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CHAPTER 1

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CHAPTER 1. ADMINISTRATION

1.1. Code Created.

- 1.1.1. The Chapters, articles and sections herein shall constitute and be designated the “Code of the City of Parker, Kansas” and may be so cited. The Code may also be cited as the “Parker City Code.”
- 1.1.2. Any portion of this code may be amended by specific reference to the article number as follows: “Article _____ of the code of the City of Parker is hereby amended to read as follows: (the new provisions shall then be set out in full)...”
- 1.1.3. A new section not heretofore existing in the code may be added as follows: “The code of the City of Parker is hereby amended to add a section to Chapter _____ which reads as follows” (the new provisions shall be set out in full)...”
- 1.1.4. All articles, Chapters, or portions of articles shall be repealed by specific reference as follows “Article _____ of the code of the City of Parker is hereby repealed.”
- 1.1.5. 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 the code.
- 1.1.6. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished as follows:
 - 1.1.6.1 A fine of not more than \$1,000; or
 - 1.1.6.2 Imprisonment in jail for not more than 179 days; or
 - 1.1.6.3 Both such fine and imprisonment not to exceed 1.1.6.1 and 1.1.6.2.

1.2. Creation of Ordinances.

- 1.2.1. All ordinances passed by the City Council shall be signed by the mayor and attested by the city clerk. They shall be published once in the Linn County News, the paper of record for the City of Parker. They may also be published in posted notices and shall be in force and effect after such publication or notice, unless otherwise specifically provided in statute or the text of the ordinance itself.
- 1.2.2. It shall be the duty of the City Clerk to certify upon the city record the publication of all ordinances passed by the City Council. Such certification shall be bona fide evidence of the time of publication.
- 1.2.3. All ordinances shall be recorded at length in the Code of the City of Parker, Kansas. All bonds and oaths of office shall be maintained and kept by the City Clerk.
- 1.2.4. The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein.
- 1.2.5. In the alternative to Part 1.2.1 of this Section, the City Clerk may publish once in the Linn County News a summary of a newly passed ordinance, certified by the City Attorney, and further publish the ordinance in full upon the official web site of the City for at least one week thereafter. The ordinance shall be in force and effect after such publication unless a different procedure is specifically provided in statute or in the text of the ordinance itself.

1.3. The official polling place and hours for elections held in the City of

Parker, Kansas

- 1.3.1. The Official Polling Place for the City of Parker is the Senior Nutrition Site, located at 423 West Kimball.
 - 1.3.2. The hours of election shall be as called in official notices but generally from 7:00 am to 7:00 pm.
 - 1.3.3. The terms of office for newly elected city officials shall commence with and include the first regular meeting of the City Council following the certification of the election by the county election officer.
 - 1.3.4. To allow for continuity of leadership, council elections shall be staggered in the following manner:
 - 1.3.4.1 Election to the office of council member or to the position of mayor shall be for a four year term,
 - 1.3.4.2 In one election 2013 and every four years following, three council members will be up for election,
 - 1.3.4.3 In one election 2015 and every four years following, two council members and the mayor shall be up for election.
 - 1.3.5. Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in section 1.10 of this code, and every such oath or affirmation shall be filed with the City Clerk.
- 1.4. Time and Place for Regular Meetings of the Parker City Council.
- 1.4.1. The regular meeting of the Council of the City of Parker shall be held on the second Thursday of each month at the Parker Senior Nutrition Site. Should any holiday conflict with the regular meeting of the Council, said conflict shall be resolved as follows:
 - 1.4.1.1 The regular meeting of the Council of the City of Parker shall be rescheduled and held as a regular meeting on the first Thursday night following the holiday which is not itself a holiday. The Council shall meet on that night beginning at 7:00pm and concluding by or before 10:30pm in accordance with section 1.4.2 of the Parker City Code.
 - 1.4.2. The regular meeting of the Council of the City of Parker shall commence at 7:00 pm or if later, immediately following the close of the session of the Parker Municipal Court, and cease at or before 10:30 pm.
- 1.5. Salaries of the Mayor and Members of the Parker City Council
- 1.5.1. The Mayor shall receive \$40.00 for each meeting attended, whether regular or special for his or her services.
 - 1.5.2. Council members shall receive \$25.00 for each meeting attended, whether regular or special for his or her services.
 - 1.5.2.1 Salaries shall be paid on a quarterly basis as follows:
 - 1.5.2.1.1. January, February, and March shall be payable in April.
 - 1.5.2.1.2. April, May, and June shall be payable in July.
 - 1.5.2.1.3. July, August, and September shall be payable in October.
 - 1.5.2.1.4. October, November, and December shall be payable in January of the following year.
 - 1.5.3 It shall be within the authority of the Mayor and City Council to delegate to any Council member or city employee the responsibilities of Dog Catcher, Building Inspector, Public Health Officer or other such offices described in the code for which a regular appointment has not been made. This delegation may be a long term or temporary delegation in the discretion of the Mayor as directed by

the City Council.

1.6. Office of City Clerk.

1.6.1. It shall be the duty of the City Clerk to attend meetings of the City Council, to keep an accurate record of their proceedings, to carefully keep and preserve all records, books, bonds, oaths of office, original ordinances, and other such papers and documents as come into his or her possession by virtue of the office, and to perform such other duties as may be required by law and the ordinances of the City.

1.6.1.1 The City Clerk shall:

1.6.1.1.1. Carry on all official correspondence of the city;

1.6.1.1.2. Enter every appointment of office and the date thereof in the official record;

1.6.1.1.3. Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance;

1.6.1.1.4. Prepare and keep suitable fiscal records according to generally accepted accounting principles;

1.6.1.1.5. Assist in preparing the annual budget;

1.6.1.1.6. Audit all claims against the city for goods or services rendered for the consideration of the City Council;

1.6.1.1.7. Keep an accurate record of all bonds issued by the City; and

1.6.1.1.8. Keep a record of all special assessments;

1.6.1.1.9. Have custody of the corporate seal of the city and shall affix the same to the official copy of all ordinances, contracts, and other documents required to be authenticated;

1.6.1.1.10. Have power to administer oaths for all purposes pertaining to the business and affairs of the city; and

1.6.1.1.11. Keep suitable files of all such oaths required to be deposited in his or her office.

1.6.2. The City Clerk shall furnish certified copies of all records and ordinances of the City, upon being paid reasonable fees therefore, and such copies when so certified shall be bona fide evidence of the contents thereof, and shall be received in evidence in all courts and legal proceedings.

1.6.3. The City Clerk is designated as the withholding agent of the city for purposes of the Federal Reserve (Income) Act, and shall perform the duties required of withholding agents by said act or any other act requiring withholding from the compensation of any city officer or employee. The City Clerk shall perform such other duties as may be prescribed by the City Council or the Kansas Statutes.

1.6.4. The City Clerk shall be bonded to the State of Kansas for the benefit of the City of Parker that the City Clerk shall faithfully execute all of the duties of the office and shall pay over all monies received to the City Treasurer, taking a receipt for same.

1.6.5. The bond of the City Clerk shall be: \$10,000.

1.6.6. The salary of the City Clerk shall be established by ordinance, which Ordinance shall not be incorporated in the Code of the City.

1.7. Office of City Treasurer

1.7.1. The City Treasurer shall:

1.7.1.1 Keep a full and accurate record of all money received and paid out in a ledger book provided by the City Council;

- 1.7.1.2 Publish a monthly financial statement;
- 1.7.1.3 Deposit all public monies and sign all checks of the city;
- 1.7.1.4 Pay out city funds only upon orders or warrants properly signed by the mayor and City Clerk;
- 1.7.1.5 Perform such other duties as may be prescribed by the City Council or the Kansas Statutes.

1.7.2. The City Treasurer shall be bonded to the State of Kansas for the benefit of the City of Parker that the City Treasurer shall faithfully execute all of the duties of the office and shall pay over all monies received to the County and State Treasurers, taking a receipt for same.

1.7.3. The bond of the City Treasurer shall be: \$10,000.

1.7.4. The salary of the City Treasurer shall be established by ordinance, which Ordinance shall not be incorporated in the Code of the City.

1.7.5. The City Treasurer shall have the authority to pay bills between sessions of the City Council. The City Treasurer shall then report any such payments made to the next session of the City Council as part of the Treasurer's financial report.

1.8. City Trash Compactor

1.8.1. The trash compactor in the City of Parker shall be open for use from 1:00 pm to 7:00 pm on Tuesday and Thursday and 9:00 am to 3:00 on Saturday. The compactor shall be open for use by the citizens of the City of Parker, Kansas. The trash compactor is for the refuse of Linn County Residents only.

1.8.2. No firm, person, corporation, organization, or association shall dispose refuse at the trash compactor either before or after hours or on days the compactor is not open for use.

1.8.3. Any person, firm, corporation, organization, or association convicted of violating any of the provisions of this article shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$100.00, nor more than \$500.00 or by imprisonment for not more than 30 days, or by both fine and imprisonment.

1.9. Open Records Policy

1.9.1. Policy

1.9.1.1 It is hereby declared to be the policy of the city that all public records which are made, maintained or kept by or are in the possession of the city, its officers and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by the Kansas Open Records Act.

1.9.1.2 Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or his or her designated representative.

1.9.2 Record Custodians

1.9.2.1 All city officers and employees appointed or designated as record custodians under this article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.

1.9.2.2 The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information

about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one of more places in the administrative offices of the city where it is available to members of the public who request public information in person.

1.9.3 Local Freedom of Information Officer

1.9.3.1 The Local Freedom of Information Officer shall:

1.9.3.1.1 Prepare and provide educational materials and information concerning the Kansas Open Records Act.

1.9.3.1.2 Be available to assist the city and members of the general public to resolve disputes relating to the Kansas Open Records Act.

1.9.3.1.3 Respond to inquiries relating to the Kansas Open Records Act.

1.9.3.1.4 Establish the requirement for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Kansas Open Records Act. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of a requester, the responsibilities of the city, and the requirements for inspecting and obtaining a copy of public records under the Act.

1.9.4 Public Request for Access

1.9.4.1 All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public.

1.9.5 Facilities open for Public Inspection

1.9.5.1 All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the city clerk, being the principle record keeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the city clerk except when the requested records are not in that office and are available in another city office.

1.9.6 Procedures for Inspection

1.9.6.1 Any person requesting access to an open public record for purposes of copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the governing body for record inspection and copying, including those procedures established by record custodians as authorized by the governing body. Such procedures shall be posted in each city office keeping and maintaining open public records.

1.9.7 Appointment of Official Custodians

1.9.7.1 The following city officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with the Act with respect to the hereinafter listed public records.

- 1.9.7.1.1 City Clerk- All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this section.
- 1.9.7.1.2 City Treasurer- All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office.
- 1.9.7.1.3 Chief of Police- All public records not on file in the office of the city clerk and kept and maintained in the city police department.
- 1.9.7.1.4 Fire Chief- all public records not on file in the office of the city clerk and kept and maintained in the city fire department.
- 1.9.7.1.5 City Attorney- All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office.
- 1.9.7.1.6 Clerk of the Municipal Court- All public records not on file in the office of the city clerk and kept and maintained in the municipal court.
- 1.9.8 Appointment of Local Freedom of Information Officer
 - 1.9.8.1 The City Clerk of the City of Parker is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in 1.9.3.
- 1.9.9 Designation of Additional Record Custodians
 - 1.9.9.1 Each of the official custodians appointed in 1.9.7 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act. Whenever the official custodian shall appoint another person as a record custodian, he or she shall notify the city clerk of such designation and the city clerk shall maintain a register of all such designations.
- 1.9.10 Duties of Custodians
 - 1.9.10.1 All city officers and employees appointed or designated as records custodians under this ordinance shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of the public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.
- 1.9.11 Requests to be directed to Custodians
 - 1.9.11.1 All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
 - 1.9.11.2 Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the

request.

1.9.12 Fee Administration

1.9.12.1 The city clerk is hereby authorized to provide the clerk's office and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee monies collected to the city treasurer not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the treasurer of the city.

1.9.13 Inspection Fee

1.9.13.1 Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.

1.9.13.2 In all cases not covered by 1.9.13.1, a record inspection fee shall be charged at the rate of \$20.00 per hour per employee engaged in the record search. A minimum charge of \$20.00 shall be charged for each such chargeable search.

1.9.14 Copying Fee

1.9.14.1 A fee of \$.50 per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials, and equipment.

1.9.14.2 For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

1.9.15 Prepayment of Fees

1.9.15.1 A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

1.9.15.2 Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are likely to exceed \$20.00.

1.9.15.3 Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

1.9.16 Payment

1.9.16.1 All fees charged under this article shall be paid to the custodian of the records inspected and or copied unless the requester has established an account, for purposes of billing and payment, with the city.

1.10. Oaths and Bonds

1.10.1. Oath and Affirmation

1.10.1.1 All officers and employees 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:

- 1.10.1.1.1. Oath: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the office of _____. So help me God."
- 1.10.1.1.2. Affirmation: " I do solemnly, sincerely and truly declare that I will support the Constitution of the United States and the State of Kansas and faithfully discharge the duties of _____. This I do under the pains and penalties of perjury."
- 1.10.1.2 Oaths filed. All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed with the City Clerk.
- 1.10.2. Bonds of City Officials
 - 1.10.2.1 Bonds shall be required of the City Treasurer, City Clerk, and Municipal Judge as described within this code.
 - 1.10.2.2 The City Council may provide for the coverage by blanket bond of such officers and employees.
 - 1.10.2.3 All premiums on surety bonds shall be paid by the City.
 - 1.10.2.4 Each of the bonds required herein shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and 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 by virtue of his or her office.

1.11. Fiscal year.

- 1.11.1 That the fiscal year end for the City of Parker, Kansas shall run from January 1 to the following December 31st.

1.12. Sales Tax

- 1.12.1.1 On April 1, 2003, the electors of the City of Parker did approve the levy of a retailer's sales tax for the City of Parker, Kansas for the purpose of obtaining additional revenue needed to provide an adequate level of public services within the City, to improve and maintain the public streets, and for such other general governmental purposes as may be in the best interest of the City of Parker, Kansas as authorized by K.S.A. 12-187 et seq., and amendments thereto. This retailers' sales tax shall be in the amount of one percent and took effect on October 1, 2003.
- 1.12.1.2 Except as otherwise provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the department of revenue shall be utilized to administer, enforce, and collect such a tax.
- 1.12.1.3 In a special election on August 5, 2008, the electors of the City of Parker, Kansas approved the levy of a retailers' sales tax in the City of Parker, Kansas for the purposes of obtaining additional revenue needed to provide an adequate level of public services within the city, specifically a new sewer system, and such sales tax will be assessed for a period not to exceed ten years as authorized by K.S.A. 12-187 et seq., and amendments thereto. This retailers' sales tax shall be in the amount of

one percent and took effect April 1, 2009.

- 1.12.1.4 Except as otherwise provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the department of revenue shall be utilized to administer, enforce, and collect such a tax.

1.13. City Holidays

- 1.13.1. The City of Parker has established certain holidays as days off for the employees of the City of Parker.
- 1.13.2. City Hall and the trash compactor will be closed on city holidays.
- 1.13.3. The City Clerk, City Treasurer, and Maintenance Supervisor will not be available on city holidays.
- 1.13.4. These holidays are:
 - 1.13.4.1 New Year's Day
 - 1.13.4.2 Memorial Day
 - 1.13.4.3 Labor Day
 - 1.13.4.4 Independence Day
 - 1.13.4.5 Thanksgiving Day
 - 1.13.4.6 Christmas Day
 - 1.13.4.7 Veteran's Day

1.14. Business and Residential Districts in the City of Parker.

- 1.14.1. There shall be a business district and a residential district in the City of Parker, Kansas. Center Street shall be zoned as a Business District from Kimball Street to Taft Street. Main Street shall be zoned Business District from Western Street to Railroad Street. All other streets in the City of Parker shall be zoned Residential.
- 1.14.2. No additional residences shall be established or maintained in the Business District of the City of Parker, Kansas. All residences presently established or maintained in the Business District shall not be in violation of the article.
- 1.14.3. No additional businesses shall be established or maintained in the Residential District. All businesses presently established or maintained in the Residential District shall not be in violation of this article.
- 1.14.4. The speed limit for the Business District shall be 20 mph and shall be posted as such.
- 1.14.5. The speed limit in the Residential District shall be as marked or 30 mph.
- 1.14.6. Penalties
 - 1.14.6.1 Any person, firm, corporation, organization, or association convicted of violating any of the provisions of this article shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$200.00 but not more than \$500.00. Each day of the ongoing violation shall constitute a separate offense.
- 1.14.7. Definitions
 - 1.14.7.1 "Business District" means a district where there are buildings in use for business or industrial purposes, including but not limited to: hotels, bank or office buildings, railroad station and/or other public buildings.
 - 1.14.7.2 "Residential District" shall be defined as an area improved with residences.

- 1.14.7.3 “Residence” shall be defined as a building, trailer, modular home, manufactured home, or any other acceptable structure used as a home or dwelling.

1.15. Boundaries of the City of Parker, Kansas

- 1.15.1. The official boundaries of the City of Parker are and shall be those of record with Linn County, Kansas. Records of annexations, condemnations, and vacated lands will continue to be maintained in the City Hall, but the official, legal record shall be that of Linn County.
- 1.15.2. The Mayor may, at his discretion, spend up to \$1,000 of City Funds without prior Council approval, providing that (a) the expenditure is, in the Mayor’s opinion, immediately necessary; (b) the calling of a special meeting to approve the expenditure is impossible, impracticable, or would cause delay that might be detrimental to the City’s interests; (c) the expenditure is thoroughly documented and said documents are promptly submitted to the City Clerk; and (d) the expenditure is submitted to the Council for discussion and approval at the next regularly scheduled meeting.
- 1.15.3. The Police Chief may , at his discretion, spend up to \$500.00 of City Funds without prior Council approval, providing that (a) the expenditure is, in his opinion, immediately necessary; (b) the calling of a special meeting to approve the expenditure is impossible, impracticable, or would cause delay that might be detrimental to the City’s interests; (c) the expenditure is thoroughly documented and said documents are promptly submitted to the City Clerk; and (d) the expenditure is submitted to the Council for discussion and approval at the next regularly scheduled meeting.
- 1.15.4. The water Supervisor may, at his discretion, spend up to \$500.00 of City Funds without prior Council approval, providing that (a) the expenditure is, in his opinion, immediately necessary; (b) the calling of a special meeting to approve the expenditure is impossible, impracticable, or would cause delay that might be detrimental to the City’s interests; (c) the expenditure is thoroughly documented and said documents are promptly submitted to the City Clerk; and (d) the expenditure is submitted to the Council for discussion and approval at the next regularly scheduled meeting.
- 1.15.5. The City Clerk may, at her discretion, spend up to \$500.00 of City Funds without prior Council approval, providing that (a) the expenditure is, in her opinion, immediately necessary; (b) the calling of a special meeting to approve the expenditure is impossible, impracticable, or would cause delay that might be detrimental to the City’s interests; (c) the expenditure is thoroughly documented and said documents are promptly filed in the City Clerk’s office; and (d) the expenditure is submitted to the Council for discussion and approval at the next regularly scheduled meeting.

CHAPTER 2

ANIMALS

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CHAPTER 2. ANIMALS

2.1 Dogs

2.1.1 Muzzling

2.1.1.1 Whenever the Mayor shall deem it necessary for the protection and welfare of the inhabitants of the city, he or she shall issue an order requiring all dogs kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the Mayor may deem necessary.

2.1.2 Number of dogs allowed

2.1.2.1 It shall be unlawful for any person to own, keep, or harbor more than three dogs over six months of age per household within the corporate limits of the City of Parker.

2.1.3 Removal of waste

2.1.3.1 Any person walking a dog or dogs within the City of Parker shall clean up, remove and dispose of all excrement and waste materials left or deposited by said dog or dogs upon any street, alley, sidewalk, park, public or private enclosure, or lot.

2.1.3.2 Any person convicted of failing to remove waste as required in this article shall be guilty of a misdemeanor and subject to a fine of not less than \$25 nor more than \$50 per incident.

2.1.4 Vicious dogs

2.1.4.1 No person, firm, corporation, organization, or association shall keep, own, or harbor a vicious dog or other vicious animal in the city limits of Parker.

2.1.4.2 No person, firm, corporation, organization, or association shall possess, keep, harbor, or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

2.1.4.3 Definitions:

2.1.4.3.1 Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; and

2.1.4.3.2 Any dog which when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; and

2.1.4.3.3 Any dog which without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal; or

2.1.4.3.4 Any dog owned, kept, or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

2.1.4.3.5 Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was

committing a willful trespass or other tort upon premises occupied by the owner, harborer, or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or was committing or attempting to commit a crime.

