

ORDINANCE NO. 101

An ordinance amending Section 91-626 of the Standard Criminal Code adopted by the City of Overbrook, Kansas, by defining the word "kennel" and prohibiting the establishment or maintenance of a kennel within the corporate limits of the city.

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

SECTION 1. It shall be unlawful for anyone to establish, operate or maintain a kennel within the corporate limits of the City of Overbrook.

SECTION 2. A kennel is defined as any property serving as the abode of four or more dogs six months of age or older.

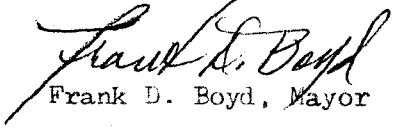
SECTION 3. Any person or persons not in compliance with Sections 1 and 2, above, on the date this ordinance becomes effective shall not be deemed in violation thereof, PROVIDED that no dog that dies, is sold or otherwise disposed of may be replaced if such replacement will result in a total of more than three dogs.

SECTION 4. Any person in violation of this ordinance shall, upon conviction, be subject to a fine of not less than \$10.00 nor more than \$100.00 for each violation and each day of violation shall constitute a separate offense.

SECTION 5. Paragraph (C) of Section 91-626 of the Standard Criminal Code is hereby rescinded.

SECTION 6. This ordinance shall become effective on the date of its publication in the official city newspaper.

Passed and approved this 14th day of November, 1979.

  
Frank D. Boyd, Mayor

ATTEST:

Carol Carver, City Clerk

(SEAL)

ORDINANCE NO. 102

*Jones Park*

AN ORDINANCE ADDING CERTAIN REAL PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

WHEREAS the City of Overbrook has purchased and has a deed to certain real property presently outside the limits of said city,

NOW THEREFORE BE IT ORDAINED by the governing body of the City of Overbrook, Kansas:

SECTION 1. The following described real property is hereby added to the corporate limits of the City of Overbrook, Osage County, Kansas, to wit:

A tract of land lying in the East one-half (1/2) of the Northwest Quarter of Section 5, Township 15 South, Range 17 East in Osage County, Kansas, more particularly described as follows: Beginning on the West line of the East one-half (1/2) of said quarter section at the center line of Market Street in Overbrook, Kansas, thence East 925 feet, thence North 660 feet; thence Northeasterly 1100<sup>2</sup> feet more or less to the South right-of-way line of U. S. 56 Highway; thence West 328.78 feet along said right-of-way to the Northeast corner of Meadowbrook Subdivision; thence South 620.94 feet along the East line of said subdivision to the Southeast corner of said subdivision; thence Southwesterly 500 feet more or less to a point 660 feet North and 665 feet East of the place of beginning; thence West 665 feet to the West line of the East one-half (1/2) of said quarter section; thence South 660 feet to the place of beginning, containing 18.2 acres, more or less.

SECTION 2. All ordinances in conflict with this ordinance are hereby amended to include the tract of land described above.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said city.

PASSED AND APPROVED this 12th day of December, 1979

*Frank D. Boyd*  
Frank D. Boyd, Mayor

ATTEST  
Carol Carver, City Clerk  
(SEAL)

ORDINANCE NO. 103

Because of the inoperable condition of the City of Overbrook's only police car and the worn-out condition and unreliable operation of the city's only maintenance truck, the City Council has determined that an emergency exists and, since funds are not available for the replacement of said vehicles and their necessary accessories, no-fund warrants in an amount not to exceed \$10,000.00 will be issued for such purposes upon approval by the State Board of Tax Appeals.

Passed and approved this 21st day of February, 1980.

  
Frank D. Boyd, Mayor

ATTEST:

Mildred J. Cannon, City Clerk

ORDINANCE NO. 104

*Repealed  
by Ord  
143*

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY CHANGING THE PROVISIONS OF SECTION 10, SUBSECTION 6, REGARDING ABANDONMENT.

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

SECTION 1. That Ordinance No. 95, Section 10, Subsection 6, is hereby amended by deleting the words, "for a period of 90 days," and by adding the sentence, "This provision shall be construed to apply to mobile homes, which, once removed from a property, may not be replaced by another mobile home in an area not zoned for mobile homes."

SECTION 2. All ordinances or parts thereof in conflict with this ordinance are hereby rescinded.

SECTION 3. This ordinance be in effect on and after its passage, approval and publication in the official city newspaper.

Passed and approved this 9th day of April, 1980.

ATTEST:  
Mildred J. Cannon, Clerk  
(SEAL)

Frank D. Boyd, Mayor

*Repealed by Ord 153*

ORDINANCE NO. 105

AN ORDINANCE RELATING TO THE WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME AND FEES, THE MANNER OF MAKING AND COLLECTING SUCH CHARGES, AND FOR AMENDING SECTIONS 1, 2, 4, AND 5 OF ORDINANCE NO. 97 AND FOR REPEALING ORDINANCE 99.

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

SECTION 1. Section 1 of Ordinance 97 is hereby amended to read:

That there is hereby assigned and fixed the following monthly rates and charges for the use of water from the waterworks system supplied within the City Limits of Overbrook, Kansas:

- First 1,000 gallons . . . . . \$4.75
- 1,000 to 10,000 gallons . . . \$2.25/1,000 gal.
- All over 10,000 gallons . . . \$2.00/1,000 gal.
- The minimum monthly charge shall be . . . . . \$4.75

Public schools within the City Limits of Overbrook shall be subject to a monthly charge at the flat rate of \$1.50 per 1,000 gallons.

*of public schools*

*Repealed ord # 119*

SECTION 2. Section 2 of Ordinance 97 is hereby amended to read:

That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the water-

*Repealed ord 114*

works system supplied outside the City Limits of Overbrook,  
Kansas:

First 1,000 gallons . . . . .	\$4.75
1,000 to 10,000 gallons . . . . .	\$2.25/1,000 gals.
All over 10,000 gallons . . . . .	\$2.00/1,000 gals.
The minimum monthly	
charge shall be . . . . .	\$4.75

SECTION 3      Section 4 of Ordinance 97 is hereby amended  
to read:

That the service furnished is for the sole use of the customer and the customer shall not resell or redeliver water to any other person without the written consent of the Governing Body of the City. Only one dwelling house or customer location and its necessary appurtenances shall be supplied through a single service connection and meter, provided, however, that a trailer house or other similar temporarily located dwelling structure may be served in connection with the dwelling house or customer location service connection and meter at the additional fixed monthly rate and charge of \$4.75 for 1,000 gallons within the City and \$4.75 for 1,000 gallons outside the City. In each case water supplied by the waterworks system of the City to the customer is resold without the consent of the Governing Body of the City, service shall be disconnected after two days notice and shall not be restored until the customer has arranged to discontinue the reselling or redelivery of service. If service is required to be disconnected for this or any other cause, a reconnection charge of \$10.00 shall be required to be paid before service is restored.

*Repealed*

SECTION 4. Section 5 of Ordinance 97 is hereby amended to read:

*Repealed - and 106.*

That all charges for the supplying of water by the City shall be paid to the City Clerk before the first (1st) day of the month following the date of billing. All such bills that are not paid before said first (1st) day shall become delinquent and a ten percent (10%) penalty shall be added to and become a part of such charge. When such delinquent bill remains unpaid the fifteenth (15th) day of said following month, service to the consumer shall be disconnected. In the event such charge or charges be not paid within the time and in the manner provided, the City Clerk shall certify to the County Clerk of Osage County, the legal description of the real property enjoying the use of said water service together with the amount of such charge or charges remaining unpaid to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are by law collectible, and shall become a lien upon the real property so served. The occupant and user of the premises using water service and the owner of such premises shall be severally liable to pay for such water services rendered on or to said premises.

SECTION 5. That said Sections 1, 2, 4, and 5 of Ordinance 97, and Ordinance 99 in its entirety are hereby repealed.

SECTION 6. That this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Overbrook Citizen-Times, as provided by law.

PASSED AND APPROVED this 2<sup>nd</sup> day of July 1980.

B. D. Cole *ml.*  
MAYOR

ATTEST:

*x Mildred J. Cannon*  
CITY CLERK

(SEAL)



ORDINANCE NO. 106

AN ORDINANCE AMENDING ORDINANCE NO. 105 BY CHANGING THE PROVISIONS OF SECTION 4 REGARDING DELINQUENT WATER BILLS.

SECTION 1. That all charges for the supplying of water by the City shall be paid to the City Clerk by the twentieth (20th) day of the month following such service. On all such bills that are not paid on or before the twentieth (20th) day shall become delinquent and a ten percent (10%) penalty shall be added to and become a part of such charge. When such delinquent bill remains unpaid the 27th day of said following month, services to the consumer shall be disconnected. In the event such charge or charges be not paid within the time and in the manner provided, the City Clerk shall certify to the County Clerk of Osage County, the legal description of said real property enjoying the use of said water service together with the amount of such charge or charges remaining unpaid to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are by law collectible, and shall become a lien upon the real property so served. The occupant and user of the premises using water service and the owner of such premises shall be severally liable to pay for such water services rendered on or to said premises.

SECTION 2. That said Section 4 of Ordinance 105 in its entirety is hereby repealed.

SECTION 3. That this ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Overbrook Citizen-Times, as provided by law.

PASSED AND APPROVED THIS 8th DAY OF OCTOBER, 1980.

*Bruce D. Cole*

BRUCE D. COLE, MAYOR

*Mildred J. Cannon*  
Mildred J. Cannon, Clerk

AN ORDINANCE ESTABLISHING THE SPEED LIMIT ON MAPLE STREET BETWEEN FOURTH STREET AND UNITED STATES HIGHWAY 56.

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

SECTION 1. The maximum lawful speed on Maple Street between Fourth Street and United States Highway No. 56 shall be twenty (20) miles per hour, and no person shall drive a vehicle at a speed in excess of such maximum limit.

SECTION 2. It is unlawful for any person to violate any of the provisions of this ordinance. Every person convicted of a violation of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00).

SECTION 3. All ordinances in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 12<sup>th</sup> of November 1980.

B. D. Cole  
Mayor

ATTEST:

Mildred Cannon  
City Clerk

(SEAL)

AN ORDINANCE APPROVING THE WATER SUPPLY CONTRACT WITH RURAL WATER DISTRICT NO. 5, OSAGE COUNTY, KANSAS, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME ON BEHALF OF THE CITY.

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

SECTION 1. It is hereby determined by the Governing body that it is in the best interests of the City of Overbrook, and necessary that a supplementary water supply be secured for the said City, the Rural Water District No. 5, Osage County, Kansas, has offered to contract such a supply to said City, and has tendered to the City a Water Supply Contract, the execution of which by the City is authorized by K.S.A. 19-3515.

SECTION 2. Pursuant to K.S.A. 19-3515, the Water Supply Contract between the Rural Water District No. 5, Osage County, Kansas, and the City of Overbrook is approved and the Mayor and City Clerk of the City of Overbrook are authorized and directed to execute the same on behalf of the City of Overbrook.

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

PASSED AND APPROVED this 21st January 1981.

Bruce D. Colwell  
Mayor

ATTEST:  
Mildred Cannon  
City Clerk

(SEAL)

AN ORDINANCE GRANTING A FRANCHISE TO ROBERT A. PABST, d/b/a OVERBROOK CABLE TELEVISION COMPANY. HIS SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA AND TELEVISION SYSTEM IN THE CITY SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE: PROVIDING FOR CITY REGULATION AND USE OF THE COMMUNITY ANTENNA TELEVISION SYSTEM: AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FRANCHISE PROVISIONS:

BE IT OR DAINED By the Governing Body of the City of Overbrook,  
Kansas:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "City of Overbrook Cable and Television Franchise Ordinance."

SECTION 11. Definition. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Overbrook.

(2) "Commission" is the City Council of Overbrook.

(3) "Community Antenna Television System," herein after referred to as "CATV System" or "System" means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily to receive television or radio signals directly or indirectly off-the-air and transmit them to subscribers for a fee.

(4) "Person" is any person, firm, partnership, association, Corporation, company or organization of any kind.

(5) "Grantee" is Robert Pabst doing business as Overbrook Cable Television Company or persons who succeeds Overbrook Cable Television Company in accordance with the provisions of this Franchise.

SECTION III. Grant of Nonexclusive Authority.

(a) There is hereby granted by the City to the grantee the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extension thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the City, of a CATV System for the interception, sale, and distribution of television and radio signals.

(b) The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive and the City reserves the right to grant a similar use of said streets, alleys, public ways, and places, to any person at any time during the period of this Franchise.

(c) In the event grantee shall in the future desire to offer an expanded CATV Service over and above that provided in (a) above, it shall have the right to apply to the City for an amendment to this franchise setting forth the proposed expanded services to be offered, the rates or charges for such expanded services, and the franchise fee it proposes to pay therefore. The City Commission shall thereafter in its next regular meeting or next succeeding meeting consider such application, and upon approval thereof shall issue to grantee an amendment to this Franchise permitting grantee authority to render such expanded service. The City agrees that it will not unreasonably withhold such approval.

(d) That the non-exclusive franchise granted to said grantee is granted by the City upon notice being given and a public hearing held pursuant to the provisions of Kansas Statutes Annotated 12-2007.

SECTION IV. Compliance with Applicable Laws and Ordinances.

The grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter provide.

SECTION V. Territorial Area Involved. This Franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of this Franchise.

SECTION VI. Indemnification of City.

(a) The Grantee shall at all times protect and hold harmless the City from all claims, actions, suits, liability, loss, expense, or damages of every kind and description (herein collectively referred to as "claims") including investigation costs, court costs and attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the Company in the ownership, construction, repair, replacement, maintenance, and operation of the Cable Television System. The City shall give the Grantee prompt written notice of any such claims filed against it.

(b) The Grantee shall maintain in full force and effect during the life of any Franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Kansas, and shall provide to the City Clerk of Overbrook, Kansas, proof of said insurance at no less than the following amounts:

- (1) \$50,000.00 on property damage in any one accident;
  - (2) \$100,000.00 for personal injury or death to any one person;
  - (3) \$300,000.00 for personal injury or death in any one accident,
- provided however, that all such insurance may contain reasonable deductible provisions not to exceed \$1,000.00 for any type of coverage.

**SECTION VII. Signal Quality Requirements.** The Grantee agrees that it will provide a cable system to its subscribers which will meet or surpass the applicable Technical Standards as they have been adopted by the FCC. That in addition to the standards established by the FCC, grantee shall:

(1) Produce a picture, whether in black and white or in color, that is undistorted, free from ghost images, and accompanied with proper sound on typical standard production TV sets in good repair, and as good as the state of the art allows:

(2) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems:

(3) Limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than eight(8) hours after notice, unless the condition causing the malfunction be beyond reasonable control of grantee, in which event, grantee shall repair malfunctions as soon as possible;

(4) Demonstrate by instruments and otherwise to subscribers that a signal of adequate strength and quality is being delivered.

**SECTION VIII. Operation and Maintenance of System.**

(a) The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.

(b) The grantee shall maintain an office which shall be open during usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time.

SECTION IX. Carriage of Signals. The grantee shall receive and distribute television and radio signals which are disseminated to the general public without charge by broadcasting stations licensed by the Federal Communications Commission. All FCC regulations shall be complied with regarding the carriage of the programming of any existing or future television broadcasting station which covers the City of Overbrook and its principal broadcasting area.

SECTION X. Program Alteration. All programs of broadcasting stations carried by the grantee shall be carried in their entirety as received, with announcements and advertisements and without additions, in accordance with applicable FCC rules.

SECTION XI. Services. When existing distribution or trunk cable passes through the following locations, the grantee shall provide services to said locations on the request of the City and at no cost to it or to the site designated below:

- (a) Fire and Police Departments.
- (b) Public Schools and Administrative Buildings.
- (c) City hall and public facilities.
- (d) Educational Institutions.

SECTION XII. Emergency Use of Facilities. In the case of any emergency or disaster, the grantee shall, upon request of the City Commission make available its facilities to the City for emergency use during the emergency or disaster period.

SECTION XIII. Other Business Activities. Neither grantee nor any subsidiary of grantee shall engage in any business not authorized by this Franchise within the Franchise area without first obtaining approval of the City.

