs that need to be removed. It also has weeds/grass that needs to be mowed and the trailer with the jet ski is still not parked on an all-weather surface.</p> <p>08/02/2022 This was originally reported as 316 Sarah Ln. After first appearances in court, it has been determined to be 401 Sarah Ln and owned by Village Green LLC, which is the apartment complex across the street. The original Notice of Violation letter was personally served to the apartment complex management. Obviously, it had the incorrect name and address. I advised dismissing the current NTA entirely, due to my mistake.</p>	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	14



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4284	8/22/2022	225 N James Ave, Haysville, Kansas, 67060	Blue Ford F-150 parked on the grass in the front yard of residence. Door hanger left. Follow up on 08/22/2022. 08/16/2022 truck moved to another part of the front yard (North), but is still parked on the grass. Follow up on 08/22/2022. 08/22/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4285	8/22/2022	6433 S Corey St, Wichita, Kansas, 67217	Black GMC Sierra Truck (KS: 867 PLA) parked on the grass in the front yard of residence. Door hanger left. Follow up on 08/22/2022. Owner: Anthony Dykstra (316-650-5795). 08/22/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	6
4287	8/22/2022	337 E Kay Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/22/2022. 08/16/2022 Tenant (Jeremiah Christopherson) called and advised E & H Property Management is responsible for property maintenance per their rental contract/agreement and they have been trying to get them to tend to the property for months. Christopherson advised he forwarded the code enforcement "notice" to the management company to make certain they were informed of the violation. E & H Management Properties Christine Valentine 937 N. West St. Wichita, Kansas 67203 316-312-1018 8918 W. 21st Suite 200, #106 Wichita, Kansas 67205 Property Owner: Stephen Logan 5520A Ascot Ct. Alexandria, Virginia 22311-5555 08/22/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4289	8/22/2022	258 N Delos Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Also, a white & green van parked in the grass on the Southwest side of the residence. Door hanger left. Follow up on 08/22/2022. 08/22/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	6
4290	8/22/2022	441 E Karla Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/22/2022. 08/22/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4291	8/22/2022	111 S Lamar Ave, Haysville, Kansas, 67060	Grey 4 door passenger car with no tags parked on the grass in the front yard of residence. Door hanger left. Follow up on 08/22/2022. 08/22/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4292	8/22/2022	235 Trout Ave, Haysville, Kansas, 67060	Black Chevrolet Suburban (KS: 307 NNY) parked on the grass in the front yard of residence. Door hanger left. Follow up on 08/22/2022. 08/22/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4246	8/22/2022	241 N James Ave, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass, limbs/brush, trash, junk and noxious odors from burning emanating from neighbor's residence. Door hanger left. Follow up on 08/02/2022.</p> <p>Violations: 1) Overgrown weeds/grass - residential 2) Storage of materials - wood/boards, concrete cylinders not 18 inches off the ground for rodent control 3) Noxious odors from burning 4) Nuisance - junk/trash/abandoned items</p> <p>08/01/2022 no change. NOV sent 08/02/2022.</p> <p>08/02/2022 received a call from the homeowner advising they are making progress on cleanup. Will follow up when cleanup is completed to verify.</p> <p>08/15/2022 homeowner (Tony Wood) called and advised the City wide garage sale has concluded and he is in the process of hauling the remainder of items to the dump. Cleanup should be completed by 08/22/2022. Will follow up on Monday.</p> <p>08/22/2022 significant cleanup accomplished. Minor trash hauling yet to be done, but homeowner advised it would be completed during the next trash pickup. Voluntary compliance. Case closed.</p>	Storage of Material (Sec. 7-111e);Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	25



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4219	8/23/2022	1206 E Grand Ave, Haysville, Kansas, 67060	<p>RP reports trees/limbs along Ward Parkway hanging into street. There is also a tree along Grand hanging low to the sidewalk and out into Grand. Door hanger left. Follow up on 07/19/2022.</p> <p>07/19/2022 E. Grand tree has been trimmed to ordinance specifications. N. Ward Parkway remains untouched. NOV sent regarding trees on N. Ward Parkway.</p> <p>07/26/2022 no change.</p> <p>08/01/2022 no change.</p> <p>08/09/2022 2nd NOV sent regular mail.</p> <p>08/12/2022 NOV signed receipt received. Follow up on 09/11/2022.</p> <p>08/23/2022 voluntary compliance. Case closed.</p>		Closed	41
4272	8/23/2022	820 E Grand Ave, Haysville, Kansas, 67060	<p>Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022.</p> <p>08/15/2022 no change. NOV sent.</p> <p>08/19/2022 NOV returned to sender.</p> <p>08/23/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	14
4293	8/24/2022	125 Trout Ave, Haysville, Kansas, 67060	<p>White 4 door passenger car (KS: 862 KPH) parked on the grass in the front yard of residence. Door hanger left. Follow up on 08/22/2022.</p> <p>08/22/2022 vehicle remains parked on the grass. NOV sent.</p> <p>08/24/2022 owner called and wanted clarification regarding NOV. After she was provided an explanation, she advised the vehicle(s) would be moved and they would no longer park on the grass. Voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4282	8/25/2022	1312 E Peach Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/16/2022. 08/16/2022 no change. NOV sent. 08/22/2022 NOV signed receipt received. 08/25/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	14
4294	8/26/2022	1126 E Grand Ave, Haysville, Kansas, 67060	Large limb/brush pile left in front yard, after cutting down dead tree that need to be removed. Have been there for over a week. Door hanger left. Follow up on 08/23/2022. 08/23/2022 no change. NOV sent. 08/26/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	8
4286	8/29/2022	415 E Kay Ave, Haysville, Kansas, 67060	RP reports weeds/grass on premises over a foot tall. Door hanger left. Follow up on 08/22/2022. 08/22/2022 resident mowed the front yard, but neglected the side and backyard, which is well over 12 inches in height. NOV sent. 08/29/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13
4288	8/29/2022	336 N Delos Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/22/2022. 08/22/2022 no change. NOV sent. 08/26/2022 NOV signed receipt received. 08/29/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4295	8/29/2022	143 Trout Ave, Haysville, Kansas, 67060	Blue Ram Step-side truck parked on grass in the front yard of residence. Door hanger left. Follow up on 08/29/2022. 08/25/2022 vehicle still parked on grass in front of residence. Trash, debris, junk, wood, tires, etc. found to be in piles in front of residence. 2nd door hanger left for violation(s) of nuisance vehicle on grass with an addition of nuisance blight. Follow up on 08/29/2022. 08/29/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4297	8/29/2022	715 W. Country Lakes Pl, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Door hanger left. Follow up on 08/29/2022. 08/29/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	7
4298	8/29/2022	428 W 5th St, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the alleyway/easement of the property. Door hanger left. Follow up on 08/29/2022. 08/29/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4300	8/29/2022	429 W 4th St. Haysville, Kansas, 67060	While investigating another complaint at 428 W. 5th, overgrown weeds/grass were found to be in the easement of this property. Door hanger left. Follow up on 08/29/2022. 08/29/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4302	8/30/2022	305 S Twin Pines Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Scheduling for abatement. Tentatively scheduled for 09/06/2022. 08/30/2022 abated. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4303	8/30/2022	307 Mimosa Dr, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Dwight notified of abatement. Follow up on 08/29/2022. Abatement should take place on 09/06/2022. 08/30/2022 abated. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4309	9/1/2022	711 W Country Lakes Pl, Haysville, Kansas, 67060	RP reports overgrown weeds/grass along easement and fence line. Door hanger left. Follow up on 09/06/2022. 09/01/2022 voluntary compliance (by HOA). Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	0



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4307	9/1/2022	715 W. Country Lakes Pl., Haysville, Kansas, 67060	RP reports 3-4 ft. tall weeds growing along the property lines and going through the fence. NOV sent. Follow up on 09/05/2022. 09/01/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	2
4279	9/6/2022	226 Van Arsdale Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/15/2022. 08/15/2022 spoke to South neighbor who advised property owner is deceased and his children are in probate what to do with the residence. He sometimes mows a general portion of the front lawn to maintain a slight appearance. Property continues to be in disarray. NOV sent. 08/17/2022 received a call from the daughter (Amber Lewis/Zamudio) of the previous property owner, who advised she had been notified by the neighbor of 226 S. Van Arsdale a notice had been placed on the door in regard to the weeds/grass. She wanted clarification/explanation as to its contents. The situation was explained and time frames given. She advised mail was no longer being delivered to the vacant address and her lawn mower is currently broken. She provided her current address to receive an alternate NOV, as 2709 S. Washington, Wichita, Kansa 67216. A second NOV has been sent to the given address. 08/19/2022 NOV for Kevin Lewis, at 226 S. Van Arsdale, returned to sender. 08/22/2022 NOV signed receipt received. 08/23/2022 Amber Lewis called and advised her lawn mower	Weeds/Grass Residential (Sec. 7-6)	Closed	27
4296	9/6/2022	128 Anita Dr, Haysville, Kansas, 67060	RP reports neighbor has no trash service and bags of trash piling up. Trash blowing into her yard and attracting unwanted animals. No trash receptacles/containers visible. Door hanger left. Follow up on 08/29/2022. 08/29/2022 no change. NOV sent. 09/06/2022 voluntary compliance. Case closed.	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401)	Closed	15



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4299	9/6/2022	434 W 5th St, Haysville, Kansas, 67060	While investigating another complaint at 428 W. 5th, overgrown weeds/grass were found to be in the easement of this property. Door hanger left. Follow up on 08/29/2022. 08/29/2022 no change. NOV sent. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13
4301	9/6/2022	439 W 4th St, Haysville, Kansas, 67060	While investigating another complaint at 428 W. 5th, overgrown weeds/grass were found to be in the easement of this property. Door hanger left. Follow up on 08/29/2022. 08/29/2022 no change. NOV sent. 09/01/2022 NOV receipt received. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	13
4304	9/6/2022	1556 W Hickory St, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on premises. Door hanger left. Follow up on 08/31/2022. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	11
4305	9/6/2022	337 E Kay Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/05/2022. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	8
4306	9/6/2022	7141 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/05/2022. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	7
4310	9/6/2022	361 E Kay Ave, Haysville, Kansas, 67060	RP reports camper parked on grass in front yard of property. Door hanger left. Follow up on 09/06/2022. 09/06/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4311	9/6/2022	224 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/06/2022. 09/06/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	5
4315	9/6/2022	6450 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	White Ford Focus (KS: 939 HYT) parked on the grass in the front yard of residence. Door hanger left. Follow up on 09/06/2022. 09/06/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4316	9/6/2022	6415 S Sunnyside St, Wichita, Kansas, 67217	Red Dodge Dakota (KS: VUQ 533) parked on the grass in the front yard of residence. Door hanger left. Follow up on 09/06/2022. 09/06/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4319	9/7/2022	429 Ranger St, Haysville, Kansas, 67060	RP reports nuisance tree growing into his foundation, privacy fence and water lines, causing damage. NOV sent to 429 S. Ranger for notification of tree removal. Follow up on 11/06/2022 (tentatively). 13-305. PUBLIC TREE CARE. The city shall have the right to plant, prune, maintain and move trees, plants and shrubs within the right-of-way or bounds of all streets, alleys, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the beauty of such public grounds. The city may remove, or cause, or order to be removed, any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is seriously affected with any injurious insect or disease. (Ord. 765; Code 2003) PWD consulted and violation determined to be a civil matter/issue. Case closed.	Other	Closed	0
4314	9/12/2022	234 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/06/2022. 09/06/2022 no change. NOV sent. 09/09/2022 NOV receipt received. Follow up on 09/14/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	11
4321	9/12/2022	804 E Peach Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4322	9/12/2022	752 E Peach Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4323	9/12/2022	327 N Baughman Ave, Haysville, Kansas, 67060	Silver Elantra parked in the grass on the side yard of residence. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4
4324	9/12/2022	326 N Jane St, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4325	9/12/2022	316 N Jane St, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4328	9/12/2022	226 E Hemphill Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4330	9/12/2022	946 E Karla Ct, Haysville, Kansas, 67060	Miscellaneous junk, furniture, trash on porch and driveway. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	4
4331	9/12/2022	854 E Karla Ct, Haysville, Kansas, 67060	Blue Buick passenger car parked in the grass in the front yard of residence. Door hanger left. Follow up on 09/13/2022. Resident called public works and was very angry and belligerent. Accusations of racial profiling because she is Hispanic. 09/12/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4
4332	9/12/2022	327 N James Ave, Haysville, Kansas, 67060	RP reports a couch in the front yard of residence that has been there for 6 weeks. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	4
4333	9/12/2022	200 Western Ave, Haysville, Kansas, 67060	RP reports trash, mattresses, furniture piles up in front of the residence for over a week. Weeds/grass also overgrown in backyard. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	4



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4334	9/12/2022	208 Western Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the easement behind residence. Door hanger left. Spoke to homeowner who advised it would be done by this weekend. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4335	9/12/2022	214 Western Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the easement behind residence. Door hanger left. Spoke to homeowner's mother who advised they would get it done. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4336	9/12/2022	220 Western Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass in the easement behind residence. Door hanger left. Follow up on 09/13/2022. 09/12/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	4
4343	9/13/2022	249 N Twin Pines Ave, Haysville, Kansas, 67060	Brown Chevrolet truck parked on the grass in the front yard of the residence. Door hanger provided to homeowner. Homeowner removed the vehicle. Case open/closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	0
4317	9/15/2022	6540 S Ward Pkwy, Apt SVILLE, Wichita, Kansas, 67217	(2) Red Ford trucks parked on the grass in the front yard of residence. Door hanger left. Follow up on 09/06/2022. 09/06/2022 no change. NOV sent. 09/08/2022 Allen McFaul came into PW for clarification of the NOV. He advised he would lay wrong and kill the grass, but would need a couple of weekends to complete the task. He's been given until 09/19/2022. The issue will be revisited at that time. 09/08/2022 signed NOV receipt received. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	14



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4318	9/15/2022	145 W Sunflower Dr, Wichita, Kansas, 67217	Blue GMC Sierra truck (KS: 697 PJR) parked on the grass in the front yard of residence. Door hanger left. Follow up on 09/12/2022. 09/07/2022 homeowner called and advised he is in the process of laying rock in the backyard for (2) vehicle parking. He estimates completion by 09/19/2022. Will revisit then to ascertain if it is complete or if he needs more time. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	9
4326	9/15/2022	244 N Jane St, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	7
4327	9/15/2022	229 N Moy Ct, Haysville, Kansas, 67060	Jet Ski and Trailer parked in the grass in the back yard of residence. Door hanger left. Follow up on 09/13/2022. 09/12/2022 received a call from the owner, who advised they were in the process of making a patio to place the trailer and jet ski and would keep me apprised of their progress. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4329	9/15/2022	145 N Moy Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/13/2022. 09/13/2022 no change. NOV sent. 09/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	7
4337	9/15/2022	1441 E Berlin St, Haysville, Kansas, 67060	Black Cadillac Escalade parked on the grass in the front yard of the residence. Door hanger left. Follow up on 09/19/2022. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	3
4342	9/15/2022	346 Hungerford Ave, Haysville, Kansas, 67060	RP reports Blue Dodge Ram pickup parked on the grass in front of the residence. Door hanger left. Follow up on 09/19/2022. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	3



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4344	9/15/2022	255 N Sunnyside Rd, Haysville, Kansas, 67060	RP reports a couch lying in the front yard of the property for weeks. Door hanger left. Follow up on 09/19/2022. 09/15/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401)	Closed	2
4345	9/15/2022	218 N Twin Pines Ave, Haysville, Kansas, 67060	RP reports a white passenger car parked on the grass in the front yard of the property. There were also bags of trash and a couch piled in the driveway. Door hanger left. Follow up on 09/19/2022. 09/13/2022 homeowner called and advised they had a broken trash receptacle that is being replaced, which account for the bags piled up in the driveway. They are also in the process of laying gravel for all-weather parking. They will keep me apprised of their progress and let me know when the issues have been resolved. 09/15/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2
4346	9/15/2022	302 N Sunnyside Rd, Haysville, Kansas, 67060	Grey Toyota truck parked on the grass in the front yard of the residence. Door hanger left. Follow up on 09/19/2022. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile (Sec. 7-401.1);Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2
4347	9/15/2022	261 N Sunnyside Rd, Haysville, Kansas, 67060	Black motorcycle parked on the grass in the front yard of the residence. Door hanger left. Follow up on 09/19/2022. 09/15/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2
4313	9/15/2022	229 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/06/2022. 09/06/2022 no change. NOV sent. 09/15/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	14
4348	9/19/2022	131 S Ward Pkwy, Haysville, Kansas, 67060	Black Chevrolet Silverado (KS: 090 GBA) parked on the grass in the front yard of the residence. Door hanger left. Follow up on 09/19/2022. 09/19/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4349	9/19/2022	416 W Grover Ave, Wichita, Kansas, 67217	Black SUV (KS: 675 NSM) parked on the grass in the front yard of the residence. Door hanger left. Follow up on 09/19/2022. 09/19/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	4
4320	9/19/2022	1217 Jubilee St, Haysville, Kansas, 67060	RP reports a dead/dying tree adjacent to his property at 1217 W. Jubilee with large broken branches hanging over into his property, fearing it will damage his shed. NOV sent for notification of tree trimming. Follow up on 10/06/2022 (tentatively). 09/19/2022 homeowner called and advised he had cut down the tree over the weekend. Attempted call back, but no answer...left message. Will verify condition of tree status. 09/19/2022 tree has been confirmed as removed. Voluntary compliance by homeowner. Case closed.	Dead/Diseased Tree Removal (Sec. 13-308)	Closed	12
4224	9/20/2022	7474 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 07/19/2022. 07/19/2022 no change. NOV sent. 08/09/2022 NOV returned to sender -- not signed. NOV resent regular mail. Also, attempt to contact property owner via auction company information. 08/23/2022 NOV sent to 180 S. Wire. 08/29/2022 Jed Jeter called and advised he received the NOV. Advised they are in the process of auctioning contents of property and getting property ready to sell. Asked for time in completion of mowing lawn. Will notify when completed. 09/15/2022 FINAL NOTICE NOV sent. 09/20/2022 Jed Jeter messaged and advised he has completed the mowing of the weeds/grass on the property. Visually verified. Voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	68



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4350	9/26/2022	7103 S Broadway Ave, Haysville, Kansas, 67060 (Reserve B)	<p>RP reports trash dumping around an Elm tree in the Reserve B lot of 7103 S. Broadway. NOV sent to an address in Wichita. Follow up on 09/20/2022.</p> <p>09/26/2022 tire and board removed. The rest remains.</p> <p>09/27/2022 signed NOV receipt received, dated 09/24/2022.</p> <p>09/28/2022 Final Notice NOV sent.</p> <p>10/11/2022 voluntary compliance. Case closed.</p>	Nuisance (Sec. 7-401)	Closed	11
4183	9/26/2022	334 Wire Ave, Haysville, Kansas, 67060	<p>Follow up on 07/04/2022. (60 days to remove)</p> <p>07/05/2022 no change.</p> <p>07/18/2022 no change. NOV sent.</p> <p>07/21/2022 homeowner called in, advised he received the NOV and clarified he had 60 days to remove the dead/dying trees in his front yard. He was originally under the impression he had 5 days from receipt of the NOV. That information was corrected. Deadline to remove trees is 09/19/2022.</p> <p>08/09/2022 no change.</p> <p>09/19/2022 no change. FINAL NOTICE NOV sent. 10 day deadline, after receipt of FINAL NOV.</p> <p>09/26/2022 voluntary compliance. Case closed.</p>	Dead/Diseased Tree Removal (Sec. 13-308)	Closed	91
4351	9/26/2022	316 German Ave, Haysville, Kansas, 67060	<p>Red Chevrolet Silverado (KS: 750 GVY) parked on the grass in the front yard of the residence. Door hanger left, after speaking with homeowner, who advised it would be removed. Follow up on 09/26/2022.</p> <p>09/26/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4352	9/26/2022	1402 E. Blossum Ave, Haysville, Kansas, 67060	<p>Blue/Grey Ford Taurus (KS: 705 GAV) parked on the grass near the driveway of residence. Door hanger left on vehicle's windshield. Follow up on 09/26/2022.</p> <p>09/26/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4353	9/26/2022	6449 S Sunnyside St, Wichita, Kansas, 67217	White Ford Ranger (KS: 915 JZE) Parked on the grass, on the side of the street, in front of the residence. Door hanger left. Follow up on 09/26/2022. 09/26/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4354	9/26/2022	231 Timberlane Ct, Haysville, Kansas, 67060	RP reports (2) vehicles parked in front of residence and have not moved in 4 years and overgrown weeds/grass. Door hanger left for weeds/grass. Follow up on 09/26/2022. 09/26/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	6
4355	9/26/2022	166 N Moy Ave, Haysville, Kansas, 67060	RP reports a trailer parked on the grass in the backyard of residence -- not on an all weather surface. Door hanger left. Follow up on 09/26/2022. 09/26/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	5
4356	9/27/2022	815 W Hollywood St, Wichita, Kansas, 67217	RP reports overgrown weeds/grass and a pile of limbs/brush on property. Spoke to homeowner, who advised it would be taken care of today. Weeds/grass cut. Limbs/brush moved to rear location for burning. Voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	0
4357	10/3/2022	7335 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. NOV sent. Follow up on 10/03/2022. 10/03/2022 signed NOV receipt received. Voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	5
4358	10/3/2022	7141 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. NOV sent. Follow up on 10/03/2022. 10/03/2022 signed NOV receipt received. Voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	5



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4338	10/3/2022	330 S Sunnyside Rd, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/19/2022. 09/19/2022 NOV sent. 09/26/2022 no change. 09/26/2022 posted in newspaper for abatement (09/29/2022). 09/28/2022 Final Notice NOV sent. 10/03/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	21
4366	10/3/2022	224 Stewart Ave, Haysville, Kansas, 67060	Grey Ford truck parked on the grass in the front yard of residence. Spoke to owner who moved the vehicle. Voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	0
4361	10/3/2022	813 E Karla Ave, Haysville, Kansas, 67060	Ford truck and trailer parked on the grass in the backyard of residence. Door hanger left. Follow up on 10/11/2022. 10/03/2022 homeowner called and advised the vehicle and trailer are parked on stones (all weather surface) and was willing to provide photos. She was advised to trim around the vehicles, in order to see the area and make certain the weeds/grass were not growing up through the stones. Voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	0



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4267	10/11/2022	River Of Life Worship Center	<p>RP reports a dead tree at the end of the west drive, near the ditch that they fear is a hazard of falling into the street. Spoke to Church rep and explained situation. Follow up on 10/08/2022.</p> <p>08/24/2022 NOV sent.</p> <p>08/29/2022 Pastor of Church came in and advised he had received the NOV and was looking for clarification on timeframe to remove the dead tree. He was advised he had 60 days from the day he received the NOV to remove the tree. Follow up on 10/28/2022.</p> <p>08/30/2022 signed NOV received.</p> <p>10/11/2022 voluntary compliance (tree has been cut down). Stump, limbs and brush remain.</p> <p>10/12/2022 City Councilman has reported overgrown weeds/grass on the North side of the property. Door hanger left, along with information/letter regarding tree stump, limb and brush removal of the aforementioned tree that was cut down. Follow up on 10/17/2022.</p> <p>10/24/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6);Dead/Diseased Tree Removal (Sec. 13-308)	Closed	63
4373	10/11/2022	250 N Delos Ave, Haysville, Kansas, 67060	<p>RP reports a white 4DR passenger car parked on the grass in the backyard of residence. Door hanger left. Follow up on 10/11/2022.</p> <p>10/11/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	6
4359	10/11/2022	836 E Grand Ave, Haysville, Kansas, 67060	<p>Overgrown weeds/grass on premises. Door hanger left. Follow up on 10/11/2022.</p> <p>10/11/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	8
4360	10/11/2022	361 E Kay Ave, Haysville, Kansas, 67060	<p>Trailer and boat parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022.</p> <p>10/11/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	8



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4362	10/11/2022	213 N Moy Ct, Haysville, Kansas, 67060	Blue Ion (KS: 500 KBK) parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	8
4363	10/11/2022	902 E Karla Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	8
4364	10/11/2022	435 German Ave, Haysville, Kansas, 67060	RP reports overgrown weeds/grass on easement of 435 S. German. Spoke to tenant and left door hanger. Tenant advised he would get it mowed. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	8
4368	10/11/2022	203 Ranger St, Haysville, Kansas, 67060	RP reports large broken tree limb lying in the street, next to curb in front of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 Limb has been removed. Voluntary compliance. Case closed.	Other	Closed	7
4369	10/11/2022	215 Trout Ave, Haysville, Kansas, 67060	Silver GMC van (No Tags) and a Silver 4DR SUV (KS: 857 PUX) parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4370	10/11/2022	233 Lamar Ct, Haysville, Kansas, 67060	Overgrown weeds/grass on premises, along with a black Nissan Sentra (KS: 3053) parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Weeds/Grass Residential (Sec. 7-6); Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7
4371	10/11/2022	330 S Lamar Ave, Haysville, Kansas, 67060	Black "Trike-type" motorcycle (KS: 64FDW) parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	7



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4181	10/11/2022	209 W Grover Ave, Wichita, Kansas, 67217	<p>Follow up on 06/27/2022.</p> <p>06/27/2022 NOV sent.</p> <p>07/06/2022 Resident came in and advised he had received NOV and is requesting more time to clean up the area. (No signature card from USPS was ever received). Resident was given until 07/11/2022 to complete cleanup.</p> <p>07/11/2022 homeowner still making progress and asking for more time to complete cleanup. Follow up on 07/18/2022.</p> <p>07/18/2022 minimal change. Application for NTA in progress.</p> <p>07/25/2022 NTA served in person to Orlando McFaul at residence.</p> <p>07/26/2022 Court date 09/06/2022, at 1400.</p> <p>08/16/2022 cleanup efforts appear to have ceased. Many items are still scattered throughout the driveway.</p> <p>09/07/2022 defendant did not appear in court. Court continued to 10/04/2022. 30 day letter sent.</p> <p>10/05/2022 defendant failed to appear and a warrant has been issued.</p>	Nuisance (Sec. 7-401)	Closed	110



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4341	10/17/2022	6445 S Sunnyside St, Wichita, Kansas, 67217	<p>RP reports neighbor does not have trash service and trash is accumulating and blowing into her yard. Door hanger left. Follow up on 09/19/2022.</p> <p>09/19/2022 contacted Best Value trash service, who advised the homeowner's account was discontinued/closed on April 25, 2022 and they were unable to retrieve their trash receptacle. Manager was advised the receptacle is currently located on the north side of the residence, against the house. He advised he would send someone to retrieve it. NOV sent.</p> <p>09/26/2022 no change. Washer and dryer now sitting in driveway.</p> <p>09/28/2022 Final Notice NOV sent.</p> <p>10/11/2022 (2) signed NOV receipt received. Follow up on 10/17/2022.</p> <p>10/17/2022 new trash receptacle in driveway and residence appears to have obtained new trash service. Voluntary compliance. Case closed.</p>	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401)	Closed	35
4372	10/24/2022	101 N Campbell Dr, Haysville, Kansas 67060	<p>RP reports overgrown weeds/grass on premises (101-107 N. Campbell). Spoke to tenants and obtained landlord information. NOV sent. Follow up on 10/11/2022.</p> <p>10/13/2022 2nd NOV sent (out of State).</p> <p>10/14/2022 1st NOV returned to sender.</p> <p>10/17/2022 made contact with employees at Edward Jones (103 N. Campbell - Shelly Belcher) who put me in contact with the building management -- Jordan Wright - 316-833-6881 - 1824 E. Douglas, Wichita, Ks 67214. Wright came to the property and advised he had contacted his lawn care contractor and they would be out today to cleanup the area. Follow up on 10/18/2022.</p> <p>10/24/2022 voluntary compliance. Case closed.</p>	Weeds/Grass Commercial (7-6)	Closed	20