2.1.4.3.6 No dog may be declared vicious if an injury or damage was sustained by a domestic animal which, at the time of the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

2.1.4.3.7 Any person owning, keeping, or harboring a dog within the city limits for five consecutive days or more shall be deemed to be the "owner," "keeper," or "harboring" thereof.

2.1.4.4 Determination of vicious dog

2.1.4.4.1 In the event that any law enforcement officer, City Marshall, or Public Health Officer has probable cause to believe that a dog is vicious, the Municipal Judge shall be empowered to convene a hearing for the purpose of determining whether the dog in question should be declared vicious. Any law enforcement officer, the City Marshall, or Public Health Officer shall notify the owner, harboring, or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held at the next regularly scheduled session of the Municipal Court. The hearing shall be informal and shall be open to the public.

2.1.4.4.2 After the hearing, the owner, keeper, or harboring of the dog shall be notified in writing of the determination. If the determination is made that the dog is vicious, the owner, harboring, or keeper shall remove the dog from the City of Parker in accordance with a time schedule established by the Municipal Judge, but in no case more than thirty days subsequent to the date of the determination. If the owner, harboring, or keeper of the dog contests the determination, he or she may, within five days of such determination, appeal to the District Court of Linn County.

2.1.4.4.3 In the event that any law enforcement officer, the City Marshall, or Public Health Officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, any law enforcement officer, the City Marshall, or Public Health Officer may seize and impound the dog pending the aforesaid hearing. The owner, harboring, or keeper of the dog shall be liable to the City where the dog is impounded for the cost and expenses of picking up said animal and keeping such animal. The cost of picking up said animal will be ten dollars with an additional fee of seven dollars per day for keeping said animal.

2.1.4.5 Penalties.

2.1.4.5.1 Any person, firm, corporation, organization, or association convicted of violating any provision of this article shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$200 but not more than \$500.

2.1.4.5.2 If any vicious dog shall, when unprovoked kill, wound, or assist in

killing any animal, the owner, harbinger, or keeper of said dog shall pay a \$250 fine, and any law enforcement officer, the City Marshall, or Public Health Officer is empowered to confiscate, and after the expiration of a five day waiting period, exclusive of Sundays and holidays, shall destroy said vicious dog.

2.1.4.5.3 If any vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner, harbinger, or keeper of said dog shall pay a \$500 fine, and any law enforcement officer, the City Marshall, or Public Health Officer is empowered to confiscate, and after the expiration of a five day waiting period, exclusive of Sundays and holidays, shall destroy said vicious dog.

2.1.4.5.4 If the owner, harbinger, or keeper of a dog impounded for an alleged violation shall believe that there has not been a violation of this article, such owner, harbinger, or keeper may petition the Municipal Court, praying that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending the resolution of such petition if the petition has been filed within five days of the impoundment of the dog and notice shall have been served within five days of the impoundment upon the City Marshall or Public Health Officer. The dog shall remain impounded pending the appeal. The decision of the Municipal Court shall be final and conclusive upon all the parties thereto. However, any law enforcement officer or Public Health Officer shall have the right to declare a dog to be vicious for any actions of the dog subsequent to the date of the violation. If the Court shall find that there was no violation, such dog may be released to the custody of the owner, harbinger, or keeper upon payment to the City of the expense of keeping such dog.

2.1.5 Pit Bulls (Section 2.1.5 of the Code and all its subsections are hereby repealed May 2014)

2.1.6 Running at large

2.1.6.1 It shall be unlawful for the owner, keeper, or harbinger, or any person having the care, custody, or control of any dog to permit such dog at any time to run at large within the city or to trespass upon the private grounds of any person except the owner, harbinger, or keeper.

2.1.6.2 Any person convicted of allowing a dog to run at large shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$75 nor more than \$150. Second, third and following offenses shall be subject to an escalating fine schedule in the discretion of the Municipal Court. Such fines shall not exceed \$350 per violation, exclusive of court costs.

2.1.7 Noisy Dogs

2.1.7.1 It shall be unlawful for the owner, caretaker, keeper, or harbinger of any dog to carelessly, willfully, or maliciously permit any dog to cause a disturbance of the peace, regardless of the time of day or night, or to permit such dog to howl or bark so as to constitute a nuisance.

2.1.7.2 Any person convicted of having a noisy dog shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$50.

2.1.8 Impounding dogs

- 2.1.8.1 Any dog found running at large or noisy in violation of this article shall be picked up or taken up by any law enforcement officer, City Marshall, or Public Health Officer of the City or by any other person duly appointed for that purpose by the City of Parker and shall be impounded in a place provided for that purpose by the City, and such person shall make a record or cause a record to be made of all dogs so impounded with their description and date of impounding.
- 2.1.8.2 If the owner of the dog can be ascertained when any dog is impounded, a reasonable attempt will be made to notify the owner of the impounding. However, failure to ascertain the ownership or to notify the owner of such dog shall not constitute a violation of any of the procedures with respect to the disposal of unclaimed dogs.
- 2.1.8.3 Dogs so impounded shall be held a minimum of seventy-two hours. At the City's discretion, impounded dogs may be held up to ten calendar days.
 - 2.1.8.3.1 If the impounded dog is claimed by the owner during the holding period, the owner shall be subject to the following fees:
 - 2.1.8.3.1.1 Animal pick up fee of \$25.00,
 - 2.1.8.3.1.2 Daily impound fee of \$10.00 per day,
 - 2.1.8.3.1.3 Transportation and disposition of the animal fee up to \$150.00, as well as
 - 2.1.8.3.1.4 Any fines imposed by the Municipal Court for a violation of this article.
 - 2.1.8.3.2 When an owner claims an impounded dog, it shall be deemed prima facie evidence of the violation of this article by such owner.
- 2.1.8.4 If any dog so impounded is not claimed by the owner thereof during the impound period, the City Marshall, Public Health Officer, or any other person duly appointed and employed for that purpose by the City of Parker shall cause any such dog to be disposed of by the impound agent.
 - 2.1.8.4.1 If the owner of the dog can be determined, the owner will still be subject to the fees and costs outlined in Code Sections 2.1.8.3.1.1, 2.1.8.3.1.2, 2.1.8.3.1.3, and 2.1.8.3.1.4.

2.1.9 License

- 2.1.9.1 It shall be unlawful for any person to own, keep, or harbor any dog over six months of age within the corporate limits of the city of Parker, Kansas without first having obtained a license therefor.
- 2.1.9.2 Any person making application for a license for a dog shall be required to exhibit to the City Clerk at the time of making such application a certificate issued by a licensed veterinarian showing that such dog has been vaccinated or inoculated with a recognized anti-rabies vaccine and showing that the inoculation so administered to such dog will be effective for the entire period of time for which such license is issued.
- 2.1.9.3 There shall be an annual license fee for dogs:
 - 2.1.9.3.1 \$2.00 for each male or spayed female dog, provided that any person registering and paying the license fee for a spayed female dog shall present to the City Clerk a certificate from a licensed veterinarian showing that at the time of application the female dog had been spayed.

- 2.1.9.3.2 \$5.00 for each unsprayed female dog.
- 2.1.9.4 The City Clerk shall issue to the owner a metallic tag for each dog licensed. The tag shall have stamped upon it the year for which the same is issued and the license number of the dog. Each owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall be responsible for each dog.
- 2.1.9.5 Dog licenses and tags are not transferable from one dog to another, and no refunds shall be made on the license.
- 2.1.9.6 Tags shall only be issued for the fiscal year or any portion thereof and the license shall be procured for any animal in any fiscal year upon being brought within the city limits or upon reaching the age of six months. The full amount of the license and tags shall be required regardless of the time of year when the application is made.
- 2.1.9.7 The fiscal year for licensing of dogs in the City of Parker shall be from May 14 through the next May 14.
- 2.1.9.8 When it shall be made to appear to the City Clerk that any tag has become lost, the City Clerk shall, upon presentation of the license certificate, issue another tag for a fee of \$1.00.
- 2.1.9.9 Penalty for licensing and vaccination
 - 2.1.9.9.1 Any person convicted of failing to license or vaccinate a dog shall, upon conviction thereof, be fined a sum or not less than \$50 nor more than \$100 per violation.

2.2 Livestock

2.2.1 Definitions

- 2.2.1.1 As used in this article, the term “livestock” shall refer to sheep, swine, goats, horses, and/or cattle kept or maintained for any purpose.
- 2.2.1.2 As used in this article, the term “person” shall refer to any individual, partnership, corporation, association, and all other types and kinds of organizations and entities without limitation through enumeration.

2.2.2 Prohibitions

- 2.2.2.1 It shall be unlawful for any person to keep, corral, pasture, quarter, or otherwise maintain any livestock in the City of Parker, Kansas.

2.2.3 Penalties.

- 2.2.3.1 Any person found guilty of violating this article shall be guilty of a misdemeanor and subject to a fine of not less than \$100 and not more than \$500 per violation. Each day after the finding of guilt, in which the violation continues, shall be a new violation resulting in a new penalty.

2.3 Fowl

2.3.1 Definitions

- 2.3.1.1 “Fowl” shall refer to chickens and any or all other related fowl kept or maintained for any purpose.

- 2.3.2 It shall be unlawful for any person to keep, corral, pasture, quarter, house, or otherwise maintain any chicken and/or related fowl in the City of Parker, Kansas.

- 2.3.3 Any person found guilty of violating this article shall be deemed guilty of a misdemeanor and subject to a fine of not less than \$100 nor more than \$500 per day for said person found to be in violation thereof.

2.4 Rabies

2.4.1 Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or animal care facility for a period of not more than 30 days during which time there shall be a determination of whether such animal is suffering from a disease, and if not, the animal shall be released upon payment by the owner of the boarding fee therefore. The owner may be permitted to keep such animal on the owner's property if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner.

2.4.2 Whenever a cat, dog, or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten to report that fact to the Public Health Officer. It shall be the duty of the owner of the bitten animal either to destroy or have the animal destroyed unless:

2.4.2.1 The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and

2.4.2.2 If the bitten animal has a current vaccination, it shall be confined for 90 days; and

2.4.2.3 The bitten animal shall be released from confinement only upon written order from the Public Health Officer, who declares the animal to be free of rabies; and

2.4.2.4 If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

2.5 Vehicular accidents involving animals

2.5.1 Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, the operator shall at once report the accident to a law enforcement officer.

2.6 Death of Animals

2.6.1 All dead animals shall be disposed of by the owner or keeper within 24 hours of the animal's death, by burial, incineration in a facility approved by the City Council, by rendering, or by other lawful means approved by the City Council. No dead animal shall be dumped on any private or public property.

CHAPTER 3

HEALTH AND WELFARE

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CHAPTER 3. HEALTH AND WELFARE

3.1 Controlled Substances and Drug Paraphernalia

3.1.1 Definitions

- 3.1.1.1 “Board” means the Kansas Board of Pharmacy.
- 3.1.1.2 “Controlled Substance” means any drug, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4109, 65-4111, and 65-4113 and amendments to these sections.
- 3.1.1.3 “Deliver” or “Delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.
- 3.1.1.4 “Drug Paraphernalia” means all the equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the uniform Controlled Substances Act, K.S.A. 65-4101, et. seq, and amendments thereto. Drug paraphernalia shall include but not be limited to items listed in K.S.A. 65-4150(c) and its subsections, and amendments thereto.
- 3.1.1.5 “Immediate Precursor” means a substance which the board has found to be and by rule and regulation designates as being the principle compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.
- 3.1.1.6 “Isomer” means all enantiomers and diastereomers.
- 3.1.1.7 “Marijuana” means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt or derivative mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake of the sterilized seed of the plant which is incapable of germination.
- 3.1.1.8 “Simulated Controlled Substance” means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the products simulates the effect of a controlled substance.
- 3.1.1.9 “Tetrahydrocannabinol” means any material, compound, mixture, or preparation which contains any quantity of the synthetic equivalent of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. And/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers, Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers, Delta 3,4 cis or trans tetrahydrocannabinol, and their optical isomers. Compounds of these structures are covered, regardless of numerical designations of atomic positions, as are their salts, isomers,

and salts of isomers.

3.1.2 Possession of Marijuana and THC

- 3.1.2.1 Except as authorized by the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq, and amendments thereto, it shall be unlawful for any person to possess or have under such person's control marijuana or tetrahydrocannabinol.

3.1.3 Possession of Drug Paraphernalia and Simulated Controlled Substances

- 3.1.3.1 No person shall use or possess with intent to use:
 - 3.1.3.1.1 Any simulated controlled substance.
 - 3.1.3.1.2 Any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq., and amendments thereto.
- 3.1.3.2 No person shall deliver, possess with intent to deliver or cause to be delivered any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of K.S.A. 65-4162, and amendments thereto.
- 3.1.3.3 In determining whether an object is drug paraphernalia, the finder of fact shall consider, in addition to all other logically relevant factors, the following:
 - 3.1.3.3.1 Statements of the owner or person in control of an object concerning its use.
 - 3.1.3.3.2 Prior convictions, if any, of an owner or person in control of the object under any state or federal law relating to any controlled substance.
 - 3.1.3.3.3 The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq. and amendments thereto.
 - 3.1.3.3.4 The proximity of the object to controlled substances.
 - 3.1.3.3.5 The existence of any residue of controlled substances on the object.
 - 3.1.3.3.6 Direct or circumstantial evidence of the intent of an owner or person in control of an object, to deliver it to a person the owner or person in control of an object knows, or should reasonably know, intends to use the object to facilitate a violation of the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq. and amendments thereto. The innocence of an owner or person in control of the object as to a direct violation of the Uniform Controlled Substances Act shall not prevent a finding that the object is intended for use as drug paraphernalia.
 - 3.1.3.3.7 Oral or written instructions provided with the object concerning its use.
 - 3.1.3.3.8 Descriptive materials accompanying the object which explain or depict its use.
 - 3.1.3.3.9 National and local advertising concerning the object's use.
 - 3.1.3.3.10 The method and manner in which the object is displayed for sale, if applicable.

3.1.4 Penalties

- 3.1.4.1 Any person convicted of violating any of the provisions of this Article shall be punished by a fine of not less than \$200 nor greater than \$2,500. In addition to such fine, the convicted person may be sentenced to serve a jail term of not more than one year.
- 3.1.4.2 If the Court finds substantial and compelling reasons to do so, the court may suspend all or part of the minimum fine established by this section on such conditions as the court directs. In making the determination regarding whether suspension of all or part of the minimum fine is within the interests of justice, the court shall consider, but is not limited to, the following factors:
 - 3.1.4.2.1 The financial status of the defendant.
 - 3.1.4.2.2 The amount of controlled substance or contraband possessed.
 - 3.1.4.2.3 The lack of criminal history of the defendant.
 - 3.1.4.2.4 Any drug treatment program voluntarily completed by the defendant before sentencing but subsequent to being charged under this article.
 - 3.1.4.2.5 The defendant's level of cooperation with law enforcement including the truthful identification of the source of the controlled substance or contraband possessed by the defendant.
- 3.1.4.3 Any person who is convicted of a charge alleging a violation of this article may be required by the court to obtain a drug abuse evaluation. Based upon the results of such evaluation, the Court may require the offender to attend and successfully complete a drug abuse education, counseling, or treatment program. Any drug abuse evaluation, counseling, or treatment ordered under this article shall be substantially equivalent to the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Brief Counseling for Marijuana Dependence.
- 3.1.4.4 Any person who is diverted on a charge alleging a violation of this article shall be required by the prosecutor to obtain a drug abuse evaluation. Based upon the results of such evaluation, the Court may require the offender to attend and successfully complete a drug abuse education, counseling, or treatment program. Any drug abuse evaluation, counseling, or treatment ordered under this article shall be substantially equivalent to the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Brief Counseling for Marijuana Dependence.
- 3.1.4.5 The municipal judge shall order any person convicted of a charge alleging a violation of this article to pay the laboratory analysis fees specified in K.S.A. 28-176, and amendments thereto, as additional costs in the case provided that forensic laboratory services are rendered or administered in conjunction with the case. Any diversion agreement for a charge alleging a violation of this article shall also contain a provision requiring the defendant to pay such laboratory analysis fees provided that forensic laboratory services are rendered in conjunction with the case.

3.2 Firearms

- 3.2.1 Concealed Weapons (Section 3.2.1 of the Code and all its subsections are hereby repealed May 2014)
- 3.2.2 Unlawful Discharge of Firearms in City Limits

- 3.2.2.1 It shall be unlawful for any person to shoot or fire any firearm or weapon within the City Limits of Parker, Kansas.
- 3.2.2.2 Any person found guilty of violating this firearms article 3.2.2.1 shall be guilty of a misdemeanor punishable by a fine of not less than \$25.00 or more than \$100.00.

3.3 Fireworks

- 3.3.1 The sale of fireworks within the City of Parker, Kansas is hereby prohibited except that individuals or entities with a City Fireworks Sales Permit shall be allowed to sell fireworks within the city from June 27 to July 5 of each year.
 - 3.3.1.1 A City Fireworks Sales Permit shall be issued to individuals or entities upon the filing of an application for such permit and upon the payment of a permit fee of \$50.00. Said Permit shall be displayed at all times at or upon the premises where such sales are being conducted.
 - 3.3.1.2 Firework sales permitted by this section shall not be conducted at any location where retail sales are not permitted under the zoning laws of the City.
- 3.3.2 The discharge of fireworks shall be prohibited within the City of Parker except during the following dates and times each year: June 27 through July 3 from 6:00 AM to 10:00 PM, July 4 from 6:00 AM to 12:00 Midnight and July 5 from 6:00 AM to 10:00 PM; and December 31 from 11:00PM to January 1 at 1:00AM.
- 3.3.3 The explosion of fireworks on Main Street or within 100 feet of any public place or business will be prohibited.
- 3.3.4 The use of blasting powder and dynamite is exempt from the foregoing provision of this article provided that the person desiring to use the same shall secure from the City of Parker authorization for such use.
- 3.3.5 Anyone in violation of the Fireworks section of this article shall be subject to a fine not exceeding \$100.00.
- 3.3.6 Each separate sale and each separate explosion shall constitute a separate offense under this section.

3.4 Open Burning within the city limits of the City of Parker

- 3.4.1 General Ban on Open Fires
 - 3.4.1.1 It shall be prohibited at all times within the City of Parker to burn trash, refuse, garbage, or household waste. This prohibition shall not include leaves, grass, limbs and other natural yard waste, which may be burned, subject to all other requirements and limitations of this Section.
 - 3.4.1.2 It shall be prohibited within the City of Parker to burn leaves, grass, limbs and other natural yard waste before 6:00AM or after dusk. Any fires allowed under this Section shall be extinguished by dusk.
- 3.4.2 Permits (Section 3.4.2 of the Code and all its subsections are hereby repealed May 2014)
- 3.4.3 Notice
 - 3.4.3.1 No person or persons shall ignite any approved fire within the city limits of the City of Parker, Kansas without first having notified the Linn County Sheriff's Office, and if possible the Parker City Clerk, in advance of such intent to burn, the location of the intended burn, and the approximate times the burn will begin and end.
- 3.4.4 Restrictions on burning locations
 - 3.4.4.1 The location for open burning shall not be less than fifty feet from any structure, and provisions shall be made to prevent the fire from

spreading to within fifty feet of any structure, except:

- 3.4.4.1.1 Fires in approved containers that are not less than fifteen feet from a structure.
 - 3.4.4.1.2 The minimum required distance from a structure shall be only twenty five feet where the pile size is three feet or less in diameter and two feet or less in height.
 - 3.4.4.1.3 Open burning for land clearing purposes shall not be less than 1,000 feet from any structure or public roadway.
 - 3.4.4.1.4 A bonfire shall not be conducted within fifty feet of a structure or combustible material unless the fire is contained in a fire pit. Conditions which could cause a fire to spread to within fifty feet of a structure shall be eliminated prior to ignition.
 - 3.4.4.1.5 Recreational fires shall not be conducted within twenty five feet of a structure or any combustible material. Conditions which could cause a fire to spread to within twenty five feet of a structure shall be removed prior to ignition.
 - 3.4.4.1.6 No person shall set a fire without first taking precautions to insure that the fire will be safely contained within the perimeters of the area sought to be burned and will present no danger to the health or property of adjoining landowners. Said person shall follow all City of Parker guidelines and rules as well as those set by state law and regulations.
- 3.4.5 Recreational Burning
- 3.4.5.1 Open burning, bonfires, and recreational fires shall be constantly attended until the fire is extinguished. Approved on-site extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate use.
 - 3.4.5.2 The ban on outdoor burning, between dusk and 6:00am, provided for above shall not apply to or prohibit the use of gas or charcoal grills, or wood fires in rings, stoves, or fireplaces used for the cooking of food or outdoor ambience, or to torches used for decorating/ambience purposes or to repel insects.
- 3.4.6 Agricultural, land or game management burning
- 3.4.6.1 On site burning operations carried out for the purpose of burning materials associated with land clearing or crop or game management practices shall be permitted with the following restrictions:
 - 3.4.6.1.1 Such burning is not carried out on any one parcel of land for a time period aggregating more than five days during any calendar year.
 - 3.4.6.1.2 Such burning shall be limited to natural vegetation on the site at which the land clearance and burning is carried out.
 - 3.4.6.1.3 Burning shall not be initiated before 6:00am, and all active blazes shall be extinguished at dusk. Burning shall not be carried out during inclement or foggy conditions or on very cloudy days.
 - 3.4.6.1.4 Burning shall be restricted to periods when a surface wind speed is less than fifteen mph.
 - 3.4.6.1.5 Burning of vegetation in providing a firebreak in pasture or other crop management may be allowed where necessary during evening or early morning hours in order to take advantage of calm wind conditions. Such burning shall take place no closer than 1,000 feet from any structure.
- 3.4.7 Issuance of total burn ban when necessary

- 3.4.7.1 The City of Parker reserves the right, at any time that the weather dictates, to ban open burning for any period which the governing body believes to be reasonably prudent. Such ban shall be published by a notice posted at City Hall no later than 9:00 am on any day such weather conditions warrant a no burn order.
- 3.4.7.2 Reasonably prudent people will check with the county as well as the city to determine whether a burn ban is in effect.
- 3.4.7.3 From time to time, depending on low moisture conditions, the Parker City Council may impose a citywide burn ban, and the State of Kansas may also impose a statewide or regional burn ban that would include the City of Parker.

