

ORDINANCE NO. 151

AN ORDINANCE REPEALING SECTION 91-201 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 91-201 of Ordinance 91 (Criminal Code) of the City of Overbrook, Kansas, providing as follows: "Disturbance of Peace. Disturbance of the peace is the willful disruption of the peace, quiet and good order of any family, neighborhood, assembly or meeting of people lawfully and peacefully assembled; or willfully disturbing the peace and quiet of any person, and is unlawful." IS HEREBY REPEALED.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 8th day of June 1988.



DENNIS POST, MAYOR

ATTEST:
(seal)



MILDRED J. CANNON, CITY CLERK

ORDINANCE NO. 152

AN ORDINANCE PROVIDING FOR THE ALTERATION, REPAIR AND RECONSTRUCTION OF CERTAIN OUTFALL SEWER LINES OF THE CITY, DETERMINING THAT THE COST BE BORNE BY THE CITY AT LARGE, AND AUTHORIZING THE ISSUANCE OF GENERAL IMPROVEMENT BONDS IN THE AMOUNT OF \$162,000, AND AUTHORIZING THE SALE OF SAID BONDS.

WHEREAS, it is the opinion of the Governing Body of the City of Overbrook, Kansas (the "City") that it is necessary to alter, repair or reconstruct the existing sewer lines known as Sanitary Sewer Outfall Lines A and B, which sewer lines serve a substantial portion of the City, and

WHEREAS, the above-described sewers, having been constructed for more than 20 years, have been found by the City Engineer to be inadequate, as set forth in said finding now on file in the office of the City Clerk, which finding is hereby approved and adopted by the Governing Body of the City, and

WHEREAS, in the opinion of the Governing Body of the City the inadequacy of such sewers can be corrected at a lesser cost by the construction of another sewer in the same water shed, and

WHEREAS, it is the opinion of the Governing Body of the City that the cost of alteration, repair, construction or reconstruction of the above sewers as hereinafter authorized should be borne by the City at large and that general obligation improvement bonds be issued to pay the cost thereof,

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Overbrook, Kansas that:

1. The alteration, repair, construction or reconstruction

of Sanitary Sewer Outfall Lines A and B is hereby authorized and directed to be done.

2. The City Engineer's estimate of cost of the project referred to above, which estimate is now on file in the office of the City Clerk in the City and is in the amount of \$162,000, is hereby approved.

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 REPEALING ORDINANCE NO. 114 AND AMENDING SECTION 3 of ORDINANCE No. 105:

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

SECTION 1 That there is hereby assigned and fixed, the following monthly rates and charges for the use of water from the waterworks system supplied by the City of Overbrook:

MINIMUM CHARGE - FIRST 1,000 GALLONS \$ 7.00
ALL OVER 1,000 GALLONS \$3.00/1,000 gal or fraction thereof
PUBLIC SCHOOLS WITHIN THE CITY LIMITS OF OVERBROOK SHALL BE SUBJECT TO A MONTHLY CHARGE OF A FLAT RATE OF \$3.00 PER 1,000 GALLON.

SECTION 2 That any water service meter damaged while being turned on or off without express permission of the Superintendent of Waterworks or in any way being tampered with, be subject to a penalty of fifty dollars (\$50.00) plus costs. Such penalty and costs to be added to and become a part of the current utility billing to be collected in the same manner.

SECTION 3 Section 3 of Ordinance No. 105 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 \$7.00 for 1,000 gallons. 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.

SECTION 4 That said Ordinance 114 in its entirety and Section 3 of Ordinance 105 is 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.

APPROVED THIS 10th day of August 1988

(SEAL)

Dennis Post
DENNIS POST, MAYOR

ATTEST

Mildred Cannon
MILDRED J. CANNON, CITY CLERK

ORDINANCE NO. 154

AN ORDINANCE RELATING TO THE SEWER SERVICE SYSTEM AND FIXING RATES AND CHARGES FOR THE USE THEREOF AND AMENDING SECTION 2 and REPEALING SECTION 6 of ORDINANCE 113.

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

SECTION 1 Section 2 of Ordinance 113 is hereby amended to read:

That there is hereby assigned and fixed, the following monthly rates and charges for the use of sewer services within the City of Overbrook, Kansas:

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 2,000 gallons per month. There shall be an additional charge of One dollar (\$1.00) per month, or portion thereof, for each 1,000 gallons of water used above 2,000 gallons per month with a maximum charge of \$150.00:


SECTION 2 Section 6 of Ordinance 113 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 Osage County Chronicle newspaper, as provided by law.

PASSED AND APPROVED THIS 10th DAY OF August 1988


DENNIS POST, MAYOR

ATTEST:


MILDRED J. CANNON, CITY CLERK

(SEAL)

ORDINANCE NO. 155

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 1988 OF THE CITY OF OVERBROOK, KANSAS IN THE PRINCIPAL SUM OF \$162,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ALTERATION, REPAIR, CONSTRUCTION OR RECONSTRUCTION OF SEWER LINES IN THE CITY.

BE IT RESOLVED by the Governing Body of the City of Overbrook, Kansas (the "City") that:

Section 1. For the purpose of paying the costs of alteration, repair, construction or reconstruction of sewer lines in the City pursuant to K.S.A. 12-631a et seq. and 10-101 et seq., there shall be and are hereby issued General Obligation Sewer Bonds, Series 1988 (the "Bonds") of the City in the total principal amount of \$162,000.

Section 2. The Bonds shall consist of fully registered certificated bonds in the denomination of \$5,000 or any multiple thereof, except the first bond of the first maturity which shall be for \$7,000 or \$12,000. All of the bonds shall be dated September 1, 1988, shall become due serially on December 1 of the years and shall bear interest from September 1, 1988 at the rates, as follows:

<u>Maturity Date</u> <u>December 1:</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>
1989	12,000	<u>6.00</u> X
1990	15,000	<u>6.20</u>
1991	15,000	<u>6.40</u>
1992	15,000	<u>6.50</u>
1993	15,000	<u>6.60</u>
1994	15,000	<u>6.70</u>
1995	15,000	<u>6.80</u>
1996	20,000	<u>6.90</u>
1997	20,000	<u>7.00</u>
1998	20,000	<u>7.10</u>

Interest shall be payable semi-annually on June 1 and December 1 of each year, commencing December 1, 1989 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Dates (the "Record Dates").

Section 3. The Treasurer of the State of Kansas, in the City of Topeka, Kansas is hereby designated as the City's Paying Agent for the payment of principal of and interest on the Bonds (the "Paying Agent") and as Bond Registrar with respect to the registration, transfer and exchange of the Bonds (the "Bond Registrar"). The Mayor and the City Clerk are hereby authorized and empowered to execute on behalf of the City any agreements necessary with the Treasurer for said Treasurer to act as Bond Registrar and Paying Agent.