SECTION XIV. Safety requirements.

- (a) The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for



preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) The grantee shall install and maintain its wire, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards, and in such manner that they will not interfere with any installations of the City or of a public utility serving the City.

(c) All structures and all lines, equipment, and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the city, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

(d) The grantee shall maintain a force of one or more resident agents or employees at all time and shall have sufficient employees at all times to provide safe, adequate, and prompt service for its facilities.

SECTION XV. New Developments. It shall be the policy of the City liberally to amend this Franchise, upon application of the grantee, when necessary to enable the grantee to take advantage of any developments in the field of transmissions of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers. Provided however, that this section shall not be construed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

If any such new developments would tend to make Catv service more economical, Grantee agrees to pass a reasonable proportion of the savings generated thereby to its subscribers.

SECTION XVI. Conditions of Street Occupancy.

(a) All transmission and distribution structures, lines, and equipment erected by the grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys, or other public ways and places.

(b) In case of disturbance of any streets, sidewalks, alleys, public ways, paved or other improved area, grantee shall be responsible for putting said areas back in as good a condition as before the work involving such disturbance was done. All such disturbances shall be reasonable and properly marked and protected with signs and warnings by grantee.

(c) If at any time during the period of this Franchise the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, the grantee upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

(d) Any poles or other fixture placed in any public way by the licensee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(e) The grantee shall, on the request of any person holding a building-moving permit issued by the City or other lawful authority, temporarily raise or lower its wires to permit the moving of buildings.

The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

(f) The grantee at its own expense shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that at the option of the City. Such trimming may be done by it or under its supervision and direction at the expense of the grantee.

(g) In all sections of the City where the cables, wires, or other facilities of public utilities are placed underground, the grantee shall place its cables, wires, or other like facilities underground to the maximum extent that existing technology reasonably permits the grantee to do so.

**SECTION XVII. Preferential or Discriminatory Practices Prohibited.**

The grantee shall not, as to rates, charges, service, service facilities, rules, regulations, or in any other respect make or grant any undue preference or advantage to any person, nor subject any person to any prejudice or disadvantage. However, nothing in this provision shall be construed to prohibit the reduction or waiving of charges in conjunction with promotional campaigns for purposes of attracting subscribers.

**SECTION XVIII. Removal of Facilities Upon Request.** Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.

**SECTION XIX. Transfer of Franchise and Facilities.**

The grantee shall not transfer or assign this Franchise or sell or transfer its plant or system to another, without prior written approval of the commission. Such commission approval shall not be unreasonably withheld; provided, however, that any transfer or assignment made without commission approval, as herein provided,

shall not relieve the grantee from the duty and responsibility of causing the assignee of this franchise to comply with all the terms and conditions of the Franchise or to perform the same himself. Nothing herein shall prevent the grantee from pledging or mortgaging its plant or system as security for monies borrowed, without Commission approval.

SECTION XX. Filings and Communications with Regulatory Agencies.

Copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to this Franchise, shall also be submitted simultaneously to the City Commission.

SECTION XXI. City Rights in Franchise.

(a) The right is hereby reserved to the City or the City Commission to adopt, in addition to the provision contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

(b) The City shall have the right to inspect the books, records, maps, plans, sales tax returns, and other like materials of the grantee at any time during normal business hours.

(c) The City shall have the right to install and maintain upon the poles of the grantee any wire and pole fixtures necessary for a police alarm system on the conditions that such wire and pole fixtures be installed in accordance with all of the applicable safety and National Electrical Codes and standards and that such fixtures do not interfere with the grantee's operations. When the City desires to install such fixtures, the City and Grantee will enter into a pole attachment agreement

which will provide for a payment by the City to the grantee of not less than the charges which are made by utility companies at that time for similar services. In addition the agreement shall contain a clause whereby the City agrees to indemnify the system for all damages suffered as a result of the City's exercise of this right and to hold the grantee harmless from any claims, actions, and damages arising from the exercise of this right.

(d) The City shall have the right to supervise all construction or installation work performed subject to the provisions of this Franchise and make such inspections as it shall find necessary to insure compliance with the terms of this Franchise and other pertinent provisions of law.

(e) At the expiration of the term for which this Franchise is granted, or upon its termination and cancellation, as provided for herein, the City shall have the right to require the grantee to remove at its own expense all portions of the CATV system from all public ways within the City.

(f) At the expiration of the term for which this Franchise is granted, or upon its termination or cancellation as provided for herein, grantee shall at the request of the City surrender any and all certificates of compliance held by it from the Federal Communications Commission, pertaining to CATV service in the City, and agrees not to oppose the issuing of such a certificate of compliance by the FCC to another Franchisee chosen by the City; or the grantee may sell its CATV system in the City to the City's new Franchisee upon such terms and conditions as the parties may at the time agree.

SECTION XXII. Maps, Plats, and Reports.

(a) The grantee shall file with the City Clerk true and accurate maps or plats of all existing and proposed installations.

(b) The grantee shall file annually with the City Clerk not later than One Hundred Twenty (120) days after the end of the grantee's fiscal year, an income statement applicable to its operations during the

preceding 12-month period, a balance sheet, and a statement of its properties devoted to CATV operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation. These reports shall be prepared or approved by a certified public accountant and there shall be submitted along with them such other reasonable information as the City Commission shall request with respect to the grantee's properties and expenses related to its CATV operations with the City.

SECTION XXIII. Payment to the City. The grantee shall pay to the City on or before January 20 and July 20 of each year, a 3% Franchise fee based on Gross Annual Subscriber Revenues received for cable television operations in the City for the preceding six months. Gross Annual Subscriber Revenue shall consist only as service charges authorized by this Franchise, or amendments hereto.

*\* payable monthly see. 2-10-88 minutes*

No other fee, charge, or consideration shall be imposed. At the time of each payment due hereunder, the grantee shall provide to the City an annual summary report showing Gross Annual Subscriber Revenues received during the preceding year.

SECTION XXIV. Forfeiture of Franchise.

(a) In addition to all other rights and powers pertaining to the City by virtue of this Franchise or otherwise, the City reserves the right to terminate and cancel this Franchise and all rights and privileges of the grantee hereunder in the event that the grantee:

(1) Violates any provision of this Franchise or any rule, order, or determination of the City or City Commission made pursuant to this Franchise, except where such violation is without fault or through excusable neglect;

(2) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt;

(3) Attempts to evade any of the provisions of this Franchise or practices any fraud or deceit upon the City.

(b) Such termination and cancellation shall be by ordinance duly adopted after thirty (30) days notice to the grantee provided, however, that if grantee shall correct its default within thirt (30) days, no ordinance of termination or cancellation shall be adopted. In the event that such termination and cancellation depends upon a finding of fact, such finding of fact as made by the City Commission or its representative shall be conclusive unless found by a court of competent jurisdiction not to be supported by the evidence. Provided, however, that before this Franchise may be terminated and cancelled under this Section, the grantee must be provided with an opportunity to be heard before the City Commission as herein provided under Section XXXIV, Procedures.

SECTION XXV. City,s right of Intervention. The grantee agrees not to oppose intervention by the City in any suit or proceeding, which is directly related to the operation of grantee's CATV system in the City, and to which the Grantee is a party.

SECTION XXVL. Further Agreement and Waiver by Grantee. The grantee agrees to abide by all provisions of this Franchise, and further agrees that it will not at any future time set up as against the City or City Commission the claim that the provisions of this Franchise are unreasonable arbitrary, or void.

SECTION XXVLL. Duration and Acceptance of Franchise.

(a) This Franchise and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage hereof, and publication as provided by law, and shall continue in force and effect for a term of fifteen (15) years, provided that within thirty(30) days after the date of the passage of this ordinance the grantee shall file with the City Clerk its unconditional acceptance of this Franchise and promise to comply with and abide by all its provisions, terms, and conditions. Such acceptance and promise shall be in writing duly executed and sworn to, by or on behalf of the grantee before a notary public or oth er

officer authorized by law to administer oaths.

(b) Should the grantee fail to comply with subsection (a) above, it shall acquire no rights, privileges or authority under this Franchise whatever.

SECTION XXVIII. Erection, Removal, and Common Use of Poles.

(a) No poles or other wire-holding structures shall be erected by the grantee without prior approval of the City Commission with regard to location, height, type, and any other pertinent aspect. However, no location of any pole or wire holding structure of the grantee shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the City Commission determines that the public convenience would be enhanced thereby. Provided, however, that grantee will not be required to modify its existing poles in a manner which is inconsistent with the commonly accepted standards of the industry and which do not equally apply to utility companies serving the City.

(b) Where poles or other wire-holding structures already existing for use in serving the City are available for use by the grantee, but it does not make arrangements for such use, the City Commission may require the grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the grantee are just and reasonable.

SECTION XXIX. Number of Channels. The grantee's cable distribution system shall be capable of carrying at least Twenty (20) television channels. Further, the grantee shall make available on (1) channel for commercial and non-commercial service for the benefit of the inhabitants of the city.



Grantee shall give preference to non-commercial service wherever a conflict in scheduling of commercial and non-commercial services arises.

SECTION XXX. Rates.

(a) The rates and charges for television and radio signals distributed hereunder shall be fair and reasonable and no higher than necessary to meet all cost of service (assuming efficient and economical management), including a fair return on the original cost, less depreciation in accordance with standard accounting practices, of the properties devoted to such service (without regard to any subsequent sale or transfer price or cost of such properties.) In determining a fair rate of return, the City shall also consider the service rates charged for service in other Kansas communities, and the rate of return received by such franchises in other Kansas cities.

(b) The City Commission shall have the power, authority, and right to cause the grantee's rates and charges to conform to the provision of subsection (a) hereof, and for this purpose, it may deny increases or order reductions in such rates and charges when it determines that in the absence of such action on its part, the grantee's rates and charges or proposed increased rates and charges will not conform to the said subsection (a).

(c) By its acceptance of this Franchise, the grantee specifically grants and agrees that its rates and charges to its subscribers for television and radio signals shall be fair and reasonable and no higher than necessary to meet all its necessary costs of service (assuming efficient and economical management), including a fair return on the original cost, less depreciation, of its properties located in the Franchise devoted to such service (without regard to any subsequent sale or transfer price or cost of such properties, and without regard to the costs of equipment or operations of other Franchises or business ventures of grantee at other locations.)

(d) By its acceptance of this Franchise the grantee further specifically grants and agrees that the City Commission shall have the power, authority, and right to cause the grantee's rates and charges to conform to the provisions of subsection (c) hereof, and for this purpose the Commission may deny increases or order reductions in such rates and charges when it determines that in the absence of such action on its part, the grantee's rates and charges or proposed rates and charges will not conform to the said subsection(c)

(e) However, no action shall be taken by the City Commission with respect to the grantee's rates under this Section until the grantee has been given reasonable notice thereof and an opportunity to be heard by the Commission with regard thereto.

(f) The following rates and charges are hereby authorized for service under this Franchise and shall not be exceeded by the grantee without prior approval by the City Commission:

	<u>Installation Charge</u>	<u>Monthly charge</u>
<b>Residential Accounts:</b>		
Installation charge;	10.50 during construction phase and one month after completion.	
	15.00 thereafter	
Monthly Service rate:		9.00
HBO Service:		9.00
Each additional outlet:		1.50
FM outlet only		1.00

*approved 3-13-85*  
*9.00 + 10.00 plus 3% in. fee*  
*approved 5-11-88*  
*12.00 per mo plus franchise fee*

**Commercial Accounts:**  
 Installation Charge: time and material plus 20% for overhead and contingencies.  
 Monthly Service rate for first outlet: 9.00  
 Each additional outlet will negotiate provided that, in the case of multiple dwelling units where all service is billed to one customer, the monthly service and connection charges shall be determined by negotiations between the Grantee and such customer.

(g) The grantee shall receive no deposit, advance payment or penalty from any subscriber or potential subscriber without approval of the Commission.

)h) The grantee shall receive no consideration whatsoever of or in connection with its service to its subscribers other than in accordance with this Section, except for interest charges allowed by law on bills outstanding for more than 30 days.

SECTION XXXI. Flow-through of Refunds. By its acceptance of this Franchise, the grantee specifically grants and agrees that if, during the term hereof, it received refunds of any payments made for television or radio signals, it shall without delay notify the City Commission, suggest a plan for flow through of the refunds to its subscribers, retain the refunds pending order of the Commission, and flow through such refunds in accordance with the order of the Commission.

SECTION XXXII. Complaints. The grantee at the time of initial subscription to the system shall provide each subscriber with a written notice of the procedures for reporting and resolving complaints as provided in this Franchise or as established by agreement of grantee and the City Commission.

SECTION XXXIII. Federal Regulation. Any lawful modification resulting from amendment of Section 76,31 ("Franchise Standards") of the Rules and Regulations of the Federal Communications Commission shall be incorporated into this Franchise as of the date such modifications become obligatory under FCC regulations, or in the event no obligatory date is established, with on (1) year of adoption or at the time of Franchise renewal, whichever occurs first.

SECTION XXXIV. Procedures.

(a) Any inquiry, proceeding, investigation, or other action to be taken or proposed to be taken by the City in regard to the operation of grantee's cable television system, including action in regard to termination, cancellation, or a change in subscription rates shall be taken only after public notice of such action or proposed action and the time and place of a public hearing hereon is published once a week for

three (3) consecutive weeks in some newspaper printed and published and having general circulation in the City; a copy of such legal notice of action or proposed action is served directly on grantee either personally or at its office in Overbrook, Kansas; at least fifteen (15) days prior to the date of said public hearing; and the grantee is given the opportunity to respond in writing and/or to be heard at said hearing.

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the City.

SECTION XXXV. Parties' Rights and Duties upon Expiration or Cancellation of Franchise.

(a) At the expiration of the term for which this Franchise is granted, if the parties are unable to negotiate a new franchise after public hearings upon the same, the City, at its option, and upon payment of the fair market value of the system as determined by arbitration in the manner hereinafter described, shall become the owner of the CATV system in the City as a going business. The fair market value of the system shall be determined by negotiations between the parties, and if the parties are unable to agree within (30) days after the expiration of the Franchise, grantee shall within ten (10) days after their appointment appoint an appraiser, the City shall likewise appoint an appraiser, and the two appraisers so appointed shall within ten (10) days after the appointment of the last appraiser meet in the City, view the CATV System and hear the evidence and contentions of the parties as to fair market value of the CATV System and having heard said matter, shall determine the fair market value, which determination shall be binding upon the parties.

(b) In the event this Franchise is terminated or cancelled other than by expiration of its term, the City, at its option and upon the payment of the depreciated cost value of its system to the grantee, shall become the owner of the CATV System in the City as a going business. The depreciated cost value of the system shall be determined from the books and records of the grantee using standard and accepted accounting methods and procedures, without valuation of any right or privilege appertaining to grantee under this Franchise. Upon the exercise of either of the foregoing options by the City or its assigns, the grantee shall immediately transfer to the City possession and title to all facilities and property, real and personal, of the CATV business, free from any and all liens and encumbrances not agreed to be assumed by the City in lieu of some portion of the purchase price set forth above; and the grantee shall execute such warranty deeds or other instruments of conveyance to the City as shall be necessary for this purpose. The grantee shall make it a condition of each contract entered into by it with reference to its operations under this Franchise that the contract shall be subject to the exercise of this option by the City and that the City shall have the right to succeed to all privileges and obligations thereof upon the exercise of such option.

(c) In either case of termination of this Franchise as specified above during the interim period while transfer of the system is being arranged, the original Franchisee shall continue service to the public as a trustee for its successor in interest, subject to an accounting for net earnings or loss during the interim period for a period of time not to exceed six (6) months from the date of termination. It is understood and agreed that the original Franchisee shall receive a fee for its services as trustee; and if the parties cannot agree upon a reasonable trustee fee, the amount thereof shall be established by arbitration.

(d) In either case of termination of this Franchise as specified above, the City may assign its right to purchase the grantees' CATV System as a going business to any other person, firm, or corporation which it deems, after holding public hearings upon the question, would be suitable to operate said system under a Franchise from the City.