3.4.8 Penalties

- 3.4.8.1 Any persons found guilty of violating this article shall, for each violation, be fined a sum of not less than Fifty Dollars and not more than Two Hundred Dollars.
- 3.4.8.2 Any person who abandons a fire that has not been extinguished, or who burns on a day when burning is banned by the City of Parker, shall be fined not more than Two Hundred Dollars, as well as any costs incurred by the City in fighting fires that result from actions violating this code provision.
- 3.4.8.3 If fire officials are called to extinguish a fire which was intentionally set, during a burn ban, the person or persons causing the fire shall be punished by a fine of not more than Two Thousand Five Hundred Dollars, incarceration for not more than one year, or by both fine and incarceration, at the discretion of the Municipal Court.
- 3.4.8.4 When fire officials must be called in to extinguish a fire in which notice was properly given but the safety conditions were violated, the person responsible for the burn shall be liable for the following monetary charges:
 - 3.4.8.4.1 Reimbursement of Two Hundred Dollars per hour, per vehicle responding to the call;
 - 3.4.8.4.2 Reimbursement of Twenty Dollars per hour, per fire fighter responding to the call;
 - 3.4.8.4.3 And any and all reasonable expenses associated with public and private vehicles required to respond to the call.
- 3.4.8.5 When fire officials must be called in to extinguish a fire in which notice was not properly given, in addition to the penalties listed above, it shall be a misdemeanor offense subject to a fine of up to Five Hundred Dollars, a thirty day incarceration, or both.

3.4.9 Guidelines

- 3.4.9.1 There shall be NO:
 - 3.4.9.1.1 Burning on overcast or foggy days,
 - 3.4.9.1.2 Burning after dark,
 - 3.4.9.1.3 Unsupervised burning,
 - 3.4.9.1.4 Smoke from burning such that it creates a traffic hazard,
 - 3.4.9.1.5 Burning when the Fire Index Range is "Very High" or "Extreme."

3.5 Sales of Cereal Malts

- 3.5.1 License and License Fee. All retailers intending to sell cereal malt beverages within the City of Parker, Kansas, shall first obtain a City license covering the type or types of sales intended to be engaged in, and shall pay the appropriate

fee or fees for said license(s), as described in the remainder of this Section:

- 3.5.1.1 On-Premises Consumption- Any Retailer intending to sell cereal malt beverages for consumption on the premises shall be required to have a separate license for said sales. The fee for a license for sale of cereal malt beverages for consumption on the premises shall be \$75.00 for each license year.
 - 3.5.1.2 Off-Premises Consumption- Any Retailer intending to sell cereal malt beverages in original and unopened containers, and not for consumption on the premises, shall be required to have a separate license for said sales. The fee for sale of cereal malt beverages in original, unopened containers and not for consumption on the premises shall be \$50.00 for each license year.
 - 3.5.1.3 License Year- The license year shall be defined as the calendar year or any remaining part of a calendar year at the time an application is filed for a cereal malt beverage license. The full amount of the license fee shall be required regardless of the time of the year in which the application is made. The fee shall accompany the application and the licensee shall only be authorized under the license for the remainder of the calendar year in which the license was issued. No license is transferrable.
- 3.5.2 Requirements.
- 3.5.2.1 Hours of Sale and Consumption. Cereal malt beverage may be sold and persons may consume or drink any cereal malt beverage on the licensed premises only between the hours of 6:00 AM and 12:00 Midnight, Monday through Saturday and between 12:00 Noon and 8:00 PM on Sunday, except that no such sales or consumption shall occur on Easter Sunday.
 - 3.5.2.2 Responsibility of Licensee. The licensee shall be responsible for the maintenance of said tavern in a clean and sanitary condition, including the exterior of said tavern, and shall maintain peace and good order. He shall prohibit drunkenness, use of abusive or profane language, and the unlicensed consumption of intoxicating liquor on the premises by employees or patrons.
 - 3.5.2.3 Minors. No person under twenty-one year of age shall be permitted to buy or drink any cereal malt beverage in or about said place of business. It shall be unlawful for persons under age twenty-one to purchase or attempt to purchase any cereal malt beverage in any licensed place of business.
 - 3.5.2.4 Possession of intoxicating liquor. No person shall have any alcoholic liquor in such person's possession while in the licensed place of business, unless the premises are licensed for the consumption of cereal malt beverages, by the Kansas Director of Alcoholic Beverage Control of the Kansas Department of Revenue.
 - 3.5.2.5 Consumption of cereal malt beverage. It shall be unlawful for any person to drink or consume any cereal malt beverage upon any street, alley, or sidewalk, in any vehicle or other public places not licensed to sell cereal malt beverages for consumption on the premises.
 - 3.5.2.6 The City Council may, from time to time, grant a license for a Special Event, which license shall allow, for a limited and specific period of time, individuals or entities to sell cereal malt beverage for consumption on certain public streets, alleys, sidewalks or parks and which shall allow

individuals, subject to all other state and local laws, to consume cereal malt beverages upon certain public streets, alleys, sidewalks or parks for a limited and specific period of time. The granting of such Special Event License shall be contingent on compliance by the applicant with all other applicable laws, regulations, and application requirements of the State, County and City.

3.5.3 Penalty.

3.5.3.1 Any person, individual, firm, partnership, corporation, or association violating the provisions of this article shall upon conviction thereof, be fined in an amount not to exceed \$100.00. Each day during or on which a violation occurs shall constitute a separate offense.

3.6 Concession Stands

3.6.1 Any person or persons desiring to run a temporary refreshment stand within the City Limits of the City of Parker in any building or temporary shed or otherwise for the ostensible purpose of serving refreshments or selling confectionary goods only during a holiday or during any picnic or outdoor gathering shall first procure a license from the City Clerk for such purpose and shall pay for such license the sum of \$10.00 per day during such public gathering or gatherings.

3.6.2 Any person or persons opening up any such temporary refreshment stand without first procuring such license shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding \$10.00, and the Marshall shall forthwith close such place of business until such license be paid.

3.7 Minors

3.7.1 Alcohol.

3.7.1.1 That the treating or giving of any beer, liquor, or other intoxicating beverage to any minor by any person shall be unlawful.

3.7.1.2 Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 nor more than \$500.00 and imprisoned for not more than ninety days for each offense.

3.7.2 Curfew

3.7.2.1 It shall be unlawful for any minor sixteen years of age or younger to wander, lounge, loaf, loiter, or play in, upon, or about any private premises, except the residence of such minor, or any public premises, including streets and alleys within the City of Parker, Kansas, after the hour of 10:00 pm of any day and before the hour of 6:00 am; however the provisions of this article shall not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor.

3.7.2.2 Responsibilities of the Parent or Other persons having custody or charge thereof. It shall be unlawful for the parent, guardian or any other person having the care and custody of a minor sixteen years of age or younger to permit such minor to loiter, idle, wander, stroll, or play in or upon the public street, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and

entertainment, vacant lots, or other unsupervised places between the hours of 10:00 pm and 6:00 am provided however that the provisions of this article shall not apply when the minor is accompanied by the parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult having the care and custody of the minor.

- 3.7.2.3 Penalty. Any person or persons violating the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00.

3.7.3 Tobacco

- 3.7.3.1 It shall be unlawful for any person, company, or corporation to sell or give away any cigarettes or cigarette papers, or to have any cigarette or cigarette papers in or about any store or other place for free distribution or sale to which minors might have access.

- 3.7.3.2 Every minor person who shall smoke or use cigarettes, cigars, or tobacco in any form on any public road, street, alley, park, or other lanes used for public purposes, or in any public places of business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than \$25.00 nor more than \$100.00. Every person who shall furnish cigarettes, cigars, or tobacco in any form to such minor person or who shall permit such minor person to frequent any premises owned, held or managed by him for the purpose of indulging in the use of cigarettes, cigars, or tobacco in any form shall be guilty of a misdemeanor and upon conviction fined not less than \$25.00 nor more than \$100.00.

- 3.7.3.3 Every person, company or corporation violating paragraph 3.7.3.1 of this article on minors and tobacco shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00 for each offense.

3.8 Public Health Officer

- 3.8.1 The public health and sanitation of the City of Parker, Kansas may best be promoted by the creation of the office of a public health officer.
- 3.8.2 The public health officer shall see that all Code Articles relating to health and welfare are enforced, shall examine all nuisances that are reported to him and take immediate steps for the abatement of the same, and shall perform such other duties as the Code of the City of Parker, Kansas may prescribe.

3.9 Nuisance

- 3.9.1 It shall be unlawful for any owner, occupant, agent, or other person in charge or possession of any lot or real property within the city to permit nuisances, and especially the health nuisances described below, to be maintained thereon.
- 3.9.2 Health nuisances include but are not limited to:
- 3.9.2.1 Filth, excrement, lumber, 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, public or private enclosure, or lot whether vacant or occupied;
- 3.9.2.2 All dead animals not removed within 24 hours after death;

- 3.9.2.3 Any place, structure, or substance which emits or causes an offensive, disagreeable, or noxious odor;
 - 3.9.2.4 All stagnant ponds or pools of water;
 - 3.9.2.5 Abandoned ice boxes or refrigerators kept on the premises under the control of any person or deposited at the sanitary landfill, or any ice box or refrigerator not in actual use, unless the door opening or lid thereof is unhinged or unfastened and removed therefrom;
 - 3.9.2.6 All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, annoyance, or inconvenience of the public or of any neighborhood;
 - 3.9.2.7 Any fence, structure, thing, or substance placed upon or being upon any street, sidewalk, alley, or public ground except as permitted by the Code of the City of Parker, Kansas.
- 3.9.3 Weeds and grass.
- 3.9.3.1 Weeds to be removed.
 - 3.9.3.1.1 It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to 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 specifically limited to sidewalks, streets, alleys, easements, rights-of-way, and all other areas, public or private.
 - 3.9.3.1.2 All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.
 - 3.9.3.1.2.1 For the purpose of this Section, "Weeds" shall be defined as any weed or grass exceeding 6 inches in height.
 - 3.9.3.1.3 Public Officer; Notice to remove.
 - 3.9.3.1.3.1 The City Council shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or authorized assistant shall give written notice to the owner, occupant, or agent of such property by certified mail, return receipt requested, or by personal service to cut or destroy weeds; provided, however, that 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. Such notice shall only be given once per calendar year.
 - 3.9.3.1.3.2 The notice to be given hereunder shall state:
 - 3.9.3.1.3.2.1 that the owner, occupant, or agent in charge of the property is in violation of the city weed control law;
 - 3.9.3.1.3.2.2 that the owner, occupant, or agent in control of the property is ordered to cut or destroy the weeds within 10 days of the receipt of the notice;
 - 3.9.3.1.3.2.3 that the owner, occupant, or agent in control of the property may request a hearing before the City Council or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident, and there is no resident agent, 10 days after notice has been

- published by the city clerk in the official city newspaper;
 - 3.9.3.1.3.2.4 that if the owner, occupant, or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time the city or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant, or agent in charge of the property;
 - 3.9.3.1.3.2.5 that the owner, occupant, or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment;
 - 3.9.3.1.3.2.6 that no further notice will be given during the current calendar year prior to the removal of weeds from the property; and,
 - 3.9.3.1.3.2.7 that the public officer should be contacted if there are questions regarding the order.
- 3.9.3.1.4 If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this article.
- 3.9.3.1.5 Abatement; Assessment of costs.
- 3.9.3.1.5.1 If the owner, occupant, or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.
 - 3.9.3.1.5.2 If the city abates or removes the nuisance pursuant to this section, the city shall give notice to the owner, or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section.
 - 3.9.3.1.5.3 The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost

and applicable interest has been paid in full. (K.S.A. 12-1617f)

- 3.9.3.1.6 Right of Entry. The public officer, and the public officer's authorized assistants, employees, contracting agents, or other representatives are hereby expressly 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.
- 3.9.3.1.7 Unlawful Interference. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

3.9.4 Noxious Weeds.

- 3.9.4.1 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.
- 3.9.4.2 For the purpose of this article, the term noxious weeds shall mean
 - 3.9.4.2.1 kudzu (*Pueraria lobata*),
 - 3.9.4.2.2 field bindweed (*Convolvulus arvensis*),
 - 3.9.4.2.3 Russian knapweed (*Centaurea picris*),
 - 3.9.4.2.4 hoary cress (*Lepidium draba*),
 - 3.9.4.2.5 Canada thistle (*Cirsium arvense*),
 - 3.9.4.2.6 quackgrass (*Agropyron repens*),
 - 3.9.4.2.7 leafy spurge (*Euphorbia esula*),
 - 3.9.4.2.8 burragweed (*Franseria tomentosa* and *discolor*),
 - 3.9.4.2.9 pignut (*Hoffmannseggia densiflora*),
 - 3.9.4.2.10 musk (nodding)
 - 3.9.4.2.11 thistle (*Carduus nutans* L.), and
 - 3.9.4.2.12 Johnson grass (*Sorghum halepense*). (K.S.A. 2-1314)

3.9.5 Littering.

- 3.9.5.1 It shall be unlawful for any person to litter in the City of Parker, Kansas.
- 3.9.5.2 For the purpose of this article, littering is defined as dumping, throwing, placing, depositing, or leaving, or causing to be dumped, thrown, placed, deposited or left, any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon, or about any public street, highway, alley, road, right of way, park or public place, or any lake, stream, water course, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts, or upon or about any private property without the consent of the owner or occupant of such property.
- 3.9.5.3 Any person found guilty of violating this article shall be guilty of a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00.

3.9.6 Expecting in Public Places

- 3.9.6.1 It shall be unlawful for any person to spit, expectorate, or deposit saliva or mucus of any form upon the floor, stairway, or upon any part of any theatre, public hall, building or sidewalk.
- 3.9.6.2 Any person violating the provisions of this article shall, upon conviction, be fined a sum of not less than \$25.00 nor more than \$100.00.

3.9.7 Automobiles/Vehicles

3.9.7.1 Junked Cars, Abandoned Vehicles and Car parts

3.9.7.1.1 Definitions:

3.9.7.1.1.1 “Inoperable” means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally constructed.

3.9.7.1.1.2 “Vehicle” means without limitation, any automobile, truck, tractor, or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

3.9.8 Vehicle nuisances

3.9.8.1 It shall be unlawful for any person to maintain a vehicle deemed to be a nuisance under this article of the Code of the City of Parker.

3.9.8.1.1 A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to Kansas Law, is incapable of moving under its own power, or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

3.9.8.1.1.1 Absence of a current registration plate upon the vehicle.

3.9.8.1.1.2 Placement of the vehicle or parts thereof upon jacks, blocks, or other supports.

3.9.8.1.1.3 Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

3.9.8.1.2 The provisions of this article shall not apply to:

3.9.8.1.2.1 Any motor vehicle which is enclosed in a garage or other building.

3.9.8.1.2.2 The parking or storage of a vehicle inoperable for a period of 30 consecutive days or less, or

3.9.8.1.2.3 Any person conducting a business enterprise in compliance with existing zoning regulation or who places such vehicles behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

3.9.9 Order of Violation

3.9.9.1 The City Marshall, City Codes Officer or any City Police Officer May enforce this prohibition against vehicle nuisances by the issuing of a 10-day Notice of Violation and serving said Notice on the owner, occupant or agent in control of the property where such violation occurs. If the property is unoccupied and the owner is not a resident of the City of Parker, the Notice may be served by mailing it by certified mail, return receipt requested, to the last known address of the owner of the property. The Notice of Violation shall state the nature of the violation and inform the owner, occupant or agent that they have ten days from the receipt of the Notice to abate the condition or to request a hearing before the City Council.

3.9.10 Penalty

- 3.9.10.1 Should the person fail to comply with the notice to abate the nuisance or request a hearing, the City Marshall may file a complaint in the municipal court of the city against such person and upon conviction of any violation of the provisions of this article, the person shall be fined in an amount not to exceed \$100.00. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional and separate offense.

3.9.11 Abatement

- 3.9.11.1 In the event the person fails to comply with the requirements of the notice, the City Marshall may present a resolution to the Council to abate the condition causing the violation and further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located. A copy of the resolution shall be served upon the person in violation.
- 3.9.11.2 As an alternative to the procedure described in Part 3.9.11.1, the City Marshall, City Codes officer or any City Police Officer may elect, with the approval of the City Attorney, to abate the condition by following the steps outlined in K.S.A. 12-1617e.

3.9.12 Disposition of Vehicle, Recovery of Vehicle

- 3.9.12.1 Disposition of any motor vehicle removed and abated from public property pursuant to this article shall be as provided in K.S.A. Supp. 8-1102 as amended.
- 3.9.12.2 Any person attempting to recover a motor vehicle impounded as provided in this article shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

3.9.13 Costs

- 3.9.13.1 If the City abates or removes the nuisance, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal as incurred by the city. The notice shall also state that the payment is due within 30 days following the receipt of the notice. The city may also recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30 day period, the cost of the abatement or removal shall be collected in the manner provided in K.S.A. 12-1,115 and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto but only until the

full cost and applicable interest have been paid in full.

3.9.14 Temporary permit.

- 3.9.14.1 A permit for the temporary parking of a vintage vehicle, a spare parts vehicle, a racecar, or a recreational vehicle, which would otherwise be considered a nuisance under 3.9.7 or 3.9.7.1 may be obtained at City Hall.
- 3.9.14.2 The vehicle's owner must complete an application for a temporary permit and provide evidence of ownership of the vehicle.
- 3.9.14.3 The permit, when acquired for a spare parts vehicle, racecar or recreational vehicle shall be for a fourteen-day period and is not renewable.
- 3.9.14.4 All permit applications shall be accompanied by a non-refundable \$20.00 permit fee unless the owner demonstrates that personal property taxes have been paid by the owner of the vehicle for the most recent taxing period.

3.9.15 Low Profile vehicles.

- 3.9.15.1 Low profile vehicles subject to Article 3.9.15.1 of the Parker City Code shall meet with all Kansas state requirements for such vehicles. State compliant vehicles may be operated upon the public and private lands of the City of Parker so long as rules of the road and all other traffic and safety ordinances are observed.
- 3.9.15.2 An off-road vehicle will include but not be limited to go-carts, dirt bikes, minibikes, all-terrain vehicles, dune buggies, motorized bicycles, pocket bikes, or other motorized vehicles not required by law to have a license plate.
- 3.9.15.3 This article does not relate to farm tractors, all self-propelled farm implements used for agricultural purposes, also construction equipment when being moved from one construction site to another.
- 3.9.15.4 Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor punishable by a fine not exceeding \$500.00

3.9.16 Excessive Noise

- 3.9.16.1 There shall be no excessive noise within the city limits of the City of Parker between the hours of 10:00 pm and 6:30 am Sunday through Thursday and between 11:00 pm and 7:00 am Friday and Saturday. Regardless of the restricted hours, it shall be unlawful for any person to make, continue, maintain, or cause to be made or continued any excessive, unreasonable, unnecessary, or unusually loud noise or any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the City of Parker.
- 3.9.16.2 Excessive noise defined:
 - 3.9.16.2.1 Sound which is plainly audible from a distance of 200 feet is excessive noise.
 - 3.9.16.2.2 Continuous sound which is plainly audible by one inside his or her own home with the doors and windows closed is excessive noise.
 - 3.9.16.2.3 Any sound created in a willful attempt to disturb the peace and quiet of any person, family, or neighborhood is excessive noise.