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4375	10/24/2022	7520 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 10/18/2022. 10/24/2022 voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	11
4376	10/24/2022	7504 S Broadway Ave, Haysville, Kansas, 67060	Overgrown weeds/grass on premises. Door hanger left. Follow up on 10/18/2022. 10/24/2022 voluntary compliance. Case closed.	Weeds/Grass Commercial (7-6)	Closed	11
4374	10/24/2022	7530 S Broadway, Haysville, Kansas 67060	Overgrown weeds/grass, under large box trailer behind building that is not on an all-weather surface, surrounded by misc. junk, trash, debris and appliances. NOV sent 10/13/2022. 10/24/2022 (2) signed NOV receipts received, dated 10/19/2022. 10/24/2022 voluntary compliance. Case closed.	Nuisance (Sec. 7-401);Nuisance Automobile (Sec. 7-401.1);Weeds/Grass Commercial (7-6)	Closed	11
4236	10/24/2022	314 W Grover Ave, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 08/01/2022. 08/01/2022 no change. NOV sent. 08/16/2022 no change. Weeds/grass continue to grow. 08/23/2022 NOV unsigned, returned to sender. Posted in newspaper for abatement -- 09/01/2022. Dwight notified -- Abatement 09/06/2022. 09/15/2022 Dwight advises he is trying to schedule a day when a trailer can be empty and trash disposal sites are open. Will attempt to complete the last of September. 10/24/2022 abatement completed by Affordable Law Care. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	91



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4312	10/24/2022	6536 S Marion Dr, Wichita, Kansas, 67217	Overgrown weeds/grass on premises. Door hanger left. Follow up on 09/06/2022. 09/06/2022 no change. NOV sent. 09/26/2022 no change. 09/26/2022 posted in newspaper for abatement (09/29/2022). 09/28/2022 Final Notice NOV sent. 10/11/2022 abatement. 10/24/2022 abatement completed by Affordable Lawn Care. Case closed.	Weeds/Grass Residential (Sec. 7-6)	Closed	53
4365	10/25/2022	418 Van Arsdale Ave, Haysville, Kansas, 67060	Silver/Grey Mazda 4dr passenger car (KS: 194 NBJ) parked on the grass in the front yard of residence. Door hanger left. Follow up on 10/11/2022. 10/11/2022 vehicle remains in same location. NOV sent. 10/25/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	22
4133	10/25/2022	200 Sunset Ave, Haysville, Kansas, 67060	07/01/2022 spoke to Dwight about abatement and advised he could get to it by 07/13/2022. 09/15/2022 Dwight advises he is trying to schedule a day when a trailer can be empty and trash disposal sites are open. Will attempt to complete the last of September. 10/25/2022 voluntary compliance. Case closed.	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	140



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4226	10/25/2022	822 Alexander Dr, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass on side and back yard of premises, along with junk and used tires. There are also (2) vehicles that are torn apart and appear disabled (1) white SUV and (1) black PC, also no registration visible on black PC. Door hanger left. Follow up on 07/21/2022.</p> <p>07/22/2022 no change. NOV sent.</p> <p>08/05/2022 NOV signed 08/04/2022/receipt received.</p> <p>08/08/2022 no change. Application for NTA.</p> <p>08/15/2022 no change.</p> <p>09/14/2022 NTA served by Sergeant Crofts on 09/13/2022. Court date issued: 09/20/2022, at 1400.</p> <p>09/21/2022 court date continued to 10/18/2022.</p> <p>10/25/2022 case dismissed with payment of court costs. Case closed.</p>	Nuisance (Sec. 7-401);Nuisance Automobile (Sec. 7-401.1);Weeds/Grass Residential (Sec. 7-6)	Closed	102



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4339	11/1/2022	340 Wire Ave, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass in back yard and easement of property, Door hanger left. Follow up on 09/19/2022.</p> <p>09/19/2022 no change. NOV sent.</p> <p>09/26/2022 no change. NOV returned to sender. NOV resent without signature card.</p> <p>09/26/2022 posted in newspaper for abatement (09/29/2022).</p> <p>09/27/2022 signed NOV receipt received dated 09/23/2022.</p> <p>09/28/2022 Final Notice NOV sent.</p> <p>10/03/2022 NOV returned to sender.</p> <p>10/11/2022 abatement.</p> <p>11/01/2022 abated. Case closed.</p>	Weeds/Grass Residential (Sec. 7-6)	Closed	50



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4014	11/1/2022	310 W 5TH ST	<p>Case number assigned to NTA: 202201822.</p> <p>Cale investigating. Disposition to follow.</p> <p>06/28/2022 attempted to contact Dwight for abatement.</p> <p>07/01/2022 spoke to Dwight, who advised the cost is \$175.00 and could get to it by 07/13/2022. Cost approved by PWD.</p> <p>09/15/2022 Dwight advises he is trying to schedule a day when a trailer can be empty and trash disposal sites are open. Will attempt to complete the last of September.</p> <p>10/25/2022 On October 25, 2022, at approximately 1100 hours, I contacted Rex Williams (316-633-5670) and asked him about the contents in his driveway and yard. He corrected me and said there is nothing in his yard, only his driveway. I asked him if he recalled speaking to the previous Code Enforcement Officer about the items in his driveway and he said, "No," the other code enforcement officer never spoke to him directly, he only sent him letters. Williams was aware he needed to cleanup the driveway, but explained his wife had been in the hospital and he had only recently been able to bring her home. He advised she has Alzheimer's and he is her only caregiver. He had been unable to get to the driveway and would not be able to without some help. I relayed the message that he had until November 1, 2022 to</p>	Nuisance (Sec. 7-401)	Closed	246
4377	11/1/2022	255 Dwight Ct, Haysville, Kansas, 67060	<p>Red Ford SUV parked in the yard of residence. Follow up on 11/07/2022.</p> <p>11/01/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	1



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4367	11/1/2022	227 Stewart Ave, Haysville, Kansas, 67060	<p>Overgrown weeds/grass on premises, along with numerous boxes of food & misc. items on front porch. Brush/limbs scattered throughout. Roaches, mold, feces everywhere. Door hanger left. Follow up on 10/11/2022.</p> <p>10/04/2022 homeowner called and advised he is disabled and requested more time to cleanup. He has been given until 10/14/2022, then the issue will be revisited to ascertain the properties status.</p> <p>10/11/2022 cleanup in progress. All items have been removed from the front porch. Brush/limbs appear to have been removed. Overgrown weeds/grass still need tending. Follow up on 10/14/2022.</p> <p>10/17/2022 no change -- weeds/grass still require mowing -- limbs/branches still require cleanup and there is still no evidence of trash service. NOV sent.</p> <p>10/25/2022 no change. Abatement ordered.</p> <p>11/01/2022 abated.</p>	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401);Unsafe or Dangerous Structure (Sec. 7-5);Weeds/Grass Residential (Sec. 7-6)	Closed	29



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4340	11/7/2022	400 Wire Ave, Haysville, Kansas, 67060	<p>RP reports overgrown weeds/grass in backyard and easement, along with miscellaneous brush piles. Door hanger left. Follow up on 09/19/2022.</p> <p>09/19/2022 no change. NOV sent.</p> <p>09/26/2022 no change.</p> <p>09/26/2022 posted in newspaper for abatement (09/29/2022).</p> <p>09/27/2022 signed NOV receipt received dated 09/22/2022.</p> <p>09/28/2022 Final Notice NOV sent. Many trash bags line the front driveway, indicating no trash service, which was added to the ordinance violations and NOV.</p> <p>10/03/2022 signed NOV receipt received.</p> <p>10/11/2022 abatement.</p> <p>11/07/2022 voluntary compliance. Case closed.</p>	No Trash Service (Sec. 7-204);Nuisance (Sec. 7-401);Weeds/Grass Residential (Sec. 7-6)	Closed	56
4378	11/7/2022	320 Stewart Ave, Haysville, Kansas, 67060	<p>RP reports junk, trash and abandoned items in the carport and fence line of 320 S. Stewart Dr. Contact made and door hanger left with resident. Follow up on 11/07/2022.</p> <p>11/07/2022 voluntary compliance. Case closed.</p>	Nuisance (Sec. 7-401)	Closed	6
4381	11/8/2022	355 Stewart Ave, Haysville, Kansas, 67060	<p>Gry/Blu 4dr PC (KS: 491 FNW) parked on the grass in the front yard of residence. Door hanger left. Follow up on 11/14/2022.</p> <p>11/08/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	1
4379	11/9/2022	115 German Ave, Haysville, Kansas, 67060	<p>White Chevrolet SUV parked on the grass in the front yard of residence. Door hanger left. Follow up on 11/14/2022.</p> <p>11/09/2022 voluntary compliance. Case closed.</p>	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2



Closed Cases

Case Number	Date Closed	Street Address	Case Comments	Violations List	Status	Days Open
4380	11/9/2022	226 Wire Ave, Haysville, Kansas, 67060	Gold 4dr PC parked on the grass in the front yard of residence. Door hanger left. Follow up on 11/14/2022. 11/09/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2
4382	11/9/2022	454 Turkle Ave, Haysville, Kansas, 67060	White 4dr SUV (KS: 07CVR) parked on the grass in the front yard of residence. Door hanger left. Follow up on 11/14/2022. 11/09/2022 voluntary compliance. Case closed.	Nuisance Automobile on Grass (Sec. 7-401.1.b.1)	Closed	2



Code Enforcement Summary

Month	No Trash Service	Materials Storage	Nuisance	Auto on Grass	Unsafe Structure	Grass Residential	Grass Commercial	Lighting	Diseased Tree	Other	Nuisance Auto o	Court	Total Violations	Total Cases
January	0	3	4	0	0	0	0	0	0	0	9	0	16	14
February	0	0	3	0	0	0	0	0	0	0	0	0	3	3
March	3	23	11	16	1	0	0	0	0	9	1	0	64	45
April	1	6	2	5	0	4	0	0	0	1	2	0	21	16
May	0	0	2	2	0	11	0	0	0	0	2	0	17	15
June	3	1	19	5	0	34	5	0	0	3	9	0	79	63
July	1	1	13	3	0	27	6	0	1	0	11	0	63	49
August	1	0	5	0	0	37	5	0	1	0	16	0	65	58
September	2	0	9	1	0	21	2	0	1	1	20	0	57	50
November	0	0	4	0	0	1	0	0	0	0	7	0	12	10
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	11	34	72	32	1	135	18	0	3	14	77	0	397	323





AP Summary of Expenditures By Vendor Name

Payment Dates 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: ACME0033 - ACME WASTE SYSTEMS, LLC.					
ACME WASTE SYSTEMS, LLC.	10/18/2022	C & D DISPOSAL	C & D DISPOSAL	036-56-3017	1,216.20
Vendor ACME0033 - ACME WASTE SYSTEMS, LLC. Total:					1,216.20
Vendor: ADDI3077 - ADDISON WOOD					
ADDISON WOOD	10/04/2022	REFEREE SOCCER 3 HRS. 9/17/2022	REFEREE SOCCER 3 HRS. 9/17/2022	030-50-1250	45.00
ADDISON WOOD	10/18/2022	REFEREE SOCCER 2 HRS. 10/08/2022	REFEREE SOCCER 2 HRS. 10/08/2022	030-50-1250	30.00
Vendor ADDI3077 - ADDISON WOOD Total:					75.00
Vendor: AFLA0056 - AFLAC					
AFLAC	10/20/2022	PAYROLL DEDUCTION AFLAC	PAYROLL DEDUCTION AFLAC	001-00-2052	205.46
AFLAC	10/20/2022	PAYROLL DEDUCTION AFLAC - NON 125	PAYROLL DEDUCTION AFLAC - NON 125	001-00-2014	56.81
Vendor AFLA0056 - AFLAC Total:					262.27
Vendor: A-FO0011 - A-FORD-ABLE-LOCKSMITHING INC					
A-FORD-ABLE-LOCKSMITHING I...	10/18/2022	PURCHASE: MASTER PADLOCK #3 12EA.	PURCHASE: MASTER PADLOCK #3 12EA.	001-03-2009	32.97
A-FORD-ABLE-LOCKSMITHING I...	10/18/2022	PURCHASE: MASTER PADLOCK #3 12EA.	PURCHASE: MASTER PADLOCK #3 12EA.	010-30-2009	32.97
A-FORD-ABLE-LOCKSMITHING I...	10/18/2022	PURCHASE: MASTER PADLOCK #3 12EA.	PURCHASE: MASTER PADLOCK #3 12EA.	011-31-2009	32.97
A-FORD-ABLE-LOCKSMITHING I...	10/18/2022	PURCHASE: MASTER PADLOCK #3 12EA.	PURCHASE: MASTER PADLOCK #3 12EA.	021-41-2009	32.97
Vendor A-FO0011 - A-FORD-ABLE-LOCKSMITHING INC Total:					131.88
Vendor: AGGR0058 - AGGREGATE SAND & GRAVEL INC					
AGGREGATE SAND & GRAVEL I...	10/18/2022	SHREDDED TOPSOIL 8.95 TONS	SHREDDED TOPSOIL 8.95 TONS	011-31-2009	179.00
AGGREGATE SAND & GRAVEL I...	10/18/2022	SHREDDED TOPSOIL 8.29 TONS	SHREDDED TOPSOIL 8.29 TONS	011-31-2009	165.80
Vendor AGGR0058 - AGGREGATE SAND & GRAVEL INC Total:					344.80
Vendor: AJRA1000 - AJ RAMIREZ					
AJ RAMIREZ	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor AJRA1000 - AJ RAMIREZ Total:					35.00
Vendor: ALBE0412 - ALBERT CABALLERO					
ALBERT CABALLERO	10/18/2022	REFEREE SOCCER 3 HRS 9/24/2022	REFEREE SOCCER 3 HRS 9/24/2022	030-50-1250	54.00
ALBERT CABALLERO	10/18/2022	REFEREE SOCCER 4 HRS 10/01/2022	REFEREE SOCCER 4 HRS 10/01/2022	030-50-1250	72.00
ALBERT CABALLERO	10/18/2022	REFEREE SOCCER 3 HRS. 10/08/2022	REFEREE SOCCER 3 HRS. 10/08/2022	030-50-1250	54.00
Vendor ALBE0412 - ALBERT CABALLERO Total:					180.00
Vendor: ALTE0100 - ALTERNATIVE PEST MGMNT.					
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - VICKER'S BLDG.	001-09-2040	40.00
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - SR. CNTR.	001-12-2004	35.00
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - PW OFFICE	010-30-2004	13.33
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - WWTP	010-30-2008	40.00
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - PW OFFICE	011-31-2004	13.33
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	PEST CONTROL - PW OFFICE	021-41-2004	13.34
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	TERMITE INSP. - 210 S. MAIN (HIST BANK/BLACKSMITH)	036-56-3035	110.00
ALTERNATIVE PEST MGMNT.	10/04/2022	PEST CONTROL	TERMITE INSP. - 209 HAYS (HIST WIREHOUSE)	036-56-3035	85.00
Vendor ALTE0100 - ALTERNATIVE PEST MGMNT. Total:					350.00

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: AMER0103 - AMERI-GRAPHICS SPECIAL T'S					
AMERI-GRAPHICS SPECIAL T'S	10/04/2022	FALL SOCCER T-SHIRTS 367EA.	XXL / XXXL UPCHARGE	030-50-2092	4.00
AMERI-GRAPHICS SPECIAL T'S	10/04/2022	FALL SOCCER T-SHIRTS 367EA.	XXL / XXXL UPCHARGE	030-50-2092	26.00
AMERI-GRAPHICS SPECIAL T'S	10/04/2022	FALL SOCCER T-SHIRTS 367EA.	REPEAT ORDER	030-50-2092	40.25
AMERI-GRAPHICS SPECIAL T'S	10/04/2022	FALL SOCCER T-SHIRTS 367EA.	UPCHARGE FPR 4120 / 2120	030-50-2092	31.50
AMERI-GRAPHICS SPECIAL T'S	10/04/2022	FALL SOCCER T-SHIRTS 367EA.	FALL SOCCER T-SHIRTS 367EA.	030-50-2092	2,110.25
Vendor AMER0103 - AMERI-GRAPHICS SPECIAL T'S Total:					2,212.00
Vendor: AMRI1182 - AMRIEL WHITNEY					
AMRIEL WHITNEY	10/18/2022	REFEREE SOCCER 2 HRS 9/24/2022	REFEREE SOCCER 2 HRS 9/24/2022	030-50-1250	30.00
AMRIEL WHITNEY	10/18/2022	REFEREE SOCCER 4 HRS. 10/08/2022	REFEREE SOCCER 4 HRS. 10/08/2022	030-50-1250	60.00
Vendor AMRI1182 - AMRIEL WHITNEY Total:					90.00
Vendor: CIEM1032 - ANNE CIEMNY					
ANNE CIEMNY	10/18/2022	PAINT CLASS 10/11/22 - 6PM	PAINT CLASS 10/11/22 - 6PM	001-12-2012	270.00
Vendor CIEM1032 - ANNE CIEMNY Total:					270.00
Vendor: APAC0146 - APAC KANSAS INC					
APAC KANSAS INC	10/04/2022	BM2 R10 WMA ASPHALT MIX 5.04 TONS	ENERGY SURCHARGE	021-41-2009	8.57
APAC KANSAS INC	10/04/2022	BM2 R10 WMA ASPHALT MIX 5.04 TONS	LIQUID AC SURCHARGE	021-41-2009	116.42
APAC KANSAS INC	10/04/2022	BM2 R10 WMA ASPHALT MIX 5.04 TONS	BM2 R10 WMA ASPHALT MIX 5.04 TONS	021-41-2009	312.48
Vendor APAC0146 - APAC KANSAS INC Total:					437.47
Vendor: ATLA1186 - ATLANTIS GLOBAL, LLC.					
ATLANTIS GLOBAL, LLC.	10/18/2022	E-CITATION PAPER W/ PERFORATION 36 ROLLS/CS.	E-CITATION PAPER W/ PERFORATION 36 ROLLS/CS.	001-02-2004	203.80
Vendor ATLA1186 - ATLANTIS GLOBAL, LLC. Total:					203.80
Vendor: AUST0211 - AUSTIN HOSE					
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	HYDRAULIC HOSE ASSY.	021-41-2006	169.48
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	3/4" HP FLAT FACE NIPPLE ISO 16028	021-41-2006	66.36
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	NYLON HOSE GUARD HG24 1.42 ID	021-41-2006	26.45
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MB X MJ 90 DEGREE O-RING	021-41-2006	6.41
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	LIFEGUARD CLAMP COLLAR	021-41-2006	7.38
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MB X MJ O-RING	021-41-2006	3.65
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MB X MJ 90 DEGREE O-RING	021-41-2006	-6.41
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MJ X FJX 90 DEGREE O-RING	021-41-2006	7.71
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MEGACRIMP G25179-1010	021-41-2006	33.77
AUSTIN HOSE	10/18/2022	HOSES & SUPPLIES	MJ X FJX 90 DEGREE O-RING	021-41-2006	-7.71
Vendor AUST0211 - AUSTIN HOSE Total:					307.09
Vendor: B&BE0229 - B & B ELECTRIC MOTOR CO					
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	O-RING	010-30-2006	6.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	SEAL HOUSING GASKET	010-30-2006	28.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	IMPELLER BOLT	010-30-2006	31.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	LABOR - S & L PUMP REPAIR	010-30-2006	700.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	M.S.C. - S & L PUMP	010-30-2006	35.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	METALIZE & MACHINE SEAL AREA - S & L PUMP	010-30-2006	470.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	CLEAN UP SEAL SEAT - S & L PUMP	010-30-2006	70.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	SMITH & LOVELESS SEAL	010-30-2006	325.00

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	BALL BEARING	010-30-2006	75.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	GASKET	010-30-2006	43.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	BALL BEARING	010-30-2006	40.00
B & B ELECTRIC MOTOR CO	10/04/2022	PUMP EQUIP. REPAIR - SMITH & LOVELESS PUMP	STEAM CLEAN & BAKE - S & L PUMP	010-30-2006	70.00
Vendor B&BE0229 - B & B ELECTRIC MOTOR CO Total:					1,893.00
Vendor: BEAL0281 - BEALL & MITCHELL LLC					
BEALL & MITCHELL LLC	10/04/2022	PROFESSIONAL SERVICES - JUDGE	PROFESSIONAL SERVICES - JUDGE	001-06-1100	1,775.53
BEALL & MITCHELL LLC	10/21/2022	REPLACEMENT FOR LOST CK #80324 PD 3/23/21	REPLACEMENT FOR LOST CK #80324 PD 3/23/21	001-06-1100	1,775.53
Vendor BEAL0281 - BEALL & MITCHELL LLC Total:					3,551.06
Vendor: BIGT0314 - BIG TOOL STORE					
BIG TOOL STORE	10/04/2022	MISC. SUPPLIES	7" DIAGONAL CUTTING PLIERS, CHANNEL LOCK	011-31-2012	23.95
BIG TOOL STORE	10/04/2022	MISC. SUPPLIES	16" TONGUE & GROOVE PLIERS, CHANNEL LOCK	011-31-2012	34.95
BIG TOOL STORE	10/04/2022	MISC. SUPPLIES	MILWAUKEE JOBSITE PORTABLE RADIO	011-31-2012	149.00
Vendor BIGT0314 - BIG TOOL STORE Total:					207.90
Vendor: BORD0351 - BORDER STATES ELECTRIC SUPPLY					
BORDER STATES ELECTRIC SUPP...	10/04/2022	ELECTRICAL SUPPLIES	U7043-XL-TG-KK-IL-5T9W RINGLESS METER SOCKET	036-56-3011	85.85
BORDER STATES ELECTRIC SUPP...	10/04/2022	ELECTRICAL SUPPLIES	LL100CG CONDUIT BODY	036-56-3011	17.18
BORDER STATES ELECTRIC SUPP...	10/04/2022	ELECTRICAL SUPPLIES	1-1/4" EXP COUPLING NMT RGD/IMC SCH40	036-56-3011	26.90
BORDER STATES ELECTRIC SUPP...	10/04/2022	ELECTRICAL SUPPLIES	DSS124F1.5 LED SOLID STATE - DORNER PARK LIGHTS	036-56-3011	90.54
BORDER STATES ELECTRIC SUPP...	10/18/2022	ELECTRICAL SUPPLIES	2" PVC FEMALE ADAPTER 2EA.	036-56-3011	2.46
BORDER STATES ELECTRIC SUPP...	10/18/2022	ELECTRICAL SUPPLIES	2" 36RAD 90DEG GALVANIZED ELBOW	036-56-3011	100.00
BORDER STATES ELECTRIC SUPP...	10/18/2022	ELECTRICAL SUPPLIES	ECO FL T8 32W LED RPLCMNT BULBS 30EA. (SR. CNTR.)	001-12-2040	97.50
Vendor BORD0351 - BORDER STATES ELECTRIC SUPPLY Total:					420.43
Vendor: BRAD0358 - BRAD MURRAY, INC.					
BRAD MURRAY, INC.	10/18/2022	PROJECT: VETERANS MEMORIAL SIDEWALK	PROJECT: VETERANS MEMORIAL SIDEWALK	036-56-2087	4,500.00
Vendor BRAD0358 - BRAD MURRAY, INC. Total:					4,500.00
Vendor: BREN0367 - BRENNTAG SOUTHWEST INC					
BRENNTAG SOUTHWEST INC	10/18/2022	CHLORINE 750LBS. - WATER DEPT.	TRANSPORTATION CHARGE	011-31-2009	205.00
BRENNTAG SOUTHWEST INC	10/18/2022	CHLORINE 750LBS. - WATER DEPT.	SECURITY SURCHARGE	011-31-2009	25.00
BRENNTAG SOUTHWEST INC	10/18/2022	CHLORINE 750LBS. - WATER DEPT.	VESSEL REV FEE	011-31-2009	75.00
BRENNTAG SOUTHWEST INC	10/18/2022	CHLORINE 750LBS. - WATER DEPT.	CHLORINE 750LBS. - WATER DEPT.	011-31-2009	1,211.25
Vendor BREN0367 - BRENNTAG SOUTHWEST INC Total:					1,516.25
Vendor: BROO2225 - BROOKLYNN PRESCOTT					
BROOKLYNN PRESCOTT	10/18/2022	REFEREE SOCCER 3 HRS 9/24/2022	REFEREE SOCCER 3 HRS 9/24/2022	030-50-1250	54.00
BROOKLYNN PRESCOTT	10/18/2022	REFEREE SOCCER 3 HRS 10/01/2022	REFEREE SOCCER 3 HRS 10/01/2022	030-50-1250	54.00
Vendor BROO2225 - BROOKLYNN PRESCOTT Total:					108.00