SECTION XXXVI. Publication Costs. The grantee shall assume the cost of publication of this franchise Ordinance as such publication is required by law and such is payable upon the grantee's filing of acceptance of this Franchise.

SECTION XXXVII. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction or the FCC, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XXXVIII. Commencement of Construction. In the event of the failure of the grantee to commence construction of the system within one (1) year from the enactment of this ordinance and securing of pole franchise with utility company, pole franchise with utility company, pole franchise or pole users agreement with the City, and FCC clearance of compliance, or in the event of the failure of the grantee to render significant community cable television service (shall mean cable television service on a regular basis to 40 % of the franchise population) to the City and the inhabitants thereof, as contemplated and provided before in this ordinance within a period of one (1) year from the effective date of the FCC certification; the City shall have the right on reasonable notice to the grantee, to declare this ordinance and rights of franchise granted thereunder forfeited, Provided further, that the grantee shall within one (1) year subsequent to the first

anniversary of FCC certification make available to 60% of the total Franchise population CATV Service and shall make available CATV service to an additional 20% of the remaining Franchise population each year thereafter until construction is completed.

SECTION XXXIX. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Passed and approved by the Governing Body of the City of Overbrook, Kansas, this 21<sup>st</sup> day of January, 1981

R. D. Cole  
Mayor

ATTEST:

*1 Seal*

Mildred Garrison  
City Clerk

ORNINANCE NO. 110

AN ORDINANCE DECLARING, ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS.

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

SECTION I. That the Corporate Limits and Entire Boundaries of the City of Overbrook, Kansas, are hereby declared, established and defined to be as follows, to-wit:

Commencing at the Northeast Corner of the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 5, Township 15 South, Range 17 East, in Osage County, Kansas; thence South on the east line of the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said section to the south right-of-way line of Highway US 56; thence N 89 degrees, 50 minutes 28 seconds E along said south right-of-way a distance of 1008.21 feet to a point 49.89 feet south of the north line of the Northwest  $\frac{1}{4}$  of said Section 5; thence continuing Easterly along the south right-of-way line a distance of 328.78 feet; thence Southwesterly a distance of 1100 feet more or less; thence South 660 feet; thence West 925 feet more or less to a point on the west line of the East  $\frac{1}{2}$  of the Northwest quarter of said Section 5, said point also being the centerline of Market Street; thence South to a point 300 feet south of the south line of Market Street; thence West to a point 300 feet east of the east line of Cedar Street, thence South to the south line of said Northwest  $\frac{1}{4}$  of Section 5; thence West to the east line of Walnut Street; thence south 300 feet; thence West to the west line of Oak Street extended; thence North to the south line of the Northeast  $\frac{1}{4}$  of Section 6, Township 15 South, Range 17 East; thence West to a point 677 feet east of the west line of said Northeast  $\frac{1}{4}$ ; thence North to the north right-of-way line of the Missouri Pacific Railroad; thence Westerly along said right-of-way a distance of 699.50 feet; thence North a distance of 2168.12 feet more or less to a point on the south right-of-way line of Highway US 56; thence East on the south line of said highway a distance of 468.25 feet; thence South at right angles to the south line of said Highway a distance of 150 feet more or less; thence North 90 degrees East a distance of 170.0 feet; thence North 0 degrees East a distance of 150 feet; thence North 90 degrees East parallel and 50.0 feet from the north line of the Northeast  $\frac{1}{4}$  of Section 6 a distance of 743.75 feet; thence North to the north line of Section 6; thence East 80 feet; thence South 185 feet; thence East to a point 325 feet west of the west line of Elm Street; thence North to the north line of Section 6; thence East to a point 421 feet west of the Northeast Corner of said Section 6; thence North 218 feet; thence East 171 feet; thence North to the southeast corner of the Frierville Addition No. 2; thence West parallel with the south line of Section 31 a distance of 375.85 feet; thence North 0 degrees 19 minutes 40 seconds West a distance of 1078.82 feet; thence North 90 degrees East a distance of 312 feet; thence South along the west line of Oak Street extended to the north line of 10th Street; thence North 89 degrees 22 minutes 55 seconds East a distance of 320 feet to the east line of Section 31; thence South to a point 1008 feet north of the southwest corner of Section



32; thence East 214.5 feet; thence South 625.1 feet; thence East to a point 66 feet west of the east line of the West 1/2 of the Southwest 1/4 of Section 32; thence South to the south line of Section 32; thence East to the point of beginning,

Excepting a tract of land describe as follows:

Beginning at a point 606.48 feet south of the intersection of the south right-of-way line of US 56 and the east line of the West 1/2 of the Northwest 1/4 of Section 5, Township 15 South, Range 17 East; thence East a distance of 919.62; thence in a Southwesterly direction a distance of 500 feet more or less to a point that is 660 feet north and 665 feet east of the intersection of Market Street and the east line of the West 1/2 of the Northwest 1/4 of Section 5; thence West 665 feet; thence North to the point of beginning.

SECTION 2. That the City Clerk shall forthwith file a certified copy of this ordinance, as published, with each of the following officers: The County Clerk of Osage County, Kansas; the Registrar of Deeds of Osage County, Kansas; and the State Highway Engineer of the State of Kansas.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said city.

PASSED AND APPROVED THIS 11<sup>th</sup> ~~22nd~~ day of March, 19 21

B.D. Cole ml.  
MAYOR

ATTEST: Mildred Cannon  
City Clerk

AN ORDINANCE GRANTING THE FRANCHISE, PRIVILEGES AND RIGHTS TO CONTINENTAL TELEPHONE OF KANSAS, IT SUCCESSOR AND ASSIGNS, TO CONSTRUCT, ACQUIRE, OPERATE AND MAINTAIN A TELEPHONE SYSTEM IN THE CITY OF OVERBROOK , KANSAS, AND TO USE THE STREETS, ROADS, ALLEYS AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES.

Be it ordained by the Governing Body of the City of OVERBROOK, Kansas:

SECTION 1. CONTINENTAL TELEPHONE OF KANSAS, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of

State of Kansas, (herein referred to a"City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenances of a telephone business and system by the Telephone Company in said City shall remain as now planned or constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

SECTION 11. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures: The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes.

SECTION III. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City Official to whom said duties have been or may be delegated.

SECTION IV. Permission is hereby granted to the Telephone Company to make all necessary excavations in the public streets, roads, alleys, sidewalks or other public places, all in accordance with the ordinances applicable to such excavations by public utilities or others securing such permission.

SECTION V. The Telephone Company agrees to pay to the City as full compensation for granting the rights and privileges herein a sum equal to three per cent, (3%) of the gross receipts of the Telephone Company from subscribers in the City of OVERBROOK, said gross receipts for the regular basic charge to customers or subscribers for telephone services in the City, but does not include charges for special services, long-distance calls or charges for extension phones. The Telephone Company shall make and report to the Governing Body of the City all such gross receipts once each six months and pay to the City the amount due such City at the time said report is made. The first report and payment to be on the 20th day of June, 1982.

SECTION VI. Nothing in this ordinance shall be construed or require or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company, on the poles of the other, If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a pre-requisite to such attachments.

SECTION VII. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, not shall it affect

any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION VIII. All poles, wires, anchors, anchor rods, and other appurtenances, which are located on, over, along or across the public streets, roads, alleys, or other public thoroughfares of the City shall be so placed by the Telephone Company as not to interfere with traffic on the traveled portions of such thoroughfares; and the Telephone Company after the construction or reconstruction of the telephone lines, will restore to their original condition the streets, roads, alleys or other public thoroughfares on which such lines have been constructed, insofar as this is practicable; the said Telephone Company shall at all times hold the City harmless and free from liability for any damages which may be done to real or personal property by the exercise of this franchise, or injuries to persons caused by the Telephone Company in the exercise of this franchise, and such Telephone Company in accepting this franchise assumes any and all such liability as far as the City is concerned.

SECTION IX. The rates to be charged and exacted from the City of OVERBROOK KANSAS, and its inhabitants for telephone service furnished by the Telephone Company shall be the rates as approved by the Corporation Commission of the State of Kansas, or other regulatory body having jurisdiction over the Company's rates and service.

SECTION X. The Telephone Company will comply with all reasonable rules and regulations of the City of OVERBROOK and with all ordinances now in effect or which may hereafter be passed insofar as they do not conflict with the terms or the purposes of the franchise herein granted.

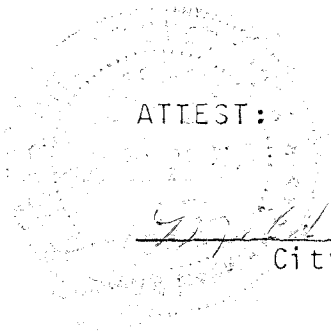
SECTION XI. The Telephone Company shall pay the printing costs of this franchise ordinance.

SECTION XII. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

SECTION XIII. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor, for a period of ten years; and for two successive five-year terms thereafter, unless either party shall notify the other in writing of its intention of terminating said agreement at the expiration of the original term or at the expiration of the first succeeding 5-year term, said notice of intention to terminate shall be served by either party on the other at least one year prior to the effective date of such termination.

Approved this 9th day of September, 1981.

B.D. Colwell  
Mayor



ATTEST:

Mildred Johnson  
City Clerk

ORDINANCE NO. 112

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", ADDITION OF 1979 AND REPEALING PORTIONS OF ORDINANCE NO. 90.

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

SECTION I. Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" addition of 1979, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 112" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

SECTION II. Except for Sections 90-201, 915, 1021, 1020, 1411, 1413, 1414 through 1437 inclusive, 1501 through 1505 inclusive, 1630 and 1631 and 1703 through 1707 inclusive, which are retained, Ordinance No. 90 is hereby repealed.

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

PASSED AND APPROVED THIS 14 October, 1981.

Bob Owen  
Mayor

ATTEST:

Mildred [Signature]  
City Clerk

(SEAL)

\* \* \* \*

MEMO TO THE PUBLISHER: Please publish one time and file proof with the City Clerk, and send her five galley copies of this ordinance.

COFFMAN, JONES & GILLILAND  
Lyndon, Kansas 66451

ORDINANCE NO. 113

AN ORDINANCE FIXING SEWER SERVICE CHARGES TO BE PAID TO THE CITY OF OVERBROOK, KANSAS FOR THE USE OF THE SEWAGE DISPOSAL SYSTEM, PROVIDING METHODS FOR COLLECTION AND ESTABLISHING RULES FOR DISCONNECTING SEWER SERVICE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCE 38, PASSED AND APPROVED MARCH 21, 1960.

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

SECTION 1. There is hereby levied on all firms, persons, corporations, organizations, political subdivisions and all other entities and persons owning premises connected to the City sanitary sewer disposal system, and sewer service charges as hereinafter provided.

SECTION 2. The amount of the connection, disconnection and sewer service charges shall be, and are hereby fixed as follows:

There shall be a minimum charge of Three Dollars (\$3.00) per month, or any portion thereof for each single family dwelling, mobile home, apartment, multiple family dwelling, commercial and industrial building whose water consumption is less than 4,000 gallons per month. There shall be an additional charge of fifty cents (\$.50) per month, or portion thereof, for each thousand gallons of water used above 4,000 gallons per month with a maximum charge of Seventy-five dollars (\$75.00).

SECTION 3. In the event any property owner wishes to have service suspended, he may do so under the conditions herein recited, by notifying the City Clerk in writing. Upon inspection by an authorized agent of the City, and determination that the building is not being occupied, and the service has not been used for a period of at least seven (7) days, the service charge for the month following receipt of the written request, and subsequent City Council approval, shall be discontinued. In no event shall the owner of any building request such suspension of the service charge, and the discontinuance of service, unless the service is, in fact, not being used. In the event the service has been discontinued at the request of the owner as herein provided, service shall not thereafter be continued or connected again without said owner paying a reconnection fee of Fifty Dollars (\$50.00) for each connection.

SECTION 4. Use and connection to system.

A. It shall be unlawful to connect or reconnect to the sewage system without first obtaining written approval from the City Clerk.

B. It shall be unlawful to discharge any deleterious matter into the sewage system, or other materials or objects which are not liquidifiable in the normal operation of the sewage treatment plant and facilities.

C. It shall be unlawful for anyone, other than an authorized employee of the City, to intentionally or negligently stop or impede or hinder in any way the normal flow of sewage in the sewer lines and system.

SECTION 5. In the event any person, firm, corporation or organization shall neglect, fail or refuse to pay the service charges fixed hereby, such charges shall constitute a lien upon the real estate served by the connection to the City sanitary sewer system, and shall be certified by the City Clerk to the County Clerk of Osage County, Kansas, to be placed on the tax roll for collection, subject to the same penalties, and collected in like manner as other taxes are by law collected.

SECTION 6. Application for sewer service shall be filed with the City Clerk in writing. All applications for new connections shall be accompanied by an inspection fee of Fifty Dollars (\$50.00) or the connection costs estimated by the Superintendent of Sewage Works, whichever is the greater amount.

SECTION 7. Penalties and Order of Abatement for Violation of Assessment Against Tax Rolls.

A. Any person who shall be convicted in the Municipal Court of Overbrook, Kansas, of violating any of the provisions of this Ordinance shall be deemed guilty of misdemeanor and shall be considered a separate offense and shall be punishable as a separate violation.

B. If, upon the trial of any person found guilty of any Section, it shall appear to the Court that the violation of this Ordinance is continuing, the Court may cause the violation to be abated and the appropriate orders issued accordingly.

SECTION 8. Reasonable Rules and Regulations. The governing body of the City of Overbrook, Kansas, shall have the power, by Ordinance, to adopt rules and regulations providing for the management and operation of the sewage system, prohibiting the discharge of deleterious matter into the sewage system, requiring pretreatment of sewage in usual cases to prevent overloading the treatment plant, providing for the disposition of revenue from the collection of the service charges, and all other rules relating to the management and operations of its sewage system.

SECTION 9. This Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Overbrook Citizen-Times, as provided by Law.

PASSED AND APPROVED THIS 5<sup>th</sup> day of September 1982.



B. D. Caldwell  
MAYOR



*Repealed  
by Ord 153*

ORDINANCE NO. 114

AN ORDINANCE RELATING TO THE WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME AND FEES, AND AMENDING SECTIONS 1 AND 2 OF ORDINANCE 105.

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

SECTION 1 Section 1 of Ordinance 105 is hereby amended to read:

That there is hereby assigned and fixed the following monthly rates and charges for the use of water from the waterworks system supplied within the City Limits of Overbrook, Kansas:

- First 1,000 gallons . . . . . \$7.00
- All over 1,000 gallons . . . . . \$2.50/1,000 gal. or fraction thereof
- The minimum monthly charge shall be . . . . . \$7.00
- Public schools within the City Limits of Overbrook shall be subject to a monthly charge of the flat rate of \$2.50 per 1,000 gal.

SECTION 2 Section 2 of Ordinance 105 is hereby amended to read:

That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the waterworks system supplied outside the City Limits of Overbrook, Kansas:

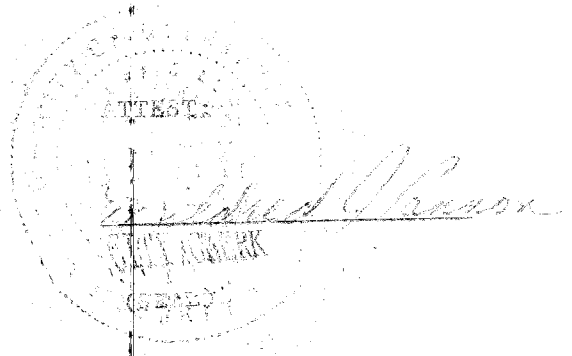
- First 1,000 gallons . . . . . \$7.00
- All over 1,000 gallons . . . . . \$2.50/1,000 gal. or fraction thereof
- The minimum monthly charge shall be . . . . . \$7.00

SECTION 3 That said Sections 1 and 2 of Ordinance 105 in their entirety are hereby repealed.

SECTION 4 That this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Overbrook Citizen-Times, as provided by law.