- 3.9.16.2.4 Sound which, while not an intentional disturbance of the peace, results in three or more complaints from two or more sources is excessive noise.
- 3.9.16.2.5 Sounds emanating from the sound amplification system within the confines of a vehicle which are plainly audible at 100 feet are excessive noise.
- 3.9.16.3 It shall be unlawful for any person to disrupt the normal activity or disturb the peace of any public library or of any public school and/or assembly of students for any school activities or athletic events conducted by such school.
- 3.9.16.4 The provisions of this article shall not apply to noise and sounds made or generated by public festivals. "Public festivals" means any celebration, fair, event, or festival that is open to the public and is recognized by resolution or proclamation as a public festival by the City Council.
- 3.9.16.5 There is no intention by the City Council to repeal any section of the Uniform Public Offense Code or of the Standard Traffic Ordinance currently in effect.
- 3.9.16.6 Upon conviction for violation of this article, the violator shall pay a fine of not less than \$100 and not more than \$500. The exact amount of the fine may be determined by the Municipal Judge or in a plea agreement made with the City Attorney.

3.9.17 Rodents.

- 3.9.17.1 Building Maintenance.
 - 3.9.17.1.1 All buildings and structures located within the present or future boundaries of the city shall be rat-stopped, freed of rats, and maintained in a rat-stopped and rat-free condition.
- 3.9.17.2 Notice to Rat-Stop; When City to do Work.
 - 3.9.17.2.1 Upon receipt of written notice from the City Council, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure.
 - 3.9.17.2.2 The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the City Council.
- 3.9.17.3 Failure to Comply.
 - 3.9.17.3.1 If the owner fails to comply with such written notice or extension, then the City Council is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the city clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the city clerk shall certify the amount due to the city treasurer and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment, and any other actual expense necessary for rat-stoppage.
- 3.9.17.4 Replace Rat-Stoppage.
 - 3.9.17.4.1 It shall be unlawful for any occupant, owner, contractor, public utility company, plumber, or any other person to remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that

are not closed or sealed against the entrance of rats.

3.9.17.5 Notice to Eradicate Rats.

3.9.17.5.1 Whenever the City Council notifies, in writing, the owner of any building or structure theretofore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure, the owner shall immediately institute appropriate measures for freeing the premises so occupied of all rats.

3.9.17.5.2 Unless suitable measures for freeing the building or structure of rats are instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the city is hereby authorized to free the building or structure of rats at the expense of the owner thereof, and the city clerk shall submit bills for the expense thereof to the owner of the building or structure, and if the same are not paid, the city clerk shall certify the amount due from the owner to the city treasurer, and the owner shall be promptly billed therefor.

3.9.17.5.2.1 The expense thereof shall include the cost of labor, materials, equipment, and any other actual expense necessary for the eradication measures.

3.9.17.5.3 Conditions Conducive to Harborage of Rats.

3.9.17.5.3.1 All food and feed kept within the city for feeding animals shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-stopped building.

3.9.17.5.3.2 It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage or trash in any building or premises so that the same shall afford food and harborage for rats.

3.9.17.5.3.3 It shall be unlawful for any person to accumulate or to permit the accumulation on any premises or on any open lot any lumber, boxes, barrels, bricks, stone, or similar materials that may be permitted to remain thereon and which are rat harborages, unless the same shall be placed on open racks that are elevated not less than 12 inches above the ground, evenly piled or stacked.

3.9.17.5.3.4 Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the health department deems it necessary to eliminate such harborage, he or she may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.

3.9.17.5.3.5 Inspections.

3.9.17.5.3.5.1 The City Marshall and/or Public Health Officer shall be empowered to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this article.

3.9.18 Dangerous and unsafe structures.

3.9.18.1 Purpose.

- 3.9.18.1.1 The City Council has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary, or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties.
- 3.9.18.2 It is hereby deemed necessary by the City Council to require or cause the repair, closing, demolition, or removal of such structures as provided in this article. (K.S.A. 12-1751)
- 3.9.18.3 Definitions.
- 3.9.18.3.1 For the purpose of this article, the following words and terms shall have the following meanings:
- 3.9.18.3.1.1 Enforcing officer means the Public Health Officer or his or her authorized representative.
- 3.9.18.3.1.2 Structure shall include any building, wall, superstructure, or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750)
- 3.9.18.4 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 the following:
- 3.9.18.4.1 Inspect any structure which appears to be unsafe, dangerous, or unfit for human habitation;
- 3.9.18.4.2 Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
- 3.9.18.4.3 Report all structures which he or she believes to be dangerous, unsafe, or unfit for human habitation to the City Council;
- 3.9.18.4.4 Receive petitions as provided in this article.
- 3.9.18.5 Procedure; Petition. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe, or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe, or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the City Council.
- 3.9.18.6 Notice. The City Council upon receiving a report as provided in 3.9.18.5 of this article shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752).
- 3.9.18.7 Publication.
- 3.9.18.7.1 The resolution shall be published once each 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.
- 3.9.18.7.2 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 and shall be marked "deliver to addressee only."(K.S.A. 12-1752).

- 3.9.18.8 Hearing, Order. If, after notice and hearing, the City Council determines that the structure under consideration is dangerous, unsafe, or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record, and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such 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 stated or fails to diligently prosecute the same until the work is completed, the City Council will cause the structure to be razed and removed.
- 3.9.18.9 Duty of owner. Whenever any structure within the city shall be found to be dangerous, unsafe, or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.
 - 3.9.18.9.1 Prior to the demolition or removal of any home, building, shed, or other structure, the person wishing to demolish or remove same from his property shall first obtain a building permit from the City Clerk of the City of Parker.
 - 3.9.18.9.1.1 The party on whose property said demolition is proposed to take place shall, on a form provided by the City, provide that person's full legal name and/or the name or names under which the property is titled, the location by street number or other, and the cost of demolition or removal of the structure. As set forth below, on the blank provided thereon, the City Clerk shall fill out that portion of the form providing for the permit fee.
 - 3.9.18.9.1.2 Prior to the commencement of said demolition or removal, the owner of the property listed on the application shall pay a building permit fee of \$25.00 for a period of six months with up to one extension for an additional six months for \$25.00 per building or structure.
 - 3.9.18.9.1.3 It shall be the owner/contractor's responsibility to locate, excavate, and cap sanitary sewer and potable water lines to said structure.
 - 3.9.18.9.1.4 It shall be the duty of the City Clerk to forward a copy of the building permit application to the tax appraiser of Linn County.
- 3.9.18.10 Failure to comply.
 - 3.9.18.10.1 If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve, or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
 - 3.9.18.10.2 If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.
- 3.9.18.11 Make Site Safe. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any

other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

3.9.18.12 Assessment of Costs.

3.9.18.12.1 The cost to the city of any repairs, alterations, improvements, vacating, removal, or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.

3.9.18.12.2 The city shall give notice to the owner of the structure 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.

3.9.18.12.3 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.

3.9.18.12.4 If the proceeds of the sale of salvage or from the 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 recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

3.9.18.12.5 If there is no salvage material, or if the moneys received from the sale of salvage or from the 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 of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.(K.S.A. 12-1755).

3.9.18.13 Immediate Hazard. When in the opinion of the City Council any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the City Council may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored, or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders, and occupants. The cost of any action under this section shall be assessed against the property as provided in 3.9.18.12 of this article. (K.S.A. 12-1756).

3.9.18.14 Appeals from Order. Any person affected by an order issued by the City

Council under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

- 3.9.18.15 Scope of Article. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its articles or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law, or ordinance. 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. 12-1750:1756.
- 3.9.18.16 Penalties.
- 3.9.18.16.1 Any person or other entity however constituted violating the Health Nuisance section of this article shall upon conviction thereof be fined in an amount not to exceed \$100 or be imprisoned for not more than thirty days or be both fined and imprisoned, notwithstanding the separate and additional penalties which may be attached to specific provisions of this article. Each day during or on which a violation occurs or continues shall constitute a separate offense.
- 3.9.18.17 Abatement.
- 3.9.18.17.1 Independent of the penalties provisions of this article, such nuisances other than noxious weeds, shall be abated in the manner provided in the following section upon the City Clerk receiving a copy of a resolution from the City Council which contains a finding that such nuisance, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family, or resident of the city.
- 3.9.18.17.2 Upon receipt of such resolution, the City Clerk shall forthwith cause a written notice to be served upon the owner, occupant, agent, or other person in charge or in possession of the premises, notifying such person that he is to remove and abate from said premises the thing or things described as a nuisance in said resolution, within a time specified in the notice not exceeding ten days. Such notice shall be served by the Public Health Officer or City Marshall delivering a copy thereof to the owner, occupant, or agent of the owner of the premises, or in the event the property is unoccupied, and the owner thereof is not a resident of the city, the City Clerk shall cause a copy of such notice to be mailed to the last known address of the owner thereof.
- 3.9.18.17.3 In the event the owner, occupant, agent, or other person in charge or possession of any real property fails to comply with the requirements of the notice for a period longer than that named in the notice, the city shall proceed to have the things described in said notice removed and abated from said lot or parcel of ground. The Clerk shall keep a record of the costs of such removal and abatement and the city shall assess and charge such costs to the lot or parcel or ground upon which the nuisance was located. If the owner or his

agent fails to pay the assessment to the city within thirty days after receipt of a written notice from the City Clerk requesting payment of said assessment, the City Clerk shall, at the time of certifying other city taxes to the County Clerk, certify the aforesaid costs and the County Clerk shall extend the same on the tax roll of the County against said lot or parcel of ground, and it shall be collected by the County Treasurer and paid to the city as other city taxes are collected and paid.

3.9.18.17.4 In the event that the thing or things removed and abated from any real property has salvage value, the City Clerk may sell the salvage and apply the proceeds or any necessary portion thereof to pay the costs of removing the same. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the thing or things determined to be a nuisance were located.

3.10 Building Permits

3.10.1 Prior to the construction of any new home, building, shed, or other structure, the person wishing to construct same upon his property shall first obtain a building permit from the City Clerk of the City of Parker.

3.10.1.1 The party on whose property said construction is proposed to take place shall, on a form provided by the City, provide that person's full legal name and/or the name or names under which the property is titled, the location by street number or other, and the cost of construction of the proposed structure. As set forth below, on the blank provided thereon, the City Clerk, shall fill out that portion of the form providing for the permit fee.

3.10.1.2 Prior to the commencement of said construction, the owner of the property listed on the application shall pay a building permit fee of \$25.00 for a period of six months with up to one extension for an additional six months for \$25.00 per building.

3.10.1.3 It shall be the duty of the City Clerk to forward a copy of the building permit application to the tax appraiser of Linn County, Kansas.

3.10.2 Prior to the demolition or removal of any home, building, shed, or other structure, the person wishing to demolish or remove same from his property shall first obtain a building permit from the City Clerk of the City of Parker.

3.10.2.1 The party on whose property said demolition is proposed to take place shall, on a form provided by the City, provide that person's full legal name and/or the name or names under which the property is titled, the location by street number or other, and the cost of demolition or removal of the structure. As set forth below, on the blank provided thereon, the City Clerk shall fill out that portion of the form providing for the permit fee.

3.10.2.2 Prior to the commencement of said demolition or removal, the owner of the property listed on the application shall pay a building permit fee of \$25.00 for a period of six months with up to one extension for an additional six months for \$25.00 per building or structure.

3.10.2.3 It shall be the owner/contractor's responsibility to locate, excavate, and cap sanitary sewer and potable water lines to said structure.

3.10.2.4 It shall be the duty of the City Clerk to forward a copy of the building permit application to the tax appraiser of Linn County, Kansas.

3.10.3 All construction work shall be inspected.

3.10.4 It shall be unlawful for any individual, entity, or corporation to construct a new

home, building, shed, or structure without first obtaining a permit from the City Clerk of Parker, Kansas.

3.10.5 Violations of this article shall be unclassified misdemeanors punishable by a fine not to exceed \$100.00 for each offense, and each day of the violation shall constitute a separate offense.

3.10.6 The City of Parker, Kansas has adopted the National Electrical Code of 1999.

3.10.6.1 That certain documents, three copies of which are on file in the office of the City Clerk for the City of Parker, Kansas being marked as *NEC National Electrical Code*, as published by the NFPA National Fire Protection Association, be and is hereby adopted as the code of the City of Parker for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of electrical systems within the City of Parker and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions, and terms of such *NEC National Electrical Code, 1999* edition, published by the NFPA National Fire Protection Association, on file in the office of the City Clerk are hereby referred to, adopted, and made part hereof as if fully set forth in this article.

3.10.7 The City of Parker, Kansas has adopted the International Residential Code.

3.10.7.1 That certain documents, three copies of which are on file in the office of the City Clerk for the City of Parker, Kansas, being marked and designated as *International Residential Code*, including Appendix chapters and References, as published by the International Code Council is hereby adopted as the code of the City of Parker for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of Parker, and providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, conditions and terms of such *International Residential Code 2000* edition, published by the International Code Council on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this article.

3.11 Neighborhood Revitalization

3.11.1 There is a Neighborhood Revitalization Plan for the City of Parker, Kansas.

3.11.2 On April 9, 1998, the City Council met and approved the adoption of the plan.

3.11.3 The City Council of the City of Parker, Kansas does hereby adopt the Neighborhood Revitalization Plan, entitled Exhibit A, which is on file and record at the Parker City Hall and of which this article is a part, and incorporated by reference as fully set forth herein as provided by S 3(a) of Chapter 242 of the 1994 Kansas Session Laws.

3.11.4 Pursuant to S12 of Chapter 242 of the 1994 Kansas Session Laws, the City Council of Parker has designated the following described property as the neighborhood revitalization area and find that said area contains:

3.11.4.1 A predominance of buildings which by reason of dilapidation are detrimental to public health, safety, and welfare;

3.11.4.2 A substantial number of deteriorating structures which impairs sound

- growth of the city and retards provision of housing, and
- 3.11.4.3 A predominance of buildings which are significant and should be restored to productive use.
- 3.11.5 The neighborhood revitalization area is described as follows
- 3.11.5.1 Beginning at the Northeast corner of Section 8, Township 20 South, Range 22 East, running thence South 440 feet on the East line of Section 8 to the North line of North Street, thence West 1,125 feet, thence East 160 feet, thence South 1,284 feet to the South line of the Northeast Quarter of Section 8, thence East 925 feet on said quarter section line, thence South 300 feet in the Northeast Quarter of the Southeast Quarter of Section 8 thence East 200 feet to the East line of Section 8, thence North of the East line of the Missouri, Kansas and Texas Railroad Company Right of way, thence Northeasterly 1,000 feet, more or less, along the East line of said railroad right of way in the Northwest quarter of Section 9, thence East 1,246 feet to the centerline of Coombs Avenue, thence North 423 feet, thence East 160 feet, thence North 137 feet, thence West 160 feet thence North 40 feet to the North line of Main Street, thence West 545 feet, thence North 140 feet, thence West 50 feet to the East line of the Missouri, Kansas and Tex Railroad Company right of way, thence Northeasterly along the East line of said right of way to a point where it intersects the North line of Section 9, thence East on said section line to a point 30 feet East of the Northeast corner of the northwest quarter of Section 9, thence running North to the East line of the Missouri, Kansas and Texas Railroad Company right of way in the Southwest quarter of the Southwest quarter of Section 4, thence Southwesterly 877, feet along the East line of said railroad right of way, thence South 45 feet, thence West 1,005 feet, more or less, to the East line of the public road, thence South 230 feet to the South line of Section 4, thence West 210 feet on said section line, thence North 230 feet, thence West 540 feet, thence North 795 feet, thence West 355 feet to the West line of Section 4 thence South 795 feet on said section line, thence West 230 feet in the Southeast quarter of the Southeast quarter of Section 5, thence South 230 feet to the south line of Section 5, thence East 230 feet on said section line to the Northeast corner of Section 8, the place of beginning all in Township 20 South, Range 22 East of the 6th P.M. in Linn County, Kansas.
- 3.11.5.2 Also a tract beginning at a point 68 rods, 15 feet East of the Southwest corner of the Southwest Quarter of Section 4, Township 20 South, Range 22 East of the 6th P.M. and North 240 feet, thence running North 440 feet, thence East 198 feet, thence South 440 feet, thence West 198 feet to the place of beginning, containing 2.00 acres more or less. The following described tract of real estate situated in Linn County Kansas, be and the same is hereby annexed to said city, pursuant to provisions of K.S.A. 12-520(7) to wit lots 15, 16, 17, and 18 in Block 27 Coombs first addition to the City of Parker, Kansas.
- 3.11.5.3 Section 3.11 of the Code of the City of Parker is hereby repealed.**

3.12 Manufactured Housing

3.12.1 Definitions

- 3.12.1.1 Dwelling Unit- An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- 3.12.1.2 Manufactured House- A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 C.F.R. 3280 et seq.) promulgated by the U.S Department of Housing and Urban Development.
 - 3.12.1.2.1 Manufactured House, Class A- a manufactured house constructed after July 1, 1995 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
 - 3.12.1.2.1.1 Has an exterior dimension of not less than 24' x 40'.
 - 3.12.1.2.1.2 Has a roof pitch of no less than 3 inches of vertical rise to each 12 inches of horizontal run.
 - 3.12.1.2.1.3 Has roofing materials consisting of composition asphalt shingle, metal, fiberglass shingle, wood shake, baked tile, or crushed rock.
 - 3.12.1.2.1.4 Has a roof overhang of not less than one foot measured from the vertical side of the home. When attached carports, garages, porches, or similar structures are an integral part of the home, this overhang may be waived where the accessory structure is attached to the home.
 - 3.12.1.2.1.5 Has siding material consisting of wood, stucco, brick, horizontal lap aluminum, horizontal lap vinyl, or rock.
 - 3.12.1.2.1.6 The manufactured house is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards (NCS/BCS A225.1) (Manufactured Home Installations) and a continuous, permanent masonry foundation, unpierced excepted for required ventilation and access, is installed under the perimeter of the manufactured home.
 - 3.12.1.2.1.7 Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed and attached firmly to the primary structure or anchored securely to the ground unless the means of entrance and exit are precast concrete steps.
 - 3.12.1.2.1.8 The moving hitch, wheels and axles, and transporting lights have been removed.
 - 3.12.1.2.1.9 It is the intent of these criteria to ensure that a class A manufactured house, when installed, shall have substantially the appearance of an on-site, conventionally built single-family dwelling.
 - 3.12.1.2.2 Manufactured House, Class B- A manufactured house constructed after July 1, 1995 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that

meets or exceeds the following criteria:

- 3.12.1.2.2.1 Has an exterior dimension of not less than 24' x40'. When these minimum dimensions cannot be met, the city reserves the right, upon special review, to reduce the required dimensions if
 - 3.12.1.2.2.1.1 The long axis of the unit is situated parallel with the street or
 - 3.12.1.2.2.1.2 if there is a building addition or substantial landscaping so that the narrow dimension of the unit as so modified facing the street is no less than 50 percent of its long dimension.
- 3.12.1.2.2.2 Has a roof pitch of no less than 2 inches of vertical rise to each 12 inches of horizontal run.
- 3.12.1.2.2.3 Has roofing materials consisting of composition asphalt shingle, metal, fiberglass shingle, wood shake, or baked tile.
- 3.12.1.2.2.4 Has siding material consisting of wood, stucco, brick, horizontal lap aluminum, or stone
- 3.12.1.2.2.5 The manufactured house is set up in accordance with the recommended installation procedure of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards (NCS/BCS A225.1) Manufactured Home Installations) and a continuous, permanent masonry foundation, unpierced except for required ventilation and access is installed under the perimeter of the manufactured home.
- 3.12.1.2.2.6 Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed and attached firmly to the primary structure or anchored securely to the ground unless the means of entrance or exit are precast concrete steps.
- 3.12.1.2.2.7 The moving hitch, wheels and axles, and transporting lights have been removed.
- 3.12.1.2.3 Manufactured House, Class C- Any manufactured house as defined in this article that does not meet the definitional criteria of a Class A or Class B manufactured house and has a minimum floor area of 800 square feet, excluding the area of garage or carport and that satisfies the following additional criteria:
 - 3.12.1.2.3.1 Has been constructed after July 1, 1995 and meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction, unless, or in the event, the manufactured house was manufactured before 1995 and has been altered or reconstructed to meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development for manufactured homes constructed after July 1, 1995.
 - 3.12.1.2.3.2 Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the house shall be installed or constructed and attached firmly to the primary structure or anchored securely to the ground unless the means of entrance or exit are precast concrete steps.