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: BUSI0400 - BUSINESS PROTECTION EQUIPMENT					
BUSINESS PROTECTION EQUIP...	10/18/2022	SHREDDER MAINTENANCE CONTRACT	SHREDDER MAINTENANCE CONTRACT	001-02-2040	249.50
Vendor BUSI0400 - BUSINESS PROTECTION EQUIPMENT Total:					249.50
Vendor: CALE2796 - CALE TOPINKA					
CALE TOPINKA	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	010-30-2002	11.67
CALE TOPINKA	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	011-31-2002	11.67
CALE TOPINKA	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	021-41-2002	11.66
Vendor CALE2796 - CALE TOPINKA Total:					35.00
Vendor: CAPI0431 - CAPITAL ONE					
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	ADOBE - ACROBAT PRO DC SUBSCRIPTION	001-01-2004	16.26
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - OFFICE CHAIR	001-01-2004	229.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	KS DEPT OF AG - ANIMAL SHELTER LICENSE FEE	001-02-2013	335.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	K-TAG - JULY & AUGUST TOLL FEES	001-02-2015	3.20
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LIFTMASTER DETECTOR (PW ENTRY GATE)	001-03-2006	30.59
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CELL PHONE HOLDER	001-03-2009	5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	RETURN: AMAZON - CELL PHONE HOLDER	001-03-2009	-5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	CHEWY.COM - POOP BAGS 10PK. 2000CT. 2EA.	001-03-2009	166.09
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR GENERAL - CARD	001-03-2012	0.28
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - TYPEWRITER RIBBON 3EA.	001-10-2077	26.40
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - FILE FOLDER 50EA.	001-10-2077	72.02
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CUSHIONED FLOOR MAT	001-12-2004	32.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR TREE - BINGO PRIZES	001-12-2012	75.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - BIRTHDAY DINNER SUPPLIES	001-12-2012	45.03
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - BINGO CARDS	001-12-2012	39.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	SAM'S CLUB - BREAKFAST SUPPLIES, MISC. ITEMS	001-12-2012	137.56
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - TABLECLOTHS	001-12-2012	27.72
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - BREAKFAST SUPPLIES, MISC. ITEMS	001-12-2012	58.64
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CUSHIONED FLOOR MAT	001-13-2004	15.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	Q'STRAIT - WHEELCHAIR SECUREMENT TRNG. (D. ALLEN)	001-13-2004	49.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	KU - DEF. DRVG & EMERG. PROCEDURE TRNG. (D. ALLEN)	001-13-2004	45.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - RUBBER CARPET RAKE	001-13-2009	12.98
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	ZOOM - MONTHLY SUBSCRIPTION FEE	001-18-2004	16.26
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	K-TAG - JULY & AUGUST TOLL FEES	001-18-2015	0.60
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	SIMPLE IN/OUT - MONTHLY SUBSCRIPTION FEE	001-21-2040	29.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	TMOBILE - GPS EQUIPMENT	010-30-2002	10.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LIFTMASTER DETECTOR (PW ENTRY GATE)	010-30-2006	30.59
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - VACUUM BREAKER 2EA.	010-30-2009	71.58
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CELL PHONE HOLDER	010-30-2009	4.99

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	RETURN: AMAZON - CELL PHONE HOLDER	010-30-2009	-4.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	MOTION INDUSTRIES - G211-4 OIL GAUGE 3EA.	010-30-2009	151.02
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR GENERAL - MIRROR SET	010-30-2012	6.75
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR GENERAL - CARD	010-30-2012	0.27
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	K-TAG - JULY & AUGUST TOLL FEES	010-30-2015	1.23
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	PAYPAL - ONLINE UTILITY BILLING PAYMENT FEES	010-30-2040	29.62
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	TMOBILE - GPS EQUIPMENT	011-31-2002	10.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LIFTMASTER DETECTOR (PW ENTRY GATE)	011-31-2006	30.59
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	RETURN: AMAZON - CELL PHONE HOLDER	011-31-2009	-5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CELL PHONE HOLDER	011-31-2009	5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR GENERAL - CARD	011-31-2012	0.27
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	K-TAG - JULY & AUGUST TOLL FEES	011-31-2015	1.23
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	OWP - WATER DIST. SYS. OP. & MAINT. (N. CABALLERO)	011-31-2015	50.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	PAYPAL - ONLINE UTILITY BILLING PAYMENT FEES	011-31-2040	29.63
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	TMOBILE - GPS EQUIPMENT	021-41-2002	10.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LIFTMASTER DETECTOR (PW ENTRY GATE)	021-41-2006	30.59
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	RETURN: AMAZON - CELL PHONE HOLDER	021-41-2009	-5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - CELL PHONE HOLDER	021-41-2009	5.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	DOLLAR GENERAL - CARD	021-41-2012	0.27
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	K-TAG - JULY & AUGUST TOLL FEES	021-41-2015	1.24
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	57.62
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	71.88
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	46.77
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	46.90
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	70.20
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	KWIK SHOP - GAS PURCHASE	024-44-2012	44.38
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	66.49
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	50.50
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	JUMP START - GAS PURCHASE	024-44-2012	59.20
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	66.75
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	QUIKTRIP - GAS PURCHASE	024-44-2012	44.53
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - COLD COMPRESS ICE PACK 8EA.	030-50-2004	175.60
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - USB 3PK.	030-50-2004	19.98
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	POWER SYSTEMS - MISC. WEIGHT DUMBBELL 9EA.	030-50-2006	619.11
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	POWER SYSTEMS - DUMBBELL STORAGE RACK	030-50-2006	505.77
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - SWIFFER, GV COL 96CT.	030-50-2009	41.05
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - BOOMBOX	030-50-2092	69.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - WHEN PIGS FLY AD - 4,590 IMPRESSIONS	030-50-2092	18.70
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - WHEN PIGS FLY AD - 22,035 IMPRESSIONS	030-50-2092	58.37
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - SOCCER BALL 6PK. 3EA.	030-50-2092	151.83
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - STRING LIGHTS 4EA.	030-50-2092	163.96

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	SAM'S CLUB - HALLOWEEN CANDY 450CT. 5EA.	030-50-2092	134.90
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - GOBBLE WOBBLE AD - 4,212 IMPRESSIONS	030-50-2092	56.30
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	MARCO'S PIZZA - PIZZA	030-50-2092	46.46
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - HALLOWEEN CANDY 450CT. 4EA.	030-50-2092	99.92
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - SOCCER BALL, CONES, WHISTLES	030-50-2092	258.93
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - GOBBLE WOBBLE AD - 4,212 IMPRESSIONS	030-50-2092	10.95
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - GOBBLE WOBBLE AD - 4,269 IMPRESSIONS	030-50-2092	16.63
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	TIMER GUYS - TIMING SVCS. - WHEN PIGS FLY 9/09/22	030-50-2092	934.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - WHEN PIGS FLY AD - 4,590 IMPRESSIONS	030-50-2092	15.66
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - MISC. SUPPLIES, GAMES, ETC.	030-50-2094	458.40
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	HONG'S LANDSCAPE - WATERFALL PUMP 2EA.(PRIDE PARK)	036-56-3011	589.98
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WICHITA JUNK REMOVAL - REFRIGERANT ITEMS DISPOSAL	036-56-3017	288.77
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - MISC. SUPPLIES, GAMES, ETC.	037-57-2012	432.29
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - PAPER BAGS, SURFACE PRO CHARGER/CASE	037-57-2012	182.37
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - SHARPIE 12 CT. 2EA.	037-57-2012	15.28
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	JOANN - CRAFTING SUPPLIES	037-57-2012	13.45
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LASER ENGRAVER	037-57-2012	373.48
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	SMOKIN DINER - WHEN PIGS FLY WALK/RUN 9/09/22	037-57-2012	1,245.04
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	SPIRIT HALLOWEEN - D?COR FOR SPOOKTACULAR 10/30/22	037-57-2012	1,507.35
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - BLOOD PRESSURE MONITOR 3EA.	037-57-2012	127.81
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - SURFACE TABLET CASE	037-57-2012	50.99
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - RUBBER DUCKS 100 PK. 2EA., SAFETY PINS	037-57-2012	74.35
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	WALMART - LAUNDRY BASKET 12PK. 3EA.	037-57-2012	80.70
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - GOOGLY EYES 200 PCS. 6EA.	037-57-2012	38.82
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	JOANN - CRAFTING SUPPLIES	092-66-3001	23.25
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	HAYSVILLE FALL FESTIVAL - BOOTH RENTAL FEE	092-66-3001	50.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - TENT STAKE 10PK. 4EA.	092-66-3001	59.80
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	KSU - GRANT WRITING SESSION (D. GABOR)	092-66-3001	60.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	COTPA PARKING - IEDC CONF. (D. GABOR)	092-66-3001	10.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - JACK-IN-THE-BOX FRANCHISEE AD.	092-66-3001	12.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	CASEY'S - IEDC CONF. (D. GABOR)	092-66-3001	33.83
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	THE MELTING POT - IEDC CONF. (D. GABOR)	092-66-3001	32.16
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	BOURBON STREET CAF? - IEDC CONF. (D. GABOR)	092-66-3001	24.78
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	AMAZON - LED LIGHT BULB 2EA, CORD, NAIL SPIKES	092-66-3001	113.90

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FACEBOOK - NIXEL AD - 2,681 IMPRESSIONS	092-66-3001	14.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	GOOGLE - HOMETOWN MARKET AD - 2,320 CLICKS	092-66-3001	125.42
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	COTPA PARKING - IEDC CONF. (D. GABOR)	092-66-3001	20.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	FLAGSHIP - AD ASTRA TECHNOLOGY SUMMIT (D. GABOR)	092-66-3001	35.00
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	GOOGLE - NATIONAL NIGHT OUT AD - 197 CLICKS	092-66-3001	9.87
CAPITAL ONE	10/04/2022	CAPITAL ONE VISA CHARGES	OMNI HOTELS - IEDC CONF. (D. GABOR)	092-66-3001	784.08
Vendor CAPI0431 - CAPITAL ONE Total:					12,841.96
Vendor: CHAD0306 - CHAD BETTLES					
CHAD BETTLES	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-20-2002	35.00
Vendor CHAD0306 - CHAD BETTLES Total:					35.00
Vendor: CHAD0458 - CHAD CASE					
CHAD CASE	10/18/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-02-2040	35.00
Vendor CHAD0458 - CHAD CASE Total:					35.00
Vendor: CHRI1139 - CHRISTINA STOWELL					
CHRISTINA STOWELL	10/04/2022	REFEREE SOCCER 3 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 1 HR. 9/15/2022	030-50-1250	15.00
CHRISTINA STOWELL	10/04/2022	REFEREE SOCCER 3 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 2 HRS. 9/17/2022	030-50-1250	30.00
CHRISTINA STOWELL	10/18/2022	REFEREE SOCCER 2 HRS 9/24/2022	REFEREE SOCCER 2 HRS 9/24/2022	030-50-1250	30.00
CHRISTINA STOWELL	10/18/2022	REFEREE SOCCER 4 HRS 10/01/2022	REFEREE SOCCER 4 HRS 10/01/2022	030-50-1250	60.00
CHRISTINA STOWELL	10/18/2022	REFEREE SOCCER 2 HRS. 10/08/2022	REFEREE SOCCER 2 HRS. 10/08/2022	030-50-1250	30.00
Vendor CHRI1139 - CHRISTINA STOWELL Total:					165.00
Vendor: CHRI0413 - CHRISTOPHER CABALLERO					
CHRISTOPHER CABALLERO	10/18/2022	REFEREE SOCCER 3 HRS. 10/08/2022	REFEREE SOCCER 3 HRS. 10/08/2022	030-50-1250	45.00
Vendor CHRI0413 - CHRISTOPHER CABALLERO Total:					45.00
Vendor: CHRI3084 - CHRISTOPHER WORRELL					
CHRISTOPHER WORRELL	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-22-2002	35.00
Vendor CHRI3084 - CHRISTOPHER WORRELL Total:					35.00
Vendor: CIAR1720 - CIARA LEACH					
CIARA LEACH	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor CIAR1720 - CIARA LEACH Total:					35.00
Vendor: CINT0521 - CINTAS CORPORATION #451					
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0023 J. SNYDER	001-03-2012	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0002 T. JOHNSON	001-03-2012	1.28
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0006 R. STOKES	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0021 C. LEWIS	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0025 T. CHAMBERLIN	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0011 K. STARK	001-03-2012	3.22
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0015 J. LETOURNEAU	001-03-2012	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0012 C. BETTLES	001-20-2016	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	010-30-2009	0.00

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CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0001 C. BARNARD	010-30-2016	13.08
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	010-30-2016	12.55
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0027 D. GRISSOM	010-30-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0020 C. ROSE	010-30-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	010-30-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	011-31-2016	12.55
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0010 N. CABALLERO	011-31-2016	7.53
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0017 E. SATTERFIELD	011-31-2016	6.44
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0003 K. LYONS	011-31-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0022 L. BREWER	011-31-2016	3.22
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	011-31-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	021-41-2009	2.88

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	021-41-2009	2.32
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	021-41-2009	33.67
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	021-41-2009	1.16
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	021-41-2009	14.11
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	021-41-2016	19.88
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	021-41-2016	15.16
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	021-41-2016	9.78
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	021-41-2016	12.54
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	021-41-2016	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	021-41-2016	7.76
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	021-41-2016	2.15
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	021-41-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0021 C. LEWIS	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0006 R. STOKES	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0025 T. CHAMBERLIN	001-03-2012	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0011 K. STARK	001-03-2012	3.22
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0002 T. JOHNSON	001-03-2012	1.28
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0015 J. LETOURNEAU	001-03-2012	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0023 J. SNYDER	001-03-2012	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0012 C. BETTLES	001-20-2016	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	010-30-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0001 C. BARNARD	010-30-2016	13.08
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	010-30-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0020 C. ROSE	010-30-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	010-30-2016	12.55
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	010-30-2016	0.00

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0027 D. GRISSOM	010-30-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	010-30-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	011-31-2009	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0022 L. BREWER	011-31-2016	3.22
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	011-31-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	011-31-2016	0.00
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0017 E. SATTERFIELD	011-31-2016	6.44
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0010 N. CABALLERO	011-31-2016	7.53
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	011-31-2016	12.55
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0003 K. LYONS	011-31-2016	5.37
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	021-41-2009	2.88
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	021-41-2009	2.32
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	021-41-2009	33.67
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	021-41-2009	1.16
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	021-41-2009	14.11
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	021-41-2016	3.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	021-41-2016	9.78
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	021-41-2016	19.88
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	021-41-2016	15.16
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	021-41-2016	7.76
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0008 D. JONES	021-41-2016	0.43
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	021-41-2016	2.15

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	021-41-2016	12.54
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - BREAK/RESTROOM CLEANING	ULTRACLEAN CLEANING SVCS.	001-03-2004	27.58
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - BREAK/RESTROOM CLEANING	ULTRACLEAN CLEANING SVCS.	001-20-2004	27.58
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - BREAK/RESTROOM CLEANING	ULTRACLEAN CLEANING SVCS.	010-30-2004	27.58
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - BREAK/RESTROOM CLEANING	ULTRACLEAN CLEANING SVCS.	011-31-2004	27.58
CINTAS CORPORATION #451	10/04/2022	PUBLIC WORKS - BREAK/RESTROOM CLEANING	ULTRACLEAN CLEANING SVCS.	021-41-2004	27.59
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0006 R. STOKES	001-03-2012	3.43
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0021 C. LEWIS	001-03-2012	3.43
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0025 T. CHAMBERLIN	001-03-2012	3.43
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0015 J. LETOURNEAU	001-03-2012	5.37
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0011 K. STARK	001-03-2012	3.22
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0002 T. JOHNSON	001-03-2012	1.28
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0023 J. SNYDER	001-03-2012	5.37
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0012 C. BETTLES	001-20-2016	3.43
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	010-30-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	010-30-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	010-30-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	010-30-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	010-30-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	010-30-2016	12.41
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP 0001 C. BARNARD	010-30-2016	13.08
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	010-30-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	010-30-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	010-30-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	010-30-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	010-30-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0020 C. ROSE	010-30-2016	5.37
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0027 D. GRISSOM	010-30-2016	5.37
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	011-31-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	011-31-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	011-31-2009	0.00

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	011-31-2009	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0017 E. SATTERFIELD	011-31-2016	6.44
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0010 N. CABALLERO	011-31-2016	7.53
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	011-31-2016	12.41
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0003 K. LYONS	011-31-2016	5.37
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	011-31-2016	0.00
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0022 L. BREWER	011-31-2016	3.22
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	34X57 FENDER COVER - RED	021-41-2009	33.67
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SM SHOP TOWELS - RED	021-41-2009	14.11
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	1000 MOISTURIZING SOAP	021-41-2009	2.88
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SANIS SCENTED TOILET BOWL CLIP	021-41-2009	2.32
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	3X5 ACTIVE SCRAPER MAT	021-41-2009	1.16
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0005 M. LITCHFIELD	021-41-2016	15.16
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0007 S. RINEHART	021-41-2016	19.88
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	UNIFORM ADVANTAGE	021-41-2016	12.40
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	SERVICE CHARGE	021-41-2016	9.78
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0009 B. HALE	021-41-2016	7.76
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0019 M. LIPPOLDT	021-41-2016	3.43
CINTAS CORPORATION #451	10/18/2022	PUBLIC WORKS - UNIFORMS / SUPPLIES	EMP. 0018 M. MCELROY	021-41-2016	2.15
Vendor CINT0521 - CINTAS CORPORATION #451 Total:					815.91

Vendor: CITY0523 - CITY OF HAYSVILLE

CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION COH DENTAL	PAYROLL DEDUCTION COH DENTAL	001-00-2050	2,107.50
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION COH DENTAL	PAYROLL DEDUCTION COH DENTAL	001-00-2050	720.72
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION MED OPT 1	PAYROLL DEDUCTION MED OPT 1	001-00-5056	9,643.08
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION MED OPT 2	PAYROLL DEDUCTION MED OPT 2	001-00-5056	1,498.90
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION MED OPT 3	PAYROLL DEDUCTION MED OPT 3	001-00-5056	12,801.54
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION MED HDHP	PAYROLL DEDUCTION MED HDHP	001-00-5056	6,686.31
CITY OF HAYSVILLE	10/06/2022	PAYROLL DEDUCTION COH VISION	PAYROLL DEDUCTION COH VISION	001-00-2062	832.24

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Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
CITY OF HAYSVILLE	10/20/2022	PAYROLL DEDUCTION COH DENTAL	PAYROLL DEDUCTION COH DENTAL	001-00-2050	720.72
CITY OF HAYSVILLE	10/20/2022	PAYROLL DEDUCTION MED HDHP	PAYROLL DEDUCTION MED HDHP	001-00-5056	6,686.31
CITY OF HAYSVILLE	10/20/2022	PAYROLL DEDUCTION MED OPT 1	PAYROLL DEDUCTION MED OPT 1	001-00-5056	9,643.08
CITY OF HAYSVILLE	10/20/2022	PAYROLL DEDUCTION MED OPT 2	PAYROLL DEDUCTION MED OPT 2	001-00-5056	1,498.90
CITY OF HAYSVILLE	10/20/2022	PAYROLL DEDUCTION MED OPT 3	PAYROLL DEDUCTION MED OPT 3	001-00-5056	12,801.54
Vendor CITY0523 - CITY OF HAYSVILLE Total:					65,640.84

Vendor: COLO0570 - COLONIAL LIFE & ACCIDENT INS

COLONIAL LIFE & ACCIDENT INS	10/20/2022	PAYROLL DEDUCTION COLONIAL	PAYROLL DEDUCTION COLONIAL	001-00-2053	319.62
COLONIAL LIFE & ACCIDENT INS	10/20/2022	PAYROLL DEDUCTION COLONIAL LIFE	PAYROLL DEDUCTION COLONIAL LIFE	001-00-2058	402.34
Vendor COLO0570 - COLONIAL LIFE & ACCIDENT INS Total:					721.96

Vendor: CORE0620 - CORE & MAIN

CORE & MAIN	10/18/2022	WATER SUPPLIES	1" X 300' IPS POLY TUBING 250PSI	011-31-2009	900.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	5/8 X 3/4" IPERL TRPL DIGITAL SMART METER 700EA.	011-31-2040	82,600.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	5/8 X 3/4" IPERL TRPL SMART METER	011-31-2040	23,600.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	5/8" METER / SMARTPOINT INSTALL	011-31-2040	113.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	1" METER / SMARTPOINT INSTALL	011-31-2040	621.50
CORE & MAIN	10/18/2022	WATER SUPPLIES	2" METER / SMARTPOINT INSTALL	011-31-2040	2,450.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	5/8 X 3/4" METER / SMARTPOINT INSTALL	011-31-2040	15,933.00
CORE & MAIN	10/18/2022	WATER SUPPLIES	1 X 1/8" THICK RUBBER METER WASHER	011-31-2040	131.72
Vendor CORE0620 - CORE & MAIN Total:					126,349.22

Vendor: COXC0636 - COX COMMUNICATIONS

COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-01-2002	436.06
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-02-2002	1,325.61
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-04-2002	44.70
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-06-2002	109.01
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-18-2002	175.51
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-21-2002	44.70
COX COMMUNICATIONS	10/18/2022	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	CITY/PD/COURT - MONTHLY CABLE/DATA SVCS.	001-22-2002	44.70
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	001-03-2002	27.71
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	001-20-2002	27.71
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	010-30-2002	27.71
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	011-31-2002	27.71
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	021-41-2002	27.70
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	001-03-2002	1.14

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	001-20-2002	1.14
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	010-30-2002	1.14
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	011-31-2002	1.14
COX COMMUNICATIONS	10/18/2022	PW - MONTHLY CABLE/SATA SVCS.	PW - MONTHLY CABLE/DATA SVCS.	021-41-2002	1.12
COX COMMUNICATIONS	10/18/2022	SR. CNTR. - MONTHLY CABLE/DATA SVCS.	SR. CNTR. - MONTHLY CABLE DATA SVCS.	001-12-2003	275.97
Vendor COXC0636 - COX COMMUNICATIONS Total:					2,600.48
Vendor: CRAF0641 - CRAFCO, INC.					
CRAFCO, INC.	10/18/2022	SIGHT GAUGE	SIGHT GAUGE 1EA.	021-41-2006	67.25
Vendor CRAF0641 - CRAFCO, INC. Total:					67.25
Vendor: CUTT1148 - CUTTING EDGE CONCRETE CUTTING, INC.					
CUTTING EDGE CONCRETE CUTT..	10/04/2022	CONCRETE CUTTING	CONCRETE CUTTING - WWTP	010-30-2009	3,600.00
Vendor CUTT1148 - CUTTING EDGE CONCRETE CUTTING, INC. Total:					3,600.00
Vendor: CYNT1185 - CYNTHIA S. COUGHENOUR					
CYNTHIA S. COUGHENOUR	10/18/2022	FEARLESS & FEMALE PERSONAL SAFETY CLASS 10/12/2022	FEARLESS & FEMALE PERSONAL SAFETY CLASS 10/12/2022	001-12-2012	50.00
Vendor CYNT1185 - CYNTHIA S. COUGHENOUR Total:					50.00
Vendor: DAMI0643 - DAMIEN CRAIG					
DAMIEN CRAIG	10/04/2022	REFEREE SOCCER 4 HRS. 9/17/2022	REFEREE SOCCER 4 HRS. 9/17/2022	030-50-1250	72.00
DAMIEN CRAIG	10/18/2022	REFEREE SOCCER 3 HRS. 10/08/2022	REFEREE SOCCER 3 HRS. 10/08/2022	030-50-1250	54.00
Vendor DAMI0643 - DAMIEN CRAIG Total:					126.00
Vendor: DANI1013 - DANIELLE GABOR					
DANIELLE GABOR	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-18-2002	35.00
Vendor DANI1013 - DANIELLE GABOR Total:					35.00
Vendor: DANI1190 - DANIEL'S LAWN AND LANDSCAPING SERVICE, LLC.					
DANIEL'S LAWN AND LANDSCAP..	10/18/2022	LAWN/LANDSCAPING SVCS. - 241 CHAMPION ST.	LAWN/LANDSCAPING SVCS. - 241 CHAMPION ST.	010-30-2040	6,150.00
Vendor DANI1190 - DANIEL'S LAWN AND LANDSCAPING SERVICE, LLC. Total:					6,150.00
Vendor: DAVI0414 - DAVID CABALLERO					
DAVID CABALLERO	10/18/2022	REFEREE SOCCER 2 HRS 9/24/2022	REFEREE SOCCER 2 HRS 9/24/2022	030-50-1250	30.00
DAVID CABALLERO	10/18/2022	REFEREE SOCCER 3 HRS 10/01/2022	REFEREE SOCCER 3 HRS 10/01/2022	030-50-1250	45.00
Vendor DAVI0414 - DAVID CABALLERO Total:					75.00
Vendor: DENI0746 - DENISE DONNELLY-MILLS					
DENISE DONNELLY-MILLS	10/04/2022	PROSECUTING SERVICES	PROSECUTING SERVICES	001-06-1100	1,000.00
DENISE DONNELLY-MILLS	10/21/2022	REPLACEMENT FOR LOST CK #83479 PD 5/17/2022	REPLACEMENT FOR LOST CK #83479 PD 5/17/2022	001-06-1100	1,000.00
Vendor DENI0746 - DENISE DONNELLY-MILLS Total:					2,000.00
Vendor: DOJA0326 - DOJANG LLC					
DOJANG LLC	10/18/2022	TAE KWON DO LESSONS - SEPT 2022	TAE KWON DO LESSONS - SEPT 2022	030-50-1250	975.00
Vendor DOJA0326 - DOJANG LLC Total:					975.00
Vendor: DYLA2536 - DYLAN SHELER					
DYLAN SHELER	10/04/2022	REFEREE SOCCER 4 HRS. 9/17/2022	REFEREE SOCCER 4 HRS. 9/17/2022	030-50-1250	72.00
DYLAN SHELER	10/18/2022	REFEREE SOCCER 3 HRS 10/01/2022	REFEREE SOCCER 3 HRS 10/01/2022	030-50-1250	54.00
Vendor DYLA2536 - DYLAN SHELER Total:					126.00
Vendor: EMCI0869 - EMC INSURANCE COMPANIES					
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	NSURANCE PREMIUM - INSTALLMENT CHARGE	001-10-2020	5.00

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - SPCL FUNDS	001-10-2040	5,907.52
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - SR. CNTR.	001-12-2020	282.34
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - SEWER DEPT.	010-30-2020	3,741.42
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - WATER DEPT.	011-31-2020	1,899.05
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - STREET DEPT.	021-41-2020	2,183.72
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - SPCL LIABILITY CVRG.	027-47-2020	5,116.65
EMC INSURANCE COMPANIES	10/18/2022	INSURANCE PREMIUMS - OCT 2022	INSURANCE PREMIUM - RECREATION DEPT.	030-50-2020	423.51
Vendor EMCIO869 - EMC INSURANCE COMPANIES Total:					19,559.21

Vendor: ENVI0899 - ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

ENVIRONMENTAL SYSTEMS RES...	10/18/2022	GIS ONLINE VIEWER SUBSCRIPTION - CITY CLERK	GIS ONLINE VIEWER SUBSCRIPTION - CITY CLERK	010-30-2012	100.00
Vendor ENVI0899 - ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. Total:					100.00

Vendor: ETHA0463 - ETHAN CASTRO

ETHAN CASTRO	10/18/2022	REFEREE SOCCER 6 HRS. 9/24 - 10/01/2022	REFEREE SOCCER 6 HRS. 9/24 - 10/01/2022	030-50-1250	105.00
Vendor ETHA0463 - ETHAN CASTRO Total:					105.00