PASSED AND APPROVED THIS 8<sup>th</sup> day of September 1982.

Bruce D. Cole D.D.S.  
MAYOR



ORDINANCE NO. 115

*Repealed  
by Ord  
= 114*

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1982, AND REPEALING ORDINANCE NO. 112.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK KANSAS:

SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" Edition of 1982, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012 inclusive and K.S.A. 12-3301 and 12-3302. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 115" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

SECTION II: RESTRICTED LICENSE It shall be unlawful for any person to operate a motor vehicle within the limits of the City of Overbrook in any manner in violation of the restrictions imposed in the restricted license to that person.

SECTION III: LEFT TURNS It shall be unlawful for the driver of any vehicle to turn such vehicle across the center line of any two-way through street within the business district of the City of Overbrook for the purpose of parking or to reach the opposite side of the street.

SECTION IV: Except for Sections 90-201, 915, 1020, 1411, 1413, 1414 through 1437 inclusive, 1501 through 1505 inclusive, 1630 and 1631 and 1703 through 1707 inclusive which are retained, Ordinance 112 is hereby repealed.

SECTION V: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 9th DAY OF March 1983

B. Bell  
MAYOR

ATTEST:

Mildred Hanson  
CITY CLERK

(SEAL)

Copy

ORDINANCE NO. 116

AN ORDINANCE ADDING CERTAIN REAL PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

WHEREAS, the owners of the real property hereinafter described in the enacting portion of this Ordinance have petitioned the Governing Body of said City to add said property to the City; and

WHEREAS, said Governing Body deems the addition of said property to be beneficial to said City;

Now, Therefore, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. The following described real property, to-wit:

A tract of land in the East half of the Southeast Quarter of Section 31, Township 14 South, Range 17 East of the 6th P.M., in Osage County, Kansas, described as follows:

Commencing at the Southeast corner of Section 31; thence N 00° 00' 00" E, 1452.5 feet along the East line of said Section for the point of beginning; thence S 89° 22' 55" W, 260.0 feet parallel with the South line of said Quarter Section; thence S 00° 00' 00" W, 198.0 feet; thence S 89° 22' 55" W, 60.0 feet; thence N 00° 00' 00" E, 116.0 feet to the Northeast corner of Block B, Frieruble Addition No. 2, Overbrook, Kansas; thence N 90° 00' 00" W, 312.0 feet to the Northwest corner of said Block B; thence N 00° 19' 40" W, 417.4 feet; thence N 90° 00' 00" E, 634.37 feet; thence S 00° 00' 00" E, 331.94 feet to the point of beginning. Containing 5.72 acres more or less. Subject to an easement for public road over the East 40 feet thereof.

is hereby added to the corporate limits of Overbrook, Osage County, Kansas.

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and approval and publication in The Citizen, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 11th day of May 1983.

Bruce D. Colwell  
Mayor

ATTEST:  
Mildred Hanson  
City Clerk

ORIGINAL COMPARED WITH RECORD

STATE OF KANSAS }  
County of Osage } SS

This instrument Filed for Record this 3rd day of February A.D. 1989 at 8:00 o'clock A. M., and duly recorded in Vol. M 85 Page 793  
Linda L. Massey Reg. of Deeds  
Linda L. Massey



ORDINANCE NO. 117

AN ORDINANCE PROHIBITING LEWD OR INDECENT BEHAVIOR OR EXPOSURE AND THE PROMOTION OF OBSCENE MATERIAL IN THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1. That it shall be unlawful for any person to appear in any public place in this city in a state of nudity, or in any indecent or lewd dress, or to make an indecent exposure of his or her person, or to be guilty of any indecent or lewd act or behavior.

That it shall be unlawful for any person, persons, firm, or corporation to knowingly manufacture, issue, sell, give, provide, lend, mail, deliver, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise any obscene material; or possess any obscene material with the intent to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise such material; or offer or agree to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise any obscene material; or, produce, present or direct any obscene performance or participate in a portion thereof which is obscene or which contributes to its obscenity.

Any material or performance is 'obscene' if, considered as a whole, its predominate appeal is to prurient, shameful or morbid interest in nudity, sex, excretion, sadism, or masochism, and the material is patently offensive and utterly without redeeming social value. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material of the circumstances of its dissemination to be intended for distribution to children or other especially susceptible audience.

'Material' means any tangible thing which is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or other manner.

'Performance' means any play, motion picture, dance or other exhibition performed before an audience.

SECTION 2. PENALTY. Any person in violation of Section 1 of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or shall be both so fined or imprisoned.

SECTION 3. That this Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED AND APPROVED October 12, 1983

(SEAL)  
ATTEST:

B. Cole  
MAYOR

Mildred Johnson  
CITY CLERK

ORDINANCE NO. 118

AN ORDINANCE AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SEWAGE DISPOSAL WORKS TO SERVE THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS TO BE PAID FOR EITHER IN WHOLE OR IN PART BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY UNDER THE AUTHORITY OF K.S.A. 12-631t ET SEQ. AND ARTICLE 1 OF CHAPTER 10, K.S.A.

WHEREAS, the Governing Body of the City of Overbrook, Kansas, (the "City") has by its Ordinance No. 58, passed and approved by the City October 2, 1968, and published in the official newspaper of the City October 10, 1968, combined its water and sanitary sewerage systems in accordance with K.S.A. 12-856 et seq.; and

WHEREAS, K.S.A. 12-856 et seq., K.S.A. 12-863 in specific, permits the City to issue its general obligation bonds for the improvement of such system in the same manner and subject to the same limitations as if the City had not combined such water and sanitary sewerage systems; and

WHEREAS, the City has the authority to provide one or more systems of disposal works for the purification of the sewage of the City or any part thereof, and to build, operate and maintain such disposal works; and

WHEREAS, the City deems it necessary to construct, reconstruct and repair the sanitary sewage disposal works of the City in accordance with the plans and specifications therefor as prepared by the City's consulting engineers (the "Project"); and

WHEREAS, the approximate estimated cost of the Project is \$149,000; and

WHEREAS, the City intends to finance the cost of the Project by the issuance of general obligation bonds of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS:

Section 1. That the construction, reconstruction and repair of sanitary sewage disposal works of the City in accordance with the plans and specifications therefor as prepared by the City's consulting engineers is hereby authorized and ordered to be done.

Section 2. That in order to provide funds to pay the cost of completing the Project, general obligation bonds of the City shall be issued in accordance with the provisions of K.S.A. 12-631t, et seq.

Section 3. That this ordinance shall take effect and be in force from and after its passage and approval and publication in the official city newspaper.

PASSED by the Governing Body and approved by the Mayor this 11<sup>th</sup> day of January, 1984.

B Cole

Mayor of the City of Overbrook  
Osage County, Kansas

ATTEST:

Mildred J. Cannon  
City Clerk

(SEAL)

ORDINANCE NO. 119

AN ORDINANCE AMENDING ORDINANCE No. 95 (ZONING) BY REZONING PROPERTY DESCRIBED AS:

*Quit  
Building*

BEGINNING AT A POINT 60 FEET EAST OF THE SOUTHEAST CORNER OF BLOCK 2 IN COFFMAN'S FIRST ADDITION TO OVERBROOK, THENCE RUNNING NORTH 100 FEET, THENCE EAST 140 FEET, THENCE SOUTH 100 FEET, THENCE WEST 140 FEET TO THE PLACE OF BEGINNING;

FROM R-1 (SINGLE FAMILY DWELLING) TO B-1 (GENERAL BUSINESS AND COMMERCIAL):

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

SECTION 1. That the amendment recommended by the Overbrook Planning Commission to rezone the following-described property:

Beginning at a point 60 feet East of the Southeast corner of Block 2 in Coffman's First Addition to Overbrook, thence running North 100 feet, thence East 140 feet, thence South 100 feet, thence West 140 feet, to the place of beginning,

from R-1 (Single Family Dwelling) to B-1 (General Business and Commercial)

be adopted by the Governing Body of the City of Overbrook, Kansas.

SECTION 2. That the above-described property is rezoned from R-1 (Single Family Dwelling) to B-1 (General Business and Commercial), and the City Clerk is directed to designate such rezoning on the City Zoning District Map.

SECTION 3. That all ordinances or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

Passed and approved this March 14, 1984.

ATTEST:

*[Signature]*  
\_\_\_\_\_  
Mayor

*Mildred Cannon*  
\_\_\_\_\_  
City Clerk

(SEAL)

\* \* \* \* \*

MEMO TO THE PUBLISHER: Please publish once and make proof of publication to Mildred Cannon, City Clerk.

ORDINANCE NO. 120

AN ORDINANCE CREATING AND ESTABLISHING AN EMPLOYEE BENEFITS CONTRIBUTION FUND FOR THE CITY OF OVERBROOK LIBRARY FOR THE PURPOSE OF PAYING THE EMPLOYER'S SHARE OF EMPLOYEES SOCIAL SECURITY BENEFITS AND AUTHORIZING THE LEVYING OF AN ANNUAL TAX UPON ALL TAXABLE TANGIBLE PROPERTY WITHIN THE CITY OF OVERBROOK FOR PAYMENT INTO SUCH FUND.

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

SECTION 1. There is hereby created and established an Employee Benefits Contribution Fund for the City of Overbrook Library for the purpose of paying employer's share of social security benefits for the employees of said library.

SECTION 2. The Governing Body of the City of Overbrook, Kansas, shall, pursuant to K.S.A. 12-16,102, levy an annual tax upon all taxable, tangible property within the taxing subdivision in an amount determined by the Governing Body to be necessary for the purpose for which such employee benefits contribution fund was created.

SECTION 3. Taxes levied by the governing body of the City of Overbrook, Kansas, for such fund shall be exempt from the limitations imposed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.

SECTION 4. All ordinances, or parts thereof, in conflict with this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

Passed and approved this March 14 1984.

B. Nowl  
Mayor

ATTEST:

Mildred J Cannon  
City Clerk

(SEAL)

\* \* \* \* \*

MEMO TO THE PUBLISHER: Please publish once and make proof of publication to Mildred Cannon, City Clerk, Overbrook, Kansas. Thank you.



*Repealed*

AN ORDINANCE RELATING TO INOPERABLE VEHICLES, PROHIBITING CERTAIN PLACEMENT OR STORAGE OF SAME ON PRIVATE PROPERTY, PRESCRIBING DUTIES FOR CERTAIN OFFICERS AND PRESCRIBING PENALTIES.

BE IT ORDAINED by the GOVERNING BODY OF THE CITY OF OVERBROOK:

SECTION 1. Finding of Governing Body. The city council finds that junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles in and upon real property within the city is a matter affecting the health, safety and general welfare of the citizens of Overbrook, Kansas, for the following reasons:

(a) Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents; (b) They are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports and because they are a ready source of fire and explosion; (c) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located thereby causing a loss in property value to surrounding property; (d) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures.

SECTION 2. DEFINITIONS. Inoperable -- means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. Vehicle -- means any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

SECTION 3. PROHIBITIONS. Except as provided in Sections 4 and 5 it shall be unlawful for any person, partnership, corporation, or their agent either as owner, lessee, tenant or occupant of any lot or land within the city to park, store or deposit, or permit to be parked, stored, or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building.

SECTION 4. TEMPORARILY DISABLED VEHICLE. The provisions of Section 3 of this ordinance shall not apply to any person, partnership or corporation or their agent with one vehicle inoperable for a period of 30 consecutive days or less.

SECTION 5. SCREENING. The provisions of Section 3 of this ordinance shall not apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children: Provided, however, that nothing in this section shall authorize the maintenance of a public nuisance.

SECTION 6. PRESUMPTIONS. Any one of the following conditions shall raise the presumption that a vehicle is inoperable: (a) absence of an effective registration plate upon such vehicle, (b) placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports, (c) absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

SECTION 7. ADMINISTRATIVE PROCEDURE. Whenever an informal complaint is made to the City Marshal, or notice is given to such officer of the existence of an apparent violation of this ordinance, he shall within seven (7) days thereafter cause to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located a written notice. Such notice shall inform such person of the

*Repealed + replaced  
see #165  
6-13-90*

violation and direct that he take action within seven (7) days after receipt of such notice to comply with the provisions of this ordinance or prosecution will be commenced for violation thereof.

In the event such person fails to comply with the provisions of this ordinance within such time, the city marshal shall notify the city attorney who shall commence prosecution under this ordinance.

SECTION 8. PENALTY. Any person, partnership or corporation violating the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100) or imprisoned not to exceed thirty (30) days or be both so fined and imprisoned. Each day during or on which a violation occurs or continues shall constitute a separate offense.

SECTION 9. AUTHORITY. This ordinance is adopted by authority of and under the provisions of Article 12, Section 5 of the Kansas Constitution.

Passed and approved this March 14 1984.

B Coleml.  
Mayor

ATTEST:

Mildred Cannon  
City Clerk

(SEAL)

\* \* \* \* \*

MEMO TO THE PUBLISHER: Please publish once and make proof of publication to Mildred Cannon, City Clerk, Overbrook, Kansas.

Thank you.

ORDINANCE NO. 122

AN ORDINANCE REPEALING SECTION 91-1107 OF ORDINANCE NO. 91 OF THE CITY OF OVERBROOK.

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

SECTION 1. Section 91-1107 of Ordinance No. 91 of the City of Overbrook, Kansas, providing as follows: "It shall be unlawful for any proprietor or other person by himself or another, or otherwise, to give any prize, award, merchandise, gift or money to any player or to any operator of such automatic amusement devise.", is hereby repealed.

SECTION 2. This Ordinance shall take effect and be in force from and after its passage and approval and publication of the official newspaper of said City as provided by law.

PASSED AND APPROVED THIS April 11 1984.

B Cole pres.  
Mayor

(Municipal Seal)

ATTEST:

Mildred Gannon  
City Clerk

# Legal Notice

(Published in The Osage County Chronicle, Thurs., Sept. 20, 1984.)

## ORDINANCE NO. 123

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$150,000 GENERAL OBLIGATION BONDS, SERIES 1984 (SANITARY SEWER LAGOON PROJECT) OF THE CITY OF OVERBROOK, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AS AMENDED, AND K.S.A. 12-631t ET SEQ.

WHEREAS, The Governing Body of the City of Overbrook, Osage County, Kansas, (the "City") has caused certain sanitary sewerage disposal system improvements (the "Improvements") to be made in the City under the authority of Kansas Statutes Annotated 12-631t et seq.

WHEREAS, all legal requirements pertaining to the Improvements have been complied with and the total cost of making the Improvements has been ascertained to be \$150,000 (the "Project Cost"); and

WHEREAS, none of the Project Cost has been paid by the City leaving unpaid the balance of the Project Cost in the amount of \$150,000 for which general obligation bonds of the City may be issued; and

WHEREAS, the City deems it necessary and advisable to issue its general obligation bonds in the aggregate principal amount of One Hundred Fifty Thousand Dollars (\$150,000) for the purpose of paying the balance of the Project Cost.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS:

Section 1. That for the purpose of providing funds to pay the cost of making the Improvements hereinbefore described, there shall be, and hereby are, issued General Obligation Bonds, Series 1984 (Sanitary Sewer Lagoon Project) of the City in the aggregate principal amount of One Hundred Fifty Thousand Dollars (\$150,000) (the "Bonds") as provided by K.S.A. 10-101 to 125, inclusive, K.S.A. 12-631t et seq., all as amended, which issue shall consist of certificated and/or uncertificated fully registered bonds without coupons, in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year, said Bonds being dated August 1, 1984, bearing interest and maturing serially as follows, to-wit:

pay interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on February 1 and August 1 of each year (the "Interest Payment Dates") commencing August 1, 1985, until said principal amount is paid.

The principal of and premium, if any, on this Bond shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 15th day of January or July next preceding the applicable interest payment date (the "Record Dates"). The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

The terms and provisions of this Bond are continued on the reverse hereof and shall for all purposes have the same effect as though fully set forth at this place.