Section 4. The principal of the Bonds shall be payable by check or draft at the office of the Paying Agent upon presentation and surrender of the Bonds as they respectively come due, and the interest on the Bond shall be made payable to the order of the registered owners thereof, mailed by the Bond Registrar to the addresses of such registered owners as they appear on the registration books maintained by the Bond Registrar, or at such other address provided in writing by such registered owner to the Bond Registrar on the Record Dates.

Section 5. So long as any of the Bonds remain outstanding, the City will cause to be kept, at the office of the Bond Registrar, books for the registration, transfer and exchange of the Bonds. Upon presentation of the necessary documents hereinafter described, the Bond Registrar shall transfer or exchange any certificated Bond for new certificated Bonds of the same maturity and for the same aggregate principal amount as the Bonds which are presented for transfer or exchange. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or exchange, in a form and with guaranty of signatures satisfactory to the Bond Registrar, duly executed by the registered owner thereof or his authorized agent. All certificated bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of new Bonds to the transferee, the Bond Registrar shall register the same in the registration books kept by the Bond Registrar for such purpose and shall authenticate each certificated Bond. The City shall pay out of the proceeds of the Bonds the fees of the Bond Registrar for registration and transfer of Bonds and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in any secondary market, other than fees of the Bond Registrar, are the responsibility of the bond owners.

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon such registered owner's orders shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum paid, and neither the City nor the Bond Registrar or Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as provided herein.

The Bond Registrar shall not be required to register, nor transfer or exchange any Bond for a period of 15 days next preceding an Interest Payment Date.

Section 6. Whenever any outstanding certificated bond shall be delivered to the Bond Registrar for cancellation pursuant to this Resolution, upon payment of the principal amount thereof and interest thereon, or for replacement pursuant to this Resolution, such Bonds shall be cancelled and destroyed by the Bond Registrar, and a certificate of destruction, describing the Bond, shall be furnished by the Bond Registrar to the City.

Section 7. In the event any certificated Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated certificated Bond, such shall first be surrendered to the City or the Bond Registrar, and in the case of any lost, stolen or destroyed bond, there shall first be furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, then, instead of issuing a duplicate bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing any certificated Bond which has been mutilated, lost, stolen or destroyed.

Section 8. Each of the Bonds, including any Bond issued in exchange or as substitution for the bond initially delivered shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, to cause the Bonds to be registered in

the office of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to

Beecroft, Cole & Company, Inc.,

the original purchasers of the Bonds, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be not less than 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery.

The Bond shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Section 9 hereof, which shall be manually executed by the Bond Registrar. No Bond shall be entitled to any security or benefit under this Resolution nor shall it be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Bond Registrar and Paying Agent. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder.

Section 9. The Bond shall be printed in a form required or approved by the Attorney General of the State of Kansas, and shall contain information as required by the Attorney General and pursuant to 2 Kan. Reg. 921 and to K.S.A. 10-101 et seq., in a form substantially as follows:

UNITED STATES OF AMERICA
STATE OF KANSAS
OSAGE COUNTY

CITY OF OVERBROOK

REGISTERED
NUMBER R- _____

REGISTERED
\$ _____

GENERAL OBLIGATION SEWER BONDS
SERIES 1988

Rate of Interest: _____ Maturity Date: _____, _____ Dated: _____, _____ CUSIP Number: _____

Registered Owner: _____
Principal Amount: _____ Thousand Dollars

KNOW ALL MEN BY THESE PRESENTS: That the City of Overbrook, Kansas (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner identified above, or registered assigns, as of the Record Dates as hereinafter provided, the Principal Amount identified above upon presentation and surrender of this Bond on the Maturity Date identified above, and to pay interest on such Principal Amount from the date hereof at the rate of interest per annum set forth above, semi-annually on June 1 and December 1 of each year, commencing December 1, 1989 (the "Interest Payment Dates"), until the Principal Amount is paid.

The principal of and interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), mailed to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Dates (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 declared and certified that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the 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 shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the City of Overbrook, Kansas, by its governing body, has caused this Bond to be executed by the Mayor, attested by its City Clerk by their facsimile signatures and the facsimile of its seal to be affixed hereto all as of the first day of September, 1988.

CITY OF OVERBROOK, KANSAS

(facsimile)

Mayor

(Seal)

ATTEST:

(facsimile)

City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This bond is one of a series of General Obligation Sewer Bonds, Series 1988 of the City of Overbrook, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

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

By _____

Registration Number 4087-070-090188-237

FURTHER TERMS AND PROVISIONS

This Bond is one of an authorized series of Bonds of the City designated "General Obligation Sewer Bonds, Series 1988" in an aggregate principal amount of \$162,000 (the "Bonds") issued for the purpose of paying the costs of alteration, repair, construction or reconstruction of sewer lines in the City as set out in an Ordinance of the City authorizing the Bonds (the "Ordinance"). The Bonds 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. 12-631a et seq. and 10-101 et seq., as amended, and all other provisions of the laws of the State of Kansas applicable thereto. The City hereby covenants with the owner of this Bond to keep and perform all covenants and agreements contained in the Ordinance.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, except the first bond of the first maturity which shall be for \$7,000 or \$12,000. This Bond may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity upon the terms provided in the Ordinance.

The City and the Bond Registrar may deem and treat the registered owner hereof as the absolute owner hereof for purposes of receiving payment of or on account of principal hereof and

interest due hereon and for all other purposes and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Bond is transferable by the registered owner hereof in person or by the registered owner's attorney duly authorized in writing, at the 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 all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

LEGAL OPINION

I, the undersigned City Clerk of the City of Overbrook, Kansas, do hereby certify that the following is a true and correct copy of the approving legal opinion of Cosgrove, Webb & Oman, Attorneys at Law, Topeka, Kansas, on the within Bond and the series of which it is a part, except that it omits the date of such opinion; that said opinion was manually executed and was dated and issued as of the date of delivery of and payment for the Bonds, and is on file in my office.