Vendor: EVER0904 - EVERGY

EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3309929818 - 403 S. JANE (ANIMAL CNTRL)	001-02-2013	52.78
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2232633084 - 362 MOY (PEARTREE PARK)	001-03-2003	49.69
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 7129262547 - 608 CHATTA (KIRBY PARK)	001-03-2003	47.82
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3316912332 - 354 PARK (TIMBERLANE SHLTR)	001-03-2003	38.10
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 0217152773 - 706 SARAH LN. (RIGGS PARK RR)	001-03-2003	138.62
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3323064332 - 700 SARAH LN. (RIGGS STAGE)	001-03-2003	112.14
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8604638840 - 706 W. SARAH LN. SHELTER	001-03-2003	110.54
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 6012408441 - 400 W. 79TH ST. (DORNER-A)	001-03-2003	89.75
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 0903609843 - 400 W. 79TH ST (DORNER PARK-B)	001-03-2003	80.68
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 5833997608 - 706 SARAH LN. (RIGGS PARK)	001-03-2003	31.16
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8496264823 - 6545 MABEL (P/C SPORTS CMLPX)	001-03-2003	26.65
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8414219424 - 1200 E. DIRCK (ORCHARD ACRES)	001-03-2003	28.98
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3948196248 - 950 FREEMAN (WHISLER PARK)	001-03-2003	38.99
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 1260297980 - 6650 S. MERIDIAN (ANTIQUUE)	001-08-2003	59.87
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 1512076766 - 504 HEMPHILL (BIKE PATH)	001-08-2003	105.02
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 9774332007 - 356 PARK DR. (BIKE PATH)	001-08-2003	57.63
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 0373111427 - 302 W. GRAND (BIKE PATH)	001-08-2003	54.99
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2627184607 - 413 S. JANE (BIKE PATH)	001-08-2003	109.65
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 7825645624 - 1101 TIMBERLANE (BIKE PATH)	001-08-2003	58.02

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 0068549324 - STREET LIGHTS (CITY)	001-08-2003	7,501.05
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3714835885 - 7665 S. MERIDIAN (ANTIQUUE)	001-08-2003	52.98
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 1180533681 - 324 PEACH CIRCLE (BIKE PATH)	001-08-2003	80.06
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 4597200027 - 109 N. DELOS (BIKE PATH)	001-08-2003	88.79
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8370808681 - 130 E. 2ND ST. (COMM. BLDG.)	001-09-2003	238.17
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2490700084 - 140 N. MAIN (VICKER'S)	001-09-2003	127.05
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3101322742 - 200 S. MAIN (BLACKSMITH SHOP)	001-09-2003	119.48
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2704313228 - 130 W. GRAND (PD/COURT)	001-09-2003	1,895.86
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3331523331 - 102 TURKLE (SIREN)	001-09-2003	28.08
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3301378533 - 200 W. GRAND (CITY HALL)	001-09-2003	335.52
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3301409293 - 200 W. GRAND (PD CARPORT)	001-09-2003	28.05
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 7257876884 - 209 HAYS (WIRE HOUSE)	001-09-2003	62.02
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2079369209 - 7228 S. BROADWAY (SIREN)	001-09-2003	27.69
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 4744686382 - 160 E. KARLA (SR. CNTR.)	001-12-2003	985.47
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3298394816 - 2369 E. EMMETT (LIFT STATION)	010-30-2003	57.57
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 5254492302 - 1249 S. WARD PKWY (LIFT STAT)	010-30-2003	532.60
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 0776795629 - 551 S. DELOS (OLD SEWER PLANT)	010-30-2003	1,209.87
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 7903172642 - 428 S. JANE (WWTP)	010-30-2003	10,550.41
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3309960579 - 427 S. JANE (PUBLIC WORKS)	010-30-2003	309.12
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3470853389 - 600 CHATTA (LIFT STATION)	010-30-2003	154.40
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3313621012 - 140 MARLEN (LIFT STATION)	010-30-2003	172.13
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 1453270722 - 208 PIRNER (LIFT STATION)	010-30-2003	32.01
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8897913841 - 904 GROVER (LIFT STATION)	010-30-2003	90.87
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3301378533 - 200 W. GRAND (CITY HALL)	010-30-2003	335.42
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3313590254 - 702 S. MAIN (LIFT STATION)	010-30-2003	360.28
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3301378533 - 200 W. GRAND (CITY HALL)	011-31-2003	335.41
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3309960579 - 427 S. JANE (PUBLIC WORKS)	011-31-2003	309.03
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3341950975 - 400 E. 4TH (PUMP STATION)	011-31-2003	6,177.66
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3304362251 - 1915 W. GRAND (WATER TOWER)	011-31-2003	50.75
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8398485640 - 527 SARAH LN. (MUN. POOL)	012-32-2003	867.35
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 4124389666 - 257 N. MAIN (STR. SIGNAL)	021-41-2003	104.57
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2550346384 - 102 N. MAIN (STR SIGNAL)	021-41-2003	484.07

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 1436937808 - 1600 W. GRAND (STR SIGNAL)	021-41-2003	129.86
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 6883862366 - 1010 W. GRAND (STR SIGNAL)	021-41-2003	34.25
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 5382206596 - 521 E. GRAND (CROSSWALK)	021-41-2003	33.01
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3231109642 - 209 S. MAIN (CROSSWALK)	021-41-2003	197.58
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 4383028826 - 902 W. GRAND (CROSSWALK)	021-41-2003	30.98
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3295103493 - 7201 S. BROADWAY (STR SIGNAL)	021-41-2003	85.70
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3309960579 - 427 S. JANE (PUBLIC WORKS)	021-41-2003	309.03
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 3323218134 - SCHOOL SIGNALS (CITY)	021-41-2003	68.75
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 2955167783 - 523 SARAH LN. (HAC)	030-50-2003	3,546.92
EVERGY	10/04/2022	MONTHLY ELECTRIC SERVICE	ACCT. 8743920263 - 665 W. 63RD ST. (P/C SPORTS)	030-50-3065	293.43
Vendor EVER0904 - EVERGY Total:					39,724.38
Vendor: FLUI0973 - FLUID EQUIPMENT COMPANY					
FLUID EQUIPMENT COMPANY	10/04/2022	S/C 9/12/2022 EMMET LIFT STATION PUMP REPAIRS	S/C 9/12/2022 EMMET LIFT STATION PUMP REPAIR	010-30-2006	1,280.00
FLUID EQUIPMENT COMPANY	10/04/2022	S/C 9/12/2022 EMMET LIFT STATION PUMP REPAIRS	MISC. REPAIR PARTS	010-30-2006	60.00
Vendor FLUI0973 - FLUID EQUIPMENT COMPANY Total:					1,340.00
Vendor: FOLE0975 - FOLEY EQUIPMENT					
FOLEY EQUIPMENT	10/18/2022	SERVICE: CATERPILLAR CHALLENGER 55 9/13/2022	SERVICE: CATERPILLAR CHALLENGER 55 9/13/2022	010-30-2006	1,908.35
FOLEY EQUIPMENT	10/18/2022	SERVICE: CATERPILLAR CHALLENGER 55 9/13/2022	REPAIR PARTS: CATERPILLAR CHALLENGER 55 9/13/2022	010-30-2006	527.97
Vendor FOLE0975 - FOLEY EQUIPMENT Total:					2,436.32
Vendor: FRAN0625 - FRANCISCO S.CORTEZ III					
FRANCISCO S.CORTEZ III	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor FRAN0625 - FRANCISCO S.CORTEZ III Total:					35.00
Vendor: GALL1019 - GALLS LLC					
GALLS LLC	10/04/2022	POLICE UNIFORMS/EQUIP.	SERGEANT CHEVRON BADGE - SINGLE 4EA.	001-02-2016	7.60
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	COMMAND SHIRT W/ ZIPPER & ELBOW PATCH 2EA.	001-02-2016	119.66
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	ANSI II SAFETY VEST	001-02-2016	24.64
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	SAFARILAND HINGED CUFF CASE	001-02-2016	43.56
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	MENS POLY UNIFORM TROUSER	001-02-2016	67.76
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	DOUBLE CUFF CASE	001-02-2016	109.12
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	AKER LEATHER DOUBLE MAG POUCH	001-02-2016	63.36
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	MENS COMMAND ZIP FRONT S/S SHIRT	001-02-2016	64.06
GALLS LLC	10/18/2022	POLICE UNIFORMS/EQUIP.	ANSI II SAFETY VEST	001-02-2016	739.20
Vendor GALL1019 - GALLS LLC Total:					1,238.96
Vendor: GAME1020 - GAME TIME					
GAME TIME	10/04/2022	PLAYGROUND EQUIPMENT - COUNTRY LAKES PARK	FREIGHT - PAYGROUND EQUIPMENT	098-66-3001	2,218.82
GAME TIME	10/04/2022	PLAYGROUND EQUIPMENT - COUNTRY LAKES PARK	INSTALLATION CHARGE - PLAYGROUND EQUIPMENT	098-66-3001	17,749.20
GAME TIME	10/04/2022	PLAYGROUND EQUIPMENT - COUNTRY LAKES PARK	PLAYGROUND EQUIPMENT - COUNTRY LAKES PARK	098-66-3001	33,337.14

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
GAME TIME	10/04/2022	PLAYGROUND EQUIPMENT - COUNTRY LAKES PARK	ENGINEERED WOOD FIBER - COUNTRY LAKES PARK	098-66-3001	6,656.00
Vendor GAME1020 - GAME TIME Total:					59,961.16
Vendor: GRAI1068 - GRAINGER					
GRAINGER	10/04/2022	MISC. SUPPLIES	FAN BLADE - HOMETOWN MRKT. RR	001-09-2079	23.40
GRAINGER	10/04/2022	MISC. SUPPLIES	RPLCMNT. FAN MOTOR - HOMETOWN MRKT. RR	001-09-2079	72.12
GRAINGER	10/04/2022	MISC. SUPPLIES	SELECTOR SWITCH, 2-POSITION - MUN. POOL	012-32-2006	25.13
GRAINGER	10/04/2022	MISC. SUPPLIES	INSERT BIT, 1/4 X 1/8 X 1" 5/PK	036-56-3036	24.20
GRAINGER	10/04/2022	MISC. SUPPLIES	INSERT BIT, HEX, SNGL END 5/PK - ANTIQUE LIGHTS	036-56-3036	14.59
Vendor GRAI1068 - GRAINGER Total:					159.44
Vendor: HACH1109 - HACH COMPANY					
HACH COMPANY	10/04/2022	LAB SUPPLIES	COUPLING, TENSETTE PIPET	010-30-2008	59.24
HACH COMPANY	10/04/2022	LAB SUPPLIES	REAGENT SET, CHLORINE FREE 6EA.	011-31-2009	481.09
Vendor HACH1109 - HACH COMPANY Total:					540.33
Vendor: HAST1146 - HASTY AWARDS					
HASTY AWARDS	10/04/2022	3" GOLD VOLLEYBALL MEDALS 41EA.	3" GOLD VOLLEYBALL MEDALS 41EA.	030-50-2092	100.40
HASTY AWARDS	10/04/2022	3" GOLD SOCCER MEDALS 300EA.	SHIPPING CHARGE	030-50-2092	45.96
HASTY AWARDS	10/04/2022	3" GOLD SOCCER MEDALS 300EA.	PERSONALIZED LABEL 300EA.	030-50-2092	135.00
HASTY AWARDS	10/04/2022	3" GOLD SOCCER MEDALS 300EA.	3" GOLD SOCCER MEDALS 300EA.	030-50-2092	567.00
Vendor HAST1146 - HASTY AWARDS Total:					848.36
Vendor: HAYS1158 - HAYSVILLE CHAMBER OF COMMERCE					
HAYSVILLE CHAMBER OF COM...	10/04/2022	2022 BUSINESS DIRECTORY AD	2022 BUSINESS DIRECTORY AD	092-66-3001	200.00
Vendor HAYS1158 - HAYSVILLE CHAMBER OF COMMERCE Total:					200.00
Vendor: HAYS1160 - HAYSVILLE COMMUNITY LIBRARY					
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - AD VALOREM	025-00-5017	6,859.44
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - BACK TAX	025-00-5019	1,370.69
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - REC. VEHICLE	025-00-5020	404.91
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - MOTOR VEHICLE	025-00-5020	18,248.02
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - COMMERCIAL VEHICLE TAX	025-00-5026	43.03
HAYSVILLE COMMUNITY LIBRA...	10/04/2022	LIBRARY - AD VALOREM DISTRIBUTION	LIBRARY - WATERCRAFT TAX	025-00-5027	30.76
Vendor HAYS1160 - HAYSVILLE COMMUNITY LIBRARY Total:					26,956.85
Vendor: HAYS1177 - HAYSVILLE RENTAL CENTER					
HAYSVILLE RENTAL CENTER	10/04/2022	RENTAL: CUT OFF SAW 9/08/2022	RENTAL: CUT OFF SAW 9/08/2022	010-30-2006	94.17
HAYSVILLE RENTAL CENTER	10/04/2022	RENTAL: CUT OFF SAW 9/08/2022	ABRASIVE BLADE - 14" METAL & STEEL	010-30-2006	8.99
HAYSVILLE RENTAL CENTER	10/04/2022	REPAIR: CONCRETE SAW 9/21/2022	BELT GUARD - FOR CONCRETE SAW	011-31-2006	65.99
HAYSVILLE RENTAL CENTER	10/04/2022	REPAIR: CONCRETE SAW 9/21/2022	CLUTCH ASSY. - FOR CONCRETE SAW	011-31-2006	76.99
HAYSVILLE RENTAL CENTER	10/04/2022	REPAIR: CONCRETE SAW 9/21/2022	DRIVE PULLEY - FOR CONCRETE SAW	011-31-2006	65.99
HAYSVILLE RENTAL CENTER	10/04/2022	REPAIR: CONCRETE SAW 9/21/2022	REPAIR: CONCRETE SAW 9/21/2022	011-31-2006	30.00
HAYSVILLE RENTAL CENTER	10/04/2022	PROPANE REFILL	PROPANE REFILL	001-03-2009	7.50

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
HAYSVILLE RENTAL CENTER	10/04/2022	PROPANE REFILL	PROPANE REFILL	010-30-2009	7.50
HAYSVILLE RENTAL CENTER	10/04/2022	PROPANE REFILL	PROPANE REFILL	011-31-2009	7.50
HAYSVILLE RENTAL CENTER	10/04/2022	PROPANE REFILL	PROPANE REFILL	021-41-2009	7.50
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	001-03-2006	18.75
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	DELIVERY CHARGE	001-03-2006	10.00
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	DELIVERY CHARGE	010-30-2006	10.00
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	010-30-2006	18.75
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	011-31-2006	18.75
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	DELIVERY CHARGE	011-31-2006	10.00
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	021-41-2006	18.75
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: 19FT SCISSOR LIFT 9/28/2022	DELIVERY CHARGE	021-41-2006	10.00
HAYSVILLE RENTAL CENTER	10/18/2022	RENTAL: AERIAL LIFT 9/29/2022	RENTAL: AERIAL LIFT 9/29/2022 (DORNER PARK LIGHTS)	036-56-3041	150.00

Vendor HAYS1177 - HAYSVILLE RENTAL CENTER Total: 637.13

Vendor: HAYS1187 - HAYSVILLE TRUE VALUE

HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	001-03-2009	293.01
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	001-03-2046	10.08
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	001-09-2079	55.82
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	001-12-2025	6.58
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	010-30-2004	11.18
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	010-30-2009	130.48
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	011-31-2009	35.54
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	011-31-2012	109.96
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	021-41-2009	85.43
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	030-50-2025	17.98
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	030-50-2092	15.99
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	036-56-3011	11.48
HAYSVILLE TRUE VALUE	10/18/2022	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	STMNT. 9/30/2022 - MONTHLY HARDWARE SUPPLIES	036-56-3036	14.42

Vendor HAYS1187 - HAYSVILLE TRUE VALUE Total: 797.95

Vendor: HEAR1200 - HEARTLAND COCA COLA

HEARTLAND COCA COLA	10/04/2022	MONTHLY BEVERAGE CONCESSIONS	MONTHLY BEVERAGE CONCESSIONS - HAC	030-50-2031	157.32
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Vendor HEAR1200 - HEARTLAND COCA COLA Total: 157.32

Vendor: HRDI1280 - HRDIRECT

HRDIRECT	10/18/2022	POSTER GUARD 1 YR RENEWAL - UR1200F	POSTER GUARD 1 YR RENEWAL - UR1200F	001-10-2077	84.99
HRDIRECT	10/18/2022	POSTER GUARD 1 YR RENEWAL - UR1200F	POSTER GUARD 1 YR RENEWAL - UR1200F	001-10-2077	84.99

Vendor HRDI1280 - HRDIRECT Total: 169.98

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: HSAK1285 - HSA KENNETH STARK					
HSA KENNETH STARK	10/06/2022	HSA A/C: XXXXXXXX KENNETH STARK	HSA A/C: XXXXXXXX KENNETH STARK	001-00-2061	30.00
HSA KENNETH STARK	10/20/2022	HSA A/C: XXXXXXXX KENNETH STARK	HSA A/C: XXXXXXXX KENNETH STARK	001-00-2061	30.00
Vendor HSAK1285 - HSA KENNETH STARK Total:					60.00
Vendor: HSAR1282 - HSA ROBERT ARNESON					
HSA ROBERT ARNESON	10/06/2022	HSA A/C: XXXXXXXX ROBERT ARNESON	HSA A/C: XXXXXXXX ROBERT ARNESON	001-00-2061	225.00
HSA ROBERT ARNESON	10/20/2022	HSA A/C: XXXXXXXX ROBERT ARNESON	HSA A/C: XXXXXXXX ROBERT ARNESON	001-00-2061	225.00
Vendor HSAR1282 - HSA ROBERT ARNESON Total:					450.00
Vendor: HSAS1284 - HSA SEAN RINEHART					
HSA SEAN RINEHART	10/06/2022	HSA A/C: XXXXXXXX SEAN RINEHART	HSA A/C: XXXXXXXX SEAN RINEHART	001-00-2061	30.00
HSA SEAN RINEHART	10/20/2022	HSA A/C: XXXXXXXX SEAN RINEHART	HSA A/C: XXXXXXXX SEAN RINEHART	001-00-2061	30.00
Vendor HSAS1284 - HSA SEAN RINEHART Total:					60.00
Vendor: HSAT1286 - HSA TWYLA NGUYEN					
HSA TWYLA NGUYEN	10/06/2022	HSA A/C: XXXXXXXX TWYLA NGUYEN	HSA A/C: XXXXXXXX TWYLA NGUYEN	001-00-2061	25.00
HSA TWYLA NGUYEN	10/20/2022	HSA A/C: XXXXXXXX TWYLA NGUYEN	HSA A/C: XXXXXXXX TWYLA NGUYEN	001-00-2061	25.00
Vendor HSAT1286 - HSA TWYLA NGUYEN Total:					50.00
Vendor: HSAW1283 - HSA WILLIAM BLACK					
HSA WILLIAM BLACK	10/06/2022	HSA A/C: XXXXXXXX WILLIAM BLACK	HSA A/C: XXXXXXXX WILLIAM BLACK	001-00-2061	250.00
HSA WILLIAM BLACK	10/20/2022	HSA A/C: XXXXXXXX WILLIAM BLACK	HSA A/C: XXXXXXXX WILLIAM BLACK	001-00-2061	250.00
Vendor HSAW1283 - HSA WILLIAM BLACK Total:					500.00
Vendor: HUTC1305 - HUTCHINSON SALT COMPANY					
HUTCHINSON SALT COMPANY	10/04/2022	ROCK SALT - ASTM GRADE 1 - 14.18 TONS	ROCK SALT - ASTM GRADE 1 - 14.18 TONS	021-41-2009	482.12
HUTCHINSON SALT COMPANY	10/18/2022	ROCK SALT - ASTM GRADE 1 - 15 TONS	ROCK SALT - ASTM GRADE 1 - 15 TONS	021-41-2009	510.00
Vendor HUTC1305 - HUTCHINSON SALT COMPANY Total:					992.12
Vendor: IMAG1336 - IMAGEQUEST					
IMAGEQUEST	10/04/2022	PRINTER MAINTENANCE CONTRACT	PRINTER MAINT. - EQUIP. ID. 36067	001-10-2040	41.16
IMAGEQUEST	10/04/2022	PRINTER MAINTENANCE CONTRACT	PRINTER MAINT. - EQUIP. ID. 35894	001-10-2040	41.16
IMAGEQUEST	10/04/2022	PRINTER MAINTENANCE CONTRACT	PRINTER MAINT. - EQUIP. ID. 35815	001-10-2040	41.16
IMAGEQUEST	10/04/2022	PRINTER MAINTENANCE CONTRACT	PRINTER MAINT. - EQUIP. ID. 36066	001-10-2040	41.16
Vendor IMAG1336 - IMAGEQUEST Total:					164.64
Vendor: INST1364 - INSTANT TIRE SERVICE					
INSTANT TIRE SERVICE	10/04/2022	TIRE SERVICE	S/C 9/26/2022 JD 544K LOADER	021-41-2006	165.00
INSTANT TIRE SERVICE	10/04/2022	TIRE SERVICE	P205R25 TIRES 2EA. - JD 544K LOADER	021-41-2006	3,524.00
Vendor INST1364 - INSTANT TIRE SERVICE Total:					3,689.00
Vendor: INTR1381 - INTRUST BANK					
INTRUST BANK	10/07/2022	FED DEPOSIT	FED DEPOSIT	001-00-2010	12,193.38
INTRUST BANK	10/07/2022	FICA DEPOSIT	FICA DEPOSIT	001-00-2020	22,156.44
INTRUST BANK	10/07/2022	FICA DEPOSIT	FICA DEPOSIT	001-00-2020	5,181.74
INTRUST BANK	10/21/2022	FED DEPOSIT	FED DEPOSIT	001-00-2010	12,411.46
INTRUST BANK	10/21/2022	FICA DEPOSIT	FICA DEPOSIT	001-00-2020	5,344.82
INTRUST BANK	10/21/2022	FICA DEPOSIT	FICA DEPOSIT	001-00-2020	22,853.82
Vendor INTR1381 - INTRUST BANK Total:					80,141.66

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: ISAB1137 - ISABELLA HEIDEN					
ISABELLA HEIDEN	10/04/2022	REFEREE SOCCER 5 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 4 HRS. 9/17/2022	030-50-1250	60.00
ISABELLA HEIDEN	10/04/2022	REFEREE SOCCER 5 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 1 HR. 9/15/2022	030-50-1250	15.00
ISABELLA HEIDEN	10/18/2022	REFEREE SOCCER 6 HRS. 9/24 - 10/01/2022	REFEREE SOCCER 6 HRS. 9/24 - 10/01/2022	030-50-1250	90.00
ISABELLA HEIDEN	10/18/2022	REFEREE SOCCER 2 HRS. 10/08/2022	REFEREE SOCCER 2 HRS. 10/08/2022	030-50-1250	30.00
Vendor ISAB1137 - ISABELLA HEIDEN Total:					195.00
Vendor: JD'S1396 - J D'S GRAPHICS					
J D'S GRAPHICS	10/04/2022	MISC. RCPT. BOOKS/FORMS	WATER CONNECT/DISCONNECT FORMS, 2-PART 8 BOOKS	010-30-2004	30.00
J D'S GRAPHICS	10/04/2022	MISC. RCPT. BOOKS/FORMS	WATER CONNECT/DISCONNECT FORMS, 2-PART 8 BOOKS	011-31-2004	30.00
Vendor JD'S1396 - J D'S GRAPHICS Total:					60.00
Vendor: JACE1187 - JACE BEYER					
JACE BEYER	10/18/2022	REFEREE SOCCER 3 HRS. 10/08/2022	REFEREE SOCCER 3 HRS. 10/08/2022	030-50-1250	45.00
Vendor JACE1187 - JACE BEYER Total:					45.00
Vendor: JADA0175 - JADA ARNESON					
JADA ARNESON	10/04/2022	REFEREE SOCCER 6 HRS. 9/12 - 9/19/2022	REFEREE SOCCER 4 HRS. 9/17/2022	030-50-1250	60.00
JADA ARNESON	10/04/2022	REFEREE SOCCER 6 HRS. 9/12 - 9/19/2022	REFEREE SOCCER 1 HR. 9/19/2022	030-50-1250	15.00
JADA ARNESON	10/04/2022	REFEREE SOCCER 6 HRS. 9/12 - 9/19/2022	REFEREE SOCCER 1 HR. 9/12/2022	030-50-1250	15.00
JADA ARNESON	10/18/2022	REFEREE SOCCER 3 HRS 9/24 - 9/26/2022	REFEREE SOCCER 3 HRS 9/24 - 9/26/2022	030-50-1250	45.00
JADA ARNESON	10/18/2022	REFEREE SOCCER 4 HRS 10/01/2022	REFEREE SOCCER 4 HRS 10/01/2022	030-50-1250	60.00
JADA ARNESON	10/18/2022	REFEREE SOCCER 2 HRS. 10/08/2022	REFEREE SOCCER 2 HRS. 10/08/2022	030-50-1250	30.00
Vendor JADA0175 - JADA ARNESON Total:					225.00
Vendor: JADA1136 - JADAN DENESONGKHAM					
JADAN DENESONGKHAM	10/04/2022	REFEREE SOCCER 3 HRS. 9/17/2022	REFEREE SOCCER 3 HRS. 9/17/2022	030-50-1250	54.00
Vendor JADA1136 - JADAN DENESONGKHAM Total:					54.00
Vendor: JENN0990 - JENNIFER FOX					
JENNIFER FOX	10/04/2022	FOX & SMOCKS PAINT PARTY 9/26/2022	FOX & SMOCKS PAINT PARTY 9/26/22 - 10 PARTICIPANTS	030-50-2092	350.00
Vendor JENN0990 - JENNIFER FOX Total:					350.00
Vendor: JENN1402 - JENNIFER JACKSON					
JENNIFER JACKSON	10/04/2022	FITNESS INSTRUCTOR 11 HRS. 9/13 - 9/22/2022	FITNESS INSTRUCTOR 11 HRS. 9/13 - 9/22/2022	030-50-1250	165.00
JENNIFER JACKSON	10/04/2022	FITNESS INSTRUCTOR 4 HRS. 9/27 - 9/29/2022	FITNESS INSTRUCTOR 4 HRS. 9/27 - 9/29/2022	030-50-1250	60.00
JENNIFER JACKSON	10/18/2022	FITNESS INSTRUCTOR 4 HRS. 10/04 - 10/06/2022	FITNESS INSTRUCTOR 4 HRS. 10/04 - 10/06/2022	030-50-1250	60.00
JENNIFER JACKSON	10/18/2022	FITNESS INSTRUCTOR 4 HRS. 10/11 - 10/13/2022	FITNESS INSTRUCTOR 4 HRS. 10/11 - 10/13/2022	030-50-1250	60.00
JENNIFER JACKSON	10/21/2022	REPLACEMENT FOR LOST CK #82956 PD 3/08/22	REPLACEMENT FOR LOST CK #82956 PD 3/08/22	030-50-1250	202.50
JENNIFER JACKSON	10/21/2022	REPLACEMENT FOR LOST CK #83201 PD 4/05/22	REPLACEMENT FOR LOST CK #83201 PD 4/05/22	030-50-1250	120.00
Vendor JENN1402 - JENNIFER JACKSON Total:					667.50
Vendor: JENN2597 - JENNIFER M. SOHM					
JENNIFER M. SOHM	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor JENN2597 - JENNIFER M. SOHM Total:					35.00