It is hereby certified and declared that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Overbrook, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City

provide e Ordinance, and upon  
surrenc d cancellation of this  
Bond. y shall pay out of the  
procee e Bonds or from other  
funds all costs incurred in connection  
with the issuance, transfer,  
exchange, registration or payment  
of the Bonds except (a) the reason-  
able fees and expenses in connection  
with the replacement of a Bond or  
Bonds mutilated, stolen, lost or  
destroyed or (b) any tax or other  
governmental charge imposed in  
relation to the transfer, exchange,  
registration or payment of the  
Bonds. Upon such transfer a replace-  
ment Bond or Bonds of authorized  
denominations of the same maturity  
and for the same aggregate principal  
amount will be issued to the trans-  
feree in exchange therefor.

### BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$\_\_\_\_\_standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated\_\_\_\_\_

Name

Social Security or Taxpayer Identifying No.

Signature (Sign Here Exactly as Name(s) Appear on Face of Certificate)

Signature guaranty:  
By\_\_\_\_\_

\*\*\*\*\*

### CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Overbrook, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of\_\_\_\_\_.

WITNESS my hand and official seal.

(facsimile)

City Clerk

(FACSIMILE SEAL)

CERTIFICATE OF STATE TREASURER

MATURITY	INTEREST	AMOUNT
8/1/85	9.0%	\$15,000
8/1/86	9.0%	15,000
8/1/87	9.0%	15,000
8/1/88	9.0%	15,000
8/1/89	9.0%	15,000
8/1/90	9.0%	15,000
8/1/91	9.75%	15,000
8/1/92	9.75%	15,000
8/1/93	9.75%	15,000
8/1/94	9.75%	15,000

Clerk by their facsimile signatures and a facsimile of its corporate seal to be imprinted hereon, all as of the first day of August, 1984.

CITY OF OVERBROOK, KANSAS  
(facsimile)

Mayor

ATTEST: (facsimile)

City Clerk

(FACSIMILE SEAL)  
CERTIFICATE OF  
AUTHENTICATION AND  
REGISTRATION

This Bond is one of the City of Overbrook, Kansas General Obligation Bonds, Series 1984 (Sanitary Sewer Lagoon Project) described in the within mentioned Ordinance.

Registration Date: \_\_\_\_\_

OFFICE OF THE  
STATE TREASURER  
Topeka, Kansas,  
as Bond Registrar  
and Paying Agent

By \_\_\_\_\_

I.D.#: \_\_\_\_\_

FURTHER TERMS AND  
PROVISIONS

This Bond is one of a duly authorized Series of Bonds of the City aggregating the principal amount of \$150,000 (the "Bonds") issued for the purposes set forth in Ordinance No. \_\_\_\_\_ of the City (the "Ordinance"). This Bond and the Series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-101 to 125, inclusive, as amended by Chapter 49, 1983 Kansas Session Laws, K.S.A. 12-631 et seq., and all amendments thereof, acts supplemental thereto, the Ordinance, and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issued in fully registered form in the denomination of \$5,000.00 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes.

This Bond is transferable by the

OFFICE OF THE TREASURER,  
STATE OF KANSAS

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

WITNESS my hand and official seal.

Treasurer of the State of Kansas

By: \_\_\_\_\_  
Assistant State Treasurer  
(FACSIMILE)

\*\*\*\*\*

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

Section 6. That the City covenants and agrees that no part of the proceeds of the Bonds or other proceeds shall be used, at any time, directly or indirectly in a manner which if such use had been reasonably anticipated on the date of the issuance of the Bonds would have caused the Bonds to be or become "Arbitrage Bonds" within the meaning of Section 103(c) of the Internal Treasury Department thereunder proposed or in effect at the time of such use applicable to obligations issued on the date of issuance of the Bonds.

Section 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. That this ordinance shall be of full force and effect from and after its passage and publication in the official newspaper of the City as provided by law.

Passed by the Governing Body and approved by the Mayor this 12th day of Sept., 1984.

B. Cole  
Mayor of the City of Overbrook,  
Osage County, Kansas

Attest: Mildred J. Cannon  
City Clerk

(SEAL)

9-20-1t

Interest on the Bonds shall be payable in lawful money of the United States of America semiannually on February 1 and August 1 (the "Interest Payment Dates") of each year commencing August 1, 1985, until the principal of the Bonds has been paid, by check or draft of the Paying Agent to the registered owners of the Bonds appearing on the books maintained by the Bond Registrar as of the preceding January 15 and July 15 (the "Record Dates"). The principal of the Bonds shall be payable at the office of the Treasurer of the State of Kansas in the City of Topeka, Kansas (the "Paying Agent", "Bond Registrar" and "Transfer Agent").

Section 2. That the Bonds shall contain recitals and be in the form and of the size as provided by the statutes of the State of Kansas. The Bonds shall in addition to all other requirements be subject to the terms and conditions of the agreement entitled "Agreement Between Issuer and Agent" by and between the City and the Treasurer of the State of Kansas attached hereto as Exhibit A and incorporated herein by reference.

Section 3. That the Bonds shall be signed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Clerk, and shall have the corporate seal of the City printed thereon.

Section 4. That the Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF OSAGE  
CITY OF OVERBROOK  
GENERAL OBLIGATION BOND  
SERIES 1984 (SANITARY SEWER  
LAGOON PROJECT)

No. R \_\_\_\_\_ \$ \_\_\_\_\_

Rate of Interest \_\_\_\_\_ Maturity Date: \_\_\_\_\_

Dated \_\_\_\_\_ CUSIP \_\_\_\_\_ Date: \_\_\_\_\_

Registered Owner: \_\_\_\_\_  
PRINCIPAL AMOUNT \_\_\_\_\_

\_\_\_\_\_ DOLLARS

The City of Overbrook, in the County of Osage, State of Kansas (the "City"), for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged to the registered owner identi-

ORDINANCE No. 124

*Repealed by  
Ord 135*

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1985, AND REPEALING ORDINANCE NO. 115.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK KANSAS:

SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" Edition of 1985, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012 inclusive and K.S.A. 12-3301 and 12-3302. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 124" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

SECTION II: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 10th DAY OF APRIL, 1985.

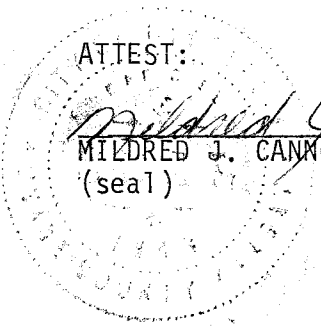
*B. D. Cole*

\_\_\_\_\_  
BRUCE D. COLE, DDS, MAYOR

ATTEST:

*Mildred J. Cannon*

\_\_\_\_\_  
MILDRED J. CANNON, CITY CLERK  
(seal)



ORDINANCE NO. 125

AN ORDINANCE CONCERNING THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1985 No. 124: AMENDING SECTION 30 OF SAID ORDINANCE RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; AMENDING SECTION 194 RELATING TO DRIVING WHILE A LICENSE IS CANCELED, SUSPENDED OR REVOKED; ADDING A NEW SECTION NUMBERED 201a RELATING TO FAILURE TO COMPLY WITH A TRAFFIC CITATION; AND REPEALING THE ORIGINAL SECTIONS 30 AND 194 OF SAID ORDINANCE:

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

SECTION 1. Section 30 of the Standard Traffic Ordinance for Kansas Cities, edition of 1985, is hereby amended to read as follows:

SECTION 30. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS: PENALTIES.

- (a) No person shall operate or attempt to operate any vehicle within this city while:
- (1) The alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the vehicle, is .10 or more;
  - (2) under the influence of alcohol;
  - (3) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
  - or
  - (4) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
- (b) No person shall operate or attempt to operate any vehicle within this city if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of a violation of this section, a person shall be sentenced to not less than 48 consecutive hours' nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$200 nor more than \$500. The person convicted must serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which (1) suspends the person's driver's license for a period of one year or, in lieu thereof, suspends the person's driver's license for 21 days or until the person completes any educational and treatment programs required by the court, whichever is longer, and thereafter places restrictions on the person's driver's license, as provided in K.S.A. Supp. 8-292 for the remainder of the one-year period; and (2) requires that the person enroll in and successfully complete an alcohol and drug safety action program or a treatment program as provided in K.S.A. Supp. 8-1008, or both the education and treatment programs.
- (e) On a second conviction of a violation of this section, a person shall be sentenced to not less than 90 days' nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. Supp. 8-1008.

In addition, the court shall enter an order which suspends the driver's license of the convicted person for a period of one year or, in lieu thereof, suspends the person's driver's license for 120 days or until the person completes the treatment program approved by the court, whichever is longer, and thereafter places restrictions on the person's driver's license, as provided in K.S.A. Supp. 8-292, for the remainder of the one-year period.

(f) On the third or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 90 days' nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. Supp. 8-1008. In addition, the court shall revoke the driver's license of the convicted person for the period of time specified for the revocation of a driver's license under subsection (k) and in accordance with the procedure for revoking a driver's license under subsection (l).

(g) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to a final release of the defendant by the court.

(h) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(i) The court shall report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(j) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of law of another state or an ordinance of any municipality which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such a law or ordinance;

(3) only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and



(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(k) In addition to any fine or imprisonment imposed under this section and in lieu of any restrictions on or suspension of a driver's license under this section, the court may revoke the person's driver's license or privilege to operate a motor vehicle on the public highways of this state. Whenever a license or privilege to operate a motor vehicle is revoked pursuant to this section, the person whose license or privilege has been revoked shall not be entitled to have such license or privilege restored until the expiration of one year from the date of revocation. On conviction of a third or subsequent violation of this section, revocation pursuant to this subsection shall be mandatory for a period set by the court at not less than one year.

(l) Upon suspending or revoking any license pursuant to this section, the court shall require that such license be surrendered to the court. The court shall transmit the license to the division to be retained by the division until further order of the court. Whenever the court restores the privilege to operate a motor vehicle on the public highways of this state to any person whose license was suspended or revoked pursuant to this section the court shall notify the division.

(m) If a person is convicted under this section or K.S.A. Supp. 8-1567, or under a city ordinance declaring acts prohibited or made unlawful by this section, already has a suspended or revoked driver's license, any period of license suspension or revocation under this section shall not begin until the prior period of suspension or revocation has elapsed.

(n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to a K.S.A. 12-4413 et seq., shall not constitute plea bargaining.

(o) The alternatives set out in subsections (a)(1) and (2) may be pleaded in the alternative, and the city may, but shall not be required to, elect one of the two prior to submission of the case to the court.

SECTION 2. Section 194 of the Standard Traffic Ordinance for Kansas Cities, edition of 1985, is hereby amended to read as follows:

SECTION 194. DRIVING WHILE LICENSE CANCELED, SUSPENDED OR REVOKED; PENALTY.

(a) (1) Any person who drives a motor vehicle on any street or highway of this city at a time when such person's privilege so to do is canceled, suspended or revoked shall upon conviction be punished by imprisonment for not more than six months or fined not to exceed \$500, or both.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, to the return of such person's driver's license or was, at the time of arrest, eligible under K.S.A. 8-256, to apply for a new license to operate a motor vehicle.

(3) Except as otherwise provided by subsection (a)(4), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) If a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30 of this ordinance or K.S.A. 8-1567, or any ordinance of any city or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. Supp. 8-1567, and (B) is or has been also

convicted of a violation of Section 30 of this ordinance or K.S.A. 8-1567 or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. 8-1567, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or a law of another state which is in substantial conformity with this section.

SECTION 3. The following section numbered Section 201a is hereby added to and made a part of the Standard Traffic Ordinance for Kansas Cities, edition of 1985.

SECTION 201a. FAILURE TO COMPLY WITH TRAFFIC CITATION.

(a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to (1) appear before the municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the municipal court shall mail notice to the person that if the person does not appear in municipal court or pay all fines, court costs, and any penalties within 30 days from the date of mailing, the division of vehicles will be notified to suspend the person's driving privileges. Upon the person's failure to comply with such 30 days, the municipal court shall notify the division of vehicles and assess a reinstatement fee of \$25 for each charge in which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine or court costs and other penalties.

SECTION 4. Sections 30 and 194 of the Standard Traffic Ordinance for Kansas Cities, edition of 1985, are hereby repealed.

SECTION 5. That this ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Osage County Chronicle as provided by law.

PASSED AND APPROVED THIS 10th DAY OF JULY, 1985.

Calvin R. Ufford

~~CALVIN R. UFFORD, MAYOR~~

ATTEST:

Mildred J. Cannon

~~MILDRED J. CANNON, CITY CLERK~~

ORDINANCE NO. 126

*Repealed  
by Ord 13*

AN ORDINANCE CONCERNING CEREAL MALT BEVERAGES, PROHIBITING CERTAIN ACTS RELATING THERETO AND PROVIDING PENALTIES FOR VIOLATIONS: AMENDING CITY OF OVERBROOK ORDINANCE 91, (THE CRIMINAL CODE) Section 1207, subsec. c and d and Section 1209, subsec. e and i and REPEALING THE EXISTING SECTIONS.

SECTION 1, CRIMES AND OFFENSES:

- (a) It shall be unlawful to sell to or to permit any persons under nineteen (19) years of age to consume any cereal malt beverage in or about said place of business.
- (b) It shall be unlawful for any person under nineteen (19) years of age to purchase or attempt to purchase any cereal malt beverage.

SECTION 2, REVOCATION OF LICENSE:

- (a) It shall be unlawful to sell cereal malt beverages to persons under the age of nineteen (19) years of age or permit them to consume any such beverages on or near the premises.
- (b) It shall be unlawful to employ any person under nineteen (19) years of age to dispense any cereal malt beverages, provided, however, that this shall not apply to retail grocery stores where such sales are only incidental to sale of other products.


SECTION 3: THAT SAID SECTIONS 1207c and d and 1209e and i in their entirety are hereby repealed.

SECTION 4: THAT THIS ORDINANCE shall take effect and be kept in force from and after its passage, approval and publication in the Osage County Chronicle as provided by law.

PASSED AND APPROVED THIS 10th DAY OF JULY, 1985.

  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
MILDRED J. CANNON, CITY CLERK

AN ORDINANCE ADDING CERTAIN REAL PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

WHEREAS, the owners of the real property hereinafter described in the enacting portion of this Ordinance have petitioned the Governing Body of said City to add said property to the City; and

WHEREAS, said Governing Body deems the addition of said property to be beneficial to said City;

Now, Therefore, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. The following described real property, to-wit;

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 South, Range 17 East of the 6th P.M., described as follows: Beginning at the Southwest corner of Frieruble Addition No. 2 in the City of Overbrook, Osage County, Kansas; thence North 89 degrees, 22 minutes, 55 seconds East along the South line of said Addition a distance of 204.85 feet; thence South 00 degrees, 19 minutes, 40 seconds East a distance of 235.00 feet to the point on the North right of way line of U.S. Highway No. 56 as now established; thence South 89 degrees, 22 minutes, 55 seconds West along said North right of way line of U.S. Highway No. 56 a distance of 204.85 feet; thence North 00 degrees, 19 minutes, 40 seconds, West a distance of 235.00 feet to the point of beginning of this description. The above described tract of land contains 1.105 acres.

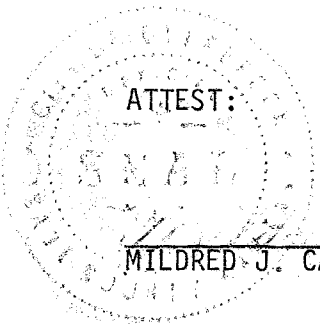
is hereby added to the corporate limits of Overbrook, Osage County, Kansas.

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 21 day of July 1985.