3.12.1.2.3.3 The manufactured house is set up in accordance with recommended installation procedure of the manufacturer and the standards set by the National Congress of States on Building Codes and Standards (NCS/BCS A225.)
(Manufactured homes installations)

3.12.2 Any and all manufactured homes within the City Limits of Parker, unless required to be on a permanent masonry foundation as set forth herein, and whether or not in a park established for manufactured houses, shall:

- 3.12.2.1 Be skirted on all sides, such skirts to be of material harmonious to the primary structure.
- 3.12.2.2 Not be placed within six foot of the property line.
- 3.12.2.3 Be placed so that there shall be only one manufactured house per city lot.
- 3.12.2.4 Be tied down with steel strapping, cable, chain, or other material in compliance with the United States Department of Housing and Urban Development guidelines.
- 3.12.2.5 Not be attached or permanently affixed to another manufactured home.
- 3.12.2.6 Not be attached or permanently affixed to an existing structure within the city limits of Parker.

3.12.3 Violations

- 3.12.3.1 It shall be unlawful for an individual, person, entity, or corporation to place or install a manufactured house on a lot in the City of Parker that does not meet the definitional requirements of a Class A, B, or C manufactured home.
- 3.12.3.2 Further, it shall be unlawful for any individual, person, entity, or corporation to violate any other provision of this article.

3.12.4 Penalties

- 3.12.4.1 Violation of this article shall be an unclassified misdemeanor and punishable by a fine not to exceed \$500.00 for each offense. Each day of the violation shall constitute a separate offense. In case any building or structure is or is proposed to be erected, constructed, altered, converted, or maintained or any building, structure, or land is proposed to be, used in violation of this article, the code enforcement officer, city attorney, or other appropriate authority of the city may, in addition to other remedies, institute injunction, mandamus, or other appropriate action in proceedings to prevent such unlawful erection, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.

3.13 Fire Damaged Structures

- 3.13.1 The City of Parker is 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, arising out of any fire, windstorm, water damage, or explosion, where the amount recoverable for the loss or damage to the building or other insured structure under all policies is in excess of seventy five percent of the face value of the policy covering such building or other insured structure, unless there is

compliance with the procedures set forth in this article.

3.13.2 The City Council of the City of Parker, Kansas 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, caused by or arising out of fire, windstorm, water damage, or explosion, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy five percent of the 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.

3.13.3 Prior to final settlement on any claim covered by this article, all insurers shall contact the County Treasurer, Linn 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, Linn County, Kansas.

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

3.13.5 Procedure.

3.13.5.1 When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company or companies, and the final settlement exceeds seventy five percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to fifteen percent of the covered claim payment, unless the Public Health Officer or 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.

3.13.5.2 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.

3.13.5.3 Upon the transfer of the funds as required in this article, the insurance company shall provide the City of Parker with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or structure and the total amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Public Health Officer/ Building Inspector shall contact the named insured or insureds by

registered mail, notifying them that said insurance proceeds have been received by the City of Parker and apprise them of the proceeds to be followed under this article.

- 3.13.6 The City Treasurer is authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All monies received by the City Treasurer as provided for by this article shall be placed in said fund and deposited in an interest bearing account.
- 3.13.7 Public Health Officer/Building Inspector; Investigation, removal of structure
- 3.13.7.1 Upon receipt of monies as provided for by this article, the City Treasurer shall immediately notify the Public Health Officer/Building Inspector of said receipt, and transmit all documentation received from the insurance company or companies to the Public Health Officer/Building Inspector.
- 3.13.7.2 Within twenty days of the receipt of monies, the Public Health Officer/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.
- 3.13.7.3 Prior to the expiration of the twenty days established in 3.13.7.2, the Public Health Officer/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.
- 3.13.7.4 If the Public Health Officer/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 thirty days after receipt of the monies by the City Treasurer.
- 3.13.7.5 Upon notification to the City Treasurer by the Public Health Officer/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 monies 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 thirty days of the receipt of the monies from the insurance company or companies.
- 3.13.7.6 If the Public Health Officer/Building Inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all monies 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.
- 3.13.7.7 If the Public Health Officer/Building Inspector, with regard to a building or other structure damaged by fire, windstorm, water damage, or explosion, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under statutory authority 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 Public Health Officer/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, the Public Health Officer shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

- 3.13.7.8 This article shall not make the City of Parker 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.
- 3.13.7.9 Insurers complying with this article or attempting in good faith to comply with this ordinance shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2402 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.

3.14 Inspection and Condemnation of dangerous structures

- 3.14.1 The enforcing officer for the purpose of the removal of unsafe, dangerous, or abandoned structures shall be the Public Health Officer/Building Inspector for the City of Parker, Kansas. The Public Health Officer/Building Inspector is charged with the administration of the provisions of K.S.A. 12-1750 et seq., as amended.
- 3.14.2 K.S.A. 12-1750 et seq., as from time to time amended is hereby incorporated by reference into the Code of the City of Parker, Kansas for the purpose of regulating unsafe or dangerous structures and abandoned property within the city limits of the City of Parker, Kansas.
- 3.14.3 Upon notice from the Public Health Officer/Building Inspector of a violation of this section of the Code of the City of Parker, Kansas, the owner of the property shall have no more than ninety days to commence corrective action or face such fines and penalties as the Municipal Court shall impose.
- 3.14.4 Prior to the demolition or removal of any home, building, shed, or other structure, the person wishing to demolish or remove same from his property shall first obtain a building permit from the City Clerk of the City of Parker.
 - 3.14.4.1 The party on whose property said demolition is proposed to take place shall, on a form provided by the City, provide that person's full legal name and/or the name or names under which the property is titled, the location by street number or other, and the cost of demolition or removal of the structure. As set forth below, on the blank provided thereon, the City Clerk shall fill out that portion of the form providing for the permit fee.
 - 3.14.4.2 Prior to the commencement of said demolition or removal, the owner of the property listed on the application shall pay a building permit fee of \$25.00 for a period of six months with up to one extension for an additional six months for \$25.00 per building or structure.
 - 3.14.4.3 It shall be the owner/contractor's responsibility to locate, excavate and cap sanitary sewer and potable water lines to said structure.
 - 3.14.4.4 It shall be the duty of the City Clerk to forward a copy of the building permit application to the tax appraiser of Linn County, Kansas.

3.15 National Flood Insurance Program

- 3.15.1 The City of Parker, Kansas by Ordinance 417, on April 10, 2008 adopted Kansas Floodplain management zoning regulations based on the model recommended by FEMA and the Kansas Department of Agriculture.
- 3.15.2 The Parker Floodplain Management Ordinance is hereby adopted by adding New Ordinance Number 418 for the City of Parker, Kansas which reads as follows:
 - 3.15.2.1 Incorporation of Floodplain Management Zoning Ordinance. Pursuant to the provisions of K.S.A. 12-3009, 12-3010, and 12-3301, there is hereby

incorporated by reference for the purpose of providing floodplain zoning regulation within the City of Parker, Kansas, all of the zoning regulations contained in that document thereafter known and referred to as the "Floodplain Management Ordinance for the City of Parker, Kansas," which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources.

- 3.15.2.2 No fewer than three copies of the Floodplain Management Ordinance for the City of Parker, Kansas shall be marked or stamped, "Official Copy as incorporated by Ordinance No. 418 of the City of Parker, Kansas" and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from City Hall. All city officials requiring the use of the Floodplain Management Ordinance for the City of Parker, Kansas shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the City Council.

CHAPTER 4 LAW ENFORCEMENT AND THE MUNICIPAL COURT

4.1 Municipal Court	P. 56-57
4.2 City Marshall	P.57-58
4.3 Adopt Public Offense Code	P.584.4
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59-60	
4.5 Updates and Amendments to Article 4	

CHAPTER 4. LAW ENFORCEMENT AND THE MUNICIPAL COURT

4.1 Municipal Court

- 4.1.1 There is hereby established a Municipal Court for the City of Parker, Kansas.
- 4.1.2 The Municipal Court of the city shall have the jurisdiction to hear and determine cases involving violations of the Municipal Code of the City of Parker, Kansas. Search warrants shall not be issued out of the Municipal Court
- 4.1.3 The Municipal Judge shall have the power to administer the oaths and enforce due obedience to all orders, rules, and judgments made by the Municipal Judge, and may fine or imprison for contempt committed in court or for failure to obey process issued by the Municipal Judge, in the same manner and to the same extent as the District Court.
- 4.1.4 The Municipal Judge shall have the power to hear and determine all cases properly brought before the Municipal Court, to grant continuances, to sentence those found guilty to a fine or confinement in jail, or both, to commit accused person to jail in default of a bond, to determine applications for parole, to release on probation, to grant time in which a fine may be paid, to correct a sentence, to suspend imposition of a sentence, to set aside a judgment, to permit time for post trial motions and to discharge accused persons.
- 4.1.5 The Municipal Judge shall maintain a docket in which the Municipal Judge shall enter every cause commenced before the Municipal Court. All prosecutions for violating any article of the Municipal Code of the City of Parker, Kansas shall be entitled, "The City of Parker against _____."
- 4.1.6 The docket shall contain the names of the accused persons and the complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the findings of the court, the judgment and sentence, the date of payment, and every other fact necessary to show the full proceedings in this case.
- 4.1.7 In the event the Municipal Judge is temporarily unable to preside due to an absence, illness or disqualification, he shall designate a qualified person to act as judge pro tempore. In the event the Municipal Judge fails to appoint a Judge pro tempore, the Judge pro tempore shall be appointed in the same manner as the Municipal Judge is selected.
- 4.1.8 The Judge pro tempore shall receive compensation as shall be provided by the Municipal Code, payable in the same manner as the compensation of the regular Municipal Judge. In the event a vacancy shall occur in the office of the Municipal Judge, a successor shall be appointed to fill the unexpired term in the same manner in which the Municipal Judge was selected.
- 4.1.9 The City shall provide, at the expense of the City, a suitable courtroom for the Municipal Court, together with all necessary supplies and records.
- 4.1.10 That the Mayor by and with the consent of the council, shall have power to employ an attorney for the City of Parker, Kansas.
- 4.1.11 No person shall be eligible for the office of City Attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas.
- 4.1.12 The City Attorney shall be charged with the general direction and supervision of the legal affairs of the city.

- 4.1.13 The City Attorney shall be responsible to advise and represent the City of Parker in all cases where suit is brought against the city, appeals taken from the judgments of the Municipal Court, and all other cases where, in the judgment of the Mayor and Council, the interests of the city are at issue.
- 4.1.14 The City Attorney, in person or by assistants, shall prosecute all causes in the Municipal Court.
- 4.1.15 The City Attorney shall:
- 4.1.15.1 Attend meetings of the City Council when directed to attend by the Mayor;
 - 4.1.15.2 Advise the City Council and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;
 - 4.1.15.3 When requested by the City Council, give opinions in writing upon any such questions;
 - 4.1.15.4 Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs in the city;
 - 4.1.15.5 Approve all ordinances of the city as to form and legality;
 - 4.1.15.6 Perform such other duties as may be prescribed by the Kansas Statutes.
- 4.1.16 The Municipal Judge shall receive a salary of \$75.00 per month. In addition to the monthly salary, the Municipal Judge shall be reimbursed for mileage every other month in those months in which sessions of the Municipal Court are held.
- 4.1.17 The bond of the Municipal Judge shall be \$1,000.
- 4.1.18 The Municipal Court shall be held at the Senior Citizens Building commencing at 6:00 pm on the second Thursday of the following months; January, March, May, July, September, and November, excepting that if such day falls on a holiday, said Court shall not be held, and said Court shall be held at the same time on such other day of the month except Sunday as the Court determines convenient.
- 4.1.19 In each and every court case, court costs of \$55 plus such court costs as are required to be collected by state statute, shall be taxed against the Defendant.

4.2 City Marshall

- 4.2.1 The salary of the City Marshall shall be established by ordinance.
- 4.2.1.1 The City Marshall shall be subject to the orders of the Mayor and shall at all times have the power to make an arrest, with proper process, for any offense against the laws of the state or city and bring the offender for trial before the Municipal Court, and to arrest without process in all cases where any such offense shall be committed or attempted to be committed in his presence and shall have the power to commit such offender to the County Jail or other place of confinement until a trial can be held before the proper officers.
 - 4.2.1.2 The City Marshall shall report to the Mayor, Council, or Public Health Officer should there be any matter requiring their attention or concerning which they should be advised which shall come to his knowledge or concerning which complaints have been made to him.
 - 4.2.1.3 All fees collected by the City Marshall shall be paid by him to the City Treasurer, and he shall take a receipt from the same.
 - 4.2.1.4 If the City Marshall should fail or refuse to comply with every article of the Municipal Code of the City of Parker, Kansas, or fail or refuse to perform

every duty prescribed in the laws of this state, it shall be deemed sufficient cause for dismissal.

- 4.2.1.5 The City Marshall shall have the authority to call on any person or persons resident in the city between the ages of 21 and 50 to assist him in enforcing the Municipal Code of the City of Parker, Kansas.
- 4.2.1.6 The City Marshall shall be the Street Commissioner and shall remove or cause to be removed all rubbish, dead carcasses, and nuisances from the streets and from the city, shall remove or cause to be removed any and all obstructions from the streets, alleys, passageways, sidewalks, and crossings. Shall superintend the establishment of street grades and of grading streets, building sidewalks, culverts, crossings, bridges, and repairing and improving the same.

4.3 Adopt Public Offense Code

4.3.1 There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Parker, Kansas, the most recent version of that certain code known as the "Uniform Public Offense Code", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. The "most recent version" shall be defined as the latest version published and available on October 1 of each year. This latest version shall become effective within the City of Parker, Kansas, on October 1 of each year. No fewer than three copies of said "Uniform Public Offense Code" shall be marked or stamped "Official Copy as Adopted by Article 4.3.1 of the Municipal Code of the City of Parker, Kansas, and to which shall be attached a copy of this article, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

4.3.1.1 Trespass upon the Property of M.K.&T. Railroad

4.3.1.1.1 Any person or persons jumping on or off any train or railcar while in motion or standing still, or who shall cling to any moving train or railcar within the corporate limits of the City of Parker, shall be guilty of trespass upon the property of M.K. &T. Railroad Co., providing this section shall not be construed to apply to any person or persons having legitimate business with the railroad company.

4.3.1.1.2 Parents of children under the age of ten years must keep said children away from the railroad tracks and buildings, unless on business, and then the parent must accompany the child.

4.3.1.1.3 Any person or persons convicted for violations of any provision of this article shall be fined an amount within the discretion of the Municipal Court Judge.

4.3.1.2 Resisting or using abusive or threatening language with an officer in the discharge of his duties.

4.3.1.2.1 It shall be unlawful for any person or persons to resist an officer in the discharge of his duties or to use threats or abusive language to an officer the discharge of his duties.

4.3.1.2.2 If any person or persons violate any of the provisions of this article, he, she or they shall be adjudged guilty of a misdemeanor and upon conviction thereof shall be fined an amount not less than \$25.00 nor more than \$100.00.

4.4 Adopt Standard Traffic Ordinance

4.4.1 There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Parker, Kansas, the most recent version of that certain code known as the "Uniform Public Offense Code", prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. The "most recent version" shall be defined as the latest version published and available on October 1 of each year. This latest version shall become effective within the City of Parker, Kansas, on October 1 of each year. No fewer than three copies of said "Uniform Public Offense Code" shall be marked or stamped "Official Copy as Adopted by Article 4.3.1 of the Municipal Code of the City of Parker, Kansas, and to which shall be attached a copy of this article, 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, City Attorney and all administrative departments, as may be deemed expedient, shall be furnished with official copies of similarly marked Standard Traffic Ordinances

- 4.4.1.1 An Ordinance infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118. All traffic infractions which are included in this article, and which are not ordinance traffic infractions shall be considered traffic offenses.
- 4.4.1.2 The fine for a violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine schedule shall not be less than \$10.00 nor more than \$1,500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$1,500.00. Said fine schedule shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.
- 4.4.1.3 As of May 10, 2007, the City Council has established a Thru Trucks Prohibited Route east on Main Street to Railroad and Woodward, from Woodward on Railroad west to Main Street and Center. Signs were erected east and west saying that cross traffic does not stop on Main Street. The Stop signs were removed from Center Street. There shall be established within the City of Parker, Kansas "No Parking" zones, to be marked by the presence of a "No Parking" sign.
 - 4.4.1.3.1 It shall be unlawful for any person or persons to park on any street or avenue within the city limits of the City of Parker, Kansas that is marked with a "No Parking" sign.
 - 4.4.1.3.2 Any violation of this article shall be a misdemeanor punishable by fine of not less than \$10.00 nor more than \$30.00 or by imprisonment of not more than thirty days or both by fine and imprisonment.
- 4.4.1.4 The City Marshall of the City of Parker or his duly designated deputies or agents shall have the power and authority to enforce this article of the Municipal Code of the City of Parker, Kansas.
- 4.4.1.5 School Zone and speeds therefore established.
 - 4.4.1.5.1 Pursuant to the powers of local authorities granted by K.S.A. 8-2002(a)(11) and K.S.A. 8-1560, the City Council of the City of Parker, Kansas has established a school zone within the city limits. This school zone is legally described as:
 - 4.4.1.5.1.1 Beginning at the North line of Kimball Street north to the city limits from a point 1,000 feet, more or less, East of the NW

corner of Section 9, Township 20 South, Range 22 East, west to a point 450 feet, more or less, West of the NW corner of Section 9, Township 20 South, Range 22 East.

4.4.1.5.2 The maximum speed permitted in the above described school zone shall be 20 miles per hour during the hours of 7:00 am to 9:00 am and from 2:30 pm to 4:30 pm on the days students are normally en route to and from school.

4.4.1.5.3 The penalties for violation of this article shall be set by the Municipal Judge pursuant to K.S.A. 12-4305 and K.S.A. 8-2118.

4.4.1.6 Open Container

4.4.1.6.1 It shall be unlawful for any person to transport in any vehicle upon a highway or street any cereal malt beverage or alcoholic beverage unless such beverage is:

4.4.1.6.1.1 In the original, unopened package or container, the seal of which has not been broken and from which the original cap or cork or other means of closure has not been removed;

4.4.1.6.1.2 In the locked trunk or rear compartment or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

4.4.1.6.1.3 In the exclusive possession of a passenger in a vehicle which is a recreational vehicle as defined by K.S.A. 75-1212 or a bus as defined by K.S.A. 8-1406, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

4.4.1.7 Consumption of Alcohol while driving

4.4.1.7.1 It shall be unlawful for any person to consume any cereal malt beverage or alcoholic beverage while operating any vehicle upon any street or highway.

CHAPTER 5

PUBLIC PROPERTY

5.1 Streets	P.62-63
5.2 Snow and Ice	P.64
5.3 Sidewalks	P.64-66
5.4 Parks	P.66-67
5.5 Lake	P.67-69
5.6 Updates and Amendments to Article 5	

CHAPTER 5. PUBLIC PROPERTY

5.1 Streets

5.1.1 Excavation Permit- No person, other than authorized city employees, shall dig or excavate any hole, ditch, trench, or tunnel in or under any street, alley, sidewalk, park, or other public property without first having secured a permit for such excavation. Application shall be made to the City Clerk.

5.1.1.1 Bond

5.1.1.1.1 No permit authorized in this article shall be issued until the applicant has given the city a good and sufficient bond in the sum of \$5,000 conditioned that the applicant will faithfully comply with all the terms and conditions of this article, and will indemnify and hold the city harmless against all costs, expenses, damages, and injuries by persons or by the city sustained by reason of the carelessness or negligence of the permit holder. No bond for this purpose shall run for longer than two years without being renewed. The bond shall remain in full force and effect as to each excavation for two years after the same has been made and completed.

5.1.1.1.1.1 Any utility operating under a franchise or a contractor under contract with the city for municipal improvement shall not be required to give bond as required herein.