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: JILL2956 - JILL WARD					
JILL WARD	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor JILL2956 - JILL WARD Total:					35.00
Vendor: JOHN1429 - JOHN A. MARSHALL CO.					
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	65L X 24W LAIR WORK SURFACE W/2 GROMMETS	029-49-2044	60.00
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	12H POST FOR PANEL	029-49-2044	52.80
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	35H WHITE CUBBY	029-49-2044	38.00
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	VICTORY LX TABLE BASE, 3-LEG	029-49-2044	876.48
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	2 FLAT BRACKETS/16 SCREWS	029-49-2044	5.28
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	INSTALLATION CHARGE	029-49-2044	320.00
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	65L X 24W LAIR WORK SURFACE W/2 GROMMETS	029-49-2044	63.36
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	35L X 24W COMBO LATERAL FILE	029-49-2044	475.20
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	STRETCHER - ANTI SAG STIFFENER FOR 71" TOP	029-49-2044	79.20
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	PANEL, BLACK 12H X 47W	029-49-2044	84.48
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	35H WALL MOUNTED HUTCH W/WOOD DOORS	029-49-2044	179.52
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	MODESTY PANEL W/ WIRE CHANNEL	029-49-2044	133.06
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	PENCIL DRAWER	029-49-2044	52.80
JOHN A. MARSHALL CO.	10/04/2022	OFFICE FURNITURE - CITY HALL BSMNT. (SYS ANALYST)	71L X 30W LAIR WORK SURFACE W/2 GROMMETS	029-49-2044	97.68
Vendor JOHN1429 - JOHN A. MARSHALL CO. Total:					2,517.86
Vendor: JOHN2562 - JOHNATHAN SIMONS					
JOHNATHAN SIMONS	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	021-41-2002	35.00
Vendor JOHN2562 - JOHNATHAN SIMONS Total:					35.00
Vendor: JONA2730 - JONATHAN TARDIFF					
JONATHAN TARDIFF	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-04-2002	35.00
Vendor JONA2730 - JONATHAN TARDIFF Total:					35.00
Vendor: JOSE0060 - JOSE AGUILAR, JR.					
JOSE AGUILAR, JR.	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	010-30-2002	35.00
Vendor JOSE0060 - JOSE AGUILAR, JR. Total:					35.00
Vendor: JUST1205 - JUSTIN D. HEHNKE					
JUSTIN D. HEHNKE	10/26/2022	REPLACEMENT FOR LOST CK#82521 PD 1/11/2022	REPLACEMENT FOR LOST CK#82521 PD 1/11/2022	001-02-2040	35.00
Vendor JUST1205 - JUSTIN D. HEHNKE Total:					35.00
Vendor: K&AP1457 - K & A PROPERTY MAINTENANCE LLC					
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - VICKER'S BLDG.	001-09-2040	100.00
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - COMMUNITY BLDG.	001-09-2040	112.00
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - POLICE DEPT.	001-09-2040	440.00
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - CITY HALL	001-09-2040	528.00
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - SR. CNTR.	001-12-2040	425.00
K & A PROPERTY MAINTENANCE..	10/18/2022	CLEANING SERVICES	CLEANING SVCS. - HAC	030-50-2025	400.00
Vendor K&AP1457 - K & A PROPERTY MAINTENANCE LLC Total:					2,005.00
Vendor: KANS1601 - KANSAS DEPARTMENT OF REVENUE					
KANSAS DEPARTMENT OF REV...	10/07/2022	KANSAS WITHHOLDING TAX	KANSAS WITHHOLDING TAX	001-00-2030	6,839.61
KANSAS DEPARTMENT OF REV...	10/21/2022	KANSAS WITHHOLDING TAX	KANSAS WITHHOLDING TAX	001-00-2030	7,043.23
Vendor KANS1601 - KANSAS DEPARTMENT OF REVENUE Total:					13,882.84

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: KANS1499 - KANSAS DEPT OF REVENUE					
KANSAS DEPT OF REVENUE	10/18/2022	3RD QTR 2022 - CONCESSION TAX	POOL CONCESSION TAX - 3RD QTR 2022	012-32-2031	1,091.95
KANSAS DEPT OF REVENUE	10/18/2022	3RD QTR 2022 - CONCESSION TAX	HAC CONCESSION TAX - 3RD QTR. 2022	030-50-2031	114.07
KANSAS DEPT OF REVENUE	10/18/2022	3RD QTR 2022 - CONCESSION TAX	HOMETOWN MRKT. MERCHANDISE TAX - 3RD QTR 2022	032-52-2012	13.18
KANSAS DEPT OF REVENUE	10/18/2022	3RD QTR 2022 - CONCESSION TAX	CITY OF HAYSVILLE MERCHANDISE TAX - 3RD QTR 2022	092-66-3001	9.01
KANSAS DEPT OF REVENUE	10/18/2022	WATER SALES TAX - SEPT 2022	WATER SALES TAX - SEPT 2022	011-31-2022	1,590.51
Vendor KANS1499 - KANSAS DEPT OF REVENUE Total:					2,818.72

Vendor: KANS1608 - KANSAS EMPLOYMENT SECURITY					
KANSAS EMPLOYMENT SECURI...	10/07/2022	KDOL UNEMPLOYMENT TAX	KDOL UNEMPLOYMENT TAX	001-23-2083	13,042.20
Vendor KANS1608 - KANSAS EMPLOYMENT SECURITY Total:					13,042.20

Vendor: KANS1615 - KANSAS GAS SERVICE					
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1568420 18 - 403 S. JANE (ANIMAL CNTRL.)	001-02-2013	61.75
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 130570 45 - 130 E. 2ND (COMM. BLDG.)	001-09-2003	35.12
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1579876 27 - 200 W. GRAND (CITY/PD/COURT)	001-09-2003	66.98
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 2003258 73 - 160 E. KARLA (SR. CNTR.)	001-12-2003	91.06
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1308619 00 - 429 S. JANE (PW SHOP)	010-30-2003	19.13
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1308621 36 - 551 S. DELOS (OLD SEWER PLNT)	010-30-2003	35.12
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654247 00 - 417 S. JANE (PW STORAGE)	010-30-2003	11.71
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654252 00 - 401 S.JANE (PW OFFICE)	010-30-2003	13.93
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1600065 91 - 428 S. JANE (WWTP)	010-30-2003	104.10
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654252 00 - 401 S.JANE (PW OFFICE)	011-31-2003	13.93
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1308619 00 - 429 S. JANE (PW SHOP)	011-31-2003	19.12
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654247 00 - 417 S. JANE (PW STORAGE)	011-31-2003	11.71
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654252 00 - 401 S.JANE (PW OFFICE)	021-41-2003	13.92
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1308619 00 - 429 S. JANE (PW SHOP)	021-41-2003	19.12
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 1654247 00 - 417 S. JANE (PW STORAGE)	021-41-2003	11.70
KANSAS GAS SERVICE	10/04/2022	MONTHLY GAS SERVICE	ACCT. 2032392 45 - 523 SARAH LN. (HAC)	030-50-2003	115.09
Vendor KANS1615 - KANSAS GAS SERVICE Total:					643.49

Vendor: KANS1627 - KANSAS ONE-CALL SYSTEM INC					
KANSAS ONE-CALL SYSTEM INC	10/18/2022	SEWER/WATER LOCATE FEES	SEWER/WATER LOCATE FEES - 194EA.	010-30-2040	116.40
KANSAS ONE-CALL SYSTEM INC	10/18/2022	SEWER/WATER LOCATE FEES	SEWER/WATER LOCATE FEES - 194EA.	011-31-2040	116.40
KANSAS ONE-CALL SYSTEM INC	10/18/2022	SEWER/WATER LOCATE FEES	SEWER/WATER LOCATE FEES - 194EA.	010-30-2040	232.80
Vendor KANS1627 - KANSAS ONE-CALL SYSTEM INC Total:					465.60

Vendor: KANS1629 - KANSAS PAYMENT CENTER					
KANSAS PAYMENT CENTER	10/06/2022	SG09DM003555	SG09DM003555	001-00-2057	213.00
KANSAS PAYMENT CENTER	10/06/2022	SG20DM03529	SG20DM03529	001-00-2057	276.92
KANSAS PAYMENT CENTER	10/06/2022	SG15DM007951	SG15DM007951	001-00-2057	92.31

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
KANSAS PAYMENT CENTER	10/06/2022	SG19DM005637	SG19DM005637	001-00-2057	817.85
KANSAS PAYMENT CENTER	10/20/2022	SG09DM003555	SG09DM003555	001-00-2057	213.00
KANSAS PAYMENT CENTER	10/20/2022	SG19DM005637	SG19DM005637	001-00-2057	817.85
KANSAS PAYMENT CENTER	10/20/2022	SG15DM007951	SG15DM007951	001-00-2057	92.31
KANSAS PAYMENT CENTER	10/20/2022	SG20DM03529	SG20DM03529	001-00-2057	276.92
Vendor KANS1629 - KANSAS PAYMENT CENTER Total:					2,800.16

Vendor: KANS1567 - KANSAS RECREATION & PARK ASSOC

KANSAS RECREATION & PARK A...	10/18/2022	2022-2023 KRPA MEMBERSHIP	2022-2023 KRPA MEMBERSHIP	030-50-2015	900.00
Vendor KANS1567 - KANSAS RECREATION & PARK ASSOC Total:					900.00

Vendor: KANS1642 - KANSAS STATE TREASURER

KANSAS STATE TREASURER	10/21/2022	UNCLAIMED PROPERTY - SUSAN K. FOX	UNCLAIMED PROPERTY - SUSAN K. FOX	001-00-5059	158.00
KANSAS STATE TREASURER	10/21/2022	UNCLAIMED PROPERTY - ERIK BASTIDA	UNCLAIMED PROPERTY - ERIK BASTIDA	030-50-2025	250.00
Vendor KANS1642 - KANSAS STATE TREASURER Total:					408.00

Vendor: KANS1643 - KANSAS STATE TREASURER

KANSAS STATE TREASURER	10/18/2022	COURT FEES - SEPTEMBER 2022	SEAT BELT SAFETY FEE	001-00-5006	20.00
KANSAS STATE TREASURER	10/18/2022	COURT FEES - SEPTEMBER 2022	JUDICIAL BRANCH DOCKET FEE	001-06-2060	88.00
KANSAS STATE TREASURER	10/18/2022	COURT FEES - SEPTEMBER 2022	REINSTATEMENT FEES	001-06-2060	318.00
KANSAS STATE TREASURER	10/18/2022	COURT FEES - SEPTEMBER 2022	JUDICIAL BRANCH EDUCATION FEE	001-06-2073	58.50
KANSAS STATE TREASURER	10/18/2022	COURT FEES - SEPTEMBER 2022	LAW ENFORCEMENT TRAINING CENTER FUND	001-06-2074	1,345.50
Vendor KANS1643 - KANSAS STATE TREASURER Total:					1,830.00

Vendor: KANZ1482 - KANZA CO-OPERATIVE ASSOC.

KANZA CO-OPERATIVE ASSOC.	10/04/2022	UNLEADED/DIESEL FUEL	UNLEADED FUEL 1306 GAL.	010-30-2010	4,036.09
KANZA CO-OPERATIVE ASSOC.	10/04/2022	UNLEADED/DIESEL FUEL	DIESEL FUEL 437 GAL.	010-30-2010	1,662.12
Vendor KANZ1482 - KANZA CO-OPERATIVE ASSOC. Total:					5,698.21

Vendor: KARY0290 - KARYN BELL - SIMON

KARYN BELL - SIMON	10/21/2022	REPLACEMENT FOR LOST CK #81732 PD 9/14/21	REPLACEMENT FOR LOST CK #81732 PD 9/14/21	051-66-3005	356.50
Vendor KARY0290 - KARYN BELL - SIMON Total:					356.50

Vendor: KDHE1492 - KDHE - BUREAU OF WATER

KDHE - BUREAU OF WATER	10/18/2022	WASTEWATER PERMIT KS0090921 / M-AR43-0004	WASTEWATER PERMIT KS0090921 / M-AR43-0004	010-30-2012	370.00
Vendor KDHE1492 - KDHE - BUREAU OF WATER Total:					370.00

Vendor: KDHE1495 - KDHE

KDHE	10/18/2022	ANALYTICAL TESTING	ANALYTICAL TESTING - 3RD QTR. 2022	011-31-2040	1,008.00
Vendor KDHE1495 - KDHE Total:					1,008.00

Vendor: KEVI2525 - KEVIN SEXTON

KEVIN SEXTON	10/18/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-02-2040	35.00
Vendor KEVI2525 - KEVIN SEXTON Total:					35.00

Vendor: KONI1557 - KONICA MINOLTA BUSINESS

KONICA MINOLTA BUSINESS	10/18/2022	COPIER MAINT. - CITY HALL BSMNT.	COPIER MAINT. - CITY HALL BSMNT.	001-10-2040	260.36
KONICA MINOLTA BUSINESS	10/18/2022	COPIER MAINT. - HAC	COPIER MAINT. - HAC	099-66-3003	451.06
KONICA MINOLTA BUSINESS	10/18/2022	COPIER MAINT. - PUBLIC WORKS	COPIER MAINT. - PUBLIC WORKS	001-20-2004	65.67
KONICA MINOLTA BUSINESS	10/18/2022	COPIER MAINT. - CITY HALL	COPIER MAINT. - CITY HALL	001-10-2040	234.11
KONICA MINOLTA BUSINESS	10/18/2022	COPIER MAINT. - POLICE DEPT.	COPIER MAINT. - POLICE DEPT.	001-02-2040	88.88
Vendor KONI1557 - KONICA MINOLTA BUSINESS Total:					1,100.08

Vendor: KONI1558 - KONICA MINOLTA PREMIERE

KONICA MINOLTA PREMIERE	10/04/2022	COPIER LEASE PYMNT.	KONICA C458 LEASE - POLICE DEPT.	001-02-2004	351.46
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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
KONICA MINOLTA PREMIERE	10/04/2022	COPIER LEASE PYMNT.	KONICA C458 LEASE - CITY HALL (BSMNT)	001-10-2040	189.37
KONICA MINOLTA PREMIERE	10/04/2022	COPIER LEASE PYMNT.	KONICA C458 LEASE - CITY HALL	001-10-2040	381.87
KONICA MINOLTA PREMIERE	10/04/2022	COPIER LEASE PYMNT.	KONICA C458 LEASE - PUBLIC WORKS	001-20-2004	201.73
KONICA MINOLTA PREMIERE	10/04/2022	COPIER LEASE PYMNT.	KONICA C458 LEASE - HAC	099-66-3003	182.62
Vendor KONI1558 - KONICA MINOLTA PREMIERE Total:					1,307.05
Vendor: KPER1560 - KPER5 457 - EMPOWER RETIREMENT					
KPER5 457 - EMPOWER RETIRE...	10/07/2022	PAYROLL DEDUCTION KPER5 457 PRE-TAX	PAYROLL DEDUCTION KPER5 457 PRE-TAX	001-00-2051	1,601.50
KPER5 457 - EMPOWER RETIRE...	10/07/2022	PAYROLL DEDUCTION KPER5 457 ROTH POST-TAX	PAYROLL DEDUCTION KPER5 457 ROTH POST-TAX	001-00-2067	350.00
KPER5 457 - EMPOWER RETIRE...	10/21/2022	PAYROLL DEDUCTION KPER5 457 PRE-TAX	PAYROLL DEDUCTION KPER5 457 PRE-TAX	001-00-2051	1,581.50
KPER5 457 - EMPOWER RETIRE...	10/21/2022	PAYROLL DEDUCTION KPER5 457 ROTH POST-TAX	PAYROLL DEDUCTION KPER5 457 ROTH POST-TAX	001-00-2067	350.00
Vendor KPER1560 - KPER5 457 - EMPOWER RETIREMENT Total:					3,883.00
Vendor: KPER1559 - KPER5					
KPER5	10/07/2022	PAYROLL DEDUCTION KPER5 D&D	PAYROLL DEDUCTION KPER5 D&D	001-00-2040	1,748.17
KPER5	10/07/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	9,930.06
KPER5	10/07/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	3,116.60
KPER5	10/07/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	13,001.34
KPER5	10/07/2022	PAYROLL DEDUCTION KPER5 WORK AFTER RETIREMENT	PAYROLL DEDUCTION KPER5 WORK AFTER RETIREMENT	001-00-2040	86.91
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 D&D	PAYROLL DEDUCTION KPER5 D&D	001-00-2040	1,758.41
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 D&D	PAYROLL DEDUCTION KPER5 D&D	001-00-2040	-0.76
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	13,110.20
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	3,183.73
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	9,911.39
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 EE & ER	PAYROLL DEDUCTION KPER5 EE & ER	001-00-2040	-11.21
KPER5	10/21/2022	PAYROLL DEDUCTION KPER5 WORK AFTER RETIREMENT	PAYROLL DEDUCTION KPER5 WORK AFTER RETIREMENT	001-00-2040	97.88
Vendor KPER1559 - KPER5 Total:					55,932.72
Vendor: KRIS1861 - KRISTEN MCDANIEL					
KRISTEN MCDANIEL	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-12-2003	35.00
Vendor KRIS1861 - KRISTEN MCDANIEL Total:					35.00
Vendor: KURT1263 - KURT A HOLMES, PA					
KURT A HOLMES, PA	10/20/2022	22LM007248	22LM007248	001-00-2057	427.67
Vendor KURT1263 - KURT A HOLMES, PA Total:					427.67
Vendor: LAGR1685 - LAG RENTALS, LLC.					
LAG RENTALS, LLC.	10/11/2022	CAR RENTAL - RA 3021725	CAR RENTAL - RA 3021725	024-44-2012	650.00
Vendor LAGR1685 - LAG RENTALS, LLC. Total:					650.00
Vendor: LAUT1700 - LAUTZ LAW, LLC					
LAUTZ LAW, LLC	10/04/2022	PUBLIC DEFENDER MONTHLY SERVICES	PUBLIC DEFENDER MONTHLY SERVICES	001-06-2037	1,000.00
Vendor LAUT1700 - LAUTZ LAW, LLC Total:					1,000.00
Vendor: LEAG1722 - LEAGUE OF KANSAS					
LEAGUE OF KANSAS	10/04/2022	2022 LKM ANNUAL CONFERENCE REGISTR. - R. KESSLER	2022 LKM ANNUAL CONFERENCE REGISTR. - R. KESSLER	001-18-2015	250.00

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
LEAGUE OF KANSAS	10/04/2022	2022 LKM ANNUAL CONFERENCE REGISTR. - R. KESSLER	2022 LKM ANNUAL CONFERENCE - MTI SESSION	001-18-2015	100.00
LEAGUE OF KANSAS	10/04/2022	2022 LKM ANNUAL CONFERENCE REGISTR. - R. KESSLER	DISCOUNT - ADVANCE REGISTRATION	001-18-2015	-50.00
Vendor LEAG1722 - LEAGUE OF KANSAS Total:					300.00
Vendor: LEGA1735 - LEGAL SHIELD					
LEGAL SHIELD	10/20/2022	PAYROLL DEDUCTION LEGAL SHIELD	PAYROLL DEDUCTION LEGAL SHIELD	001-00-2060	67.80
Vendor LEGA1735 - LEGAL SHIELD Total:					67.80
Vendor: LEVI1868 - LEVI BREWER					
LEVI BREWER	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	011-31-2002	35.00
Vendor LEVI1868 - LEVI BREWER Total:					35.00
Vendor: LOGA1138 - LOGAN MORTENSEN					
LOGAN MORTENSEN	10/04/2022	REFEREE SOCCER 4 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 3 HRS. 9/17/2022	030-50-1250	45.00
LOGAN MORTENSEN	10/04/2022	REFEREE SOCCER 4 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 1 HR. 9/15/2022	030-50-1250	15.00
LOGAN MORTENSEN	10/18/2022	REFEREE SOCCER 6 HRS. 10/01 - 10/08/2022	REFEREE SOCCER 6 HRS. 10/01 - 10/08/2022	030-50-1250	90.00
Vendor LOGA1138 - LOGAN MORTENSEN Total:					150.00
Vendor: LOGO1776 - LOGO DEPOT					
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	SNAG-PROOF POLO, LG	001-02-2016	63.00
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	SNAG-PROOF POLO, LONG SLEEVE, LG	001-02-2016	36.50
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	SNAG-PROOF POLO, LONG SLEEVE, 2XL	001-02-2016	37.95
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	SNAG-PROOF POLO, 2XL	001-02-2016	65.90
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	PORT AUTHORITY FLEECE JACKET, XXL	001-02-2016	53.85
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	PORT AUTHORITY FLEECE JACKET, XL	001-02-2016	52.50
LOGO DEPOT	10/04/2022	POLICE UNIFORMS/EMBROIDERY	SNAG=PROOF POLO, XL	001-06-2012	65.90
Vendor LOGO1776 - LOGO DEPOT Total:					375.60
Vendor: LONG1782 - LONGHOFER LAWN & TREE CARE					
LONGHOFER LAWN & TREE CARE	10/18/2022	ALGAE/AQUATIC WEED TREATMENT	ALGAE/AQUATIC WEED TREATMENT - DORNER PARK POND	098-66-3001	3,000.00
LONGHOFER LAWN & TREE CARE	10/18/2022	ALGAE/AQUATIC WEED TREATMENT	ALGAE/AQUATIC WEED TREATMENT - TIMBERLANE POND	098-66-3001	400.00
Vendor LONG1782 - LONGHOFER LAWN & TREE CARE Total:					3,400.00
Vendor: LOWE1787 - LOWES BUSINESS ACCT/GECRB					
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	ANIMAL SHELTER SUPPLIES	001-02-2013	82.10
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	REMOTE - NORTH SHOP OVERHEAD DOOR	001-03-2006	15.66
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	DW 7-1/4-IN. 60T ALM SAW B - FD 1682	001-09-2006	42.73
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	TP 60-IN. WOOD WHEELBARROW 2EA.	001-09-2006	34.16
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	2-4-92-5/8 KD WW SELECT S 8EA. - GAZEBO	001-09-2079	30.24
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	PLANTER WHISKEY BARREL 3EA. - GAZEBO	001-09-2079	71.25
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	1LB EXT SCRW PGP 3-1/2 IN - GAZEBO	001-09-2079	10.43

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	7/8" CARBIDE-TIPPED HOLE - TRUCK 40	010-30-2006	30.87
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	REMOTE - NORTH SHOP OVERHEAD DOOR	010-30-2006	15.68
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	KB 8IN HR BSTD - TRUCK 40	010-30-2006	10.43
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	REMOTE - NORTH SHOP OVERHEAD DOOR	011-31-2006	15.66
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	SPY 2-IN TARANLA HOLE SAW 2EA.	011-31-2009	36.06
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	SPY 1/2-IN ARBOR WOOD/MET	011-31-2009	18.99
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	REMOTE - NORTH SHOP OVERHEAD DOOR	021-41-2006	15.66
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	QK 10-OZ POLY SLF-LEVL GR 4EA. - TROUT SHELTER	036-56-3011	37.92
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	5/16-IN.x2-1/2-INx5-IN 8EA. - COUNTRY LAKES PARK	036-56-3011	17.36
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	HM 1CT 5/16INx1-1/4IN 100EA. - COUNTRY LAKES PARK	036-56-3011	18.00
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	2-IN SCH40 CAP 4EA. - COUNTRY LAKES PARK	036-56-3011	17.24
LOWES BUSINESS ACCT/GECRB	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	EXPAND N SEAL 1/4-IN TO 1 2EA. - TROUT SHELTER	036-56-3011	32.26
Vendor LOWE1787 - LOWES BUSINESS ACCT/GECRB Total:					552.70
Vendor: MARI0902 - MARIANNA EVANS					
MARIANNA EVANS	10/04/2022	SR. CNTR. YOGA - SEPT. 2022	SR. CNTR. YOGA - SEPT. 2022	001-12-1100	150.00
Vendor MARI0902 - MARIANNA EVANS Total:					150.00
Vendor: MARS1769 - MARSHALL LITCHFIELD					
MARSHALL LITCHFIELD	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	010-30-2002	11.67
MARSHALL LITCHFIELD	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	011-31-2002	11.67
MARSHALL LITCHFIELD	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	021-41-2002	11.66
Vendor MARS1769 - MARSHALL LITCHFIELD Total:					35.00
Vendor: MAXI1844 - MAXIMUM OUTDOOR EQUIPMENT					
MAXIMUM OUTDOOR EQUIPM...	10/04/2022	MOWER REPAIR PARTS	BLADE, JOHN DEERE 60" - #51 GRASSHOPPER MOWER	001-03-2006	104.04
Vendor MAXI1844 - MAXIMUM OUTDOOR EQUIPMENT Total:					104.04
Vendor: MAYE1847 - MAYER SPECIALTY SERVICES LLC					
MAYER SPECIALTY SERVICES LLC	10/04/2022	RENTAL: HONDA TRASH PUMP 9/11/2022	RENTAL: HONDA TRASH PUMP & FITTINGS 9/11/2022	010-30-2009	280.00
Vendor MAYE1847 - MAYER SPECIALTY SERVICES LLC Total:					280.00
Vendor: MERI1883 - MERIDIAN ANALYTICAL LABS, LLC.					
MERIDIAN ANALYTICAL LABS, L...	10/04/2022	WATER TESTING	WATER TESTING	010-30-2040	360.00
MERIDIAN ANALYTICAL LABS, L...	10/04/2022	WATER TESTING	WATER TESTING	011-31-2040	100.00
MERIDIAN ANALYTICAL LABS, L...	10/18/2022	WATER TESTING	WATER TESTING	011-31-2040	100.00
MERIDIAN ANALYTICAL LABS, L...	10/18/2022	WATER TESTING	WATER TESTING	010-30-2040	340.00
MERIDIAN ANALYTICAL LABS, L...	10/18/2022	WATER TESTING	WATER TESTING	010-30-2040	660.00
MERIDIAN ANALYTICAL LABS, L...	10/18/2022	WATER TESTING	WATER TESTING	010-30-2040	420.00
MERIDIAN ANALYTICAL LABS, L...	10/18/2022	WATER TESTING	WATER TESTING	010-30-2040	290.00
Vendor MERI1883 - MERIDIAN ANALYTICAL LABS, LLC. Total:					2,270.00
Vendor: MICH1768 - MICHAEL J. LIPPOLDT					
MICHAEL J. LIPPOLDT	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	010-30-2002	11.67
MICHAEL J. LIPPOLDT	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	011-31-2002	11.67
MICHAEL J. LIPPOLDT	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	021-41-2002	11.66
Vendor MICH1768 - MICHAEL J. LIPPOLDT Total:					35.00
Vendor: MID-1907 - MID-CONTINENT SAFETY					
MID-CONTINENT SAFETY	10/04/2022	SAFETY EQUIPMENT	3M 3/8" FLEX SLEEVE W/ DETACHABLE CABLE 1EA.	011-31-2009	560.54
Vendor MID-1907 - MID-CONTINENT SAFETY Total:					560.54