By _____ (facsimile)
City Clerk

RE: \$162,000 General Obligation Sewer Bonds, Series 1988 of the City of Overbrook, Kansas, Dated September 1, 1988

We have acted as Bond Counsel in connection with the issuance by the City of Overbrook, Kansas (the "City"), of \$162,000 principal amount of General Obligation Sewer Bonds, Series 1988, dated September 1, 1988 (the "Bonds"). The Bonds are issuable in the form of fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof, except the first bond of the first maturity which shall be for \$7,000 or \$12,000. The bonds become due serially on December 1 of the

years and bear interest from December 1, 1988, at the rates, as follows:

<u>Maturity Date</u> <u>December 1:</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u> <u>Per Annum</u>
1989	12,000	
1990	15,000	
1991	15,000	
1992	15,000	
1993	15,000	
1994	15,000	
1995	15,000	
1996	20,000	
1997	20,000	
1998	20,000	

Interest is payable semi-annually on June 1 and December 1 of each year, commencing December 1, 1989. The principal of the Bonds is payable at the office of the State Treasurer in the City of Topeka, Kansas, and the interest on the Bonds is payable by mail to the registered owner thereof.

We have examined a certified transcript of proceedings relating to the authorization and issuance of the Bonds. We have also examined the Constitution and statutes of the State of Kansas, insofar as the same relate to the authorization and issuance of the Bonds, and also a specimen Bond of the issue so authorized.

Based upon such examination, we are of the opinion, as of the date hereof, as follows:

1. The Bonds are in proper form and have been duly authorized and issued in accordance with the Constitution and statutes of the State of Kansas.
2. The Bonds are valid and legally binding general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable tangible property within the City of Overbrook, Kansas.
3. Under existing law, the Bonds are exempt from Kansas intangible personal property taxes levied by Kansas counties, cities or townships, and interest on the Bonds is excluded from computation of Kansas adjusted gross income.
4. Assuming compliance by the City with the provisions contained in the Ordinance authorizing the bonds, the interest on the Bonds is, under existing law, (a) excludable from gross income for federal income tax purposes and (b) not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, provided that for the purpose of computing alternative minimum tax imposed on corporations, bond interest is taken into account in determining "adjusted net book income" ("adjusted current earnings" for taxable years ending after December 31, 1989). The opinion set forth in clause (a) above is subject to the compliance by the City with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), which must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be excluded from gross income for federal income tax purposes; failure to comply with those requirements could cause the

interest on the Bonds to be included in federal gross income retroactive to the date of issuance of the Bonds. The City has covenanted to comply with all such requirements.

5. The City has declared the bonds to be "qualified tax exempt obligations" within the meaning of Section 265 of the Code, which provides in effect that a deduction is allowed for 80 percent of that portion of interest expense allocable to interest on the bonds held by certain financial institutions designated in the Section.

We express no opinion regarding other tax consequences with respect to the bonds.

We have not been engaged nor have we undertaken to review the accuracy, completeness or sufficiency of any official statement or other offering material related to the bonds, and we express no opinion relating thereto.

Very truly yours,

COSGROVE, WEBB & OMAN

BOND ASSIGNMENT

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

(Name and address)

(Social Security or Taxpayer Identifying Number)

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 do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Name

Social Security or Taxpayer
Identification No.

Signature
(Sign here exactly as name(s)
appear on the face of
Certificate)

Signature guarantee:

CERTIFICATE OF CITY CLERK

STATE OF KANSAS)
) ss.
COUNTY OF OSAGE)

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

WITNESS my hand and official seal this _____.

(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 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 on

_____.

WITNESS my hand and official seal.

Treasurer of the State of Kansas

(Facsimile Seal)

By _____
Assistant State Treasurer

Section 10. The City covenants and agrees that it will:

A. Use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as provided in Section 1 hereof and no part of the proceeds of the Bonds shall be invested in any securities or obligations except for a temporary period pending such use, nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bonds, would have caused any of the Bonds to be or become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986 ("1986 Code"), and regulations promulgated thereunder.

B. Comply with the provisions of the 1986 Code (including but not limited to the information reporting requirements of Section 149(e) of the 1986 Code and regulations promulgated thereunder) and with any other future laws, regulations, and published rulings and judicial decisions with respect to, and in order to preserve, the Federal tax-exempt status of the Bonds, to the extent that such compliance and actions can be performed and taken by the governing body and officers of the City.

Section 11. The City designates the Bonds as "qualified tax-exempt obligations" as identified in Section 265(b)(3) of the 1986 Code, and states that it and its subordinate entities do not anticipate issuing more than \$10,000,000 of qualified tax-exempt obligations during the calendar year in which the Bonds are issued.

Section 12. The City shall cause an annual levy and collection of taxes to be made in the manner provided by law, sufficient for the payment of principal of and interest on the Bonds as the same become due.

Section 13. If any section or any part of this Ordinance shall for any reason be held invalid, the invalidity thereof

shall not affect the validity of the other provisions of this Ordinance.

Section 14. This Ordinance shall take effect and be in full force after its passage, approval and publication in the official city newspaper of the City.

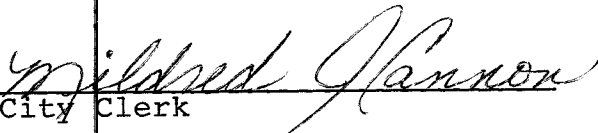
Passed by the Governing Body of the City of Overbrook, Kansas this 31st day of August, 1988.



Mayor

(Seal)

Attest:



City Clerk

ORDINANCE NO. 156

AN ORDINANCE REPEALING ORDINANCE NO. 100, regarding "THE PARKING OF JUNK AUTOMOBILES ON PUBLIC OR PRIVATE PROPERTY IN THE CITY OF OVERBROOK..."

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

SECTION 1. Ordinance No. 100 of the City of Overbrook, Kansas, prohibiting the parking of junk automobiles on public or private property in the City of Overbrook, Kansas and providing penalties therefore, IS HEREBY REPEALED.

SECTION 2. 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 as provided by law.

PASSED AND APPROVED THIS 12 DAY OF October 1988.


DENNIS POST, MAYOR

ATTEST:

(SEAL)


MILDRED J. CANNON, CITY CLERK


AN ORDINANCE REPEALING ORDINANCE NO. 100, regarding "THE PARKING OF JUNK AUTOMOBILES ON PUBLIC OR PRIVATE PROPERTY IN THE CITY OF OVERBROOK..."

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

SECTION 1. Ordinance No. 100 of the City of Overbrook, Kansas, prohibiting the parking of junk automobiles on public or private property in the City of Overbrook, Kansas and providing penalties therefore, IS HEREBY REPEALED.

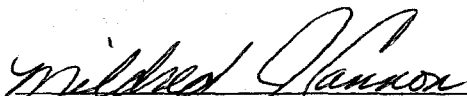
SECTION 2. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said City as provided by law.

PASSED AND APPROVED THIS 12 DAY OF October 1988.