5.1.1.1.2 Each bond given under this article shall be filed with the City Clerk.

5.1.1.1.3 Bond Filed- If the application is approved by the city, the City Clerk shall issue a permit upon payment of a fee of \$5.00. Each permit issued under the provisions of this section shall cover only one specific excavation.

5.1.1.2 Barricades-

5.1.1.2.1 Any person to whom an excavation permit is issued shall enclose all excavations which they make with sufficient barricades and danger signs at all times, and shall maintain sufficient warning lights or flares at nighttime. The holder of an excavation permit shall take all necessary precautions to guard the public against accidents from the beginning of the work to the completion of the same.

5.1.1.3 Unlawful acts-

5.1.1.3.1 It shall be unlawful for any person, except those having authority from the city or any officer thereof, to throw down, interfere with, or remove any barriers, barricades, or lights placed in any street to guard and warn the traveling public of any construction work thereon or adjacent thereto.

5.1.1.4 Cutting Curbs

5.1.1.4.1 No person shall cut any curb, gutter, pavement, blacktop, or sidewalk or excavate any street, alley, or other public grounds of the city for any purpose without first obtaining a permit authorizing the same from the City Clerk.

5.1.1.4.2 Once the work for which the excavation was made has been completed, the city shall restore the pavement, blacktop, sidewalk, or other surfacing at the expense of the person for whom the excavation was made.

5.1.1.4.3 In lieu of the city replacing pavement, it may elect to authorize utility companies or their contractors to resurface streets or sidewalks with like materials, subject to the approval of the City Council.

- 5.1.1.4.4 Nothing in this section shall be deemed to prohibit the owners of private property from removing sidewalks that cross said private property, subject to the approval of the City Council, when such sidewalks are a hazard to the public. The Council shall determine on a case by case basis, examining all of the facts and circumstances, whether the property owner shall be responsible for replacing the sidewalk.
- 5.1.1.5 Altering Drainage.
 - 5.1.1.5.1 No person shall change or alter any gutter, storm sewer, drain, or drainage structure which has been constructed or is being lawfully maintained or controlled by the city unless such change or alteration has been authorized or directed by the City Council.
- 5.1.1.6 Unfinished pavement.
 - 5.1.1.6.1 No person shall walk upon, drive, or ride over or across any pavement, sidewalk, or incomplete grading which has not been opened for traffic.
- 5.1.1.7 Using Streets
 - 5.1.1.7.1 No person shall occupy any portion of any street, alley, or sidewalk for the purpose of temporarily storing building materials without first obtaining a permit for such temporary use from the City Council.
 - 5.1.1.7.2 No person may use any portion of any sidewalk or street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this article however should be construed as prohibiting the city Council from temporarily waiving the prohibition of this subsection in connection with community events, community promotions, or community-wide celebrations when such waiver is considered to be in the best interest of the city.
- 5.1.1.8 Dangerous Objects In Streets
 - 5.1.1.8.1 It shall be unlawful for any person to place, throw, or cause to be placed or thrown in or on any street, alley, sidewalk, or other public grounds of the city, any glass, tacks, nails, bottles, wire, or other dangerous objects that might wound any person or animal, or cut or puncture any pneumatic tire while passing over the same.
 - 5.1.1.8.2 It shall be unlawful for any person, firm, or corporation to deposit or throw any waste oil, fuel oil, kerosene, gasoline, or other products of petroleum or any acids into or upon any street or public grounds of the city, or willfully to permit the same to be spilled, dripped, or otherwise to come into contact with the surface of any street, alley, or sidewalk within the city.
 - 5.1.1.8.3 It shall be unlawful for any person, firm, or corporation to throw or discharge water into any ditch, street, avenue, or alley in the city or to cause any water to stand or form pools or to flow in a stream thereon. This section shall not apply to persons cleaning or flushing such streets, avenues, or alleys under the authority of the City Council, nor to members of the fire department while in the discharge of their duties.
 - 5.1.1.8.4 It shall be unlawful for any person to make or cause to be made, any fire upon any of the paved streets, alleys, or street intersections within the city.

5.2 Snow and Ice

- 5.2.1 It shall be unlawful for the owner and/or the occupant of any lots abutting upon any sidewalks to fail to cause to be removed from such sidewalks all snow and ice within 12 hours from the time that the snowfall or ice storm ceases. If the snow falls or ice accumulates upon the sidewalks in the nighttime, removal of the same must be made within 12 hours after sunrise on the following day.
- 5.2.2 It shall be unlawful for any person to place snow removed from private property upon any public street, alley, or sidewalk.
- 5.2.3 Where there shall be ice or compacted snow on any such sidewalk of such a character as to make it practically impossible to remove the same, the sprinkling of ashes, sand, or other noncorrosive chemicals on the accumulation of ice or snow in such a manner as to make such sidewalk reasonably safe for pedestrian travel shall be deemed a sufficient compliance with the provisions of this article until the snow or ice can be removed.
- 5.2.4 Any person violating the provisions of this article shall, upon conviction, be fined \$25.00.
- 5.2.5 If any owner or occupant of any lot or lots shall refuse or neglect to clean or remove from the sidewalk abutting their lot or lots all snow and ice within the time specified, the city may cause such snow and ice to be removed from sidewalks, and the cost thereof shall be assessed against such abutting lot or lots, and the City Clerk shall certify the same to the County Clerk for collection as provided by law.
- 5.2.6 The City Clerk shall, at the time of certifying other city taxes to the County Clerk, certify the unpaid costs for removal of snow or ice performed pursuant to this article and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground.
- 5.2.7 The cost of such work shall be paid from the general fund or other proper fund of the city, and such fund shall be reimbursed when payments therefore are received or when such assessments are collected and received by the city.

5.3 Sidewalks

- 5.3.1 It shall be unlawful to construct, reconstruct, or repair any sidewalk within the city until the plans have first been approved by the City Council and a permit issued for such work by the City Clerk.
- 5.3.2 Hereafter all sidewalks constructed or reconstructed in the city shall be constructed on the established grade. When the City Council shall order a sidewalk constructed as hereafter provided, the city shall pay the cost of bringing the street to grade for the sidewalk. Where no grade has been established, the owner of abutting property may construct a sidewalk on the natural grade. If the grade has been established, the City Clerk shall furnish the property owner with the official grade by reference to a stated distance above or below the street grade.
- 5.3.3 Hereafter all sidewalks shall be of single-course construction and shall be constructed and laid in accordance with standard plans and specification hereby adopted by reference and filed in the office of the City Clerk as provided by K.S.A. 12-1802. It shall be unlawful for any person, firm, or corporation to construct, reconstruct, or repair any sidewalk except as provided by this article.
- 5.3.4 When a petition signed by no fewer than 10 citizens owning real estate in the city requesting the construction of a sidewalk is filed with the City Clerk, the City

Council may, in its discretion, by a resolution, order such sidewalk constructed as herein provided.

5.3.5 When any sidewalk, in the opinion of the property owner, becomes inadequate or unsafe for travel thereon, the City Council may, at the request of the property owner, adopt a resolution condemning such sidewalk, allowing its removal, providing for the construction of a new walk, and determining who shall be responsible for the cost thereof.

5.3.5.1.1 The resolution providing for the construction or reconstruction of a sidewalk, as the case may be, shall give the owner of the abutting property not less than 30 days nor more than 60 days after its publication one time in the official city paper in which to construct or cause to be constructed or reconstructed the sidewalk at his or her own expense. If the sidewalk is not constructed by the property owner within the time specified, the City Council may cause the work to be done by contract at the property owner's expense.

5.3.5.1.2 Nothing in this article shall be construed to prohibit the owner of property butting on a street, who desires to construct or reconstruct a sidewalk at his or her expense and in accordance with official plans and specification for the purpose and which meet such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the city, to construct or reconstruct sidewalk without any petition or a condemning resolution by the City Council. If such property owner desires the sidewalk to be constructed or reconstructed by the city and an assessment levied as provided by law in other cases, he or she shall file a request with the City Council. The City Council, in its discretion, may provide for the construction or reconstruction of the sidewalk requested in the same manner as in other cases where citizens or taxpayers petition the City Council.

5.3.5.1.3 It shall be the duty of the owner of the abutting property to keep the sidewalk in repair, but the city may, after giving five days' notice to the owner or his or her agent, if known, of the necessity for making repairs or without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. The same shall be done and the cost thereof assessed against the lot or piece of land abutting on the sidewalk so repaired as may be provided by law.

5.3.5.1.4 In the case where the reconstruction or construction of a sidewalk is required to be done by contract as provided herein, the City Council may require the contractor to give a bond for the faithful performance of the contract and for the construction of the sidewalk in accordance with the plans and specifications, ordinances of the city or laws of Kansas, and for all contracts exceeding \$1,000 entered into by the city for such purpose a statutory lien bond required by K.S.A. 60-1111 shall be furnished.

5.3.5.1.5 It shall be unlawful for any person to build or construct any step or other obstruction, whether temporary or permanent, or to store, leave or allow to be left any implements, tools, merchandise, goods, containers, benches, display or show cases, on any sidewalks or other public ways in the city or to obstruct the same longer than is necessary for unloading or loading any such article or object.

- 5.3.6 (Section 5.3.6 of the Code and all its subsections are hereby repealed pertaining to coasting wagons bikes etc. on the sidewalks)
- 5.3.7 The City Council may authorize the granting of temporary permits in connection with any building or moving permit for limited times only to the owner of property abutting on any sidewalk to use or encumber such sidewalk or public way of the city during the construction of any building or improvement thereon. No permit shall be issued for such purpose until plans have been submitted by the owner or his or her contractor and approved by the City Council.

5.4 Parks

- 5.4.1 The following territory was set aside for a park in the city of Parker Kansas;
 - 5.4.1.1 Beginning at a point six feet east of Northeast Corner of Block 8 thence south to Railroad Street, thence Northeast on line of Railroad Street to intersection of Railroad Street and Kimball Street thence West along south side of Kimball to the place of beginning.
- 5.4.2 The laws of the city shall extend to and cover all city parks, including the Parker City Lake.
- 5.4.3 The city shall have police regulation governing any public parks belonging to the city and the City Marshall and law enforcement officers of the city shall have full power to enforce city laws governing city parks and shall maintain order therein.
- 5.4.4 It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, tarnish, injure, deface, or destroy any building, walk, bench, tree, improvement, or property of any kind belonging to any park owned by the city.
- 5.4.5 It shall be unlawful for any person, other than duly authorized law enforcement officers in the performance of their official duty, to carry or have in his or her possession any firearm or dangerous weapon or to shoot or discharge the same within the limits of any city parks.
- 5.4.6 Vehicle regulations
 - 5.4.6.1 Motor vehicles, including any vehicle not licensed to operate on public streets, roads, and highways and motorbikes, go-carts, snowmobiles, and other motorized off the road vehicles shall be operated in a safe and prudent manner at all times in park areas.
 - 5.4.6.2 It shall be unlawful for any person, other than authorized city employees while engaged in the care and maintenance of the park, to park any motor vehicle in any area not designated for such a purpose.
 - 5.4.6.3 It shall be unlawful for any person, other than authorized city employees engaged in the care and maintenance of the park, to operate any motor vehicle within any city park except upon roads, drives, and parking areas established by the city.
 - 5.4.6.4 It shall be unlawful to operate any motor vehicle in any park area at a speed in excess of 20 m.p.h.
- 5.4.7 It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot, or take any wildlife, either bird or animal, in any manner at any time while in any city park.
- 5.4.8 It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and

such fire must be extinguished by the person, persons, or parties starting such fire immediately after the use thereof.

5.4.9 Overnight camping is hereby prohibited in city parks except where posted.

5.4.10 All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage, and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash, or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements.

5.4.11 It shall be unlawful for any person or persons to use, consume, or have on the premises of any park or other city property within the city limits any alcoholic liquor or cereal malt beverages.

5.4.12 It shall be unlawful for any person, except duly authorized city employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower or otherwise interfere with the natural state of city parks.

5.4.13 The city may post such rules and regulations, as are approved by the City Council, pertaining to the use of city parks in a conspicuous place in each city park.

5.4.13.1 Violations of these posted rules shall constitute a violation of this article of the Municipal Code of the City of Parker, Kansas.

5.5 Lake 5.5.1 That all land heretofore acquired by and belonging to the City of Parker, Kansas and described as follows shall be known as the Parker City Lake, and the police jurisdiction and the authority of the City of Parker, Kansas, is hereby extended to include the Parker City Lake.

5.5.2 All ordinances of the City of Parker, Kansas, shall apply to acts and conduct of any person on said premises.

5.5.3 The legal description of the Parker City Lake is: Beginning 425 feet East of the Southwest corner of the SE $\frac{1}{4}$ of Section 8, Township 20 South, Range 22 East, Linn County, Kansas, and running thence north 400 feet, thence northwesterly 342.7 feet to a point 535 feet north and 110 feet east of said southwest corner; thence easterly 1,528.3 feet to a point 2,060 feet north and 210 feet east of said southwest corner; thence northeasterly 470.1 feet to a point 2,430 feet north and 500 feet east of said southwest corner; thence southerly 438.4 feet to a point 2,000 feet north and 415 feet east of the southwest corner, thence southerly 1,098.7 feet to a point 915 feet north and 588 feet east of said southwest corner, thence southeasterly 600 feet more or less, to a point on the west right-of-way line of the Kansas and Texas Railroad, said point being 605 feet northeasterly along said right-of-way from the south line of said Section 8, thence southwesterly along railroad right-of-way to the south line of section 8, thence west along section 400 feet, more or less, all in Linn County, Kansas

5.5.4 Swimming shall be permitted at the City Lake, but the City of Parker accepts no liability or responsibility for injuries suffered while persons are engaged in this activity. The City of Parker shall maintain posted warnings that swimmers do so at their own risk. The City of Parker is not responsible for and will not provide

lifeguards at the Lake.

5.5.5 The public, at its own risk shall be permitted the lawful, sanitary, safe, and orderly use of the Parker City Lake for fishing and recreation as hereinafter provided.

5.5.6 The destruction or defacing of any and all property at the Parker City Lake is hereby prohibited.

5.5.7 It shall be unlawful for any person to litter at the Parker City Lake.

5.5.8 It shall be unlawful for any person to display, carry, shoot, or discharge any firearms or weapons within the boundaries of the Parker City Lake. This prohibition does not apply to any law enforcement officer in the proper performance of her or his duties.

5.5.9 Alcohol use or possession at the City Lake

5.5.9.1 It shall be unlawful for any person or persons to use, consume, or have on the premises of the city lake any alcoholic liquor or cereal malt beverages.

5.5.9.2 Any person, group, or organization who violates this article shall be guilty of a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00.

5.5.10 Fishing

5.5.10.1 All persons fishing at the Parker City Lake shall have a valid Kansas Fishing License and shall carry said license upon their person when fishing and shall display said license to the caretaker of the lake or to any city or state law enforcement office or game protection officer upon demand.

5.5.10.2 It shall be unlawful for any person to use, operate, or park any vehicle on the terrace of the lake dam or in the overflow channel.

5.5.10.3 Fish size restrictions and numbers shall be posted at the Parker City Lake. All fish caught, which do not meet posted length limits must be immediately released. The length of a fish shall be determined by measuring from the tip of its snout, with mouth closed, to the end of the tail, with lobes pressed together.

5.5.11 Enforcement- The City Marshall of the City of Parker, Kansas or his duly designated deputies or agents as well as the Game Warden shall have the power and authority to enforce this article at the Parker City Lake.

5.5.12 Penalties- Any violation of this article shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$100.00.

5.5.12.1 It shall be lawful to operate or maintain a gasoline motorized boat or motorboat or a boat driven by the propulsion of gasoline at a no wake speed on the Parker City Lake.

CHAPTER 6

UTILITIES

6.1 Water
6.2 Sewer
6.3 Water Drought/Emergency
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CHAPTER 6. UTILITIES6.1 Water

6.1.1 Service Connections.

- 6.1.1.1 Before any connection is made to the city's water system, or before any existing connection is activated or turned on, an application must be made in writing to the City Clerk by the owner of the premises, or his or her authorized representative, for a meter to make such connection and for the opening of a water account with the City.

6.1.2 Meters

- 6.1.2.1 All Water furnished to customers shall be metered.
- 6.1.2.2 Meters shall be located between the sidewalk or property line and curbing where the main is in the street and on private property within three feet of the alley line when the main is in the alley.
- 6.1.2.3 The property owner or Water Account holder shall be responsible for maintaining the water line from the meter to the house or other building or outlet and shall bear the cost of all repairs on the "user" side of the meter.
- 6.1.2.4 Every single family dwelling shall be served by a separate residential meter and Water Account. Dwellings, uses and buildings other than single family dwellings shall be served by commercial meters acceptable to and approved by the City.
- 6.1.2.5 Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer, and the meter is found to be accurate within two percent, the meter will be deemed correct and a charge of \$100.00 shall be made to the customer.
- 6.1.2.6 Each city water meter shall serve only one residence or business establishment, together with the necessary and usual outbuildings.
- 6.1.2.7 It shall be unlawful for any individual or business to run an additional water line from a water meter already serving a residence or business establishment or to run an additional water line from the residence or business establishment served by a water meter to any other residence or business establishment.

6.1.3 Tampering with Meter

- 6.1.3.1 It shall be unlawful for any person to break the seal of any meter, to alter the register or mechanism of any meter, or to make any outlet or connection in any manner so that water supplied by the city may be wasted or used without being metered.
- 6.1.3.2 It shall be unlawful for any person, except an authorized employee of the water department or a contractor approved and authorized by the city for such work, to turn any curb cock on or off.

6.1.4 Property Owner as Customer

- 6.1.4.1 Whether the property owner be the resident of the property or a landlord seeking to let the property to tenants, the property owner shall be the customer of record with the City of Parker, Kansas.
- 6.1.4.2 The property owner, as customer, will be liable to pay monthly water billings, and in the case of delinquent accounts, shall be subject to the section below on delinquent accounts.

- 6.1.4.3 Nothing in this article prohibits landlords from passing the water costs to the tenant, but even in that case, the landlord remains the water customer and therefore liable for payment.

6.1.5 Connection Charge

- 6.1.5.1 The applicant for new installation of a water meter shall, at the time of applying for the meter, pay to the City Clerk a fee of \$700.

6.1.6 Check Valves

- 6.1.6.1 Check valves are required on all connections to steam boilers or on any other connections deemed necessary by the city council. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of 40 pounds per square inch.

6.1.7 Leaks

- 6.1.7.1 No allowances shall be made for water used or lost through leaks, carelessness, and neglect, or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city from any water bill or meter reading which he or she may consider excessive. Nothing in this article will prevent the city from adjusting, at its discretion, the associated charge for billings during such occurrences.

6.1.8 Disconnection Charge

- 6.1.8.1 Any service discontinued for nonpayment of delinquent bills shall be reconnected only upon payment of the delinquent bill and the sum of \$100 for the first reconnect fee, \$150 for the second reconnect fee and \$150 for each reconnection thereafter, and such reconnection shall be made between the hours of 8:00 am and 4:00 pm Monday through Friday.
- 6.1.8.2 Meters will not be reconnected on Friday after 4:00 pm or on Saturday or Sunday.

6.1.9 Utility Deposit

- 6.1.9.1 At the time of making application for water service, the property owner shall make a cash deposit of \$150 to secure payment for accrued bills or bills due on discontinuance of service. Receipt therefore shall be issued to each such depositor.
- 6.1.9.2 The deposit so made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the property owner's account in February each calendar year.
- 6.1.9.3 There shall be an annual review of utility deposit accounts to be made in January. For those accounts in good standing at the time of the annual review, there shall be a refund of the utility deposit.
 - 6.1.9.3.1 Said refund shall be made in the form of a credit against future utility bills for account holders living on the premises. For non-resident account holders, the refund may be made by cash or check.

- 6.1.9.3.2 An account in good standing shall be defined as one where there have been three or fewer late and no missed payments for two consecutive calendar years (at least 24 months.)
- 6.1.9.3.3 The City Clerk shall make the refund amount known to those eligible to receive it by listing the refund as a credit on the next utility bill following the annual review.
- 6.1.9.4 The deposit and interest accrued shall be payable in cash on discontinuation of service at the demand of the property owner who is the water customer, or if the bill is in arrears at that time the deposit and interest may be applied against the delinquent bill. Any money left in the account after the satisfaction of all bills and charges related to water, shall be paid to the property owner who paid the initial deposit.
- 6.1.9.5 Any security deposit not refunded within three years after the discontinuance of service shall be deposited in the water fund of the city upon compliance with the provisions of K.S.A. 12-822 and amendments thereto.
- 6.1.9.6 Transfer of Utility Deposit
 - 6.1.9.6.1 For current customers who wish to move from one residence to another within the City of Parker, Kansas, there shall be the opportunity to transfer the existing deposit to the new residence at the rate originally paid by that customer. The new deposit rate, enacted herein, will not be required for meter transfers within the City of Parker.