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: MINT1943 - MINTER & POLLAK, LC					
MINTER & POLLAK, LC	10/18/2022	PROFESSIONAL SVCS. - CITY ATTY. FEES	OCT 2022 PROFESSIONAL SVCS. - CITY ATTY. FEES	001-10-1100	3,850.00
Vendor MINT1943 - MINTER & POLLAK, LC Total:					3,850.00
Vendor: MISH1140 - MISHELLE WHITNEY					
MISHELLE WHITNEY	10/04/2022	REFEREE SOCCER 4 HRS. 9/17/2022	REFEREE SOCCER 4 HRS. 9/17/2022	030-50-1250	80.00
MISHELLE WHITNEY	10/18/2022	REFEREE SOCCER 4 HRS 9/24/2022	REFEREE SOCCER 4 HRS 9/24/2022	030-50-1250	80.00
MISHELLE WHITNEY	10/18/2022	REFEREE SOCCER 5 HRS. 10/01 - 10/08/2022	REFEREE SOCCER 5 HRS. 10/01 - 10/08/2022	030-50-1250	100.00
Vendor MISH1140 - MISHELLE WHITNEY Total:					260.00
Vendor: MUNI1987 - MUNICIPAL SUPPLY INC.					
MUNICIPAL SUPPLY INC.	10/04/2022	WATER SUPPLIES	2 X 15" SB REPAIR CLAMP	011-31-2009	140.95
MUNICIPAL SUPPLY INC.	10/04/2022	WATER SUPPLIES	18 X 36" METER PIT	011-31-2009	2,124.00
MUNICIPAL SUPPLY INC.	10/04/2022	WATER SUPPLIES	3/4 X 3" SB REDI CLAMP	011-31-2009	493.28
Vendor MUNI1987 - MUNICIPAL SUPPLY INC. Total:					2,758.23
Vendor: MYER1998 - MYERS PAINTING CO., INC.					
MYERS PAINTING CO., INC.	10/12/2022	PAINTING: CITY HALL CARPORT	PAINTING: CITY HALL CARPORT	001-09-2040	7,725.00
Vendor MYER1998 - MYERS PAINTING CO., INC. Total:					7,725.00
Vendor: NATH0416 - NATHANIEL CABALLERO					
NATHANIEL CABALLERO	10/18/2022	REFEREE SOCCER 3 HRS 9/24/2022	REFEREE SOCCER 3 HRS 9/24/2022	030-50-1250	54.00
Vendor NATH0416 - NATHANIEL CABALLERO Total:					54.00
Vendor: NEWE2042 - NEWEGG BUSINESS, INC.					
NEWEGG BUSINESS, INC.	10/04/2022	COMPUTER EQUIPMENT	MINI DISPLAY PORT TO HDMI CABLE	001-21-2042	12.99
NEWEGG BUSINESS, INC.	10/04/2022	COMPUTER EQUIPMENT	MINI DISPLAY PORT TO DISPLAY PORT	001-21-2042	14.54
NEWEGG BUSINESS, INC.	10/04/2022	COMPUTER EQUIPMENT	TRIPP LITE 24-PORT PATCH PANEL (PD SERVER)	001-21-2042	47.57
NEWEGG BUSINESS, INC.	10/04/2022	COMPUTER EQUIPMENT	TP-LINK 8-PORT GIGABIT POE SWITCH (PD SERVER)	001-21-2042	59.99
NEWEGG BUSINESS, INC.	10/04/2022	COMPUTER EQUIPMENT	KVM SWITCH, HDMI, 4-PORT BOX (PD SERVER)	001-21-2042	65.99
NEWEGG BUSINESS, INC.	10/18/2022	COMPUTER EQUIPMENT	8GB DDR3L 1600 DESKTOP RAM UPGRADE (PD SQUAD ROOM)	001-21-2042	29.36
NEWEGG BUSINESS, INC.	10/18/2022	COMPUTER EQUIPMENT	C2G 05576 MULTIMODE FIBER PATCH CABLE 2EA.	001-21-2042	28.04
Vendor NEWE2042 - NEWEGG BUSINESS, INC. Total:					258.48
Vendor: NICH2055 - NICHOLAS W. NORRIS					
NICHOLAS W. NORRIS	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	030-50-2002	35.00
Vendor NICH2055 - NICHOLAS W. NORRIS Total:					35.00
Vendor: ODPB2079 - ODP BUSINESS SOLUTIONS, LLC					
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	POUCH, LAMINATING - BUSINESS CARDS, 2PK.	001-10-2077	20.10
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	PAPER ROLLS, 2-1/4 X 130"	001-10-2077	9.87
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	ENVELOPE, #10, 500/BOX	001-10-2077	17.64
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	NOTES, POST-IT, 5 X 2", 12PK	001-10-2077	19.99
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2-5/8 X 1" BRIGHT BLUE 2PK	001-20-2004	14.38
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LEBELS, 2-5/8 X 1" GREEN 2PK	001-20-2004	16.98
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2 X 1" BROWN 1PK	001-20-2004	7.19
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABLES, SM, NEON ORANGE 1PK	001-20-2004	8.79
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2-5/8 X 1" YELLOW 1PK	001-20-2004	9.19
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2-5/8 X 1" LIME GREEN 2PK	001-20-2004	16.98

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, SM, YELLOW 2PK	001-20-2004	16.98
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2-5/8 X 1" PINK 2PK	001-20-2004	16.98
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABLES, SM, NEON GREEN 2PK	001-20-2004	15.78
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	LABELS, 2-5/8 X 1" PURPLE 1PK	001-20-2004	8.39
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	PAPER, POLARIS, 8.5 X 11", 1 CS.	001-20-2004	56.73
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	BROTHER DK1201 LABELS, 3 PK.	001-20-2004	29.99
ODP BUSINESS SOLUTIONS, LLC	10/04/2022	OFFICE SUPPLIES	INDUSTRIAL, 12-OUTLET POWERSTRIP	001-20-2004	39.99
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	RUBBERBANDS, #33 1 BAG	001-20-2004	1.14
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	TRAY, DESK 6PK.	001-20-2004	7.98
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	DUSTER, OFFICE 1PK	001-20-2004	21.81
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	RUBBERBANDS, #64 1 BAG	001-20-2004	1.14
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	ORGANIZER, LITERATURE, 12 CUBBY 2EA. (PW OFFICE)	010-30-2004	23.94
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	ORGANIZER, LITERATURE, 12 CUBBY 2EA. (PW OFFICE)	011-31-2004	23.94
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	ORGANIZER, LITERATURE, 12 CUBBY 2EA. (PW OFFICE)	021-41-2004	23.94
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	DRAWER, KEYBOARD 1EA. (PW OFFICE)	010-30-2004	25.67
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	DRAWER, KEYBOARD 1EA. (PW OFFICE)	011-31-2004	25.66
ODP BUSINESS SOLUTIONS, LLC	10/18/2022	OFFICE SUPPLIES	DRAWER, KEYBOARD 1EA. (PW OFFICE)	021-41-2004	25.66
Vendor ODPB2079 - ODP BUSINESS SOLUTIONS, LLC Total:					506.83
Vendor: OLIV1867 - OLIVER MCHATTON					
OLIVER MCHATTON	10/04/2022	REFEREE SOCCER 4 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 1 HR. 9/15/2022	030-50-1250	15.00
OLIVER MCHATTON	10/04/2022	REFEREE SOCCER 4 HRS. 9/15 - 9/17/2022	REFEREE SOCCER 3 HRS. 9/17/2022	030-50-1250	45.00
OLIVER MCHATTON	10/18/2022	REFEREE SOCCER 3 HRS 9/24/2022	REFEREE SOCCER 3 HRS 9/24/2022	030-50-1250	45.00
OLIVER MCHATTON	10/18/2022	REFEREE SOCCER 2 HRS 10/01/2022	REFEREE SOCCER 2 HRS 10/01/2022	030-50-1250	30.00
OLIVER MCHATTON	10/18/2022	REFEREE SOCCER 3 HRS. 10/08/2022	REFEREE SOCCER 3 HRS. 10/08/2022	030-50-1250	45.00
Vendor OLIV1867 - OLIVER MCHATTON Total:					180.00
Vendor: OMNI2092 - OMNIGO SOFTWARE					
OMNIGO SOFTWARE	10/18/2022	RECORDS MANAGEMENT SOFTWARE	RECORDS MANAGEMENT SOFTWARE - PD/COURT	001-02-2040	22,534.77
OMNIGO SOFTWARE	10/18/2022	RECORDS MANAGEMENT SOFTWARE	RECORDS MANAGEMENT SOFTWARE - PD/COURT	001-06-2004	10,085.18
Vendor OMNI2092 - OMNIGO SOFTWARE Total:					32,619.95
Vendor: O'RE2074 - O'REILLY AUTOMOTIVE INC					
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	COPPER PLUG (WWTP)	010-30-2009	3.39
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	EPOXY 1EA. TUBE - POLICE DEPT.	001-02-2035	8.99
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	OIL FILTER - WATER VAC TRAILER	011-31-2006	5.29
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	AIR FILTER - WATER VAC TRAILER	011-31-2006	20.74
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	FUEL FILTER - WATER VAC TRAILER	011-31-2006	20.76
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	FUEL FILTER - WATER VAC TRAILER	011-31-2006	34.73
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	BATTERY 1EA. - PATROL CAR #03-18	001-02-2035	132.62
O'REILLY AUTOMOTIVE INC	10/04/2022	CREDIT: RETURN AIR FILTER (WATER VAC TRAILER)	CREDIT: RETURN AIR FILTER (WATER VAC TRAILER)	011-31-2006	-20.74

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	1QT MOTOR OIL 3EA. - WATER VAC TRAILER	011-31-2006	17.37
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	1QT MOTOR OIL 7EA. - TRK #51	001-03-2006	90.93
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	OIL FILTER - TRK #51	001-03-2006	14.44
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	OIL FILTER - TRK #51	001-03-2006	11.89
O'REILLY AUTOMOTIVE INC	10/04/2022	CREDIT: RETURN OIL FILTER 1EA. - TRK #51	CREDIT: RETURN OIL FILTER 1EA. - TRK #51	001-03-2006	-14.44
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	5QT MOTOR OIL 1EA. - PATROL CAR #10-15	001-02-2035	36.99
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	OIL FILTER 1EA. - PATROL CAR #10-15	001-02-2035	8.79
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	1QT MOTOR OIL 3EA. - PATROL CAR #10-15	001-02-2035	32.97
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	OIL FILTER 1EA. - TRK #59	011-31-2006	11.89
O'REILLY AUTOMOTIVE INC	10/04/2022	AUTO PARTS/SUPPLIES	1QT MOTOR OIL 7EA. - TRK #59	011-31-2006	90.93
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	TIRE GAUGE 1EA. - TRANSIT	001-13-2035	9.34
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	OIL FILTER 1EA. - TRK #91	001-03-2006	9.24
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	A/T FILTER 1EA. - TRK #91	001-03-2006	17.73
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	FUEL/WATER SEPERATOR 1EA. - TRK #91	001-03-2006	38.03
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	AIR FILTER 1EA. - TRK #91	001-03-2006	41.49
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	BUSHING 2EA. - TRK #91	001-03-2006	38.18
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	BALL JOINT 2EA. - TRK #91	001-03-2006	135.60
O'REILLY AUTOMOTIVE INC	10/18/2022	AUTO PARTS/SUPPLIES	IDLER ARM 1EA. - TRK #91	001-03-2006	136.55
Vendor O'RE2074 - O'REILLY AUTOMOTIVE INC Total:					933.70
Vendor: PASS2128 - PASSIO TECHNOLOGIES					
PASSIO TECHNOLOGIES	10/18/2022	PARAPLAN PRO MONTHLY SOFTWARE	PARAPLAN PRO MONTHLY SOFTWARE	001-13-2040	60.50
Vendor PASS2128 - PASSIO TECHNOLOGIES Total:					60.50
Vendor: PEAR2141 - PEARSON CONSTRUCTION, LLC					
PEARSON CONSTRUCTION, LLC	10/04/2022	2022 MILL & OVERLAY PROJECT	2022 MILL & OVERLAY PROJECT	097-66-3006	424,600.65
PEARSON CONSTRUCTION, LLC	10/18/2022	2022 MILL & OVERLAY PROJECT	2022 MILL & OVERLAY PROJECT	097-66-3006	42,677.85
Vendor PEAR2141 - PEARSON CONSTRUCTION, LLC Total:					467,278.50
Vendor: PINN2172 - PINNACLE FIRE & AUTOMATION,LLC					
PINNACLE FIRE & AUTOMATION...	10/18/2022	S/C 10/07/2022 HAC FIRE ALARM PANEL	S/C 10/07/2022 HAC FIRE ALARM PANEL	030-50-2025	97.00
Vendor PINN2172 - PINNACLE FIRE & AUTOMATION,LLC Total:					97.00
Vendor: PRIC2232 - PRICHARD ANIMAL HOSPITAL PA					
PRICHARD ANIMAL HOSPITAL PA	10/18/2022	CANINE ADULT DOG FOOD 35 LBS.	CANINE ADULT DOG FOOD 35 LBS.	001-02-2047	76.99
PRICHARD ANIMAL HOSPITAL PA	10/18/2022	CANINE ADULT DOG FOOD 35 LBS.	CREDIT ON ACCOUNT	001-02-2047	-25.00
Vendor PRIC2232 - PRICHARD ANIMAL HOSPITAL PA Total:					51.99
Vendor: PROF2109 - PROFESSIONAL ENGINEERING CONSULTANTS					
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: RIVER FORST 2ND ADDTN. PAVING	PROJECT: RIVER FORST 2ND ADDTN. PAVING	036-56-3034	5,490.00
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: COPPER TAIL PAVING	PROJECT: COPPER TAIL PAVING	085-66-3002	9,990.00
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: COPPER TAIL STORMWATER DRAIN	PROJECT: COPPER TAIL STORMWATER DRA	085-66-3040	2,160.00
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: COPPER TAIL SANITARY SEWER	PROJECT: COPPER TAIL SANITARY SEWER	085-66-3003	8,910.00
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: COPPER TAIL WATER DISTRIBUTION	PROJECT: COPPER TAIL WATER DISTRIBUTION	085-66-3039	7,020.00
PROFESSIONAL ENGINEERING ...	10/04/2022	PROJECT: SENECA / 63RD ST. SIDEWALK	PROJECT: SENECA / 63RD ST. SIDEWALK	036-56-2087	12,500.00
PROFESSIONAL ENGINEERING ...	10/04/2022	MONTHLY RETAINER - CITY ENGINEER	MONTHLY RETAINER - CITY ENGINEER	010-30-2040	66.68
PROFESSIONAL ENGINEERING ...	10/04/2022	MONTHLY RETAINER - CITY ENGINEER	MONTHLY RETAINER - CITY ENGINEER	011-31-2040	66.66

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
PROFESSIONAL ENGINEERING ...	10/04/2022	MONTHLY RETAINER - CITY ENGINEER	MONTHLY RETAINER - CITY ENGINEER	021-41-2040	66.66
Vendor PROF2109 - PROFESSIONAL ENGINEERING CONSULTANTS Total:					46,270.00
Vendor: PYEB2269 - PYE BARKER FIRE & SAFETY, LLC.					
PYE BARKER FIRE & SAFETY, LLC.	10/18/2022	FIRE & SAFETY SUPPLIES	ADAPTER 2.5" F NST X 1.5" M NST PIN REDUCER	011-31-2009	65.75
PYE BARKER FIRE & SAFETY, LLC.	10/18/2022	FIRE & SAFETY SUPPLIES	AP800-D YEL 1.5" X 50' EX-AL NST	011-31-2009	274.00
PYE BARKER FIRE & SAFETY, LLC.	10/18/2022	FIRE & SAFETY SUPPLIES	2.5LB ABC RECHARGE	021-41-2009	19.50
PYE BARKER FIRE & SAFETY, LLC.	10/18/2022	FIRE & SAFETY SUPPLIES	FIRE EXTINGUISHER INSP/CERT ANNUAL - 2.5LB ABC	021-41-2009	8.00
PYE BARKER FIRE & SAFETY, LLC.	10/18/2022	FIRE & SAFETY SUPPLIES	REPLACEMENT PARTS FOR FIRE EXTINGUISHER	021-41-2009	18.00
Vendor PYEB2269 - PYE BARKER FIRE & SAFETY, LLC. Total:					385.25
Vendor: QUIL2281 - QUILL CORPORATION					
QUILL CORPORATION	10/04/2022	OFFICE SUPPLIES	BANKERS BOX, 20/PK	001-02-2004	60.19
QUILL CORPORATION	10/04/2022	OFFICE SUPPLIES	MEAD, 1-SUBJECT, COLLEGE RULED, NOTEBOOK 30EA.	001-02-2004	131.70
Vendor QUIL2281 - QUILL CORPORATION Total:					191.89
Vendor: RAND1183 - RANDY PELFREY					
RANDY PELFREY	10/18/2022	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	001-03-2012	25.00
RANDY PELFREY	10/18/2022	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	010-30-2015	25.00
RANDY PELFREY	10/18/2022	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	011-31-2015	25.00
RANDY PELFREY	10/18/2022	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	2022 ELECTRICAL CEU CLASS - M. LITCHFIELD	021-41-2015	25.00
Vendor RAND1183 - RANDY PELFREY Total:					100.00
Vendor: RAND2670 - RANDY STOKES					
RANDY STOKES	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-03-2002	35.00
Vendor RAND2670 - RANDY STOKES Total:					35.00
Vendor: REDD2335 - REDDI INDUSTRIES INC					
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 702 COUNTRY LAKES PL.	011-31-2040	850.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 710 COUNTRY LAKES PL.	011-31-2040	850.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 2321 COUNTRY LAKES	011-31-2040	800.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 2325 COUNTRY LAKES	011-31-2040	800.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 203 E. RIVERBIRCH	011-31-2040	850.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 305 E. RIVERBIRCH	011-31-2040	850.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 438 E. RIVERBIRCH CIR.	011-31-2040	850.00
REDDI INDUSTRIES INC	10/04/2022	EXCAVATING SERVICES	BORE & PULL 1" WATER LINE - 275 RIVERBIRCH	011-31-2040	850.00
Vendor REDD2335 - REDDI INDUSTRIES INC Total:					6,700.00
Vendor: SAMA0180 - SAM ARNOLD					
SAM ARNOLD	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-21-2002	35.00
Vendor SAMA0180 - SAM ARNOLD Total:					35.00
Vendor: SAMS2448 - SAM'S CLUB/SYNCHRONY BANK					
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	001-03-2012	14.24
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	001-03-2012	29.50
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	001-10-2077	1,698.00

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	001-12-2012	115.00
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	001-12-2012	97.52
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	010-30-2012	14.22
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	010-30-2012	29.48
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	011-31-2012	29.50
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	011-31-2012	14.24
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	021-41-2012	14.24
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	021-41-2012	29.50
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	030-50-2092	457.50
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	030-50-2094	773.38
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	030-50-2094	94.90
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	030-50-2094	930.50
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	030-50-2094	499.36
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	037-57-2012	199.98
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	092-66-3001	623.26
SAM'S CLUB/SYNCHRONY BANK	10/18/2022	MONTHLY SUPPLIES - SEPTEMBER 2022	MONTHLY SUPPLIES - SEPTEMBER 2022	092-66-3001	250.70
Vendor SAMS2448 - SAM'S CLUB/SYNCHRONY BANK Total:					5,915.02
Vendor: SEAN2376 - SEAN RINEHART					
SEAN RINEHART	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	010-30-2002	11.67
SEAN RINEHART	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	011-31-2002	11.67
SEAN RINEHART	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	021-41-2002	11.66
Vendor SEAN2376 - SEAN RINEHART Total:					35.00
Vendor: SECU2494 - SECURITY BANK OF KS CITY					
SECURITY BANK OF KS CITY	10/18/2022	ANNUAL TRUSTEE FEE - COP SERIES 2015	ANNUAL TRUSTEE FEE - COP SERIES 2015	099-66-3007	1,000.00
SECURITY BANK OF KS CITY	10/18/2022	BOND PAYMENT - COP SERIES 2015	BOND PAYMENT - COP SERIES 2015 (PRINCIPAL)	099-66-3007	155,000.00
SECURITY BANK OF KS CITY	10/18/2022	BOND PAYMENT - COP SERIES 2015	BOND PAYMENT - COP SERIES 2015 (INTEREST)	099-66-3007	52,793.75
SECURITY BANK OF KS CITY	10/18/2022	BOND PAYMENT - COP SERIES 2015	BOND PAYMENT - COP SERIES 2015 (LESS FUNDS AVAIL.)	099-66-3007	-1.38
Vendor SECU2494 - SECURITY BANK OF KS CITY Total:					208,792.37
Vendor: SEDG2496 - SEDGWICK COUNTY ANIMAL CONTROL					
SEDGWICK COUNTY ANIMAL C...	10/18/2022	SEPT 2022 - ANIMAL CONTROL PICK-UP'S	SEPT 2022 - ANIMAL CONTROL PICK-UP'S	001-02-2013	174.00
Vendor SEDG2496 - SEDGWICK COUNTY ANIMAL CONTROL Total:					174.00
Vendor: SEDG2506 - SEDGWICK COUNTY ELECTRIC COOP					
SEDGWICK COUNTY ELECTRIC ...	10/18/2022	MONTHLY ELECTRIC SVCS. - WEST WELL	MONTHLY ELECTRIC SVCS. - WEST WELL	011-31-2003	1,355.09
SEDGWICK COUNTY ELECTRIC ...	10/18/2022	MONTHLY ELECTRIC SVCS. - EAST WELL	MONTHLY ELECTRIC SVCS. - EAST WELL	011-31-2003	913.13
Vendor SEDG2506 - SEDGWICK COUNTY ELECTRIC COOP Total:					2,268.22

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
Vendor: SEDG2488 - SEDGWICK COUNTY HEALTH DEPT.					
SEDGWICK COUNTY HEALTH DE...	10/18/2022	VACCINES: S. KITZENBERGER 6/27/2022	VACCINES: S. KITZENBERGER 6/27/2022	001-02-2012	69.48
Vendor SEDG2488 - SEDGWICK COUNTY HEALTH DEPT. Total:					69.48
Vendor: STAN2643 - STANDARD INSURANCE COMPANY					
STANDARD INSURANCE COMP...	10/07/2022	PAYROLL DEDUCTION OPTIONAL GROUP LIFE INSURANCE	PAYROLL DEDUCTION OPTIONAL GROUP LIFE INSURANCE	001-00-2066	519.60
Vendor STAN2643 - STANDARD INSURANCE COMPANY Total:					519.60
Vendor: SUPE2703 - SUPERIOR SERVICE COMPANY INC					
SUPERIOR SERVICE COMPANY I...	10/04/2022	PRESSURE WASHER REPAIR PARTS	16HP FUEL PUMP	001-03-2006	19.36
SUPERIOR SERVICE COMPANY I...	10/04/2022	PRESSURE WASHER REPAIR PARTS	16HP FUEL PUMP	010-30-2006	19.36
SUPERIOR SERVICE COMPANY I...	10/04/2022	PRESSURE WASHER REPAIR PARTS	16HP FUEL PUMP	011-31-2006	19.36
SUPERIOR SERVICE COMPANY I...	10/04/2022	PRESSURE WASHER REPAIR PARTS	16HP FUEL PUMP	021-41-2006	19.36
Vendor SUPE2703 - SUPERIOR SERVICE COMPANY INC Total:					77.44
Vendor: TAMA1404 - TAMARA JACOBS					
TAMARA JACOBS	10/04/2022	CELL PHONE REIMBURSEMENT	CELL PHONE REIMBURSEMENT	001-21-2002	35.00
Vendor TAMA1404 - TAMARA JACOBS Total:					35.00
Vendor: TERM2749 - TERMINIX PROCESSING CENTER					
TERMINIX PROCESSING CENTER	10/18/2022	ANNUAL TERMITE PEST CONTROL	ANNUAL TERMITE PEST CONTROL	001-09-2040	374.00
Vendor TERM2749 - TERMINIX PROCESSING CENTER Total:					374.00
Vendor: TERR1139 - TERRY HARRISON					
TERRY HARRISON	10/04/2022	MUSICAL ENTERTAIN. @ HOMETOWN MRKT. 8/20 & 8/27/22	MUSICAL ENTERTAIN. @ HOMETOWN MRKT. 8/20 & 8/27/22	001-10-2088	40.00
Vendor TERR1139 - TERRY HARRISON Total:					40.00
Vendor: THEH1266 - THE HOME DEPOT PRO					
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	BATH TISSUE 2 CS.	001-03-2009	53.69
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	KITCHEN TOWEL ROLLS 3 CS.	001-03-2009	48.34
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	KITCHEN TOWEL ROLLS 3 CS.	010-30-2009	48.33
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	BATH TISSUE 2 CS.	010-30-2009	53.69
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	KITCHEN TOWEL ROLLS 3 CS.	011-31-2009	48.34
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	BATH TISSUE 2 CS.	011-31-2009	53.69
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	KITCHEN TOWEL ROLLS 3 CS.	021-41-2009	48.34
THE HOME DEPOT PRO	10/18/2022	JANITORIAL SUPPLIES	BATH TISSUE 2 CS.	021-41-2009	53.69
Vendor THEH1266 - THE HOME DEPOT PRO Total:					408.11
Vendor: THET2729 - THE TAP OF KANSAS INC					
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3" PVC S40 SS 45 ELBOW	001-03-2009	49.16
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3"PVC SCH40 PIPE	001-03-2009	864.24
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1QT PVC BLUE CEMENT - MED BOND - FAST SET	001-03-2009	25.81
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3" PVC S40 SSS TEE	001-03-2009	12.63
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1PT CLEAR PRIMER	001-03-2009	8.78
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1-1/2 PVC S40 SS 45 ELBOW	001-03-2009	8.45
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3" PVC S40 SLIP CAP	001-03-2009	4.22
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1-1/2" PVC SCH40 PIPE	001-03-2009	312.72
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1-1/2" PVC SLIP FIX COUPLING	001-03-2009	32.47

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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3" PVC SLIP FIX COUPLING	001-03-2009	91.00
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	3" PVC DWV COUPLING	001-03-2009	5.70
THE TAP OF KANSAS INC	10/04/2022	IRRIGATION SUPPLIES - DORNER PARK	1-1/2" PVC DWV COUPLING	001-03-2009	1.13

Vendor THET2729 - THE TAP OF KANSAS INC Total: 1,416.31

Vendor: TIME2785 - TIMES-SENTINEL NEWSPAPERS

TIMES-SENTINEL NEWSPAPERS	10/04/2022	LEGAL PUBLICATION	LEGAL AFFIDAVIT - ORDINANCE 1091 - LAND ANNEX	001-04-2014	92.50
TIMES-SENTINEL NEWSPAPERS	10/04/2022	LEGAL PUBLICATION	LEGAL AFFIDAVIT - PUBLIC HEARING - VACATION RQST.	001-04-2014	64.75
TIMES-SENTINEL NEWSPAPERS	10/18/2022	NEWSPAPER SUBSCRIPTION - A. MILLSPAUGH	NEWSPAPER SUBSCRIPTION - A. MILLSPAUGH	001-01-2064	40.00
TIMES-SENTINEL NEWSPAPERS	10/18/2022	LEGAL PUBLICATION	NUISANCE NOTICE - 6536 S. MARION DR. 9/29/2022	001-28-2012	50.40
TIMES-SENTINEL NEWSPAPERS	10/18/2022	LEGAL PUBLICATION	NUISANCE NOTICE - 400 S. WIRE 9/29/2022	001-28-2012	50.40
TIMES-SENTINEL NEWSPAPERS	10/18/2022	LEGAL PUBLICATION	NUISANCE NOTICE - 340 S. WIRE 9/29/2022	001-28-2012	50.40
TIMES-SENTINEL NEWSPAPERS	10/18/2022	LEGAL PUBLICATION	NUISANCE NOTICE - 330 S. SUNNYSIDE RD. 9/29/2022	001-28-2012	50.40
TIMES-SENTINEL NEWSPAPERS	10/18/2022	HALLOWEEN COLORING CONTEST	HALLOWEEN COLORING CONTEST - 10/13/2022	092-66-3001	38.00

Vendor TIME2785 - TIMES-SENTINEL NEWSPAPERS Total: 436.85

Vendor: TRAC2804 - TRACY ELECTRIC INC

TRACY ELECTRIC INC	10/04/2022	S/C 9/24/2022 SUNFLOWER LIFT STATION	S/C 9/24/2022 SUNFLOWER LIFT STATION	010-30-2006	351.00
TRACY ELECTRIC INC	10/18/2022	S/C 9/27/2022 SUNFLOWER LIFT STATION	S/C 9/27/2022 SUNFLOWER LIFT STATION	010-30-2006	156.00
TRACY ELECTRIC INC	10/18/2022	S/C 9/30/2022 SUNFLOWER LIFT STATION	S/C 9/30/2022 SUNFLOWER LIFT STATION	010-30-2006	390.00
TRACY ELECTRIC INC	10/18/2022	S/C 9/30/2022 SUNFLOWER LIFT STATION	1734 IEC2 POINT I/O POINT ANALOG MODULE 1EA.	010-30-2006	462.39

Vendor TRAC2804 - TRACY ELECTRIC INC Total: 1,359.39

Vendor: TRAV2813 - TRAVELERS COMMERCIAL LINES

TRAVELERS COMMERCIAL LINES	10/04/2022	NOTARY BOND - ASHLEY SPAULDING	NOTARY BOND - ASHLEY SPAULDING	001-02-2004	50.00
TRAVELERS COMMERCIAL LINES	10/18/2022	NOTARY BOND - WHITNEY HULSE	NOTARY BOND - WHITNEY HULSE	001-02-2004	50.00

Vendor TRAV2813 - TRAVELERS COMMERCIAL LINES Total: 100.00

Vendor: TYLE2836 - TYLER TECHNOLOGIES, INC.