DENNIS POST, MAYOR

ATTEST:

(SEAL)


MILDRED J. CANNON, CITY CLERK

ORDINANCE NO. 157

AN ORDINANCE AMENDING SECTION 7 of ORDINANCE NO. 121 (RELATING TO INOPERABLE VEHICLES) PERTAINING TO ADMINISTRATIVE PROCEDURE:

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

SECTION 1: That section seven (7) titled ADMINISTRATIVE PROCEDURE, paragraph one (1) is hereby amended by striking the word informal and inserting the word formal and striking the number seven (7) and inserting the number thirty (30). Said paragraph to read as follows:

ADMINISTRATIVE PROCEDURES Whenever a formal complaint is made to the City Marshall, or notice is given to such officer of the existence of an apparent violation of this ordinance, he shall within thirty (30) 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 violation and direct that he take action within thirty (30) days after receipt of such notice to comply with the provisions of this ordinance or prosecution will be commenced for violation thereof.

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

PASSED AND APPROVED THIS 12th DAY OF Oct. 1988


DENNIS POST, MAYOR

ATTEST:
(SEAL)


MILDRED J. CANNON, CITY CLERK

AN ORDINANCE AMENDING SECTION 7 of ORDINANCE NO. 121 (RELATING TO INOPERABLE VEHICLES) PERTAINING TO ADMINISTRATIVE PROCEDURE:

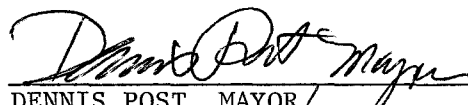
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1: That section seven (7) titled ADMINISTRATIVE PROCEDURE, paragraph one (1) is hereby amended by striking the word informal and inserting the word formal and striking the number seven (7) and inserting the number thirty (30). Said paragraph to read as follows:


ADMINISTRATIVE PROCEDURES Whenever a formal complaint is made to the City Marshall, or notice is given to such officer of the existence of an apparent violation of this ordinance, he shall within thirty (30) 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 violation and direct that he take action within thirty (30) days after receipt of such notice to comply with the provisions of this ordinance or prosecution will be commenced for violation thereof.

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

PASSED AND APPROVED THIS 12th DAY OF Oct. 1988


DENNIS POST, MAYOR

ATTEST:
(SEAL)


MILDRED J. CANNON, CITY CLERK

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY AMENDING SECTION 15 (3) (B) CONCERNING NOTICE OF HEARING BEFORE THE BOARD OF ZONING APPEALS.

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

SECTION 1. Section 15 (3) (B) of Ordinance No. 95, which section concerns the time and place for hearing for appeals of the Board of Zoning Appeals, and the notice thereof, is hereby repealed, and in its place there is adopted the following:

"A time and place of hearing for the appeal shall be fixed by the Board within thirty (30) days from the perfection thereof, and notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the City Planning Commission. Any party may appear at said hearing in person or by attorney. The Board may render its decision upon the conclusion of said hearing or, in any event, not later than five (5) days from the adjournment of said hearing."

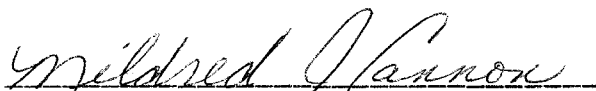
SECTION 2. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

Passed and approved this January 11, 1989.

ATTEST:



Mayor



City Clerk

(SEAL)

ORDINANCE No. 159

AN ORDINANCE DECLARING AND ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT TO PEDDLING, SOLICITING AND CANVASSING WITHIN THE CITY LIMITS; REQUIRING REGISTRATION OF CERTAIN PERSONS AND ESTABLISHING BUSINESS REGULATIONS FOR SUCH PERSONS; AND REPEALING ORDINANCE 45 OF THE CITY OF OVERBROOK:

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

SECTION 1. STATEMENT OF PURPOSE. It is the purpose of the city to assist in the accomplishment of the following goals:

- (a) prevention and/or reduction of crimes;
- (b) protection of the privacy and peaceful enjoyment of the home; and
- (c) making available to residents information helpful to determining their response to solicitors.

SECTION 2. DEFINITIONS. As used in this ordinance, the following definitions shall apply:

- (a) *Peddler, Solicitor or Canvasser* - Irrespective of common usage, these terms may be used interchangeably to describe any person who makes contact, directly or indirectly, by telephone, mail or in person or otherwise with any resident of the city for the purpose of soliciting.
- (b) *Solicit, solicitation or soliciting* - These terms describe the act of requesting, directly or indirectly, expressly or by implication, money, credit, property, financial assistance, information or any other thing of value either in return for goods or services, or for an order for either goods or services, or as a contribution or donation whether or not such contribution or donation results in receipt of any goods, merchandise or service or any similar exchange of something of value between the person engaging in the act of solicitation and a resident of the city, whether things of value be tangible or intangible.
- (c) *Resident of the City* - Any person with a mailing or street address located within the city, including temporary visitors, renters or boarders

SECTION 3. REGISTRATION; REQUIRED. Except as otherwise provided in Section 12, it shall be unlawful for any person to engage in soliciting within the city without being first registered for that purpose as provided in this ordinance.

SECTION 4. SAME; APPLICATION. Applicants for registration shall complete and return to the city clerk, not fewer than 90 days in advance of the date upon which the applicant wishes to commence solicitations within the city, a registration form furnished by the city which shall require the following information:

- (a) Name , social security number, permanent address and telephone number, and temporary address and telephone number of the applicant.
- (b) The make, model and license number of any vehicles to be used by applicant.
- (c) The place where the applicant may be contacted for at least 7 days after leaving the city;
- (d) Name, address and telephone number of the person or organization the applicant represents or is employed by, (if applicable);
- (e) Name and title of an officer of such organization who can verify

- the authority of the applicant to represent the organization;
- (f) The name of the three previous cities where applicant (or the organization represented) conducted similar solicitations (if applicable);
 - (g) A statement as to whether or not applicant has been convicted, pled guilty or pled nolo contendere to any crime or any ordinance violation involving moral turpitude within the preceeding five (5) years and the place and nature thereof;
 - (h) A statement as to whether or not the applicant (and/or represented organization, if applicable) has: (1) engaged in solicitations of a similar nature in the city before; and (2) if so, whether any license, permit or registration issued by the city has ever been revoked;
 - (i) The nature of the solicitations to be conducted and a brief description of any goods or services offered;
 - (j) The proposed method of delivery of goods or services, if applicable;
 - (k) The period of time during which solicitations will be conducted within the city;
 - (l) A statement that the registration does not represent, and will not be used by the applicant as an endorsement of the solicitor's product, service or cause by the city.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

SECTION 5. SAME; ADDITIONAL INFORMATION. Each applicant shall present to the city clerk for examination;

- (a) A driver's license or some other proof of identity providing equivalent information;
- (b) Any certificates, licenses or other authorizations as may be required by the city, state or other regulatory bodies applicable to the applicant's proposed solicitation activity.