6.1.10 Cross Connections Policy for the City of Parker, Kansas

6.1.10.1 Definitions:

- 6.1.10.1.1 "Air gap separation" means the unobstructed vertical distance 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 overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
- 6.1.10.1.2 "Approved tester" means a person qualified to make inspections, to test and repair backflow prevention/cross connection control devices; and who is approved by the Water Utility.
- 6.1.10.1.3 "Authorized Representative" means any person designated by the Water Utility to administer this cross connection control regulation.
- 6.1.10.1.4 "Auxiliary water supply" means any water source or system, other than the Water Utility, that may be available in the building or premises. This does not include other KDHE permitted public water supply systems.
- 6.1.10.1.5 "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, used water, or substances into the distribution system of a public water supply system.
- 6.1.10.1.6 "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into the public water supply system.
- 6.1.10.1.7 "Consumer" means any individual, firm, partnership, corporation, or agency, or their authorized agent receiving water from the Water Utility.

- 6.1.10.1.8 “Contamination” means an introduction of any sewage, process fluids, chemicals, wastes, or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an esthetic deterioration, color, taste or odor.
- 6.1.10.1.9 “Cross connection” means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow from the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.
- 6.1.10.1.10 “Degree of Hazard” means an evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.
- 6.1.10.1.11 “Health Hazard” means any condition, device, or practice in the public water supply system which could create or may create a danger to the health and well being of anyone using the water or allow contamination of the water.
- 6.1.10.1.12 “Public Water system” means the water supply source, distribution system and appurtenances to the service meter operated as a public utility which supplies potable water to the consumers water systems.
- 6.1.10.1.13 “Public Water supply” means the public water system and the consumer’s water systems.
- 6.1.10.1.14 “Consumer’s water system” means all service pipes, all distribution piping, and all appurtenances beyond the service meter of the public water system.
- 6.1.10.1.15 “Service connection” means the terminal end of the service line from the public water system. If a meter is installed at the end of the service line, then the service connection means the downstream end of the meter.

6.1.10.2 Cross Connection Control General Policy

6.1.10.2.1 Purpose. The purpose of this policy is

- 6.1.10.2.1.1 To protect the public water supply system from contamination.
- 6.1.10.2.1.2 To promote the elimination, containment, isolation, or control of cross connection between the public water supply system and non-potable water systems, plumbing fixtures, and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or consumer’s water system.
- 6.1.10.2.1.3 To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination of the public water supply system.

6.1.10.2.2 Application

- 6.1.10.2.2.1 This regulation shall apply to all consumers’ water systems. The Water Utility may also require cross connection control devices at the service connections of other KDHE permitted public water supply systems served by the Water Utility.

6.1.10.2.3 Intent

- 6.1.10.2.3.1 This policy will be reasonably interpreted by the Water Utility. It

is the intent of the Water Utility to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the Water Utility or its authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense. Failure or refusal or inability on the part of the consumer to provide such protection shall constitute grounds for the discontinuation of water service to the premises until such protection has been provided.

6.1.10.3 Prohibitions

6.1.10.3.1 No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Water Utility or its authorized representative.

6.1.10.3.2 No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

6.1.10.4 Survey and Investigation

6.1.10.4.1 The consumer's premises shall be open at all reasonable times to the Water Utility or its authorized representative for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

6.1.10.4.2 On request by the Water Utility or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.

6.1.10.4.3 On request by the Water Utility or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the Water Utility or its authorized representative.

6.1.10.5 Where Protection is required

6.1.10.5.1 An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Utility or its authorized representative or the KDHE, actual or potential cross connections exist. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

6.1.10.5.2 An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Water Utility or its authorized representative or the KDHE, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present a health hazard or contamination of the public water

supply system from a cross connection. This includes but is not limited to the following situations:

- 6.1.10.5.2.1 Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Utility or its authorized representative and the KDHE.
 - 6.1.10.5.2.2 Premises having internal plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
 - 6.1.10.5.2.3 Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 - 6.1.10.5.2.4 Premises having a repeated history of cross connections being established or re-established.
 - 6.1.10.5.2.5 Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 - 6.1.10.5.2.6 Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling or process waters and cooling waters.
 - 6.1.10.5.2.7 Premises where toxic or hazardous materials are handled.
- 6.1.10.5.3 The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the Water Utility or its authorized representative or the KDHE to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Utility or its authorized representative and the KDHE:
- 6.1.10.5.3.1 Agricultural chemical facilities
 - 6.1.10.5.3.2 Auxiliary water systems, wells
 - 6.1.10.5.3.3 Boilers
 - 6.1.10.5.3.4 Bulk water loading facilities
 - 6.1.10.5.3.5 Car washing facilities
 - 6.1.10.5.3.6 Chill water systems
 - 6.1.10.5.3.7 Cooling towers
 - 6.1.10.5.3.8 Feedlots
 - 6.1.10.5.3.9 Fire protection systems
 - 6.1.10.5.3.10 Hospitals, mortuaries, clinics, or others as discovered by sanitary surveys
 - 6.1.10.5.3.11 Irrigation and sprinkler systems
 - 6.1.10.5.3.12 Laundries and dry cleaning
 - 6.1.10.5.3.13 Meat processing facilities
 - 6.1.10.5.3.14 Metal manufacturing, cleaning, processing, and fabricating plants
 - 6.1.10.5.3.15 Oil and gas production, refining, storage, or transmission properties
 - 6.1.10.5.3.16 Power plants
 - 6.1.10.5.3.17 Research and analytical laboratories
 - 6.1.10.5.3.18 Sewage and storm drainage facilities- pumping stations and

treatment plants

6.1.10.5.3.19 Veterinary clinics.

6.1.10.6 Backflow Prevention Devices

6.1.10.6.1 Any backflow prevention device required by this article shall be of a model or construction approved by the Water Utility or its authorized representative and the KDHE.

6.1.10.6.1.1 Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

6.1.10.6.1.2 Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the KDHE, unless the device was installed before February 14, 2008 and complies with required inspection and maintenance.

6.1.10.7 Installation

6.1.10.7.1 Backflow prevention devices required by this article shall be installed at a location and in a manner approved by the Water Utility or its authorized agent. All devices shall be installed at the expense of the water consumer, unless the Water Utility or its authorized representative agrees otherwise.

6.1.10.7.2 Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

6.1.10.7.3 Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

6.1.10.8 Inspection and Maintenance

6.1.10.8.1 The consumer is required by this article to inspect, test and overhaul backflow prevention devices in accordance with the following schedule or more often as determined by the Water Utility or its authorized representative.

6.1.10.8.1.1 Air gap separations shall be inspected at the time of installation and at least once monthly.

6.1.10.8.1.2 Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty months.

6.1.10.8.1.3 Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.

6.1.10.8.2 Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the consumer and shall be performed by an approved tester.

6.1.10.8.3 Whenever backflow prevention devices required by this article are found to be defective, they shall be repaired or replaced without delay

at the expense of the consumer.

- 6.1.10.8.4 The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. All records of inspections, tests, repairs, and overhauls shall be provided within 30 days to the Water Utility or its authorized representative.
- 6.1.10.8.5 All backflow prevention devices shall have a tag showing the date of the last inspection, test, overhaul, or other maintenance.
- 6.1.10.8.6 Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the Water Utility or its authorized representative.
- 6.1.10.9 Violation and Penalties
 - 6.1.10.9.1 The Water Utility or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this article is not installed, tested, and maintained in a manner acceptable to the Water Utility or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
 - 6.1.10.9.2 Water service to such premises shall not be restored until the consumer is in compliance with this cross connection regulation to the satisfaction of the Water Utility or its authorized representative.
- 6.1.10.10 Devices
 - 6.1.10.10.1 The following devices are recognized for cross connection control and backflow prevention by the Kansas Department of Health and Environment:
 - 6.1.10.10.1.1 Air Gap-Gap must be two pipe diameters and in no instance less than one inch. Must be inspected annually. Satisfactory for any material. Whenever practical, it is the control method of choice.
 - 6.1.10.10.1.2 Reduced Pressure Principle Backflow Preventer-Contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss (10 psi or more). Must be tested and inspected annually. Repaired as necessary.
 - 6.1.10.10.1.3 Double Check Valve Assembly- Contains two soft seated independently acting check valves in series. Shut off valves before and after device. Adequate for non toxic applications only. Minor pressure loss. Must be inspected and tested annually. Repaired as necessary.
 - 6.1.10.10.1.4 Pressure Vacuum Breaker- Must be installed a minimum of 12 inches above highest point of usage. No back pressure, only back siphonage. Can operate under constant pressure. Shut off valve can be located beyond the vacuum breaker. Must be inspected and tested annually. Repaired as necessary.
 - 6.1.10.10.1.5 Atmospheric Vacuum Breaker- Must be installed a minimum of 6 inches above the highest point of usage. No back pressure,

only back siphonage. Not for use under constant pressure.
Shut off valves must be located ahead of vacuum breaker.
Must be inspected annually and repaired as necessary.

6.1.11 Service not guaranteed

6.1.11.1 The city does not guarantee the delivery of water through any of its mains and connecting systems at any time except only when its mains, pumping machinery, and power service are in good working order, and the supply of water is sufficient for the usual demand of its customers.

6.1.12 City to make connections

6.1.12.1 All taps shall be given, street excavations made, corporation cocks inserted, pipes installed from main to curb, and the curb cock installed in a meter box to which the service pipe is to be connected by city employees or contractors approved by the city only.

6.1.13 Interrupt service

6.1.13.1 The City reserves the right to interrupt water services for the purpose of making repairs or extensions to water lines or equipment.

6.1.14 Prohibited acts

6.1.14.1 It shall be a misdemeanor for any person to:

6.1.14.1.1 Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city or is a contractor approved by the city for such work,

6.1.14.1.2 Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff or any other appurtenances to the water system of the city,

6.1.14.1.3 Tamper, damage, or meddle with any water main, fire hydrant, or any other water equipment belonging to the city,

6.1.14.1.4 Make any connection to the water or sewer systems of the city without a written permit from the city,

6.1.14.1.5 Reconnect service when it has been discontinued for nonpayment of a bill for service or for any other reason.

6.1.15 Wasting water

6.1.15.1 Water users shall prevent unnecessary waste of water and shall keep sprinklers, hydrants, faucets, and all apparatus, including the service line leading from the property line to the meter in good condition at their expense.

6.1.16 Right of Access

6.1.16.1 Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines. If any customer, or representative, or guest of the customer should unlawfully prevent access for the designated purposes, there shall be a fine of \$15.00 for each attempt, limited to two or fewer per day, to enter which is prevented by the customer or his representative or guest.

6.1.17 Utility Bills

- 6.1.17.1 All utility bills shall be rendered monthly for water and sewer. A penalty of 10% not less than \$10.00 will be added to any utility bill not paid by the 15th of the month. Whenever payment is not made by the due date, the city shall have the right to terminate water service after notice. Before service shall be restored, the customer shall pay the bill, the penalty, and any reconnection fees.

6.1.18 Delinquent accounts

- 6.1.18.1 Water service shall be terminated for nonpayment of service fees or charges. Any rights to notice may be fulfilled by printing the required notice on the water bill. Said notice shall provide customer with the following information:

- 6.1.18.1.1 The amount due on the unpaid balance plus the delinquency charge,
6.1.18.1.2 The type of utility service,
6.1.18.1.3 The date on which the utility service will be discontinued if the amount due is not paid, and
6.1.18.1.4 Notice of the customer's rights to a hearing before the services are discontinued.

6.1.18.2 Liens against the property.

- 6.1.18.2.1 In the event any person, except the United States and the State of Kansas or any political subdivision thereof, shall fail to pay the user charges when due, water service shall be terminated.
6.1.18.2.2 In lieu of terminating water service to tenant owners, the City Council may elect to assess such delinquent charges as a lien upon the real estate serviced, and the City Clerk shall certify such delinquent charges to the County Clerk to be placed upon the tax roll and collected in like manner as other taxes collected.

6.1.18.3 Hearing

- 6.1.18.3.1 A delinquency and termination notice shall be issued by the City Clerk within five business days after the delinquency occurs and mailed to the customer at his or her last known address. A copy shall also be mailed to the occupant of the premises if the occupant and the customer are not the same person.

6.1.18.3.1.1 The notice shall state:

- 6.1.18.3.1.1.1 The amount due plus penalty,
6.1.18.3.1.1.2 Notice that service will be terminated if the amount due is not paid by the 30th of the month,
6.1.18.3.1.1.3 Notice that the customer has the right to a hearing before the City Council,
6.1.18.3.1.1.4 Notice that the request for a hearing must be in writing and filed with the City Clerk no later than three days prior to the date for termination of service.

- 6.1.18.3.1.2 Upon receipt of a request for hearing, the city clerk will advise the customer of the date, time, and place of the hearing which shall be held at the next regularly scheduled council meeting following receipt of the request.

6.1.18.4 Finding

6.1.18.4.1 Following the hearing, if the Council of the City of Parker shall find that service should not be terminated, the notice of such finding shall be presented to the water department. If the City Council finds that service should be terminated, an order shall be issued terminating services five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The City Council has a right, for good cause, to grant an extension, for the termination of such service.

6.1.19 Water use during a fire

6.1.19.1 No person owning or occupying premises connected to the municipal water system shall use or allow to be used during a fire any water from the municipal water system except for the purpose of extinguishing the fire. Upon the sounding of a fire alarm it shall be the duty of every person to see that all water services are tightly closed and that no water is used except in extraordinary cases of emergency during the fire.

6.1.20 Monthly rates

6.1.20.1 Water rates for the City of Parker shall be as follows:

6.1.20.1.1A \$10 service fee per month for all water users,

6.1.20.1.2 For the first 500 gallons or part thereof, there shall be a monthly minimum charge of \$5.00,

6.1.20.1.3 For the next 500 gallons or part thereof, there shall be a monthly charge of \$5.00,

6.1.20.1.4 For each additional 500 gallons or part thereof, there shall be a monthly charge of \$4.00.

6.1.21 Discontinuation of services

6.1.21.1 The City of Parker may discontinue or refuse utility services to any customer for any of the following reasons:

6.1.21.1.1 The request of the customer,

6.1.21.1.2 When a dangerous condition exists on the customer's premises as determined by the City,

6.1.21.1.3 When the customer misrepresents his or her identity for the purposes of obtaining utility services,

6.1.21.1.4 When the customer refuses to grant the authorized city personnel access to equipment installed upon the premises of the customer for the purposes of inspection, meter reading, maintenance, or replacement,

6.1.21.1.5 When the customer violates any rule, regulation, or ordinance of the City, which violation is related to utilities and adversely affects the safety of the customer or other persons, or adversely affects the integrity of the City's utility services delivery systems,

6.1.21.1.6 When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage, or use of utility services or the utility services delivery system situated or delivered on or about the customer's premises,

6.1.21.1.7 When the City complies with the notice requirements and procedure for nonpayment of bills contained herein.

6.1.22 Penalties

- 6.1.22.1 Any violation of this article for which the penalty if not specifically prescribed above shall be a misdemeanor punishable by a fine of not more than \$150.
- 6.1.22.2 If any individual or business is convicted of a violation of this article, the City Council may remove the water meter of that individual or business for said violation.

6.2 Sewer

6.2.1 Sewer Connection fee:

- 6.2.1.1 The applicant paying the installation fee for a new water meter shall also at that time pay to the City Clerk the connection fee for the sewer in the amount of \$250.

6.2.2 Monthly rates:

- 6.2.2.1 Sanitary sewer rates for the City of Parker shall be as follows:
 - 6.2.2.1.1 The charge for sanitary sewer service for school sites shall be a charge of \$3.00 per month per student and staff member at said school. The number of such persons shall be determined annually by the City in the following manner: The City shall request from the school district on or before November 1 of each year documentation of the "school census" numbers for each school site within the City, as reported to the State Board of education or other administrative agency having control over matters of education in the State of Kansas, which census determines the official number of students enrolled in each school for that school year. The City shall also request an official accounting of the number of staff members employed and stationed in each school site within the City. The City shall notify the School District on or before December 1 of that year what the monthly sewer charge shall be for the 12 months beginning the January 1 immediately thereafter and continuing for the ensuing calendar year.
 - 6.2.2.1.2 The charge for sanitary sewer service for school sites shall be a charge of \$1.50 per month per student and staff member in attendance at said school, according to the most recent report prior to the month in question, by said school to the State Board of Education or other administrative agency having control over matters of education in the State of Kansas, for the nine months of each year that school is in session.

6.2.3 Definitions

- 6.2.3.1 "BOD"-Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
- 6.2.3.2 "Building Draft" 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 inner face of the building wall.
- 6.2.3.3 "Building Sewer" shall mean the extension from the building drain to the

- public sewer or other place of disposal.
- 6.2.3.4 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- 6.2.3.5 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- 6.2.3.6 “Industrial wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- 6.2.3.7 “Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- 6.2.3.8 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- 6.2.3.9 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 6.2.3.10 “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- 6.2.3.11 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 6.2.3.12 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- 6.2.3.13 “Sewage” shall mean a combination of water carried wastes from residences, business buildings, institutions, and industrial establishments, together with ground, surface, and stormwaters as may be present.
- 6.2.3.14 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- 6.2.3.15 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 6.2.3.16 “Sewer” shall mean a pipe or conduit for carrying sewage.
- 6.2.3.17 “Shall” is mandatory; “May” is permissive.
- 6.2.3.18 “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation.
- 6.2.3.19 “Storm Drain” (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 6.2.3.20 “Superintendent” shall mean the Superintendent of Sewage Works and/or Water Pollution Control of the City of Parker, Kansas or his authorized deputy, agent or representative.
- 6.2.3.21 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 6.2.3.22 “Watercourse” shall mean a channel in which a flow of water occurs either continuously or intermittently.
- 6.2.4 It shall be unlawful for any person to place, deposit, or permit to be deposited in

any unsanitary manner on public or private property within the City of Parker, Kansas, or in any area under the jurisdiction of said city any human or animal excrement, garbage, or other objectionable waste.

- 6.2.5 It shall be unlawful to discharge to any natural outlet within the City of Parker, Kansas, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- 6.2.6 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.
- 6.2.7 The owners of all houses, buildings, or property used for human occupancy, employment, recreational or other purposes, situated within the City of Parker, Kansas, on any street, alley or right of way in which areas are now located or may in the future be located a public sanitary sewer of the city are hereby required at their expense to install suitable toilet facilities therein, and to connect such facility directly with the proper public sewer in accordance with provisions of this ordinance, within 90 days after the date of official notice to do so, provided such public sewer is within 100 feet of the property line.
- 6.2.8 Where a public sanitary sewer or combined sewer is not available under the provisions of 6.2.7, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
 - 6.2.8.1 Before the commencement of construction of private sewage disposal system, the owner shall first obtain a written permission signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of \$5.00 shall be paid to the City Treasurer at the time the application is filed.
 - 6.2.8.2 A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work in any state of construction. In any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. Inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
 - 6.2.8.3 At such time as a public sewer system becomes available to a property served by a private sewage disposal system, a direct connection shall be made within 60 days to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned.
- 6.2.9 No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
 - 6.2.9.1 There shall be two classes of building sewer permits
 - 6.2.9.1.1 For the residential and commercial services, and
 - 6.2.9.1.2 Industrial waste.
 - 6.2.9.1.3 In either case, the owner or his agent shall make application on a special form furnished by the city. Permit applications shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the superintendent. A permit inspection fee of \$5.00 for residential and commercial building sewers and \$15.00 for industrial building sewers. It shall be paid to the City

Treasurer at the time application is filed.

- 6.2.9.2 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 6.2.9.3 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.
- 6.2.9.4 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.
- 6.2.9.5 The building sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal: vitrified clay pipe, ASTM specification (C13-44T) or plastic PVC 1120 SDR41 of ASTM designation D-1784 . Joints for PVC pipe shall be either O-ring rubber gasket joints or solvent cemented joints or equal. All joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron sewer pipe.
- 6.2.9.6 The size and slope of the building sewer shall be subject to approval of the Superintendent, but in no event shall the diameter be less than 4 or 6 inches. The slope of such 6 inch pipe shall not be less than 1.8 inch per foot. If 4 inch pipe is allowed, 1.4 inch per foot slope shall be the minimum for that size connection.
- 6.2.9.7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might therefore be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid on uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings.
- 6.2.9.8 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged into the building sewer. The use of any pumping equipment, for which cross connections of a public water supply system are needed, is prohibited.
- 6.2.9.9 All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.
- 6.2.9.10 The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, a neat hole may be cut 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 elbow 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 the connection shall be at the same or a higher elevation as the invert of the public sewer. The smooth, neat joints shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.