Calvin R. Ufford  
CALVIN R. UFFORD, MAYOR



MILDRED J. CANNON, CITY CLERK

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AN ORDINANCE DECLARING, ESTABLISHING AND DEFINING THE ZONING OF PROPERTY AS DESCRIBED, COMMONLY KNOWN AS CASEY'S, AS B-1 (Business)

WHEREAS, the owners of the real property hereinafter described in the enacting portion of this Ordinance have petitioned the Planning Commission of said City to zone said property as B-1 (Business)

WHEREAS, the Governing Body deems the zoning of said property, B-1 (Business), beneficial to said City;

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

SECTION 1. The following described real property, to-wit;

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 South, Range 17 East of the 6th P.M., described as follows: Beginning at the Southwest corner of Frieruble Addition No. 2 in the City of Overbrook, Osage County, Kansas; thence North 89 degrees, 22 minutes, 55 seconds East along the South line of said Addition a distance of 204.85 feet; thence South 00 degrees, 19 minutes, 40 seconds East a distance of 235.00 feet to the point on the North right of way line of U.S. Highway no. 56 as now established; thence South 89 degrees, 22 minutes, 55 seconds West along said North right of way line of U.S. Highway No. 56 a distance of 204.85 feet; thence North 00 degrees, 19 minutes, 40 seconds, West a distance of 235.00 feet to the point of beginning of this description. The above described tract of land contains 1.105 acres.

is hereby zoned as B-1 (Business).

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 11<sup>th</sup> day of Sept. 1985.

  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
MILDRED J. CANNON, CITY CLERK

**ORDINANCE #129**

**AN ORDINANCE RELATING TO REMOVAL OF FIRE AND EXPLOSION DAMAGED STRUCTURES; CREATING A FIRE INSURANCE PROCEEDS FUND; PROCEDURES.**

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

**SECTION I.** The City of Overbrook, Kansas is hereby authorized to utilize the procedures established by K.S.A. 40-3901, et seq, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City of Overbrook, Kansas, arising out of any fire or explosion, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, unless there is compliance with the following procedures:

A. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and said final settlement exceeds seventy-five percent (75%) 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 of the City of Overbrook, Kansas in an amount equal to the sum of Five Thousand Dollars (\$5,000.00) or ten per cent (10%) of the covered claim payment, whichever is less, unless the Mayor or his designated agent, hereafter referred to as the building inspector of Overbrook, Kansas, has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

B. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after

the transfer to the City of Overbrook, Kansas, shall be disbursed in accordance with the policy terms.

C. Upon the transfer of the funds as required by subparagraph (A) of this Section, the insurance company shall provide the City of Overbrook, Kansas, with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the building inspector of the City of Overbrook, Kansas, shall contact the named insured or insureds by certified mail, notifying them that said insurance proceeds have been received by the City of Overbrook, Kansas, and apprise them of the procedures to be followed under this ordinance.

**SECTION II.** The City Treasurer of the City of Overbrook, Kansas, is hereby authorized and shall create a fund to be known as the "FIRE INSURANCE PROCEEDS FUND." All monies received by the City Treasurer as provided for by this ordinance shall be placed in said fund and deposited in an interest-bearing account.

**SECTION III. A.** Upon receipt of said monies, the City Treasurer of the City of Overbrook, Kansas, shall immediately notify the building inspector of the City of Overbrook of said receipt, and transmit all documentation received from the insurance company or companies to the said building inspector.

B. Within twenty (20) days of the receipt of said monies, the building inspector of the City of Overbrook, shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750, et seq, as amended.

C. Prior to the expiration of the twenty (20) days established in subparagraph (B) of this Section, the building inspector shall notify the City Treasurer whether he intends to initiate proceedings under K.S.A. 12-1750, et seq, as amended.

D. If the building inspector has determined that proceedings under K.S.A. 12-1750, et seq, as amended, shall be initiated, he will do so immediately, but no later than thirty (30) days after receipt of said monies by the City Treasurer.

E. Upon notification to the City Treasurer by the 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 (30) days of the receipt of said monies from the insurance company or companies.

**SECTION IV.** If the 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 said provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

**SECTION V.** If the building inspector, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756 any proceeds received by the City Treasurer under the authority of Section I (A) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section I (A), the building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

**SECTION VI.** The City Clerk of the City of Overbrook, Kansas, is hereby authorized and shall notify the Commissioner of Insurance of the State of Kansas within fourteen (14) days of the adoption of this ordinance.

**SECTION VII.** This ordinance shall apply to fire and explosion damage to buildings or other structures.

**SECTION VIII.** This ordinance shall not make the City of Overbrook, Kansas, 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.

**SECTION IX.** Insurers complying with this ordinance 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. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this ordinance, or releasing or disclosing any information pursuant to this ordinance.

**SECTION X.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS THIS 12TH DAY OF MARCH, 1986.**

**APPROVED**  
Calvin R. Ufford  
Mayor

**ATTEST:**  
Mildred J. Cannon,  
City Clerk

**CITY OF OVERBROOK  
ORDINANCE No. 130**

**AN ORDINANCE AMENDING  
ORDINANCE No. 91 [CRIMINAL  
CODE OF THE CITY OF OVER-  
BROOK] BY ADDING A NEW  
SECTION 91-645 PERTAINING TO  
THE KEEPING OF PIT BULLS  
WITHIN THE CORPORATE  
LIMITS OF THE CITY OF OVER-  
BROOK:**

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

**SECTION I** Section 91-645, Article 6, of the Criminal Code of the City of Overbrook, Kansas is hereby added to read as follows:

Section 91-645 - Animals: Keeping Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Overbrook, Kansas:

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, racoons, skunks, foxes and wild or exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

(3) Any pit bull dog; provided, that pit bull dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 91-645 (a) of this article.

"Pit bull dog" is defined to mean:

(a) The bull terrier breed of dog;

(b) Staffordshire bull terrier breed of dog;

(c) The American pit bull terrier breed of dog;

(d) The American Staffordshire terrier breed of dog;

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

**SECTION II** Section 91-645 (a), Article 6, of the Criminal Code of the City of Overbrook, Kansas is hereby added to read as follows:

Section 91-645(a) - Keeping of Registered Pit Bulls. The provisions of Section 91-645 of this Article are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Overbrook on the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:

(1) Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed or locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstruction preventing the dog from exiting the structure.

(4) Signs. All owners, keepers or harborers or registered pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises, a sign easily readable by the public stating the breed of animal contained. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) Insurance. All owners, keepers or harborers or registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the Overbrook City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for any damage

to property owned by any person which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Overbrook City Clerk.

(6) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Overbrook City Clerk as required hereinafter:

(a) The permanent removal from the city or death of a registered pit bull dog;

(b) The birth of offspring of a registered pit bull dog;

(c) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(8) Sale or Transfer of Ownership Prohibited. Sale-No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City, to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(9) Animals Born of Registered Dogs. All offspring born of pit bull dogs registered with the City must be removed from the City within ninety (90) days of the birth of such animal.

(10) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 91-645 of this article is in fact a dog subject to the requirements of this section.

(11) Failure to Comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Overbrook to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

(12) Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

(13) Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION III.** This ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

**PASSED** by the City Council this 14th day of May, 1986.

**APPROVED AND SIGNED** by the Mayor this 14th day of May, 1986.

Calvin R. Ufford  
Mayor

**ATTEST:**  
Mildred J. Cannon  
City Clerk



AN ORDINANCE CONCERNING GENERAL PENALTIES, AMENDING CITY OF OVERBROOK ORDINANCE 91 (CRIMINAL CODE) Section 1927 and REPEALING THE EXISTING SECTION.

SECTION 1. GENERAL PENALTY

(a) The doing of any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this Code or any rules and regulations adopted pursuant to this Code, within the jurisdictional limits of the city, shall be deemed an offense against the good order, public peace, morals, health, proper government and welfare of the city.

(b) Whenever any offense is declared by any provision of this Code, absent a specific or unique punishment prescribed, the offender shall be punished in accord with this section:

- (1) FINE. Not less than one dollar (\$1.00) or more than four hundred ninety-nine dollars (\$499.00); or
- (2) IMPRISONMENT. In jail, as designated by the court, for not more than one hundred seventy-nine (179) days; or
- (3) BOTH. Fine and imprisonment not to exceed (1) and (2) above.

(c) Each day any violation of this Code continues shall constitute a separate offense.

(d) Any person convicted of violating any of the duties set forth in subsection (a) shall be deemed guilty of a misdemeanor and punished in accordance with subsection (b).

SECTION 2. THAT SAID SECTION 1927 in its entirety is hereby repealed.

SECTION 3. THAT ALL ORDINANCES or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 4. THIS ORDINANCE SHALL be in effect from and after its passage, approval and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY and approved by the Mayor this 14th day of May 1986.

  
\_\_\_\_\_  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
  
\_\_\_\_\_  
MILDRED J. CANNON, CITY CLERK

Repealed by  
Ord 175

ORDINANCE NO. 132

AN ORDINANCE ESTABLISHING THE OFFICE OF ASSISTANT CITY CLERK.

Be it ordained by the Governing Body of the City of Overbrook, Kansas:

SECTION 1: The office of Assistant City Clerk is hereby established. The mayor shall appoint, by and with the consent of the City Counsel, the assistant city clerk. The person so appointed and confirmed shall hold the office for a term of one year and until a successor is appointed and confirmed.

SECTION 2: The assistant city clerk shall perform those duties assigned to that office by the city clerk.

SECTION 3: Whenever a vacancy occurs in the position of city clerk, and the city is without a person appointed, confirmed or qualified to hold that office, the assistant city clerk shall become the acting city clerk and fulfill the duties of that office.

SECTION 4: Compensation of the assistant city clerk shall be set by ordinance passed by the governing body.

SECTION 5: This ordinance shall take effect and be enforced from and after its passage from and approval and publication in the official city newspaper.

Passed and approved this 11 day of June, 1986.

X Robert R. Lafford  
Mayor

ATTEST:

Mildred Gannon  
City Clerk

(SEAL)

AN ORDINANCE CONCERNING CEREAL MALT BEVERAGES, PROHIBITING CERTAIN ACTS RELATING THERETO AND PROVIDING PENALTIES FOR VIOLATIONS: REPEALING ORDINANCE NO. 126 IN ITS ENTIRETY:

SECTION I CRIMES AND OFFENSES:

- (a) It shall be unlawful to sell to or to permit any persons born after July 1, 1966 to consume any cereal malt beverage in or about said place of business.
- (b) It shall be unlawful for any person born after July 1, 1966 to purchase or attempt to purchase any cereal malt beverage.
- (c) It shall be unlawful for any person born after July 1, 1966 to possess any cereal malt beverage.

SECTION II REVOCATION OF LICENSE:

- (a) It shall be unlawful to sell cereal malt beverages to any person born after July 1, 1966 or permit them to consume any such beverages on or near the premises.
- (b) It shall be unlawful to employ any person born after July 1, 1966 to dispense any cereal malt beverages, provided, however, that this shall not apply to retail grocery stores where such sales are only incidental to sale of other products.

SECTION III THAT SAID ORDINANCE No. 126 in its entirety is hereby repealed.

SECTION IV THAT THIS ORDINANCE shall take effect and be kept in force from and after its passage, approval and publication in the Osage County Chronicle as provided by law.

PASSED AND APPROVED THIS 13th Day of August, 1986.

  
Calvin R. Ufford, Mayor

ATTEST:

  
  
MILDRED J. CANNON, CITY CLERK

## AN ORDINANCE DECLARING, ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS

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

SECTION I. That the Corporate Limits and Entire Boundaries of the City of Overbrook, Kansas, are hereby declared, established and defined to be as follows, to-wit:

Commencing at the North east corner of the West 1/2 of the Northwest 1/4 of Section 5, Township 15, South, Range 17 East, in Osage County, Kansas; thence South on the East line of the West 1/2 of the Northwest 1/4 of said Section to the south right-of-way line of US-56 Highway; thence N. 89 degrees, 50 minutes 28 seconds E along said South right-of-way a distance of 1336.99 feet; thence southwesterly a distance of 1100 feet more or less; thence South 660 feet; thence west 925 feet; more or less to a point on the East line of the West 1/2 of the Northwest 1/4 of said Section 5, said point also being on the center line of Market St., thence South to a point 300 feet South of the South line of Market St., thence West 260 feet; thence South to the South line of said Northwest 1/4 of Section 5; thence West to the East line of Walnut St. extended; thence South 300 feet, thence West to the east line of Elm St. extended; thence North to the South line of the Northeast 1/4 of Section 6, Township 15 South, Range 17 East; thence West to a point 677 feet east of the West line of said Northeast 1/4; thence North to the Southeast corner of "The Meadows Addition"; thence northwesterly along the south line of said Meadows Addition a distance 699.5 feet; thence North a distance of 2168.12 feet more or less to a point on the South right-of-way line of US Highway 56; thence East along said right-of-way a distance of 468.25 feet; thence South a distance of 150 feet thence East a distance of 170 feet; thence North a distance of 150 feet; thence East parallel to and 50 feet from the North line of the Northeast 1/4 of Section 6 a distance of 743.75 feet; thence North to the North line of Section 6; thence East 80 feet; thence South 185 feet; thence East to a point 325 feet west of the west line of Elm St., thence North to the North line of Section 6; thence East to a point 421 feet West of the Northeast corner of Section 6; thence North to the North right-of-way line of US Highway 56; thence West 204.85 feet; thence North 0 degrees 19 minutes 40 seconds West a distance of 1731.22'; thence North 90 degrees East a distance of 634.47 ft. to the East line of the Southeast Quarter, Section 31, thence South along said East line 331.94 feet, said point also being 1452.5 feet North of the Southeast corner of said Section 31; thence West 260 feet; thence South 198 feet; thence East 260 feet; thence South to a point 1008' North of the Southeast Corner of Section 31, thence East 214.5 feet; thence South 625.1 feet, thence East to a point 66 feet West of the East line of the West 1/2 of the Southwest 1/4 of Section 32; thence South to the South line of Section 32; thence East 66 feet to the point of beginning,

and

EXCEPT,

A tract beginning at a point which is 656.48 ft. South of the Northeast corner of the West 1/2 of the Northwest quarter of Section 5, Township 15 South, Range 17 East, said point being the southwest corner of MEADOW BROOK ADDITION, thence, East along the South line of said addition a distance of 919.62 foot to the East line of Meadow Lane as platted, thence Southwesterly a distance of

555 ft., more or less, thence West a distance of 665 ft., to a point on the East line of the West 1/2 of the Northwest 1/4 of said Section 5, said point being 660 ft. North of the centerline of Market Street, thence North to the point of beginning and

EXCEPT,

A tract beginning at a point which is 421 ft. West and 218 ft. North of the Southeast Corner Section 31, Township 14 South, Range 17 East, thence East and parallel to the South line of said Section 31, a distance of 171 ft., thence North to the Southeast corner of FRIERUBLE ADDITION NO. 2, thence West 171 ft., along the South line of said addition, thence South to the point of beginning..

SECTION II. That the City Clerk shall forthwith file a certified copy of this ordinance, as published, with each of the following officers, The County Clerk of Osage County, Kansas,; the Registrar of Deeds of Osage County, Kansas; and the State Highway Engineer of the State of Kansas.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said city.

PASSED AND APPROVED THIS 8<sup>th</sup> day of Oct 1986.

  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
MILDRED J. CANNON, CITY CLERK  
(seal)

ORDINANCE NO. 135

*amended  
by 8/40*

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1986, AND REPEALING ORDINANCE NO.

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


SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" Edition of 1986, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012 inclusive and K.S.A. 12-3301 and 12-3302. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 135" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

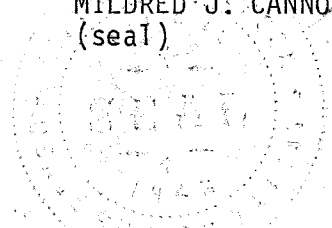
SECTION II: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF Sept 1986

  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
MILDRED J. CANNON, CITY CLERK  
(seal)



ORDINANCE NO. 136

AN ORDINANCE AUTHORIZING AND DIRECTING THE CALLING OF A QUESTION SUBMITTED ELECTION TO BE HELD AT THE TIME OF THE GENERAL ELECTION ON NOVEMBER 4, 1986, IN THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY A PROPOSITION TO ISSUE GENERAL OBLIGATION BONDS OF SAID CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$75,000, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COSTS OF PURCHASING AND REMODELING AN EXISTING BUILDING TO HOUSE THE PUBLIC LIBRARY OF THE CITY, TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO UNDER THE AUTHORITY OF K.S.A. 12-1736 ET SEQ. AND ARTICLE 1 OF CHAPTER 10 OF THE KANSAS STATUTES ANNOTATED AND ALL AMENDMENTS THERETO.