SECTION 6. SAME; FEE. At the time the application is submitted, a fee of \$ 300.00 shall be paid to the city clerk to partially defray the cost of processing the registration and issuing the certificate of registration. This fee is not refundable if the registration is refused for any reason noted in Section 7 or if the applicant withdraws the application at any time after the close of business on the day during which it was submitted.

SECTION 7. INVESTIGATION: ISSUANCE OR DENIAL.

- (a) Upon receipt of an application, the city clerk shall refer it as soon as possible to the chief of police who shall make and complete an investigation of the information contained in the application.
- (b) The city clerk shall refuse to register the applicant if it is determined, pursuant to the chief of police's investigation that;
 - (1) the application is incomplete or contains false data;
 - (2) the applicant was convicted of a crime, statutory violation or an ordinance violation involving moral turpitude within the preceding five (5) years; or,
 - (3) the applicant failed to comply with any applicable provision of Section 4 or 5;

- (c) Absent a cause to refuse registration in accordance with subsection (b), the city clerk shall grant a registration and issue to the applicant a certificate of registration. Such certificate shall authorize the holder to conduct business within the city for a 12-month period of time. The city clerk shall maintain an accurate record of every application received and acted upon together with all other information and data pertaining to the application and all certificates of registration issued and applications refused.

SECTION 8. APPEAL. Any applicant refused registration may appeal to the governing body in accordance with the appeal procedure established by the governing body.

SECTION 9. BUSINESS REGULATIONS. It shall be unlawful for any (a) to call at any residence prior to the hour of 8:00 a.m. or after sunset, except by appointment; (b) to call at any residence or other place bearing a notice of "No Peddlers" or "No Solicitors" or words of a similar meaning, providing such notice is posted in a conspicuous place upon or near the main entrance, is plainly visible, is at least 3X5 inches in size and contains lettering at least 1/3 inches in height; (c) to call at other than the front or main door of any residence; (d) to remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises; (e) to misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services provided, the purpose of the visit, his or her identity or the identity of the represented organization or (f) to impede the free use of sidewalks and streets by pedestrians and vehicles.

SECTION 10. DISCLOSURE. All registered solicitors shall conform to the following requirements:

- (a) After the initial greeting and before any other statement is made to a prospective solicitee, a solicitor shall expressly disclose his or her name, the name of the organization represented, if any, and identify the nature of the solicitation, i.e. selling _____, seeking information for _____, asking for contributions to or for _____, etc.

- (b) If the solicitation is for the purchase of goods or services or for any order for the later delivery of goods or services, the solicitor shall clearly inform the solicitee of their right to cancel the transaction at any time within 72 hours if it involves the extension of credit or is a cash transaction of more than \$25.
- (c) If the solicitation results in an order for the later delivery of goods or services, the solicitor shall, at the time the order is taken provide the buyer with a copy of all signed documents, containing at the minimum: the terms of the agreement; the amount paid in advance and whether such amount represents full, partial or no advance payment; the name, address and telephone number of the seller or provider; the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (d) Upon any request to do so, the solicitor shall display for review the certificate of registration issued by the city.

SECTION 11. REVOCATION; APPEAL. Any certificate of registration shall be revoked by the chief of police if the holder thereof is convicted of a violation of any of the provisions of this ordinance, or has made a false statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this ordinance. Immediately upon such revocation, written notice therefore shall be given by the chief of police to the holder of the certificate in person or by registered United States mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void. Except where revocation occurs following a conviction for violation of this ordinance, the holder of the certificate may appeal to the governing body in accordance with the appeal procedure established by the governing body.

all persons - 5209. flow in an attempt to get out of court.

SECTION 12. EXEMPTIONS. The following, or their authorized agents, are exempt from the provisions of this ordinance; any person:

- (a) delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) selling goods at wholesale dealers in such goods;
- (c) selling agricultural products which such person has grown;
- (d) who has an established place of business where goods or services being sold are offered for sale on a regular basis, and where the buyer has initiated contact with and specifically requested a home visit by such person;
- (e) who has had, or one who represents an organization which has had, a prior transaction similar to that being solicited with the solicitee;
- (f) who is an officer or employee of the city, county, state or federal government or any subdivision thereof, when an official business, and
- (g) conducting solicitations from the membership of the represented organization for the sole benefit or under the auspices of that organization.


SECTION 14. SEVERABILITY. If for any reason any section or part or parts of any section of this ordinance shall be declared unconstitutional or beyond the power of the city to enact, such fact shall not affect or impair in any way any other provisions of this ordinance, but such other provisions shall be in full force and effect.

SECTION 15. PENALTY. Any person, firm or corporation convicted of a violation of any provision of this ordinance shall be fined not more than \$ 499.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

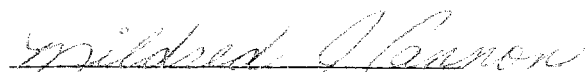
SECTION 16. THAT SAID ORDINANCE 45 in its entirety is hereby repealed.

SECTION 17. 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.

APPROVED THIS 8th DAY OF March 1989


DENNIS POST, MAYOR

(SEAL)
ATTEST:


MILDRED J. CANNON, CITY CLERK

ORDINANCE No. 159

AN ORDINANCE DECLARING AND ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT TO PEDDLING, SOLICITING AND CANVASSING WITHIN THE CITY LIMITS; REQUIRING REGISTRATION OF CERTAIN PERSONS AND ESTABLISHING BUSINESS REGULATIONS FOR SUCH PERSONS; AND REPEALING ORDINANCE 45 OF THE CITY OF OVERBROOK:

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

SECTION 1. STATEMENT OF PURPOSE. It is the purpose of the city to assist in the accomplishment of the following goals:

- (a) prevention and/or reduction of crimes;
- (b) protection of the privacy and peaceful enjoyment of the home; and
- (c) making available to residents information helpful to determining their response to solicitors.

SECTION 2. DEFINITIONS. As used in this ordinance, the following definitions shall apply:

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- (b) *Solicit, solicitation or soliciting* - These terms describe the act of requesting, directly or indirectly, expressly or by implication, money, credit, property, financial assistance, information or any other thing of value either in return for goods or services, or for an order for either goods or services, or as a contribution or donation whether or not such contribution or donation results in receipt of any goods, merchandise or service or any similar exchange of something of value between the person engaging in the act of solicitation and a resident of the city, whether things of value be tangible or intangible.
- (c) *Resident of the City* - Any person with a mailing or street address located within the city, including temporary visitors, renters or boarders

SECTION 3. REGISTRATION; REQUIRED. Except as otherwise provided in Section 12, it shall be unlawful for any person to engage in soliciting within the city without being first registered for that purpose as provided in this ordinance.