TYLER TECHNOLOGIES, INC.	10/04/2022	SOFTWARE FEES - PAYROLL/PERSONNEL MGMNT.	SOFTWARE FEES - PAYROLL/PERSONNEL MGMNT.	001-00-2001	9,642.10
TYLER TECHNOLOGIES, INC.	10/18/2022	SOFTWARE FEES - UTILITY BILLING CONFIGURATION	SOFTWARE FEES - UTILITY BILLING CONFIGURATION	001-00-2001	325.00
TYLER TECHNOLOGIES, INC.	10/18/2022	SOFTWARE FEES - PERSONNEL MGMNT. CONFIGURATION	SOFTWARE FEES - PERSONNEL MGMNT. CONFIGURATION	001-00-2001	13,195.00

Vendor TYLE2836 - TYLER TECHNOLOGIES, INC. Total: 23,162.10

Vendor: ULIN2847 - ULINE

ULINE	10/04/2022	MAINTENANCE SUPPLIES	44 X 55" 2MIL TRASHCAN LINER, BLK.	030-50-2092	81.00
ULINE	10/04/2022	MAINTENANCE SUPPLIES	FREIGHT / HANDLING	030-50-2092	167.90
ULINE	10/04/2022	MAINTENANCE SUPPLIES	65GAL TRASHCAN W/ WHEELS, LBK.	037-57-2012	270.00

Vendor ULIN2847 - ULINE Total: 518.90

Vendor: UNDE2855 - UNDERGROUND VAULTS & STORAGE

UNDERGROUND VAULTS & STO...	10/18/2022	MICROSOFT 365 BUSINESS BASIC	MICROSOFT 365 BUSINESS STANDARD	001-21-2040	150.00
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Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
UNDERGROUND VAULTS & STO...	10/18/2022	MICROSOFT 365 BUSINESS BASIC	MICROSOFT 365 BUSINESS BASIC	001-21-2040	420.00
Vendor UNDE2855 - UNDERGROUND VAULTS & STORAGE Total:					570.00
Vendor: USPS2867 - UNITED STATES POSTAL SERVICE					
UNITED STATES POSTAL SERVICE	10/18/2022	PAYMENT ON PERMIT #1 - OCT 2022	PAYMENT ON PERMIT #1	010-30-2011	430.00
UNITED STATES POSTAL SERVICE	10/18/2022	PAYMENT ON PERMIT #1 - OCT 2022	PAYMENT ON PERMIT #1	011-31-2011	920.00
Vendor USPS2867 - UNITED STATES POSTAL SERVICE Total:					1,350.00
Vendor: UNIT2868 - UNITED WAY OF THE PLAINS					
UNITED WAY OF THE PLAINS	10/06/2022	PAYROLL DEDUCTION UNITED WAY	PAYROLL DEDUCTION UNITED WAY	001-00-2056	36.59
UNITED WAY OF THE PLAINS	10/06/2022	PAYROLL DEDUCTION UNITED WAY	PAYROLL DEDUCTION UNITED WAY	001-00-2056	7.50
UNITED WAY OF THE PLAINS	10/06/2022	PAYROLL DEDUCTION UNITED WAY	PAYROLL DEDUCTION UNITED WAY	001-00-2056	27.50
UNITED WAY OF THE PLAINS	10/20/2022	PAYROLL DEDUCTION UNITED WAY	PAYROLL DEDUCTION UNITED WAY	001-00-2056	7.50
UNITED WAY OF THE PLAINS	10/20/2022	PAYROLL DEDUCTION UNITED WAY	PAYROLL DEDUCTION UNITED WAY	001-00-2056	27.50
Vendor UNIT2868 - UNITED WAY OF THE PLAINS Total:					106.59
Vendor: UNIV2870 - UNIVERSITY OF KANSAS					
UNIVERSITY OF KANSAS	10/18/2022	OFFICER TRAINING REGISTRATION	COURSE: HUMAN TRAFFICKING - RECOGNITION/RESPONSE	001-02-2015	40.00
Vendor UNIV2870 - UNIVERSITY OF KANSAS Total:					40.00
Vendor: UNUM2882 - UNUM LIFE INSURANCE COMPANY					
UNUM LIFE INSURANCE COMP...	10/20/2022	PAYROLL DEDUCTION UNUM	PAYROLL DEDUCTION UNUM	001-00-2000	252.56
Vendor UNUM2882 - UNUM LIFE INSURANCE COMPANY Total:					252.56
Vendor: USAB2887 - USA BLUE BOOK					
USA BLUE BOOK	10/04/2022	WATER DEPT. SUPPLIES	FREIGHT CHARGE	011-31-2012	99.21
USA BLUE BOOK	10/04/2022	WATER DEPT. SUPPLIES	MANHOLE 6' SECTIONAL LADDER	011-31-2012	523.90
USA BLUE BOOK	10/04/2022	WATER DEPT. SUPPLIES	MANHOLE BOTTOM SHOE FOR LADDER	011-31-2012	117.90
Vendor USAB2887 - USA BLUE BOOK Total:					741.01
Vendor: VERI2920 - VERIZON WIRELESS					
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - POLICE DEPT. - SEPT 2022	WIRELESS SVCS. - POLICE DEPT. - SEPT 2022	001-02-2040	471.56
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-8441 PARK WORKER IPAD	001-03-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-285-8133 PLANNING/ZONING JETPACK	001-04-2004	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-612-7023 TRANSIT SYSTEM PHONE	001-13-2004	41.68
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-612-3416 TRANSIT SYSTEM IPAD	001-13-2004	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-249-4879 CODE ENFORCEMENT IPAD	001-20-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-358-8376 INSPECTION SPRVSR. PHONE	001-20-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-617-7696 PW DIRECTOR IPAD	010-30-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-213-0665 M8800 JETPACK (SHARED)	010-30-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-369-0403 GIS ADMIN. IPAD	010-30-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-0116 ELECTRICIAN IPAD	010-30-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-208-6054 ON CALL BACKUP PHONE	010-30-2002	25.86

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-932-2708 SEWER OPERATOR IPAD	010-30-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	312-243-6380 SEWER IPAD	010-30-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-204-1185 SEWER ON CALL PHONE	010-30-2002	51.72
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-7976 SEWER OPERATOR IPAD	010-30-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-0343 SEWER OPERATOR IPAD	010-30-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-358-8146 WATER SPRVSR. PHONE	011-31-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-391-9668 WATER TOWER MODEM	011-31-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-208-6054 ON CALL BACKUP PHONE	011-31-2002	25.86
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-9005 WATER OPERATOR IPAD	011-31-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-8406 WATER OPERATOR IPAD	011-31-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-8135 WATER OPERATOR IPAD	011-31-2002	40.01
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-0116 ELECTRICIAN IPAD	011-31-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-369-0403 GIS ADMIN. IPAD	011-31-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-213-0665 M8800 JETPACK (SHARED)	011-31-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-617-7696 PW DIRECTOR IPAD	011-31-2002	13.34
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-210-3238 WATER ON CALL PHONE	011-31-2002	51.72
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-369-0403 GIS ADMIN. IPAD	021-41-2002	13.33
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-680-0116 ELECTRICIAN IPAD	021-41-2002	13.33
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-213-0665 M8800 JETPACK (SHARED)	021-41-2002	13.33
VERIZON WIRELESS	10/18/2022	WIRELESS SVCS. - PUBLIC WORKS - SEPT. 2022	316-617-7696 PW DIRECTOR IPAD	021-41-2002	13.33
Vendor VERI2920 - VERIZON WIRELESS Total:					1,388.58

Vendor: WAST2962 - WASTE CONNECTIONS INC

WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 706 SARAH LN.	001-03-2012	208.45
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 130 E. 2ND ST.	001-09-2040	107.63
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 200 W. GRAND	001-09-2040	0.62
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 105 S. MAIN	001-09-2079	12.96
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 160 E KARLA	001-12-2003	171.81
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 200 W. GRAND	010-30-2040	0.62
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 401 S. JANE	010-30-2040	0.44
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 428 S. JANE	010-30-2040	0.44
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 428 S. JANE (ROLL OFF)	010-30-2040	5,001.37
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 401 S. JANE	011-31-2040	0.44
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 200 W. GRAND	011-31-2040	187.74

AP Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Description (Item)	Account Number	Amount
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 428 S. JANE	011-31-2040	0.44
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 428 S. JANE	021-41-2040	131.74
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 401 S. JANE	021-41-2040	132.15
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 523 SARAH LN.	030-50-2003	223.29
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 665 W. 63RD ST.	030-50-2046	299.33
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 400 79TH ST. S.	030-50-2092	54.00
WASTE CONNECTIONS INC	10/18/2022	MONTHLY TRASH SERVICE - SEPTEMBER 2022	MONTHLY TRASH SVC. - 401 S. JANE (SOCCER)	030-50-2092	61.00
Vendor WAST2962 - WASTE CONNECTIONS INC Total:					6,594.47
Vendor: WELL2982 - WELLBEATS					
WELLBEATS	10/18/2022	ELEMENTS BASIC PACKAGE	ELEMENTS BASIC PACKAGE	099-66-3002	149.00
Vendor WELL2982 - WELLBEATS Total:					149.00
Vendor: WICH3038 - WICHITA SHREDDING, LLC.					
WICHITA SHREDDING, LLC.	10/18/2022	SHREDDING SERVICES	SHREDDING SERVICES 9/22/2022	001-01-2012	50.00
Vendor WICH3038 - WICHITA SHREDDING, LLC. Total:					50.00
Vendor: WICH3048 - WICHITA WINWATER WORKS					
WICHITA WINWATER WORKS	10/04/2022	WATER SUPPLIES	5-1/4" VALVE PLATE ASSY.	011-31-2009	2,249.00
Vendor WICH3048 - WICHITA WINWATER WORKS Total:					2,249.00
Vendor: WILL3061 - WILLIAMS JANITORIAL SUPPLY					
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	LINER, ICE BUCKET, 12 X 12" 1 CS. (DOG POOP BAGS)	001-03-2009	23.10
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	DISCOUNT	001-03-2009	-10.84
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	DISPENSER, LITE N FOAMY SOAP, BLK.	001-03-2009	108.40
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	TERMINATOR DISINFECTANT CLEANER 4 GAL.	001-03-2009	106.88
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	DISCOUNT	001-03-2009	-10.69
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	SOAP, LITE FOAMING, 1 GAL.	001-03-2009	52.04
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	LOTIONIZED, LIQUID HAND CLEANER, 1 GAL.	001-03-2009	42.70
WILLIAMS JANITORIAL SUPPLY	10/04/2022	JANITORIAL SUPPLIES	DISCOUNT	001-03-2009	-9.47
Vendor WILL3061 - WILLIAMS JANITORIAL SUPPLY Total:					302.12
Grand Total:					1,435,316.80

Report Summary

Fund Summary

Fund	Payment Amount
001 - GENERAL FUND	354,682.33
010 - WASTEWATER FUND	50,472.41
011 - WATER FUND	159,108.16
012 - MUNICIPAL POOL	1,984.43
021 - STREET FUND	10,607.33
024 - LAW ENFORCEMENT	1,275.22
025 - LIBRARY	26,956.85
027 - SPECIAL LIABILITY	5,116.65
029 - OFFICE EQUIPMENT	2,517.86
030 - RECREATION DEPARTMENT	21,349.85
032 - HAYSVILLE HISTORICAL FUND	13.18
036 - CAPITAL IMPROVEMENTS	25,440.35
037 - SUSTAINABILITY FUN	4,611.91
051 - SPECIAL PARK IMPROVEMENT RESERVE FD	356.50
085 - TN 2022 COPPER TAIL	28,080.00
092 - TRANSIENT GUEST TAX	2,529.06
097 - SALES TAX - STREET	467,278.50
098 - SALES TAX - PARK	63,361.16
099 - SALES TAX - RECREATION	209,575.05
Grand Total:	1,435,316.80

Account Summary

Account Number	Account Name	Payment Amount
001-00-2000	GENERAL ACCOUNTS PAY...	252.56
001-00-2001	GENERAL PRIOR YR ACCTS...	23,162.10
001-00-2010	GENERAL FEDERAL TAX P...	24,604.84
001-00-2014	GENERAL AFLAC-NON 125	56.81
001-00-2020	GENERAL FICA/MEDI PAY...	55,536.82
001-00-2030	GENERAL STATE TAX PAY...	13,882.84
001-00-2040	GENERAL RETIREMENT P...	55,932.72
001-00-2050	GENERAL DENTAL INS PA...	3,548.94
001-00-2051	GENERAL DFC PAYABLE	3,183.00
001-00-2052	GENERAL AFLAC PAYABLE	205.46
001-00-2053	GENERAL COLONIAL PAY...	319.62
001-00-2056	GENERAL UNITED WAY P...	106.59
001-00-2057	GENERAL INCOME W/H P...	3,227.83
001-00-2058	GENERAL COLONIAL LIFE ...	402.34
001-00-2060	GENERAL PP LEGAL PAYA...	67.80
001-00-2061	GENERAL HSA PAYABLE	1,120.00
001-00-2062	GENERAL VSP PAYABLE	832.24
001-00-2066	GENERAL OPT GROUP LIFE..	519.60
001-00-2067	GENERAL DFC ROTH PAY...	700.00
001-00-5006	GENERAL SEAT BELT FEE	20.00
001-00-5056	GENERAL EMPLOYEE CON...	61,259.66
001-00-5059	GENERAL MUN COURT RE...	158.00
001-01-2002	CITY CLERK TELEPHONE	436.06
001-01-2004	CITY CLERK OFFICE EXPEN...	246.25
001-01-2012	CITY CLERK MISCELLANE...	50.00
001-01-2064	CITY CLERK DUES & SUBS...	40.00
001-02-2002	POLICE TELEPHONE	1,325.61
001-02-2004	POLICE OFFICE EXPENSE	847.15
001-02-2012	POLICE MISCELLANEOUS	69.48
001-02-2013	POLICE ANIMAL CONTROL	705.63
001-02-2015	POLICE TRAINING/EDUC/...	43.20
001-02-2016	POLICE UNIFORMS & EQU...	1,548.66
001-02-2035	POLICE VEHICLE MAINTEN...	220.36
001-02-2040	POLICE CONTRACTUAL	23,449.71

Account Summary

Account Number	Account Name	Payment Amount
001-02-2047	POLICE SPECIAL INVESTIG...	51.99
001-03-2002	PARK TELEPHONE	103.86
001-03-2003	PARK UTILITIES	793.12
001-03-2004	PARK OFFICE EXPENSE	27.58
001-03-2006	PARK EQUIPMENT MAINT...	718.04
001-03-2009	PARK MATERIALS	2,320.03
001-03-2012	PARK MISCELLANEOUS	354.06
001-03-2046	PARK P-C SPORTS COMPL...	10.08
001-04-2002	PL COMM TELEPHONE	79.70
001-04-2004	PL COMM OFFICE EXPENSE	40.01
001-04-2014	PL COMM LEGAL PRINTING	157.25
001-06-1100	MUN COURT PERSONNEL ...	5,551.06
001-06-2002	MUN COURT TELEPHONE	109.01
001-06-2004	MUN COURT OFFICE EXP...	10,085.18
001-06-2012	MUN COURT MISCELLAN...	65.90
001-06-2037	MUN COURT CT APPOINT...	1,000.00
001-06-2060	MUN COURT REINSTATE...	406.00
001-06-2073	MUN COURT JUDGES' TRA...	58.50
001-06-2074	MUN COURT LAW ENF TR...	1,345.50
001-08-2003	STREET LIGHT UTILITIES	8,168.06
001-09-2003	BLDG & GROUNDS UTILITI...	2,964.02
001-09-2006	BLDG & GROUNDS EQUIP...	76.89
001-09-2040	BLDG & GROUNDS CONT...	9,427.25
001-09-2079	BLDG & GROUNDS HISTOR..	276.22
001-10-1100	SP FUNDS PERSONNEL SE...	3,850.00
001-10-2020	SP FUNDS INSURANCE	5.00
001-10-2040	SP FUNDS CONTRACTUAL	7,137.87
001-10-2077	SP FUNDS SHARED OFFICE...	2,034.00
001-10-2088	SP FUNDS HISTORIC DISTR...	40.00
001-12-1100	SR CENTER PERSONNEL S...	150.00
001-12-2003	SR CENTER UTILITIES	1,559.31
001-12-2004	SR CENTER OFFICE EXPEN...	67.99
001-12-2012	SR CENTER MISCELLANEO...	916.46
001-12-2020	SR CENTER INSURANCE	282.34
001-12-2025	SR CENTER BUILDING MA...	6.58
001-12-2040	SR CENTER CONTRACTUAL	522.50
001-13-2004	TRANSIT OFFICE EXPENSE	192.67
001-13-2009	TRANSIT MATERIALS	12.98
001-13-2035	TRANSIT VEHICLE MAINT...	9.34
001-13-2040	TRANSIT CONTRACTUAL	60.50
001-18-2002	GEN GOVT TELEPHONE/P...	210.51
001-18-2004	GEN GOVT OFFICE EXPEN...	16.26
001-18-2015	GEN GOVT TRAINING/ED...	300.60
001-20-2002	INSPECTION TELEPHONE	143.87
001-20-2004	INSPECTION OFFICE EXPE...	585.40
001-20-2016	INSPECTION UNIFORMS	10.29
001-21-2002	INFORMATION SYS TELEP...	114.70
001-21-2040	INFORMATION SYS CONT...	599.99
001-21-2042	INFORMATION SYS REPAI...	258.48
001-22-2002	MEDIA SPECIALIST TELEP...	79.70
001-23-2083	GEN EMP BEN UNEMPLO...	13,042.20
001-28-2012	NOXIOUS WEEDS MISCEL...	201.60
010-30-2002	SEWER TELEPHONE	411.51
010-30-2003	SEWER UTILITIES	13,988.67
010-30-2004	SEWER OFFICE EXPENSE	131.70
010-30-2006	SEWER EQUIPMENT MAI...	7,267.55
010-30-2008	SEWER PLANT EXPENSE	99.24
010-30-2009	SEWER MATERIALS	4,378.96

Account Summary

Account Number	Account Name	Payment Amount
010-30-2010	SEWER GASOLINE & OIL	5,698.21
010-30-2011	SEWER POSTAGE	430.00
010-30-2012	SEWER MISCELLANEOUS	520.72
010-30-2015	SEWER TRAINING/EDUC/...	26.23
010-30-2016	SEWER UNIFORMS	109.83
010-30-2020	SEWER INSURANCE	3,741.42
010-30-2040	SEWER CONTRACTUAL	13,668.37
011-31-2002	WATER TELEPHONE	451.52
011-31-2003	WATER UTILITIES	9,185.83
011-31-2004	WATER OFFICE EXPENSE	120.51
011-31-2006	WATER EQUIPMENT MAI...	514.30
011-31-2009	WATER MATERIALS	9,382.75
011-31-2011	WATER POSTAGE	920.00
011-31-2012	WATER MISCELLANEOUS	1,102.88
011-31-2015	WATER TRAINING/EDUC/...	76.23
011-31-2016	WATER UNIFORMS	106.05
011-31-2020	WATER INSURANCE	1,899.05
011-31-2022	WATER SALES TAX	1,590.51
011-31-2040	WATER CONTRACTUAL	133,758.53
012-32-2003	MUNICIPAL POOL UTILITI...	867.35
012-32-2006	MUNICIPAL POOL EQUIP...	25.13
012-32-2031	MUNICIPAL POOL CONCE...	1,091.95
021-41-2002	STREET TELEPHONE	173.78
021-41-2003	STREET UTILITIES	1,522.54
021-41-2004	STREET OFFICE EXPENSE	90.53
021-41-2006	STREET EQUIPMENT MAI...	4,157.70
021-41-2009	STREET MATERIALS	1,865.44
021-41-2012	STREET MISCELLANEOUS	44.01
021-41-2015	STREET TRAINING/EDUC/...	26.24
021-41-2016	STREET UNIFORMS	212.82
021-41-2020	STREET INSURANCE	2,183.72
021-41-2040	STREET CONTRACTUAL	330.55
024-44-2012	LAW ENF MISCELLANEOUS	1,275.22
025-00-5017	LIBRARY AD VALOREM TAX	6,859.44
025-00-5019	LIBRARY DELINQUENT TAX	1,370.69
025-00-5020	LIBRARY MOTOR VEHICLE...	18,652.93
025-00-5026	LIBRARY K-COVERS COMM..	43.03
025-00-5027	LIBRARY WATERCRAFT TAX	30.76
027-47-2020	SP LIABILITY INSURANCE	5,116.65
029-49-2044	OFFICE EQUIP REPAIR & A...	2,517.86
030-50-1250	RECREATION DEPT SAL/P...	3,900.50
030-50-2002	RECREATION DEPT TELEP...	210.00
030-50-2003	RECREATION DEPT UTILITI...	3,885.30
030-50-2004	RECREATION DEPT OFFICE...	195.58
030-50-2006	RECREATION DEPT EQUIP...	1,124.88
030-50-2009	RECREATION DEPT MATER...	41.05
030-50-2015	RECREATION DEPT TRG/E...	900.00
030-50-2020	RECREATION DEPT INSUR...	423.51
030-50-2025	RECREATION DEPT BLDG ...	764.98
030-50-2031	RECREATION DEPT CONC...	271.39
030-50-2046	RECREATION DEPT P-C SP...	299.33
030-50-2092	RECREATION DEPT PROG...	6,283.36
030-50-2094	RECREATION DEPT LATCH...	2,756.54
030-50-3065	RECREATION DEPT P-C UT...	293.43
032-52-2012	HY HISTORIC MISCELLAN...	13.18
036-56-2087	CAP IMPR SIDEWALKS	17,000.00
036-56-3011	CAP IMPR PARK IMPROV...	1,047.17
036-56-3017	CAP IMPR CITYWIDE CLE...	1,504.97

Account Summary

Account Number	Account Name	Payment Amount
036-56-3034	CAP IMPR RIVER FOREST ...	5,490.00
036-56-3035	CAP IMPR HISTORIC DISTR...	195.00
036-56-3036	CAP IMPR ANTIQUE LIGHT...	53.21
036-56-3041	CAP IMPR PROJECT NO.1	150.00
037-57-2012	SUSTAINABILITY GRANT M..	4,611.91
051-66-3005	SP PARK IMPR RES FIREW...	356.50
085-66-3002	TN 2022 COPPER TAIL PAV..	9,990.00
085-66-3003	TN 2022 COPPER TAIL SE...	8,910.00
085-66-3039	TN 2022 COPPER TAIL WA...	7,020.00
085-66-3040	TN 2022 COPPER TAIL ST...	2,160.00
092-66-3001	TR GUEST TAX EXPENSE	2,529.06
097-66-3006	ST STREET RES MILL & OV...	467,278.50
098-66-3001	ST PARK RES EXPENSE	63,361.16
099-66-3002	ST REC RES PROGRAMS	149.00
099-66-3003	ST REC RES OFFICE EXPEN...	633.68
099-66-3007	ST REC RES DEBT PAYME...	208,792.37
	Grand Total:	1,435,316.80