WHEREAS, The Governing Body of the City of Overbrook, Kansas, (the "City") deems it necessary and advisable to purchase and remodel a certain building (commonly known as the Tutcher Building) in the City to house the City's public library together with all things necessary and incidental thereto (the "Project"); and

WHEREAS, in order to provide funds to pay the costs of the Project, it is necessary to issue General Obligation Bonds of the City in the maximum principal amount of \$75,000.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS:

Section 1. That the Osage County Clerk as County Election Officer is hereby authorized and directed to call a question submitted election for the purpose of submitting to the qualified electors of the City of Overbrook, Osage County, Kansas, a proposition to issue General Obligation Bonds of said City in the

aggregate principal amount of not exceeding \$75,000, to provide funds to purchase and remodel a certain building (commonly known as the Tutcher Building) in the City to house the City's public library together with all things necessary and incidental thereto, under the authority of K.S.A. 12-1736 et seq., as amended.

Section 2. That said election shall be held on the 4th day of November, 1986, between the hours of 7:00 A.M. and 7:00 P.M. of said day and the polling places at said election shall be as follows:

OVERBROOK CITY HALL - COUNCIL ROOM

Section 3. The ballots to be used at said election shall be in substantially the following form:



To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes"; to vote against it, make a cross or check mark in the square to the right of the word "No".

CITY OF OVERBROOK  
OSAGE COUNTY  
STATE OF KANSAS  
QUESTION SUBMITTED ELECTION  
NOVEMBER 4, 1986

OFFICIAL BALLOT

SHALL THE FOLLOWING BE ADOPTED?

"Shall the City of Overbrook, Kansas, issue and sell General Obligation Bonds of the City in an aggregate principal amount not exceeding Seventy-Five Thousand Dollars (\$75,000), for the purpose of providing funds to pay the cost of purchasing an existing building (commonly known as the Tatcher Building) in the City and remodeling the same to house the City's public library, together with all things necessary and incidental thereto, under the authority of K.S.A. 12-1736 et seq. and Article 1 of Chapter 10, of the Kansas Statutes Annotated and all amendments thereto?"

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes"; to vote against it, make a cross or check mark in the square to the right of the word "No".

Yes

No

Section 4. Notice of said election shall be given in the manner prescribed by K.S.A. 10-120. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued, shall be signed by the County Election Officer and shall be published in a newspaper of general circulation in said city, once each week for two consecutive weeks, the first publication to be not less than twenty-one (21) days prior to said election.

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

Section 6. This Ordinance shall take effect and be in full force from and after its publication a single time in the official newspaper of the City.

PASSED and approved this 12<sup>th</sup> day of September, 1986.

  
\_\_\_\_\_  
Mayor of the City of Overbrook,  
Osage County, Kansas

Attest:

  
\_\_\_\_\_  
City Clerk

(SEAL)

CITY OF OVERBROOK  
ORDINANCE NO. 137

AN ORDINANCE AMENDING ORDINANCE NO. 91 (CRIMINAL CODE OF THE CITY OF OVERBROOK) BY ADDING A NEW ARTICLE 91-13 PERTAINING TO PRIVATE CLUBS WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK:

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

SECTION I ARTICLE 13 PRIVATE CLUBS

SECTION 1301 OCCUPATION TAX.

- (a) There is hereby levied an annual occupation tax in the amount of \$250.00 on each Class "B" private club located in the city which has a Class "B" private club license issued by the state director of alcoholic beverage control, which tax shall be paid before business is begun under an original state license and within five days after any renewal of a state license.
- (b) A holder of a license for a Class "B" private club issued by the state director of alcoholic beverage control shall present such license when applying to pay the occupation tax levied herein and the tax shall be received and receipt issued for the period covered by the state license by the city clerk.
- (c) Every licensee shall cause the city Class "B" private club occupation tax receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

SECTION 1302 RESTRICTION OF LOCATION.

- (a) No license shall be issued to a person whose place of business is located within 200 feet of any church, public or parochial school, said distance to be measured from the nearest property line of the church or school to the nearest portion of the building occupied by the private club.
- (b) The distance location of subsection (a) above shall not apply to a private club when the license applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing.

SECTION 1303 BUSINESS REGULATIONS.

- (a) The governing body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed, and may establish zoning districts within which no private club may be located.
- (b) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 12:00 midnight and 9:00 a.m. on Monday thru Friday, nor between the hours of 1:30 a.m. and 9 a.m. on Saturday, nor between the hours of 1:30 a.m. and 12:00 noon on a Sunday.
- (c) Cereal malt beverages may be sold on premises licensed both for retail sale of cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701, et.seq., and holding a license as a private club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises.
- (d) No membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or cereal malt be traded to any person under 21 years of age.

SECTION 1304 MINORS ON PREMISES.

- (a) It shall be unlawful for any person under the age of 21 years to remain on any premises where the sale of alcoholic liquor is licensed for on-premises consumption.
- (b) It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor to permit any person under the age of 21 years to remain on the premises.
- (c) This section shall not apply if the person under the age of 21 years is accompanied by his or her parent or guardian, nor if the licensed premises derives not more than 50 percent of its gross receipts in each calendar year for the sale of alcoholic liquor for on-premises consumption.

SECTION II THIS ORDINANCE SHALL take effect and be in full force from and after its publication in the Osage County Chronicle, the official newspaper of said city, as provided by law.

PASSED BY THE CITY COUNCIL THIS 10<sup>th</sup> day of Sept 1986.

APPROVED AND SIGNED BY THE MAYOR THIS 10<sup>th</sup> day of Sept 1986.

  
CALVIN R. UFFORD, MAYOR

ATTEST:

  
  
MILDRED J. CANNON, CITY CLERK

This Ordinance was filed with the State Corporation Commission on the 14th day of November, 1986.

**ORDINANCE NO. 138**

AN ORDINANCE, granting to The Kansas Power and Light Company, (also known as KPL Gas Service), a Kansas corporation, its successors and assigns, an electric and a natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

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

SECTION 1. That in consideration of the benefits to be derived by the City of Overbrook, Kansas, and its inhabitants, there is hereby granted to The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the right, privilege, and authority for a period of twenty (20) years from the effective date of this ordinance, to occupy and use the several streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing electricity and natural gas for all purposes to the City of Overbrook, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said electricity and natural gas from any source available; and to do all things necessary or proper to carry on said business in the City of Overbrook, Kansas.

SECTION 2. As further consideration for the granting of this franchise, and in lieu of any City occupation, license, or revenue taxes, the Company shall pay to the City during the term of this electric franchise three percent (3%) of its gross revenue from the sale of electric energy within the corporate limits of said City. The Company shall pay to the City during the term of this natural gas franchise five percent (5%) for the first 60 months, four percent (4%) for the next 60 months and three percent (3%) thereafter of its gross revenue from the sale of natural gas energy within the corporate limits of said City, such payment to be made monthly for the preceding monthly period.

SECTION 3. That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4. Company shall, in the doing of the work in connection with its said gas mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare, and where Company disturbs the surface of a street, alley, avenue or other public thoroughfare,

it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5. It is recognized that ~~the~~ natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6. That Company, its successors and assigns, in the construction, maintenance, and operation of its electric transmission, distribution and street lighting system and its natural gas system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Overbrook, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7. That within ten (10) days from and after the passage and approval of this ordinance, Company shall file the same with the State Corporation Commission for the Commission's approval.

SECTION 8. That within sixty (60) days from and after the approval of this ordinance by the State Corporation Commission, Company shall file with the City Clerk of the City of Overbrook, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage, approval and publication as required by law, and acceptance by said Company.

SECTION 9. That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 10. This franchise is granted pursuant to the provisions of K.S.A. 12-824.

SECTION 11. That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 12. Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude The Kansas Power and Light Company from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the Corporation Commission's ruling.

PASSED and APPROVED this 12th day of November, 1986.

Calvin R. Ufford  
Mayor

Attest:  
Mildred J. Cannon  
City Clerk

11-20-1t

ORDINANCE NO. 139

AN ORDINANCE REPEALING SECTIONS 91-513 through and including 91-519 OF ORDINANCE NO. 91 (THE CRIMINAL CODE) OF THE CITY OF OVERBROOK.

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

SECTION 1. Section 91-513 of Ordinance 91 (Criminal Code) of the City of Overbrook, Kansas, providing as follows: "Retail business from midnight to 6 a.m. License. It shall be unlawful for any person, persons or corporation to operate or carry on business from and after the effective date of this article when under the ordinary operation or conduct of said business it is necessary that said place of business remain open between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m. unless said person, persons or corporation have made application to and have been granted a license by the city, giving said person, persons or corporation the right and privilege to so operate and carry on said business between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m., and this article shall include all retail businesses providing goods and services, between twelve (12) o'clock midnight and six (6) o'clock a.m. Provided, however, any emergency services, telephone and telegraph services, hotels, motels, taxicabs and buses, shall be exempt from the provisions of this article. This article shall apply regardless of whether said business is conducted within the confines of a structure, under a roof or on the premises adjacent thereto in the City of Overbrook.", is HEREBY REPEALED.

SECTION 2. Sections 91-514 through and including 91-519 are HEREBY REPEALED in conjunction with the repealing of 91-513 of Ordinance 91 (Criminal Code).

SECTION 3. THIS ORDINANCE shall take effect and be in force from and after its passage and approval and publication of the official newspaper of said City as provided by law.

PASSED AND APPROVED THIS 8th DAY OF OCTOBER, 1986.

  
CALVIN R. UFFORD, MAYOR

(SEAL)  
ATTEST:

  
MILDRED J. CANNON, CITY CLERK

An ordinance amending Section 194 of the Standard Traffic Ordinance for Kansas Cities," edition of 1986, as adopted by Ordinance No. 135 of the City of Overbrook.

Be it Ordained by the Governing Body of the City of Overbrook :

Section 1. AMENDING STANDARD TRAFFIC ORDINANCE. Section 194 of the Standard Traffic Ordinance for Kansas Cities, edition of 1986, as adopted by Ordinance No. 135 is hereby changed to read as follows:

**Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty.** (a)(1)

Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked shall upon conviction be punished by imprisonment for not more than six months or fined not to exceed \$500, or both.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, to the return of such person's driver's license or was, at the time of arrest, eligible under K.S.A. 8-256, to apply for a new license to operate a motor vehicle.

(3) Except as otherwise provided by subsection (a)(4), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) If a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30 of this ordinance or K.S.A. 8-1567, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. Supp. 8-1567, and (B) is or has been also convicted of a violation of Section 30 of this ordinance or K.S.A. 8-1567 or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance or K.S.A. 8-1567, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or a law of another state which is in substantial conformity with this section. (K.S.A. Supp. 8-262)

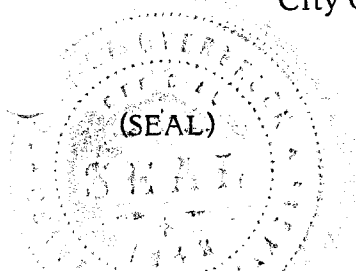
Section 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Osage County Chronicle.

Passed by the (Council) (Commission) the 12<sup>th</sup> day of December, 1986.

(Approved) (Signed) by the mayor this 12<sup>th</sup> day of December, 1986.

ATTEST: Marjorie G. [Signature]  
City Clerk

John P. [Signature]  
Mayor



AN ORDINANCE CONCERNING BUSINESS REGULATIONS PERTAINING TO PRIVATE CLUBS, AMENDING CITY OF OVERBROOK ORDINANCE 91 (CRIMINAL CODE) ARTICLE 91-13 AS SET OUT IN ORDINANCE 137, SECTION I, ARTICLE 13, SUBSECTION 1303(b) and REPEALING SAID SUBSECTION IN ITS ENTIRETY:

SECTION I: NO CLUB LICENSED HEREUNDER shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 3:00 a.m. and 9:00 a.m. on a Saturday, nor on January 1, nor July 5, nor the day following legal holidays Labor Day and Memorial day, nor between the hours 3:00 a.m. and 12:00 noon on a Sunday, nor any other day between the hours 12 midnight and 9:00 a.m.


SECTION II: THAT SAID Subsection 1303 (b) in its entirety is hereby repealed.

SECTION III: THIS ORDINANCE SHALL take effect and be in full force from and after its publication in the Osage County Chronicle, the official newspaper of said city, as provided by law.

PASSED BY THE CITY COUNCIL THIS 11<sup>th</sup> day of Feb 1987

APPROVED AND SIGNED BY THE MAYOR THIS 11<sup>th</sup> day of Feb 1987.

  
MAYOR CALVIN R. UFFORD

ATTEST:  
(seal)  
  
MILDRED J. CANNON, CITY CLERK



ORDINANCE NO. 141

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$75,000 GENERAL OBLIGATION BONDS, SERIES 1986, OF THE CITY OF OVERBROOK, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AS AMENDED, AND K.S.A. 12-1736 ET SEQ.

WHEREAS, the qualified electors of the City of Overbrook, Kansas, (the "City") did approve at a bond election held November 4, 1986, the issuance of general obligation bonds of the City in the aggregate principal amount not exceeding \$75,000 to finance the cost of purchasing a building in the City and remodeling it to serve as the City's public library (the "Project"); and

WHEREAS, the estimated cost of the Project including the costs of issuing the bonds hereinafter authorized is \$75,000 (the "Project Cost"); and

WHEREAS, The City wishes to proceed with the acquisition and construction of the Project; and

WHEREAS, the City deems it necessary and advisable to issue its general obligation bonds in the aggregate principal amount of Seventy-five Thousand Dollars (\$75,000) for the purpose of paying the Project Cost.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS:

Section 1. That the acquisition and construction of the Project as heretofore approved by the qualified electors of the City is hereby authorized and ordered to be done.

Section 2. That for the purpose of providing funds to pay the cost the Project hereinbefore described, there shall be, and hereby are, issued General Obligation Bonds, Series 1986 of the City in the aggregate principal amount of Seventy-five Thousand Dollars (\$75,000) (the "Bonds") as provided by K.S.A. 10-101 to 125, inclusive, and K.S.A. 12-1736 et seq., all as amended, which issue shall consist of certificated and/or uncertificated fully registered bonds without coupons, in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year, said Bonds being dated December 1, 1986, bearing interest and maturing serially as follows, to-wit:

MATURITY	INTEREST	AMOUNT
December 1, 1988	6.75%	\$ 5,000
December 1, 1989	6.75%	\$ 5,000
December 1, 1990	6.75%	\$ 5,000
December 1, 1991	6.75%	\$ 5,000
December 1, 1992	6.75%	\$ 5,000
December 1, 1993	6.75%	\$10,000
December 1, 1994	6.75%	\$10,000
December 1, 1995	6.25%	\$10,000
December 1, 1996	6.25%	\$10,000
December 1, 1997	6.375%	\$10,000

Interest on the Bonds shall be payable in lawful money of the United States of America semiannually on June 1 and December 1 (the "Interest Payment Dates") of each year commencing December 1, 1988, until the principal of the Bonds has been paid, by check or draft of the Paying Agent to the registered owners of the Bonds appearing on the books maintained by the Bond Registrar as of the preceding May 15 and November 15 (the "Record Dates"). The principal of the Bonds shall be payable at the office of the Treasurer of the State of Kansas in the City of Topeka, Kansas (the "Paying Agent", "Bond Registrar" and "Transfer Agent").

Section 3. That the Bonds are hereby designated as "qualified tax-exempt obligations" for the purposes of Section 265 of the Internal Revenue Code of 1986 (the "Code").

Section 4. That the Bonds shall contain recitals and be in the form and of the size as provided by the statutes of the State of Kansas. The Bonds shall in addition to all other requirements be subject to the terms and conditions of the agreement entitled "Agreement Between Issuer and Agent" by and between the City and the Treasurer of the State of Kansas attached hereto as Exhibit A and incorporated herein by reference.

Section 5. That the Bonds shall be signed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Clerk, and shall have the corporate seal of the City printed thereon.