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- (a) Name , social security number, permanent address and telephone number, and temporary address and telephone number of the applicant.
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- (c) The place where the applicant may be contacted for at least 7 days after leaving the city;
- (d) Name, address and telephone number of the person or organization the applicant represents or is employed by, (if applicable);
- (e) Name and title of an officer of such organization who can verify

- the authority of the applicant to represent the organization;
- (f) The name of the three previous cities where applicant (or the organization represented) conducted similar solicitations (if applicable);
 - (g) A statement as to whether or not applicant has been convicted, pled guilty or pled nolo contendere to any crime or any ordinance violation involving moral turpitude within the preceeding five (5) years and the place and nature thereof;
 - (h) A statement as to whether or not the applicant (and/or represented organization, if applicable) has: (1) engaged in solicitations of a similar nature in the city before; and (2) if so, whether any license, permit or registration issued by the city has ever been revoked;
 - (i) The nature of the solicitations to be conducted and a brief description of any goods or services offered;
 - (j) The proposed method of delivery of goods or services, if applicable;
 - (k) The period of time during which solicitations will be conducted within the city;
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All statements made by the applicant upon the application or in connection therewith shall be under oath.

SECTION 5. SAME; ADDITIONAL INFORMATION. Each applicant shall present to the city clerk for examination;

- (a) A driver's license or some other proof of identity providing equivalent information;
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SECTION 6. SAME; FEE. At the time the application is submitted, a fee of \$ 300.00 shall be paid to the city clerk to partially defray the cost of processing the registration and issuing the certificate of registration. This fee is not refundable if the registration is refused for any reason noted in Section 7 or if the applicant withdraws the application at any time after the close of business on the day during which it was submitted.

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 - (2) the applicant was convicted of a crime, statutory violation or an ordinance violation involving moral turpitude within the preceding five (5) years; or,
 - (3) the applicant failed to comply with any applicable provision of Section 4 or 5;

- (c) Absent a cause to refuse registration in accordance with subsection (b), the city clerk shall grant a registration and issue to the applicant a certificate of registration. Such certificate shall authorize the holder to conduct business within the city for a 12-month period of time. The city clerk shall maintain an accurate record of every application received and acted upon together with all other information and data pertaining to the application and all certificates of registration issued and applications refused.

SECTION 8. APPEAL. Any applicant refused registration may appeal to the governing body in accordance with the appeal procedure established by the governing body.

SECTION 9. BUSINESS REGULATIONS. It shall be unlawful for any (a) to call at any residence prior to the hour of 8:00 a.m. or after sunset, except by appointment; (b) to call at any residence or other place bearing a notice of "No Peddlers" or "No Solicitors" or words of a similar meaning, providing such notice is posted in a conspicuous place upon or near the main entrance, is plainly visible, is at least 3X5 inches in size and contains lettering at least 1/3 inches in height; (c) to call at other than the front or main door of any residence; (d) to remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises; (e) to misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services provided, the purpose of the visit, his or her identity or the identity of the represented organization or (f) to impede the free use of sidewalks and streets by pedestrians and vehicles.

SECTION 10. DISCLOSURE. All registered solicitors shall conform to the following requirements:

- (a) After the initial greeting and before any other statement is made to a prospective solicitee, a solicitor shall expressly disclose his or her name, the name of the organization represented, if any, and identify the nature of the solicitation, i.e. selling _____, seeking information for _____, asking for contributions to or for _____, etc.

- (b) If the solicitation is for the purchase of goods or services or for any order for the later delivery of goods or services, the solicitor shall clearly inform the solicitee of their right to cancel the transaction at any time within 72 hours if it involves the extension of credit or is a cash transaction of more than \$25.
- (c) If the solicitation results in an order for the later delivery of goods or services, the solicitor shall, at the time the order is taken provide the buyer with a copy of all signed documents, containing at the minimum: the terms of the agreement; the amount paid in advance and whether such amount represents full, partial or no advance payment; the name, address and telephone number of the seller or provider; the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (d) Upon any request to do so, the solicitor shall display for review the certificate of registration issued by the city.

SECTION 11. REVOCATION; APPEAL. Any certificate of registration shall be revoked by the chief of police if the holder thereof is convicted of a violation of any of the provisions of this ordinance, or has made a false statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this ordinance. Immediately upon such revocation, written notice therefore shall be given by the chief of police to the holder of the certificate in person or by registered United States mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void. Except where revocation occurs following a conviction for violation of this ordinance, the holder of the certificate may appeal to the governing body in accordance with the appeal procedure established by the governing body.

all persons - 5209. How in an act of a person or a group.

SECTION 12. EXEMPTIONS. The following, or their authorized agents, are exempt from the provisions of this ordinance; any person:

- (a) delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) selling goods at wholesale dealers in such goods;
- (c) selling agricultural products which such person has grown;
- (d) who has an established place of business where goods or services being sold are offered for sale on a regular basis, and where the buyer has initiated contact with and specifically requested a home visit by such person;
- (e) who has had, or one who represents an organization which has had, a prior transaction similar to that being solicited with the solicitee;
- (f) who is an officer or employee of the city, county, state or federal government or any subdivision thereof, when an official business, and
- (g) conducting solicitations from the membership of the represented organization for the sole benefit or under the auspices of that organization.

SECTION 14. SEVERABILITY. If for any reason any section or part or parts of any section of this ordinance shall be declared unconstitutional or beyond the power of the city to enact, such fact shall not affect or impair in any way any other provisions of this ordinance, but such other provisions shall be in full force and effect.

SECTION 15. PENALTY. Any person, firm or corporation convicted of a violation of any provision of this ordinance shall be fined not more than \$ 499.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

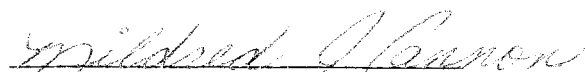
SECTION 16. THAT SAID ORDINANCE 45 in its entirety is hereby repealed.

SECTION 17. 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.

APPROVED THIS 8th DAY OF March 1989


DENNIS POST, MAYOR

(SEAL)
ATTEST:


MILDRED J. CANNON, CITY CLERK

An ordinance authorizing the declaration of a water emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

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

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared.

Section 2. Definitions;

- (a) "Water", as the term is used in this ordinance, shall mean water available to the City of Overbrook for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- (b) "Consumer", as the term is used in this ordinance, shall mean any person using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waste of water", as the term is used in this ordinance, includes; but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:

Class 1:

Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

Class 2:

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

Class 3:

Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4:

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

Section 3. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper and may be publicized additionally through the general news media or any other appropriate method for making such resolutions public.