Project Account Summary

Project Account Key	Payment Amount
None	1,435,316.80
Grand Total:	1,435,316.80



Petty Cash Summary of Expenditures

By Vendor Name

Payment Dates 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Account Number	Amount
Vendor: A1AU1191 - A1 AUTO DETAIL				
A1 AUTO DETAIL	10/17/2022	AUTO DETAIL - HAYSVILLE HUST...	001-13-2035	225.00
Vendor A1AU1191 - A1 AUTO DETAIL Total:				225.00
Vendor: AMAN1175 - AMANDA TINDEL				
AMANDA TINDEL	10/05/2022	REFUND HAC RENTAL DEPOSIT	030-00-5016	50.00
Vendor AMAN1175 - AMANDA TINDEL Total:				50.00
Vendor: ANGE1030 - ANGEL GAYNOR				
ANGEL GAYNOR	10/26/2022	PROFESSIONAL PHOTOGRAPHY ...	030-50-2092	50.00
ANGEL GAYNOR	10/26/2022	PROFESSIONAL PHOTOGRAPHY ...	030-50-2092	50.00
Vendor ANGE1030 - ANGEL GAYNOR Total:				100.00
Vendor: TONY1835 - ANTONIO MARTINEZ, JR.				
ANTONIO MARTINEZ, JR.	10/13/2022	REIMBURSE MEAL PURCHASE -...	010-30-2015	4.42
ANTONIO MARTINEZ, JR.	10/13/2022	REIMBURSE MEAL PURCHASE -...	011-31-2015	4.42
ANTONIO MARTINEZ, JR.	10/13/2022	REIMBURSE MEAL PURCHASE -...	021-41-2015	4.43
Vendor TONY1835 - ANTONIO MARTINEZ, JR. Total:				13.27
Vendor: ASHL1195 - ASHLEY SEDAM				
ASHLEY SEDAM	10/17/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor ASHL1195 - ASHLEY SEDAM Total:				50.00
Vendor: BRI1164 - BRITTANY TABARES				
BRITTANY TABARES	10/05/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor BRI1164 - BRITTANY TABARES Total:				50.00
Vendor: CARL1105 - CAROL BARKLEY				
CAROL BARKLEY	10/05/2022	REFUND SENIOR CENTER RENT...	001-00-5016	100.00
Vendor CARL1105 - CAROL BARKLEY Total:				100.00
Vendor: CHEA1188 - CHEAPER BY THE DOZEN				
CHEAPER BY THE DOZEN	10/13/2022	SENIOR CENTER - BIRTHDAY DI...	001-12-2012	60.00
Vendor CHEA1188 - CHEAPER BY THE DOZEN Total:				60.00
Vendor: CHER1202 - CHERRI MOSTELLER				
CHERRI MOSTELLER	10/26/2022	REFUND SOS DAY FEES - CANCE...	030-00-6004	75.00
Vendor CHER1202 - CHERRI MOSTELLER Total:				75.00
Vendor: CHRI0513 - CHRIS CONNER				
CHRIS CONNER	10/26/2022	BALLOON TWISTING SERVICES -...	037-57-2012	300.00
Vendor CHRI0513 - CHRIS CONNER Total:				300.00
Vendor: CHRI2602 - CHRISTOPHER M DAVIS, CSO				
CHRISTOPHER M DAVIS, CSO	10/11/2022	PROBATION FEES - CASE #2021...	001-06-2012	20.00
Vendor CHRI2602 - CHRISTOPHER M DAVIS, CSO Total:				20.00
Vendor: DANI1013 - DANIELLE GABOR				
DANIELLE GABOR	10/26/2022	HALLOWEEN YARD DECORATIN...	092-66-3001	300.00
Vendor DANI1013 - DANIELLE GABOR Total:				300.00
Vendor: DAVI1199 - DAVID SWANSON				
DAVID SWANSON	10/21/2022	REPLACEMENT FOR LOST CK #4...	030-00-5077	35.00
Vendor DAVI1199 - DAVID SWANSON Total:				35.00
Vendor: EDFO1147 - ED FORD				
ED FORD	10/05/2022	REFUND LION'S CLUB RENTAL F...	001-00-5012	65.00
Vendor EDFO1147 - ED FORD Total:				65.00
Vendor: EULA1050 - EULA MCKINLEY				
EULA MCKINLEY	10/11/2022	REIMBURSE PURCHASE - DOLLA...	001-12-2012	24.41
Vendor EULA1050 - EULA MCKINLEY Total:				24.41

Petty Cash Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Account Number	Amount
Vendor: FAIT1203 - FAITH LOBDELL				
FAITH LOBDELL	10/26/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor FAIT1203 - FAITH LOBDELL Total:				50.00
Vendor: GREG1179 - GREG CHIMICK				
GREG CHIMICK	10/05/2022	REFUND HAC RENTAL DEPOSIT	030-00-5016	50.00
Vendor GREG1179 - GREG CHIMICK Total:				50.00
Vendor: HALI1194 - HALI CORNEJO				
HALI CORNEJO	10/17/2022	REFUND LION'S CLUB SHELTER ...	001-00-5012	50.00
Vendor HALI1194 - HALI CORNEJO Total:				50.00
Vendor: HAYS1164 - HAYSVILLE FALL FESTIVAL				
HAYSVILLE FALL FESTIVAL	10/26/2022	REFUND SPECIAL EVENT PERMIT..	001-00-5012	200.00
Vendor HAYS1164 - HAYSVILLE FALL FESTIVAL Total:				200.00
Vendor: HAYS1174 - HAYSVILLE POLICE DEPARTMENT				
HAYSVILLE POLICE DEPARTMENT	10/26/2022	RESTITUTION FEES - CASE #202...	001-00-5059	31.00
Vendor HAYS1174 - HAYSVILLE POLICE DEPARTMENT Total:				31.00
Vendor: HEAT1171 - HEATHER PARKER				
HEATHER PARKER	10/05/2022	REIMBURSE DOG LICENSE FEES -..	001-00-5005	10.00
Vendor HEAT1171 - HEATHER PARKER Total:				10.00
Vendor: HOLL1026 - HOLLY EASTERBY				
HOLLY EASTERBY	10/26/2022	REFUND POOL RENTAL DEPOSIT	012-00-5016	50.00
Vendor HOLL1026 - HOLLY EASTERBY Total:				50.00
Vendor: JAYH1206 - JAYHAWK PROPERTIES, LLC.				
JAYHAWK PROPERTIES, LLC.	10/26/2022	REFUND OVERPAYMENT ON FI...	011-00-5012	176.17
Vendor JAYH1206 - JAYHAWK PROPERTIES, LLC. Total:				176.17
Vendor: JERE1172 - JEREMY SHEAR				
JEREMY SHEAR	10/05/2022	REFUND LION'S CLUB SHELTER ...	001-00-5012	50.00
Vendor JERE1172 - JEREMY SHEAR Total:				50.00
Vendor: JESS1169 - JESS CHILDS				
JESS CHILDS	10/05/2022	REIMBURSE TRAVEL EXPENSE -..	001-06-2015	181.94
Vendor JESS1169 - JESS CHILDS Total:				181.94
Vendor: JESS1170 - JESSICA STARNES				
JESSICA STARNES	10/05/2022	BOOT REIMBURSEMENT	001-02-2016	100.00
Vendor JESS1170 - JESSICA STARNES Total:				100.00
Vendor: JILL2956 - JILL WARD				
JILL WARD	10/21/2022	MEAL REIMBURSEMENT - WAT...	037-57-2012	105.15
Vendor JILL2956 - JILL WARD Total:				105.15
Vendor: JOHN2562 - JOHNATHAN SIMONS				
JOHNATHAN SIMONS	10/05/2022	JEAN REIMBURSEMENT	021-41-2016	50.00
JOHNATHAN SIMONS	10/17/2022	BOOT REIMBURSEMENT	021-41-2016	100.00
Vendor JOHN2562 - JOHNATHAN SIMONS Total:				150.00
Vendor: JONA2730 - JONATHAN TARDIFF				
JONATHAN TARDIFF	10/21/2022	VILLAGE CHRISTMAS - GRAB BA...	032-52-2012	250.00
Vendor JONA2730 - JONATHAN TARDIFF Total:				250.00
Vendor: JUDY1167 - JUDY JOHNSON				
JUDY JOHNSON	10/05/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor JUDY1167 - JUDY JOHNSON Total:				50.00
Vendor: KARL1196 - KARLA CHARBONEAU				
KARLA CHARBONEAU	10/17/2022	REFUND HAC RENTAL - CANCEL...	030-00-5016	130.00
Vendor KARL1196 - KARLA CHARBONEAU Total:				130.00
Vendor: KENN1168 - KEN N BARBIE'Z ROLLIN DINER				
KEN N BARBIE'Z ROLLIN DINER	10/05/2022	SERVICES PROVIDED AT WHEN P..	030-50-2092	78.12
Vendor KENN1168 - KEN N BARBIE'Z ROLLIN DINER Total:				78.12

Petty Cash Summary of Expenditures

Payment Dates: 10/1/2022 - 10/31/2022

Vendor Name	Payment Date	Description (Payable)	Account Number	Amount
Vendor: KYLE1192 - KYLEE HOFFER				
KYLEE HOFFER	10/17/2022	REFUND HAC RENTAL DEPOSIT	030-00-5016	50.00
Vendor KYLE1192 - KYLEE HOFFER Total:				50.00
Vendor: LEAN1193 - LEANNA KOZIARZ				
LEANNA KOZIARZ	10/17/2022	REFUND SENIOR CENTER RENT...	001-00-5016	100.00
Vendor LEAN1193 - LEANNA KOZIARZ Total:				100.00
Vendor: LORI1051 - LORI THOMPSON				
LORI THOMPSON	10/03/2022	REFUND DUPLICATE ONLINE W...	011-00-5012	331.00
Vendor LORI1051 - LORI THOMPSON Total:				331.00
Vendor: MCKA1173 - MCKAYLA RUPERT				
MCKAYLA RUPERT	10/05/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor MCKA1173 - MCKAYLA RUPERT Total:				50.00
Vendor: NOAH2052 - NOAH'S DONUT SHOP				
NOAH'S DONUT SHOP	10/11/2022	SENIOR CENTER - COFFEE & DO...	001-12-2004	15.19
NOAH'S DONUT SHOP	10/21/2022	SENIOR CENTER - COFFEE & DO...	001-12-2004	15.19
Vendor NOAH2052 - NOAH'S DONUT SHOP Total:				30.38
Vendor: PARK1108 - PARK AVENUE ESTATES				
PARK AVENUE ESTATES	10/17/2022	REFUND WATER SETUP FEE - D...	011-00-5030	25.00
Vendor PARK1108 - PARK AVENUE ESTATES Total:				25.00
Vendor: PATR1174 - PATRICIA SMITH				
PATRICIA SMITH	10/05/2022	REFUND HAC RENTAL DEPOSIT	030-00-5016	50.00
Vendor PATR1174 - PATRICIA SMITH Total:				50.00
Vendor: PAUL1201 - PAUL BRACK				
PAUL BRACK	10/26/2022	REFUND SENIOR CENTER RENT...	001-00-5016	100.00
Vendor PAUL1201 - PAUL BRACK Total:				100.00
Vendor: PHIL1165 - PHILLIP VEACH				
PHILLIP VEACH	10/05/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
Vendor PHIL1165 - PHILLIP VEACH Total:				50.00
Vendor: ROBE1177 - ROBERT BRILL				
ROBERT BRILL	10/05/2022	REFUND HAC RENTAL DEPOSIT	030-00-5016	50.00
Vendor ROBE1177 - ROBERT BRILL Total:				50.00
Vendor: SAMA1204 - SAMANTHA MEYER				
SAMANTHA MEYER	10/26/2022	REFUND COMMUNITY BUILDIN...	001-00-5016	50.00
SAMANTHA MEYER	10/26/2022	REFUND HISTORIC GAZEBO DE...	001-00-5012	50.00
SAMANTHA MEYER	10/26/2022	REFUND SPECIAL EVENT PERMIT..	001-00-5012	50.00
Vendor SAMA1204 - SAMANTHA MEYER Total:				150.00
Vendor: SEAN2376 - SEAN RINEHART				
SEAN RINEHART	10/21/2022	BOOT REIMBURSEMENT	010-30-2016	15.29
SEAN RINEHART	10/21/2022	BOOT REIMBURSEMENT	011-31-2016	15.29
SEAN RINEHART	10/21/2022	BOOT REIMBURSEMENT	021-41-2016	15.30
Vendor SEAN2376 - SEAN RINEHART Total:				45.88
Vendor: SHAR1205 - SHARON PROVINCE				
SHARON PROVINCE	10/26/2022	REFUND SENIOR CENTER RENT...	001-00-5016	100.00
Vendor SHAR1205 - SHARON PROVINCE Total:				100.00
Vendor: STEV1180 - STEVE BRADSHAW				
STEVE BRADSHAW	10/05/2022	REFUND SENIOR CENTER RENT...	001-00-5016	100.00
Vendor STEV1180 - STEVE BRADSHAW Total:				100.00
Vendor: TERI1181 - TERI PROUSE				
TERI PROUSE	10/05/2022	REFUND LION'S CLUB SHELTER ...	001-00-5012	50.00
Vendor TERI1181 - TERI PROUSE Total:				50.00
Grand Total:				4,462.32

Report Summary

Fund Summary

Fund	Payment Amount
001 - GENERAL FUND	2,047.73
010 - WASTEWATER FUND	19.71
011 - WATER FUND	551.88
012 - MUNICIPAL POOL	50.00
021 - STREET FUND	169.73
030 - RECREATION DEPARTMENT	668.12
032 - HAYSVILLE HISTORICAL FUND	250.00
037 - SUSTAINABILITY FUN	405.15
092 - TRANSIENT GUEST TAX	300.00
Grand Total:	4,462.32

Account Summary

Account Number	Account Name	Payment Amount
001-00-5005	GENERAL ANIMAL LICENS...	10.00
001-00-5012	GENERAL MISCELLANEOUS	515.00
001-00-5016	GENERAL BUILDING RENT...	850.00
001-00-5059	GENERAL MUN COURT RE...	31.00
001-02-2016	POLICE UNIFORMS & EQU...	100.00
001-06-2012	MUN COURT MISCELLAN...	20.00
001-06-2015	MUN COURT TRAINING/E...	181.94
001-12-2004	SR CENTER OFFICE EXPEN...	30.38
001-12-2012	SR CENTER MISCELLANEO...	84.41
001-13-2035	TRANSIT VEHICLE MAINT...	225.00
010-30-2015	SEWER TRAINING/EDUC/...	4.42
010-30-2016	SEWER UNIFORMS	15.29
011-00-5012	WATER MISCELLANEOUS	507.17
011-00-5030	WATER SET-UP FEES	25.00
011-31-2015	WATER TRAINING/EDUC/...	4.42
011-31-2016	WATER UNIFORMS	15.29
012-00-5016	MUN POOL RENTALS	50.00
021-41-2015	STREET TRAINING/EDUC/...	4.43
021-41-2016	STREET UNIFORMS	165.30
030-00-5016	RECREATION DEPT RENTA...	380.00
030-00-5077	RECREATION DEPT PROG...	35.00
030-00-6004	RECREATION DEPT LATCH...	75.00
030-50-2092	RECREATION DEPT PROG...	178.12
032-52-2012	HY HISTORIC MISCELLAN...	250.00
037-57-2012	SUSTAINABILITY GRANT M...	405.15
092-66-3001	TR GUEST TAX EXPENSE	300.00
Grand Total:	4,462.32	

Project Account Summary

Project Account Key	Payment Amount
None	4,462.32
Grand Total:	4,462.32



CITY OF HAYSVILLE, KANSAS

TEMPORARY SPECIAL EVENT PERMIT APPLICATION

This is an application for (check all that apply):

- Temporary Special Event Permit for consumption of alcoholic liquor on Public Property.
- Temporary Special Event Permit for consumption of cereal malt beverage (CMB) on Public Property.

Section 12-115(a) of the Haysville City Code provides that the use or consumption of any cereal malt beverage or alcoholic liquor is prohibited in any park, except in conformance with a lawfully issued Special Event Permit. This application is NOT for events where alcoholic liquor or CMB is to be sold.

Name of Special Event: Thanksgiving Requested date(s) of operation: 11-22-22

Anticipated hours of operation of Special Event: 8-10p

SITE DESCRIPTION: The applicant shall define the special event site by 1) the address of a permanent structure, or common name of an outdoor location, and 2) the exact boundaries of the proposed site, including any outdoor areas directly adjacent to a structure to be used as part of a site. Include a photo of any site located outside a structure, and include a site plan showing type and height of boundary structure, ingress/egress, method of restricting juvenile access, restroom access, security placement, etc.

Community Bldg

1. Applicant Information

Name of Applicant: <u>Lucy Capps</u>	Date of Birth: <u>1-7-62</u>
Current address: <u>8801 Serice</u>	
City: <u>Haysville</u>	State: <u>KS</u> ZIP Code: <u>67060</u>
Mailing address:	
City:	State: ZIP Code:
Home Phone:	

2. Insurance Cert

Permittee shall furnish a Certificate of Insurance evidencing coverage for any damage caused by Permittee, or Permittee's agents, servants, employees, guests, invitees, volunteers and/or individuals participating in the event(s) described herein. Such Certificate of Insurance shall name "City of Haysville, Kansas, and its officers, employees and agents" as additional insureds if such special event site is located on City property and shall be in the amount of \$500,000.00 combined single limit per occurrence for bodily injury, personal injury, and property damage. Said Certificate shall be submitted to the Haysville City Clerk, 200 W. Grand, Haysville, Kansas, 67060. Said Certificate shall also contain a clause agreeing to notify City of any material change or cancellation of insurance before such is effective. Failure of Permittee to provide City an approved Certificate of Insurance prior to use of above described recreational area, public area, facility or roadway, shall cancel and make void this permit. Permittee agrees to indemnify and hold harmless City, its agents, servants, employees or invitees, from and against any and all claims of every kind or character for injuries and/or damages to persons and/or property arising out of or in connection with the use and occupancy of any streets, easements, structures or public areas within the City, and not caused by City negligence. City shall give to Permittee notice of any claim made or litigation instituted which directly or indirectly, contingently or otherwise in any way affects or might affect Permittee. Permittee shall have the right to compromise and participate in the defense of the same to the extent of their own interests. **Tort Claims Applicability, Reimbursement for Damage:** I understand that the City of Haysville does not assume liability for any loss or damage associated with the aforescribed activity permitted to be operated within Haysville parks or in/on public property/roadways pursuant to this permit as part of a recreational or community event, and understand that this permit is approved subject to applicability of the provisions of K.S.A. 75-6104. Permittee shall reimburse City for any cost associated with damage to a public facility, area, or roadway that exceed normal or routine maintenance requirements. Upon review of the event scope, the Mayor or Chief Administrative Officer may waive or alter the insurance requirement.

The following additional requirements shall apply when determined applicable by authorized City Staff. Such additional requirements may require separate Agreement.

Designated Parking Area Trash Containers Site Clean-up
 Portable Restrooms Barricades for Streets Security
 Other _____

I, hereby agree to comply with all of the ordinances of the City of Haysville and the laws of the State of Kansas, and all the rules and regulations prescribed by the City relating to the operation of the identified "temporary event", and I agree to notify the City immediately if any information provided on this application shall change at any time prior to or during the term of the permit, and do hereby further consent to the immediate revocation of my permit, by the proper officials, for any violation of such laws, rules and regulations. I authorize the verification of the information provided on this form AND agree to permit an investigation of my business history, criminal background, and any other screening by or on behalf of the City of Haysville, Kansas, for the limited purpose of determining the truthfulness of this application, as provided by the law of the State of Kansas, and the City of Haysville, Kansas. By signing this document I certify the foregoing information is true and I am aware that any falsification on this form and any attachments hereto is cause for revocation of the permit or license issued as a result thereof.

Signature of Applicant: [Handwritten Signature] Date: 11-22-22

Signature of MAYOR or other Authorized Haysville Official _____ Date _____

Date received: 11-4-22 By: [Signature] Fee: 1200 Receipt #: _____
Fees paid in association with rental of City facilities? Receipt #: _____
Permit approved: _____ Permit discontinued: _____ By: _____ Date: _____
Police Department Approval of Request: [Signature] Public Works Department Approval of Request: [Signature]
Recreation Department Approval of Request: [Signature]
Date of Governing Body Approval of Special Events: _____



CITY OF HAYSVILLE, KANSAS

TEMPORARY SPECIAL EVENT PERMIT APPLICATION

This is an application for (check all that apply):

- Temporary Special Event Permit for consumption of alcoholic liquor on Public Property.
- Temporary Special Event Permit for consumption of cereal malt beverage (CMB) on Public Property.

Section 12-115(a) of the Haysville City Code provides that the use or consumption of any cereal malt beverage or alcoholic liquor is prohibited in any park, except in conformance with a lawfully issued Special Event Permit. This application is NOT for events where alcoholic liquor or CMB is to be sold.

Name of Special Event: Paint the Night Requested date(s) of operation: 12/2/2022

Anticipated hours of operation of Special Event 7-9pm

SITE DESCRIPTION: The applicant shall define the special event site by 1) the address of a permanent structure, or common name of an outdoor location, and 2) the exact boundaries of the proposed site, including any outdoor areas directly adjacent to a structure to be used as part of a site. Include a photo of any site located outside a structure, and include a site plan showing type and height of boundary structure, ingress/egress, method of restricting juvenile access, restroom access, security placement, etc.

Paint the Night. HAC Rental Room.

1. Applicant Information

Name of Applicant: <u>Haysville Activity Center</u>		Date of Birth:
Current address: <u>523 Sarah Lane</u>		
City: <u>Haysville</u>	State: <u>KS</u>	ZIP Code: <u>67060</u>
Mailing address:		
City:	State:	ZIP Code:
Home Phone:	Mobile Phone:	

2. Insurance Certification

Permittee shall furnish a **Certificate of Insurance** evidencing coverage for any damage caused by Permittee, or Permittee's agents, servants, employees, guests, invitees, volunteers and/or individuals participating in the event(s) described herein. Such Certificate of Insurance shall name "City of Haysville, Kansas, and its officers, employees and agents" as additional insureds if such special event site is located on City property and shall be in the amount of \$500,000.00 combined single limit per occurrence for bodily injury, personal injury, and property damage. Said Certificate shall be submitted to the Haysville City Clerk, 200 W. Grand, Haysville, Kansas, 67060. Said Certificate shall also contain a clause agreeing to notify City of any material change or cancellation of insurance before such is effective. Failure of Permittee to provide City an approved Certificate of Insurance prior to use of above described recreational area, public area, facility or roadway, shall cancel and make void this permit. Permittee agrees to **indemnify and hold harmless City**, its agents, servants, employees or invitees, from and against any and all claims of every kind or character for injuries and/or damages to persons and/or property arising out of or in connection with the use and occupancy of any streets, easements, structures or public areas within the City, and not caused by City negligence. City shall give to Permittee notice of any claim made or litigation instituted which directly or indirectly, contingently or otherwise in any way affects or might affect Permittee. Permittee shall have the right to compromise and participate in the defense of the same to the extent of their own interests. **Tort Claims Applicability, Reimbursement for Damage:** I understand that the City of Haysville does not assume liability for any loss or damage associated with the aforescribed activity permitted to be operated within Haysville parks or in/on public property/roadways pursuant to this permit as part of a recreational or community event, and understand that this permit is approved subject to applicability of the provisions of K.S.A. 75-6104. Permittee shall reimburse City for any cost associated with damage to a public facility, area, or roadway that exceed normal or routine maintenance requirements. Upon review of the event scope, the Mayor or Chief Administrative Officer may waive or alter the insurance requirement.

The following additional requirements shall apply when determined applicable by authorized City Staff. Such additional requirements may require separate Agreement.

- Designated Parking Area Trash Containers Site Clean-up
- Portable Restrooms Barricades for Streets Security
- Other _____



CITY OF HAYSTACK

ACTION REQUEST FORM

To: Public Works Director

Date: 6/27/21

Address of Request: 7050 PLAZA

(please complete a separate form for each property)

The following action is being requested:

COMPLAINT BY CITIZEN. MOBILE HOME ON THIS LOT THE SIDING AND SKIRTING IS IN BAD SHAPE.

Please:

Check into this

Contact me to discuss this

further by phone or email (circle one)

Get me information regarding this

Other

Submitted By:

Name: JANET PARTON

Phone #: 316-641-4186

Email RJPARTON@FERGUSON.COM

FIRST RESPONSE:

Remarks from staff:

Owner has passed away recently. The son is getting the mobile home deeded in his time. He has communicated to us that his intent is to move the trailer out. He stated it will take some time to get the deed in his name.

Signature:

Date: 7/7/2021

UPDATE:

Remarks from staff

Staff has contacted the son for an update. The son is working on getting the home deeded in his name. Staff will continue to monitor.

Son is still working on obtaining the deed in his name. He is maintaining the yard. We have requested him to make the repairs to the siding and skirting.

Resident plead guilty will be fined and in compliance. The next court date is 1/18/2022.

Property is not in compliance. Court date was continued to 12/13/2022.

Signature: Tony Martinez

Digitally signed by Tony Martinez
Date: 2022.11.07 13:18:43 -06'00'

Date: 11/7/2022





CITY OF HAYSTACK

ACTION REQUEST FORM

To: Deputy Administrative Officer

Date: 5/26/21

Address of Request: 7106 S Broadway

(please complete a separate form for each property)

The following action is being requested:

Complaints from council members, one fb message, one email sent to the webpage
and one telephone complaint about the property.

Please:

Check into this

Contact me to discuss this
further by phone or email (circle one)

Get me information regarding this

Other

Submitted By:

Name: Georgie Carter

Phone #: _____

Email _____

FIRST RESPONSE:

Remarks from staff:

6/7/22 - Kirkhart and his attorney did not appear. Court ordered a warrant. If they
appear next Tuesday 6/14 - the court will cancel the warrant. We cannot set a trial
date until we meet with the attorney.

7/7/22 - Trial date was set for 6/28, his lawyer asked for the date to be continued until
7/19.

Signature:

Date:

UPDATE:

Remarks from staff

7/19 - Trial date set for 9/27.

9/8 - No update

9/27 - Court date was continued until 10/11.

10/11 - Parties have agreed to terms of a court order that will bring the property into
compliance, review is set for 60 days (12/13/22).

Signature: Georgie Carter

Digitally signed by Georgie Carter
Date: 2021.08.18 11:55:30 -0500'

Date: 10/11/22





CITY OF HAYSTACK

ACTION REQUEST FORM

To: Public Works Director

Date: 8/7/22

Address of Request: River of Life Church

(please complete a separate form for each property)

The following action is being requested:

dead tree towards street west side of west driveway next to ditch. Citizen afraid going to fall in roadway

Please:

Check into this

Contact me to discuss this

further by phone or email (circle one)

Get me information regarding this

Other

Submitted By:

Name: JANET PARTON

Phone #: 316-641-4186

Email RJPARTON@SBCGLOBAL.NET

FIRST RESPONSE:

Remarks from staff:

Property has been notified that the dead tree needs to be removed. City code gives them a deadline of 60 days. They will have until 10/8.

Signature: Tony Martinez

Digitally signed by Tony Martinez
Date: 2022.09.07 14:21:42
-05'00'

Date: 09/7/2022

UPDATE:

Remarks from staff

Nuisance still exists. Property has until 10/8 to come into compliance.

Property has removed the dead tree. Stump needs removed below grade.

Signature: Tony Martinez

Digitally signed by Tony Martinez
Date: 2022.11.08 09:31:00 -06'00'

Date: 11/8/2022





CITY OF HAYSVILLE

ACTION REQUEST FORM

To: Chief of Police



Date: 9/26/20

Address of Request: 1000 Block West Summey

(please complete a separate form for each property)

The following action is being requested:

Received complaint regarding a neighbor who races motorcycles and/or loud scooters in the street. Complaint indicated they rarely see PD patrolling this street.

Please:

Check into this

Contact me to discuss this

further by phone or email (circle one)

Get me information regarding this

Other

Submitted By:

Name: Dan Benner

Phone #: 316-372-5688

Email dnjbenner@sbcglobal.net

FIRST RESPONSE:

Remarks from staff:

Officers have been notified of the issue and will increase patrols in the area. The radar trailer is also scheduled to be placed out there as well.

Signature: [Signature]

Date: 10/4/22

UPDATE:

Remarks from staff

Radar trailer has been out in the area, and officers have increased patrols in the area also. Case Closed.

COMPLETED

Signature: [Signature]

Date: 11/7/22