Section 6. That the Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF OSAGE  
CITY OF OVERBROOK  
GENERAL OBLIGATION BOND  
SERIES 1986

No. R----- \$-----

Rate of Interest: Maturity Date: Dated Date:

CUSIP-----

Registered Owner:

Principal Amount-----Dollars

The City of Overbrook, in the County of Osage, State of Kansas (the "City"), for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, as of the Record Dates as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on June 1 and December 1 of each year (the "Interest Payment Dates") commencing December 1, 1988, until said principal amount is paid.

The principal of and premium, if any, on this Bond shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 15th day of May or November next preceding the applicable interest payment date (the "Record Dates"). The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

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

It is hereby certified and declared that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Overbrook, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their facsimile signatures and a facsimile of its corporate seal to be imprinted hereon, all as of the first day of December, 1986.

CITY OF OVERBROOK, KANSAS (facsimile)

Mayor ATTEST: (facsimile)

City Clerk (FACSIMILE SEAL)

\*\*\*\*\*

Certificate Of Authentication And Registration

This Bond is one of the City of Overbrook, Kansas General Obligation Bonds, Series 1986 described in the within mentioned Ordinance.

Registration Date: \_\_\_\_\_

Office Of The State Treasurer Topeka, Kansas, as Bond Registrar and Paying Agent

By \_\_\_\_\_ I.D.#: \_\_\_\_\_

\*\*\*\*\*

Further Terms And Provisions

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$75,000 (the "Bonds") issued for the purposes set forth in Ordinance No. \_\_\_\_\_ of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-101 to 125, inclusive, as amended by K.S.A. 10-620 to 10-632 inclusive, K.S.A. 12-1736 et seq., and all amendments thereof, acts supplemental thereto, the Ordinance, and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issued in fully registered form in the denomination of \$5,000.00 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other

authorized denominations upon the terms set forth in the authorizing Ordinance.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, and interest due hereon and for all other purposes.

This Bond is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

\*\*\*\*\*

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
(Social Security or Taxpayer) (Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$\_\_\_\_\_ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated \_\_\_\_\_ Name \_\_\_\_\_

Social Security or Taxpayer Identifying No. \_\_\_\_\_

Signature (Sign Here Exactly as Name(s) Appear on Face of Certificate)

Signature guaranty: By \_\_\_\_\_

\*\*\*\*\*

Certificate Of City Clerk

I, the undersigned, City Clerk of the City of Overbrook, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of \_\_\_\_\_.

WITNESS my hand and official seal.

\_\_\_\_\_  
(facsimile)

\_\_\_\_\_  
City Clerk

(FACSIMILE SEAL) \*\*\*\*\*

Certificate Of State Treasurer

OFFICE OF THE TREASURER, STATE OF KANSAS

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

WITNESS my hand and official seal.

\_\_\_\_\_  
Treasurer of the State of Kansas

By \_\_\_\_\_ Assistant State Treasurer (FACSIMILE SEAL)

\*\*\*\*\*

LEGAL OPINION

I, the undersigned, City Clerk of Overbrook, Kansas, hereby certify that the following is a true and correct copy of the complete, final legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, on the within Bond and the series of which said Bond is a part, except that it omits the date of such opinion; that said legal opinion was legally executed and was dated and issued as of the date of delivery of and payment of such Bond and is on file in the office of the City Clerk of Overbrook, Kansas.

\_\_\_\_\_  
(facsimile)

\_\_\_\_\_  
City Clerk

(LEGAL OPINION)

\*\*\*\*\*

Section 7. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal and interest of the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 8. That the City covenants and agrees that no part of the proceeds of the Bonds or other proceeds shall be used, at any time, directly or indirectly in a manner which if such use had been reasonably anticipated on the date of the issuance of the Bonds would have caused the Bonds to be or become "Arbitrage Bonds" within the meaning of Section 148 of the Code and the Regulations of the Treasury Department thereunder proposed or in effect at the time of such use applicable to obligations issued on the date of issuance of the Bonds.

Section 9. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. That this ordinance shall be of full force and effect from and after its passage and publication in the official newspaper of the City as provided by law.

Passed by the Governing Body and approved by the Mayor this 10 day of December, 1986.

Calvin R. Ufford Mayor of the City of Overbrook, Osage County, Kansas

Attest: Mildred J. Cannon City Clerk 1-1-87

(SEAL)

ORDINANCE NO. 142

AN ORDINANCE RELATING TO CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS WITHIN THE CITY.

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

SECTION 1: It shall be the duty of the owner of abutting property to keep existing sidewalks 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. (K.S.A. 12-1808)

SECTION 2: Nothing in this article shall be construed to prohibit the owner of property abutting on the street, who desires to construct or reconstruct a sidewalk at his or her own expense and in accordance with official plans or specifications for the purpose and which meets such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the city, to construct a sidewalk or reconstruct a sidewalk without any petition or a condemning resolution by the governing body. If such property owner desires the sidewalk to be constructed and reconstructed by the city, and an assessment levied as provided by law in other cases, he or she shall file a request with the governing body. The governing body, 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 a governing body. (K.S.A. 12-1806)

SECTION 3: This ordinance shall take effect and be in force from and after its passage, approval and publication in the official newspaper of the city as provided by law.

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF November 1987.

*David Pitt*  
Mayor

ATTEST:

*Mildred Gannon*  
City Clerk

(SEAL)

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY CHANGING THE PROVISIONS OF SECTION 10, §6, REGARDING ABANDONMENT, AND REPEALING ORDINANCE NO. 104.

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

SECTION 1. That Ordinance No. 95, Section 10, §6 is hereby amended by striking all the words therein and adding the following sentences: Abandonment. Whenever a non-conforming use has been discontinued for a period of 30 days, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance. This provision shall be construed to apply to mobile homes, which, once removed from the property, may only be replaced within the said 30 day period, by mobile homes of equal or higher quality and value.

SECTION 2. Ordinance No. 104 is hereby repealed.

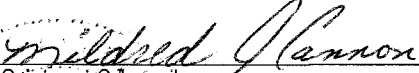
SECTION 3. All Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

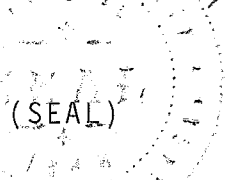
SECTION 4. This Ordinance shall be in effect on and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED THIS 1 day of 13 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



*Repealed by Ord 150*

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1987, AND REPEALING ORDINANCE NO. 135

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

SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" Edition of 1987, prepared and published in book form by the League of Kansas Municipalities Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012 inclusive and K.S.A. 12-3301 and 12-3302. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 144" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

SECTION II: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 10<sup>th</sup> day of July, 1988.

  
DENNIS POST, MAYOR

ATTEST:

  
MILDRED J. CANNON, CITY CLERK  
(seal)

AN ORDINANCE AMENDING SECTIONS 613 a & b, 625b and 632 of ORDINANCE 91 (CRIMINAL CODE OF THE CITY OF OVERBROOK) PERTAINING TO LIVESTOCK IMPOUNDMENT FEES, DOG LICENSING AND DOG IMPOUNDMENT FEES:

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

SECTION I: That Section 613 titled "CHARGES" is hereby amended by striking all the words therein and adding the following:

CHARGES: The impounding of livestock:

- (a) the taking up and impounding of any livestock mentioned in this ordinance \$10.00 each animal.
- (b) for providing food and water for each animal \$5.00 per day.

SECTION II: That Section 625 titled "PERMIT REQUIRED", Subsection b is hereby amended by striking all words following "certificate" and amending the date under "PERMIT FEE" from "1 JUNE" to "1 JANUARY":


SECTION III: That Section 632 titled "REDEMPTION OF IMPOUNDED ANIMALS" is hereby amended by striking the second sentence and adding the following: The impoundment fee for a dog shall be the most current fee charged by that particular animal shelter boarding the animal.

SECTION IV: EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF March 1988.

  
DENNIS POST  
MAYOR

ATTEST:

  
MILDRED J. CANNON  
CITY CLERK  
(SEAL)

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY PROVIDING FOR ADDITIONAL USES OF PROPERTY.

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

SECTION 1. That there be adopted the amendment to Ordinance No. 95 recommended by the City of Overbrook Planning Commission to add to said ordinance at Section 10.5 the following language:

"ADDITIONAL USES. The governing body of the City of Overbrook may permit variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. Pursuant to said authority, the governing body may grant to an applicant, for the term of his or her ownership of property described in his or her application therefor, a "conditional use 'permit'", which shall allow and permit such person to use his or her property in a manner which would otherwise be in violation of this ordinance, providing such variation will not be injurious to the neighborhood or otherwise detrimental to other owners of property or to the public welfare.

The applicant shall file such application with the governing body, which shall first be submitted to the City Planning Commission, which shall study said application and make its recommendations to the governing body.

A time and place of hearing for the application shall be fixed by the governing body within thirty days from receipt of the same and notice of such hearing shall be given by publication once in the official city newspaper at least seven days prior to the hearing. Any party may appear at said hearing in person or by attorney. The governing body shall render its decision upon the conclusion of said hearing or, in any event, not later than five days from the adjournment of said hearing.

A fee of \$250<sup>00</sup> shall be paid by the applicant and shall be credited to the City Clerk to the General Fund of the City of Overbrook, Kansas.

Such conditional use permit shall expire upon the death of the person to whom it is granted or upon his or her sale or transfer of the property, or such person's discontinuance of such use.

SECTION 2. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper."

Passed and approved this 3-9, 1988.

ATTEST:

Mildred Glenn  
City Clerk

Donna East, Mayor  
Mayor

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY REZONING PROPERTY DESCRIBED AS:

Beginning at a point 36½ rods East of the cornerstone at the Southwest corner of the Southwest 1/4 of Section 32, Township 14, Range 17, thence North 13.61 rods, thence West 50 feet, thence South 13.61 rods, thence East 50 feet to the place of beginning. (commonly known as 208 East 8th)

FROM M-1 (MOBILE HOME) TO B-1 (GENERAL BUSINESS AND COMMERCIAL):

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

SECTION 1. That the amendment recommended by the Overbrook Planning Commission to rezone the following-described property:

Beginning at a point 36½ rods East of the cornerstone at the Southwest corner of the Southwest 1/4 of Section 32, Township 14, Range 17, thence North 13.61 rods, thence West 50 feet, thence South 13.61 rods, thence East 50 feet to the place of beginning. (commonly known as 208 East 8th)

from M-1 (Mobile Home) to B-1 (General Business and Commercial) be adopted by the Governing Body of the City of Overbrook, Kansas.

SECTION 2. That the above-described property is rezoned from M-1 (Mobile Home) to B-1 (General Business and Commercial), and the City Clerk is directed to designate such rezoning on the City Zoning District Map.

SECTION 3. That all ordinances or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

Passed and approved this 3-9, 1988.

*Dennis Pitt*  
Mayor

ATTEST:

*Mildred Gannon*  
City Clerk



ORDINANCE NO. 148

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS.

Be it ordained by the governing body of the City of Overbrook, Kansas:

SECTION 1. That the following described land meeting one or more conditions for annexation as prescribed by K.S.A. 12-520 is hereby included and brought within the corporate limits of the City of Overbrook, Kansas;

Commencing at the intersection of the North line of the Overbrook City limits and the center line of Maple Street, also known as Federal Aid Secondary Route 512, thence East to the East right-of-way line of Maple Street, thence South along the right-of-way line to a point 1,000 feet North of the South line of Section 32-14-17, thence West to the center line of Maple Street, thence North along the center line of Maple Street to the point of beginning;

Commencing at a point 421 feet West and 218 feet North of the Southeast corner of Section 31-14-17, thence North 77 feet, thence East 171 feet, thence South 77 feet, thence West to the point of beginning;

Commencing at the South 1/4 corner of Section 31-14-17, thence North to the North right-of-way line of U.S. Highway 56, thence East along the North right-of-way line of said highway to a point 421 feet West of the East line of Section 31-14-17, thence South to the South right-of-way line of said highway, thence West along said city limit line to a point 638.25 feet East and 50 feet South of the point of beginning, thence West along the South highway right-of-way line of U.S. Highway 56 to a point directly South of the point of beginning, thence North to the point of beginning. (This includes the South half of the highway which is in Section 6);

Commencing at a point 1050 feet West of the Northeast corner of Section 6-15-17, thence South 200 feet, thence West 150 feet, thence North 200 feet, thence East 150 feet to the point of beginning, (this will "overcover" on all sides by 10 to 15 feet);

Commencing at the intersection of the North right-of-way line of U.S. Highway 56 and the East city limit line of the City of Overbrook, at a point approximately 1,270 feet East and 50 feet North of the Southwest corner of Section 32-14-17, thence East along said highway right-of-way line 1,336.99 ft, thence South to the Southright-of-way line of said highway, thence Westerly along said right-of-way line to a point directly South of the point of beginning, thence North to the point of beginning;

Commencing at the North line of the intersection of 10th Street and the West line of Maple Street, thence West 270 feet, thence North 200 feet, thence East 270 feet, thence South to the point of beginning.

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

Passed by the governing body this 11 day of May 1988.

ATTEST:

CITY CLERK

*Dennis Christ, Mayor*  
MAYOR

*Mildred Glendon*

Repealed  
by Ord 161

ORDINANCE NO. 150

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1988, AND REPEALING ORDINANCE NO. 144.

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

SECTION I: INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities" Edition of 1988, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012 inclusive and K.S.A. 12-3301 and 12-3302. Not less than three (3) copies of said standard ordinance shall be marked or stamped "official copy as adopted by Ordinance No. 150" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the Police Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked as may be deemed expedient.

SECTION II: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 8<sup>th</sup> day of June.

Dennis Post  
DENNIS POST, MAYOR

ATTEST:  
(SEAL)

Mildred J. Cannon  
MILDRED J. CANNON, CITY CLERK

ORDINANCE NO. 143

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY CHANGING THE PROVISIONS OF SECTION 10, §6, REGARDING ABANDONMENT, AND REPEALING ORDINANCE NO. 104.

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

SECTION 1. That Ordinance No. 95, Section 10, §6 is hereby amended by striking all the words therein and adding the following sentences: Abandonment. Whenever a non-conforming use has been discontinued for a period of 30 days, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance. This provision shall be construed to apply to mobile homes, which, once removed from the property, may only be replaced within the said 30 day period, by mobile homes of equal or higher quality and value.

SECTION 2. Ordinance No. 104 is hereby repealed.

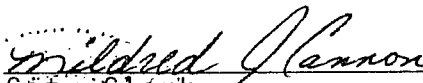
SECTION 3. All Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be in effect on and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED THIS 1 day of 13 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)

ORDINANCE NO. 146

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY PROVIDING FOR ADDITIONAL USES OF PROPERTY.

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

SECTION 1. That there be adopted the amendment to Ordinance No. 95 recommended by the City of Overbrook Planning Commission to add to said ordinance at Section 10.5 the following language:

"ADDITIONAL USES. The governing body of the City of Overbrook may permit variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. Pursuant to said authority, the governing body may grant to an applicant, for the term of his or her ownership of property described in his or her application therefor, a "conditional use permit", which shall allow and permit such person to use his or her property in a manner which would otherwise be in violation of this ordinance, providing such variation will not be injurious to the neighborhood or otherwise detrimental to other owners of property or to the public welfare.

The applicant shall file such application with the governing body, which shall first be submitted to the City Planning Commission, which shall study said application and make its recommendations to the governing body.

A time and place of hearing for the application shall be fixed by the governing body within thirty days from receipt of the same and notice of such hearing shall be given by publication once in the official city newspaper at least seven days prior to the hearing. Any party may appear at said hearing in person or by attorney. The governing body shall render its decision upon the conclusion of said hearing or, in any event, not later than five days from the adjournment of said hearing.

A fee of \$250 shall be paid by the applicant and shall be credited to the City Clerk to the General Fund of the City of Overbrook, Kansas.

Such conditional use permit shall expire upon the death of the person to whom it is granted or upon his or her sale or transfer of the property, or such person's discontinuance of such use.

SECTION 2. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper."

Passed and approved this 3-9, 1988.

ATTEST:

Mildred Gannon  
City Clerk

Dennis C. Mayan  
Mayor