Section 4. Voluntary Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 3, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water.

Section 5. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 3, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures.

Section 6. Emergency Water Rates. Upon the declaration of water supply emergency as provided in Section 3, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but not be limited to: (a) higher charges for increasing usage per unit in use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

Section 7. Regulations. During the effective period of any water supply emergency as provided for in Section 3, the mayor (or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.

Section 8. Violations, Disconnections and Penalties.

- (a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 5 or 7 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the consumer subject to the following procedures:
- (1) The City shall give the consumer notice by mail that water service will be discontinued within a specified time due to the violation and that the consumer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
 - (2) If such a hearing is requested by the consumer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 - (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.
- (c) Any consumer may also be charged with violation of this ordinance and prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be mandatory fine of \$100 which may not be adjusted by the Municipal Court. In addition, such consumer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200 which may not be adjusted by the Municipal Court. In addition, such consumer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. Penalties for additional violations shall be the same as for the second violation.

Section 9. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 10. This ordinance shall become effective upon its publication in the official city newspaper.

PASSED BY THE CITY COUNCIL THIS 10th DAY OF May 1989.

Donna N. Pat
MAYOR

(SEAL)

ATTEST: *Willedred Cannon*
CITY CLERK

ORDINANCE NO. 161

Repealed by Ord 181

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 1989, AND REPEALING ORDINANCE NO. 150.

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 1989, 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 11th DAY OF Oct. 1989.

Richard Hamit
RICHARD HAMIT, MAYOR

ATTEST
(SEAL)

Mildred Cannon
MILDRED J. CANNON, CITY CLERK

ORDINANCE NO. 162

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, TREATMENT AND REMOVAL OF TREES AND SHRUBBERY UPON ALL STREETS, ALLEYS, AVENUES AND BOULEVARDS WITHIN THE CITY OF OVERBROOK, KS:

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

SECTION 1: It shall be the duty of the owner of property, abutting streets, alleys, avenues and boulevards within the City of Overbrook, Kansas, to maintain, trim, and, where necessary, remove trees and shrubbery located between the paved portion of the street and the owner's property line, and to treat the same when infected with disease or insect, pests or larve.

SECTION 2: Whenever any competent city authority shall file with the governing body of the City of Overbrook, a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials, or shrubs, located on private property within the City of Overbrook are infected or infested with, or harbours, any tree or plant disease or insect, pest or larve, the uncontrolled presence of which may constitute a hazard to, or result in the damage or destruction of, other trees or shrubs in the community, describing the same and where located, the governing body of the City of Overbrook shall direct the city clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree material or shrub within 14 days of receipt of such notice; such notice shall be served by registered or certified mail, or personal service may be made by the city marshal, or other police officer, by delivering a copy thereof to the owner or agent of such property. If the property is unoccupied and the owner a non-resident, then the city clerk shall notify the owner by mailing a copy of the notice to the owner's last known address by registered or certified mail.

If the owner or agent shall fail to comply with the requirements of said notice within the time specified therein, then the city forester, street superintendent or other designated officer shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk, and the cost of such treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub was located. The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs and the county clerk shall extend the same on the tax roll of the county against said lot or parcel of ground. The cost of such work shall be paid from the general fund of the city, or from moneys derived from the levy authorized by K.S.A. 12-3203, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city.

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 the city as provided by law.

PASSED AND APPROVED THIS 9th DAY OF May, 1990.


Richard Hamit
RICHARD HAMIT, MAYOR

ATTEST: Mildred Cannon

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, TREATMENT AND REMOVAL OF TREES AND SHRUBBERY UPON ALL STREETS, ALLEYS, AVENUES AND BOULEVARDS WITHIN THE CITY OF OVERBROOK, KS:

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

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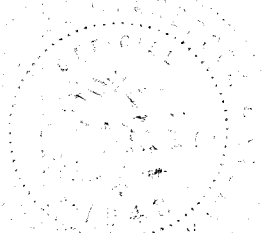
If the owner or agent shall fail to comply with the requirements of said notice within the time specified therein, then the city forester, street superintendent or other designated officer shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk, and the cost of such treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub was located. The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs and the county clerk shall extend the same on the tax roll of the county against said lot or parcel of ground. The cost of such work shall be paid from the general fund of the city, or from moneys derived from the levy authorized by K.S.A. 12-3203, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city.

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 the city as provided by law.

PASSED AND APPROVED THIS 9th DAY OF May, 1990.

Richard Hamit
RICHARD HAMIT, MAYOR

ATTEST: Mildred Cannon
MILDRED J. CANNON, CITY CLERK



AN ORDINANCE AMENDING ORDINANCE No. 95 (ZONING) BY CHANGING CERTAIN PROVISIONS OF SECTION 15, SUB-SECTIONS 3A & 3C, REGARDING ZONING BOARD OF APPEALS HEARING FEES.

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

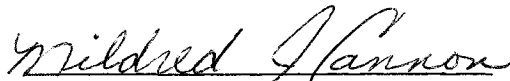
SECTION 1. That Section 15, Sub-sections 3A and 3C be amended by striking the figure \$10.00 and inserting the figure \$30.00 in its place.

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 March 14 1990.


MAYOR RICHARD HAMIT

ATTEST:


MILDRED J. CANNON, CITY CLERK

(SEAL)

ORDINANCE NO. 164

AN ORDINANCE CONCERNING MANUFACTURED HOUSING IN RESIDENTIAL AREAS; AMENDING THE DEFINITIONS SECTION AND PERMITTED USE TABLE OF ORDINANCE NO. 95 OF THE CITY OF OVERBROOK, KANSAS, AND REQUIRING ZONING COMPLIANCE DOCUMENTS.

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

SECTION 1. Definitions. The definitions section of the zoning ordinance No. 95 of the City of Overbrook is amended by adding the following terms and definitions:

DWELLING UNIT. An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

MANUFACTURED HOUSE. A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) promulgated by the U.S. Department of Housing and Urban Development.

MANUFACTURED HOUSE, CLASS A. A manufactured house constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

(a) The manufactured house has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

(b) The manufactured house has a minimum of 1,000 square feet of enclosed and heated living area;

(c) The pitch of the roof of the manufactured house has a minimum vertical rise of 4 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(d) All roof structures shall provide an eave projection of no less than 12 inches, excluding gutter;

(e) The exterior siding consists predominately of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the city;

(f) The manufactured house is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards (NCS/BCS A225.1) (Manufactured Home Installations) chapter 2 herein adopted by reference and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

(g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the city building code attached firmly to the primary structure and anchored securely to the ground; and

(h) The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to ensure that a Class A manufactured house, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

MANUFACTURED HOUSE, CLASS B. A manufactured house constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (f), (g) and (h) for Class A houses above.