- 6.2.9.11 The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
 - 6.2.9.12 All excavations for public sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the city.
 - 6.2.9.13 No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building or building drain which in turn is connected directly or indirectly to public sanitary sewer.
- 6.2.10 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 6.2.10.1 Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged by approval of the Superintendent to a storm sewer or natural outlet.
 - 6.2.10.2 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 6.2.10.2.1 Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - 6.2.10.2.2 Any waters or wastes containing toxic or poisonous solids, liquids, or gases sufficient in quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plants, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
 - 6.2.10.2.3 Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.
 - 6.2.10.2.4 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, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc.; either whole or ground by garbage grinders.
 - 6.2.10.2.5 Any waters or wastes having:
 - 6.2.10.2.5.1 A five day BOD greater than 300 parts per million by weight, or
 - 6.2.10.2.5.2 Containing more than 350 parts per million by weight of suspended solids, or

- 6.2.10.2.5.3 Having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to review by the Superintendent.
- 6.2.10.2.5.4 Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 - 6.2.10.2.5.4.1 Reduce the biochemical oxygen demand to 300 parts per million by weight, or
 - 6.2.10.2.5.4.2 Reduce the suspended solids to 350 parts per million by weight, or
 - 6.2.10.2.5.4.3 Control the quantities and rates of discharge of such waters or wastes.
- 6.2.10.2.5.5 Plans, specification, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- 6.2.10.3 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
 - 6.2.10.3.1 Any liquid or vapor having a temperature higher than 150 degrees F.
 - 6.2.10.3.2 Any water or waste 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 150 degrees F.
 - 6.2.10.3.3 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the Superintendent.
 - 6.2.10.3.4 Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
 - 6.2.10.3.5 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - 6.2.10.3.6 Any radioactive wastes or isotopes of such half life or concentration

as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

6.2.10.3.7 Any waters or wastes having a pH in excess of 9.5.

6.2.10.3.8 Materials which exert or cause:

6.2.10.3.8.1 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).

6.2.10.3.8.2 Excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions)

6.2.10.3.8.3 Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

6.2.10.3.8.4 Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

6.2.10.3.9 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.

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

6.2.10.4.1 Reject the wastes.

6.2.10.4.2 Require pre-treatment to an acceptable condition for discharge to the public sewers.

6.2.10.4.3 Require control over the quantities and rates of discharge and/or

6.2.10.4.4 Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

6.2.10.4.5 Plans, specifications, and any other pertinent information related to the proposed preliminary treatment facility shall be submitted for approval of the Superintendent and Kansas State Department of Health and Environment. No construction of such facilities shall be commenced until such set of approvals are obtained in writing.

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

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

6.2.10.7 When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other

appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be made safe and accessible at all times.

- 6.2.10.8 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of the "Standard Methodist for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hours composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- 6.2.10.9 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.
- 6.2.11 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- 6.2.12 The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 6.2.12.1 While performing necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, 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 in this article.

- 6.2.12.2 The Superintendent 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 a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 6.2.13 Any person found to be violating any provision of this article 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.
- 6.2.13.1 Any person who shall continue any violation beyond the time limit provided for in 6.2.13 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not to exceed \$100 for each violation. Each 24 hour period in which such violation continues shall be deemed a separate offense.
- 6.2.13.2 Any person violating any provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

6.3 Water Drought/Emergency

6.3.1 Purpose

- 6.3.1.1 The purpose of this article is to provide for the declaration of a water supply watch, warning, or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event that such a watch, warning, or emergency is declared.

6.3.2 Definitions

- 6.3.2.1 "Water" in this article shall mean water available to the City of Parker for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- 6.3.2.2 "Customer" in this article shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- 6.3.2.3 "Waste of Water" shall include but not be limited to
- 6.3.2.3.1 Permitting water to escape down a gutter, ditch, or other surface drain, or
- 6.3.2.3.2 Failure to repair a controllable leak of water due to defective plumbing.
- 6.3.2.4 The following classes of water are established:
- 6.3.2.4.1 Class One
- 6.3.2.4.1.1 Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas, or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

6.3.2.4.2 Class Two

6.3.2.4.2.1 Water used for any commercial or industrial purpose, including agricultural: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

6.3.2.4.3 Class Three

6.3.2.4.3.1 Domestic usage, other than that which would be included in either Class One or Class Two.

6.3.2.4.4 Class Four

6.3.2.4.4.1 Water necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

6.3.3 Declaration of a Water Watch

6.3.3.1 Whenever the City Council of the City finds that conditions indicate the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by the resolution of the City Council to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

6.3.4 Declaration of a Water Warning

6.3.4.1 Whenever the City Council of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by resolution of the City Council to have ended. The resolutions declaring the beginning and end of the water warning shall be effective upon their publication in the official city newspaper.

6.3.5 Declaration of a Water Emergency

6.3.5.1 Whenever the City Council of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the City Council to have ended. The resolutions declaring the beginning and end of a water emergency shall be effective upon their publication in the official city newspaper.

6.3.6 Voluntary Conservation Measures

- 6.3.6.1 Upon the declaration of a water watch or water warning as provided above, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:
 - 6.3.6.1.1 Sprinkling of water on lawns, shrubs or trees,
 - 6.3.6.1.2 Washing automobiles,
 - 6.3.6.1.3 Use of water in swimming pools, fountains, and evaporative air conditioning systems,
 - 6.3.6.1.4 Waste of water.

6.3.7 Mandatory Conservation Measures

- 6.3.7.1 Upon the declaration of a water supply emergency as provided herein, the mayor is also authorized to implement certain mandatory water conservation measures, including but not limited to, the following:
 - 6.3.7.1.1 Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency,
 - 6.3.7.1.2 Restrictions on the uses of water in one or more classes of water use, wholly or in part,
 - 6.3.7.1.3 Restrictions on the sales of water at coin-operated facilities or sites,
 - 6.3.7.1.4 The imposition of water rationing based on any reasonable formula including but not limited to, the percentage of normal use and per capita or per consumer restrictions;
 - 6.3.7.1.5 Complete or partial bans on the waste of water, and
 - 6.3.7.1.6 Any combination of the foregoing measures.

6.3.8 Emergency Water Rates

- 6.3.8.1 Upon the declaration of a water supply emergency as provided herein, the City Council of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:
 - 6.3.8.1.1 Higher charges for increasing usage per unit of use (increasing block rates)
 - 6.3.8.1.2 Uniform charges for water usage per unit of use (uniform unit rate), or
 - 6.3.8.1.3 Extra charges in excess of a specified level of water use (excess demand surcharge).

6.3.9 Regulations

- 6.3.9.1 During the effective period of any water emergency as provided herein, the mayor is empowered to promulgate such regulation as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the City Council at its next regular or special meeting.

6.3.10 Violations, Disconnections and Penalties

- 6.3.10.1 If the mayor or other city officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed herein, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
- 6.3.10.1.1 The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Council or a city official designated as a hearing officer by the City Council,
- 6.3.10.1.2 If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before the termination is ordered, and
- 6.3.10.1.3 The City Council or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- 6.3.10.2 A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to this article. In the event of subsequent violations, the reconnect fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
- 6.3.10.3 Violations of this article shall be municipal offenses and may be prosecuted in the Municipal Court. Any person so charged and found guilty in the Municipal Court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for any initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the county jail which shall be fixed by the Court and may not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the county jail which shall be fixed by the Court and shall not exceed 30 days.

6.3.11 Emergency Termination

- 6.3.11.1 Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

6.4 Franchises. The complete franchise documents are on file with the City Clerk. This section is for information only.

6.4.1 Ordinance 336 relates to Kansas City Power and Light.

6.4.2 Ordinance 350 relates to United Telephone of Iowa DBA United Telephone Company of Eastern Kansas

6.4.3 Ordinance 389 relates to Sprint

CHAPTER 7

ZONING

7.1 Establishing a set of Zoning Regulations for the City of Parker, Kansas.	P.96
7.2 Establishing a set of Subdivision Zoning Regulations for the City of Parker.	P.96
7.3 Creating a City Planning Commission and Board of Zoning Appeals.	P.96-98

CHAPTER 7. ZONING^{7.1} Establishing a set of Zoning Regulations for the City of Parker, Kansas.

7.1.1 There are hereby incorporated by reference as if fully set out herein, the zoning regulations adopted by the City of Parker, Kansas, as prepared by the city, entitled "Zoning Regulations of the City of Parker, Kansas." No fewer than three copies of the zoning regulations shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours.

7.2 Establishing a set of Subdivision Zoning Regulations for the City of Parker, Kansas.

7.2.1 There are hereby incorporated by reference as if fully set out herein, certain regulations governing the subdivision of land within the City of Parker, Kansas and certain surrounding area as described therein, as adopted by the City of Parker, Kansas, as prepared by the city. No fewer than three copies of 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.

7.3 Creating a City Planning Commission and Board of Zoning Appeals.

7.3.1 Commission established: There is hereby established the Parker City Planning Commission which is composed of seven members of which five members shall be residents of the city and two members shall reside outside the city, but within the designated planning area of the city which is within at least three miles of the corporate limits of the city.

7.3.1.1 Membership, Terms, Interest and Compensation

7.3.1.1.1 The members of the planning commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in May of each year and take office at the next regular meeting of the commission.

7.3.1.1.2 All members shall be appointed for staggered terms of three years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the city do not expire within the same year.

7.3.1.1.3 In case of death, incapacity, resignation, or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership.

7.3.1.1.4 Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter.

7.3.1.1.5 The governing body may adopt rules and regulations providing for removal of members of the commission.

7.3.1.1.6 Members of the commission shall serve without compensation but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body.

7.3.1.2 Meetings, Officers, and Records

7.3.1.2.1 The members of the planning commission shall meet at such time and place as may be fixed by the commission's bylaws.

7.3.1.2.2 The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission.

7.3.1.2.3 Special meetings may be called at any time by the chairperson,

or, in the chairperson's absence by the vice-chairperson.

7.3.1.2.4 The commission shall adopt bylaws for the transaction of business and hearing procedures.

7.3.1.2.5 All actions of the commission shall be taken by a majority vote of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment, or a special use permit.

7.3.1.2.6 A proper record of all of the proceedings of the commission shall be kept.

7.3.1.2.7 The commission, from time to time, may establish subcommittees, advisory committees, or technical committees to advise or assist in the activities of the commission.

7.3.1.3 Powers and Duties

7.3.1.3.1 The governing body and planning commission shall have all the rights, powers and duties authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this code section and shall be given full force and effect as if the same had been fully set forth.

7.3.1.3.2 The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Linn County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part.

7.3.1.3.3 The commission shall also cause to be prepared, adopted, and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body.

7.3.1.3.4 The comprehensive plan and zoning, and subdivision regulations are subject to final approval of the governing body by ordinance.

7.3.1.3.5 Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations.

7.3.2 Board of Zoning Appeals

7.3.2.1 The planning commission is hereby designated to serve as the city's board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759.

7.3.2.2 The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body.

7.3.2.3 Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission.

7.3.2.4 The board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions, and the vote upon each question or appeal.

7.3.2.5 A majority of the members of the board present and voting at the hearing shall be required to decide any appeal.

7.3.2.6 Subject to the subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party.

7.3.3 Budget

7.3.3.1 The governing body shall approve a budget for the planning commission

and make allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund.

- 7.3.3.2 The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resources for such purposes.

CHAPTER 8

BUSINESS REGULATIONS

8.1 Solicitors, Canvassers, Peddlers

P. 100-103

8.2 Updates and Amendments to Article 8

CHAPTER 8. BUSINESS REGULATIONS 8.1 Solicitors,

Canvassers, Peddlers

8.1.1 Definitions

8.1.1.1 Soliciting-shall mean and include any one or more of the following activities:

8.1.1.1.1 Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever, or

8.1.1.1.2 Seeking to obtain prospective customers for the application or purchase of insurance of any type, kind, or character, or

8.1.1.1.3 Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.

8.1.1.2 Residence- shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

8.1.1.3 Canvasser or Solicitor-shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by travelling either by foot, automobile, motor truck, 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 sale of goods, wares, and merchandise, personal property of any nature whatsoever for 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 on such sales or not.

8.1.1.3.1 Such definition shall include any person, who, for himself, herself or for another person hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

8.1.1.4 Peddler- shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or marking sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.

8.1.1.5 Transient Merchant, itinerant Merchant or itinerant vendor- are defined as any person, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place in the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

- 8.1.1.5.1 Such definition shall not be construed to include any person who, while occupying such a temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part or, or in the name of any local dealer, trader, merchant, or auctioneer.
 - 8.1.1.6 Street salesman- shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city.
- 8.1.2 License Required
- 8.1.2.1 It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefore in his or her possession and issued by the City Clerk.
 - 8.1.2.2 Before the City Clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the City Clerk which shall give the following information
 - 8.1.2.2.1 Name and address of applicant
 - 8.1.2.2.2 Permanent home address and full local address of applicant
 - 8.1.2.2.3 Identification of applicant including driver license number, date of birth, expiration date of license, and description of applicant.
 - 8.1.2.2.4 Identification of vehicle used by applicant in conducting his or her business
 - 8.1.2.2.5 A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business.
 - 8.1.2.2.6 If employed, the name and address of the employer, together with credentials, establishing such relations, including the authority by the employer authorizing the applicant to represent the employer in conducting business
 - 8.1.2.2.7 The length of time which business is proposed to be carried on
 - 8.1.2.2.8 The place where the services are to be performed or where the goods or property proposed to be sold or orders taken for sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
 - 8.1.2.2.9 A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner
 - 8.1.2.2.10A statement as to whether or not the applicant has within two years prior to the date of application been convicted of any crime, misdemeanor, other than minor traffic violations, or violation of any municipal law regulating peddlers, solicitors or canvassers, and giving the nature of the offenses, the punishment assessed therefore, if any, and the city and state where the conviction occurred.

8.1.2.2.11 The applicant's Kansas Sales Tax Number.

8.1.2.3 Renewal-

8.1.2.3.1 All licenses issued shall be subject to renewal upon a showing of compliance with the provisions of this article. The City Clerk need not require an additional application unless complaints have been received of violations of the conditions under which the license was granted. The City Clerk should not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.

8.1.2.4 Denial, Revocation or Suspension of License

8.1.2.4.1 The City Clerk may deny any application or may revoke or suspend for a period not to exceed 30 days any license issued under this article, for any of the following causes:

- 8.1.2.4.1.1 Fraud, misrepresentation, or false statement contained in the application for license,
- 8.1.2.4.1.2 Fraud, misrepresentation, or false statement made in the course of carrying on the business,
- 8.1.2.4.1.3 Any violation of this article,
- 8.1.2.4.1.4 Conducting a business defined herein 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. Notice of the denial, revocation, or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address, and the City Clerk shall set forth the grounds for such denial, revocation or suspension.
- 8.1.2.4.1.5 Conviction of the crime of theft, larceny, fraud, embezzlement, or any felony within two years prior to the application date.

8.1.2.5 License fees

8.1.2.5.1 Except as provided in subsection 3 below, the fee for the license required herein shall be in the amount of \$5 per day or portion thereof, that the licensee shall operate within the city limits.

8.1.2.5.2 Any such license granted upon application as required shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor, or canvasser shall be conducted only between the hours of 9:00 am and 9:00 pm.

8.1.2.6 Persons and firms not having a permanently established place of business in the city, but having a permanently established house to house or wholesale business shall receive a license upon payment of \$50 per year, and may make solicitations or sales only between the hours of 9:00 am and 9:00 pm, or upon invitation at any hour.

8.1.2.7 No license fee shall be required of :

- 8.1.2.7.1 Any person selling products of the farm or orchard actually produced by the seller,
- 8.1.2.7.2 Any businesses, trades, or occupations which are part of fairs or

celebrations sponsored by the city or any other governmental subdivision, or the state, or when part or all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state, and

8.1.2.7.3 Any not for profit, charitable organization, or school fundraiser as determined by the City Council.

8.1.2.8 Regulations

8.1.2.8.1 It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality or nature of his or her goods, wares, and merchandise for the purpose of inducing another to purchase the same.

8.1.2.8.2 Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares, and merchandise, or take orders for future delivery of the same.

8.1.3 Use of Streets and Sidewalks-

8.1.3.1 Except when authorized in writing by the City Clerk, no peddler, solicitor, canvasser, or any other person shall have the exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public.

8.1.4 Disturbing the Peace-

8.1.4.1 Except when authorized in writing by the City Clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

CHAPTER 9

CHARTER ORDINANCES

9.1 Charter Ordinance # 300	P.105
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CHAPTER 9. CHARTER ORDINANCES

9.1 Charter Ordinance 300

- 9.1.1 The City of Parker, Kansas, a city of the third class, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt and does exempt itself from and makes inapplicable to it, K.S.A. Section 12-4112 as adopted by the Legislature of Kansas in Session Laws or 1973, Chapter 61, which are not uniformly applicable to all cities, the Legislature having made special provisions applying to certain classes of cities in said enactment.
- 9.1.2 In lieu of K.S.A. 12-4112, the City Council of the City of Parker, Kansas hereby adopts the following provision:
 - 9.1.2.1 Every person found guilty of a violation of the Ordinances of the City of Parker, Kansas shall be assessed costs for the administration of justice in the Municipal Court of the City of Parker, Kansas and such costs shall be determined by ordinance.

9.2 Charter Ordinance 96-1

- 9.2.1 The City of Parker, Kansas by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas and as provided by K.S.A. 1995 Supp. 79-5036(a) hereby elects to exempt itself from the provisions of K.S.A. 1995 Supp. 79-5028, as amended, part of the act commonly known as the Kansas Property Tax Lid Law.
- 9.2.2 The following is hereby substituted for the provisions of K.S.A. 1995 Supp. 79-5026 as amended: The provisions of K.S.A. Supp. 79-5021 to 79-5036 inclusive, and amendments thereto, shall not limit the levy of taxes by the City Council of the City of Parker, Kansas.

9.3 Charter Ordinance # 2

- 9.3.1 The City of Parker, Kansas, a city of the third 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 K.S.A. 15-209, which applies to said city, but not uniformly to all cities, and provide substitute and additional provisions as hereinafter set forth.
- 9.3.2 The City Council of the City of Parker, Kansas shall be qualified electors of said city, but all appointed officers need not be qualified electors of said city.
- 9.3.3 All vacancies of office, except in the offices of mayor and councilman, may be filled until the next regular time for appointment by appointment by the City Council, which requires the consent of the council to the mayor's appointment and the mayor will have the ability to case a vote in the event of a tie among the council.

9.4 Charter Ordinance # 3

- 9.4.1 The City of Parker, Kansas, a city of the third 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 K.S.A. 15-201, which applies to said city, but not uniformly to all cities, and provide substitute and additional provisions as hereinafter set forth.
- 9.4.2 An election shall be held the first Tuesday in April of each odd numbered year. At the 2007 election, there shall be elected a mayor and five council members.

At said election, the mayor and two candidates for council member receiving the highest number of votes shall be declared elected for a term of 4 years. The three candidates for council member receiving the next three highest number of votes shall be declared elected for a term of 2 years. Succeeding elections for all such offices shall be for a 4 year term.

- 9.4.3 In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members which requires the consent of the council to the mayor's appointment and the mayor will have the ability to cast a vote in the event of a tie among the council, shall appoint an elector to fill the vacancy for the unexpired term of that council position. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the council member shall be deemed to have refused to accept the office and a consent of the council to the mayor's appointment and the mayor will have the ability to cast a vote in the event of a tie among the council, appoint a suitable elector to fill the vacancy for the unexpired term of that council position.

9.5 Charter Ordinance # 4

- 9.5.1 The City of Parker, Kansas, a city of the third 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 K.S.A. 12-4112, which applies to said city, but not uniformly to all cities, and provide substitute and additional provisions as hereinafter set forth.
- 9.5.2 Court costs may be assess against the accused person for the administration of justice in any municipal court case where the accused person pleads guilty of nolo contendere or is found guilty. Costs shall be assessed as provided by ordinary city ordinance and in addition thereto the municipal judge may assess witness fees and mileage as set forth in K.S.A. 12-4411.
- 9.5.3 If it appears to the municipal 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 or her 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.

CHAPTER 10

RESOLUTIONS OF THE CITY OF PARKER, KANSAS FOR THE CURRENT YEAR