MANUFACTURED HOUSE, CLASS C. Any manufactured house as defined in this ordinance that does not meet the definitional criteria of a Class A or Class B manufactured house.

SECTION 2. Permitted Uses. The Permitted Use Table of the zoning ordinance is amended by adding the following permitted uses in the districts designated.

	<u>R-1</u>	<u>R-2</u>	<u>M-1</u>
Class A Man. House	P	P	P
Class B Man. House			P
Class C Man. House			P

(P = Permitted Use)

SECTION 3. Zoning Compliance Documents. A zoning compliance permit must be secured by the owner of a manufactured house from the city building inspector before a Class A, B or C manufactured house may be placed on a lot zoned for residential purposes. A building permit must also be secured by the owner of the house. The building permit shall state all applicable conditions and requirements and state that any violations will be subject to appropriate enforcement action. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured from the city. The certificate shall state that the house owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur.

These permits required shall be in addition to all other necessary permits.

SECTION 4. Effective Date. This ordinance shall be effective upon publication in the official city newspaper and shall apply to the placement of any manufactured house on or after that date.

Adopted this 14th day of March, 1990, by the governing body of the City of Overbrook.

Dorcas Delamater
Mayor

ATTEST: Mildred Cannon
City Clerk

* * * * *

MEMO TO THE PUBLISHER: Please publish once and make proof of publication to Mrs. Mildred Cannon, City Clerk, Overbrook, Kansas 66524. Thank you.

(b)

MANUFACTURED HOUSE, CLASS C. Any manufactured house as defined in this ordinance that does not meet the definitional criteria of a Class A or Class B manufactured house.

Repealed

ORDINANCE NO. 165

AN ORDINANCE AMENDING ORDINANCE NO. 121 (INOPERABLE VEHICLES) BY CHANGING THE PROVISIONS IN SECTION 7 THEREOF.

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

SECTION 1: That Ordinance No. 121, Section 7, is hereby amended by striking all the words therein and substituting the following in lieu thereof:

"ADMINISTRATIVE PROCEDURE. Whenever the Chief of Police shall observe a 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 such inoperable vehicle is located, a written notice. Such notice shall inform such person of the 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 Chief of Police shall commence prosecution under this ordinance."

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

PASSED AND APPROVED THIS 13th DAY OF June, 1990.

ORDINANCE NO. 166

AN ORDINANCE AMENDING ORDINANCE NO. 95 TO EXEMPT MOVED-IN BUILDINGS OF LESS THAN 200 SQUARE FEET FROM PARAGRAPH E OF SUBSECTION 1 OF SECTION 5, RESIDENTIAL DISTRICTS.

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

SECTION 1 -

SECTION 5, SUBSECTION 1, PARAGRAPH E is hereby amended by deleting the period at the end of the last sentence thereof and adding the following: "with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding properties shall be made by the city building inspector, so that said paragraph shall read as follows:

"E. Moved-in buildings, provided, however, that said buildings shall conform to all the provisions of this ordinance together with fire, safety and health regulations, and all other pertinent ordinances of the city of Overbrook, Kansas, and the laws of the state of Kansas, and said moved-in buildings shall conform with neighboring property to the extent that said buildings shall not devalue surrounding property. The determination as to whether or not said moved-in building devaluates surrounding property shall be made by the Board of Zoning Appeals with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector."

SECTION 6, SUBSECTION 1, PARAGRAPH E is hereby amended by deleting the period at the end of the last sentence thereof and adding the following: "with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector." So that said paragraph shall read as follows:

"E. Moved-in buildings, provided, however, that said buildings shall conform to all of the provisions of this ordinance together with fire, safety and health regulations, and all other pertinent ordinances of the city of Overbrook, Kansas, and the laws of the state of Kansas, and such moved-in buildings shall conform with neighboring property to the extent that said

Editors Note the above cropped line reads the neighboring property to the extent that said

buildings shall not devalue surrounding property. The determination as to whether or not said moved-in building devaluates surrounding property shall be determined by the board of zoning appeals with regard to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector."

SECTION 2 -

EFFECTIVE DATE. This ordinance shall be effective upon publication in the official city newspaper.

Adopted this 11th day of July, 1990, by the governing body of the City of Overbrook, Kansas.

ORDINANCE NO. 167

*Repealed by
Ord 182*

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: Incorporating by reference the "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," edition of 1990.

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

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 1990, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 167," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

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

PASSED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, the 12th day of September, 1990.

APPROVED BY THE MAYOR THIS 12th day of September 1990.

ORDINANCE NO. 168

AN ORDINANCE DECLARING CERTAIN MATTERS AS MOTOR VEHICLE NUISANCES WITHIN THE CITY OF OVERBROOK, KANSAS; PROVIDING FOR THE REMOVAL OR ABATEMENT OF MOTOR VEHICLE NUISANCES: AUTHORIZING THE ASSESSMENT OF COSTS AND PROVIDING FOR PENALTIES: AND REPEALING ORDINANCE NO. 121 and 165 OF THE CITY OF OVERBROOK, KANSAS:

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

SECTION 1. FINDINGS OF GOVERNING BODY. The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:

- (a) Service as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (c) Are a ready source of fire and explosion;
- (d) Encourage pilfering and theft;
- (e) Constitute a blighting influence upon the area in which they are located;
- (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

SECTION 2 DEFINITIONS. As used in this ordinance, unless the context clearly indicates otherwise:

- (a) *Inoperable* means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
- (b) *Vehicle* means, without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

SECTION 3 NUISANCES UNLAWFUL: DEFINED: EXCEPTIONS. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

(a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;

- (1) Absence of a current registration plate upon the vehicle;
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
- (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

(b) The provisions of this section shall not apply to:

- (1) Any motor vehicle which is enclosed in a garage or other building;
- (2) To the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or
- (3) To any person 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 and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

SECTION 4 THE CHIEF OF POLICE of the City of Overbrook shall be charged with the administration and enforcement of this article.

SECTION 5. COMPLAINTS; INQUIRY AND INSPECTION. The Chief of Police shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the board of health or the fire chief. The Chief of Police may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the Chief of Police shall make a written report of findings.

SECTION 6. RIGHT OF ENTRY. It shall be a violation of this ordinance to deny the Chief of Police the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

SECTION 7 NOTICE. Any person found by the Chief of Police to be in violation of Section 3 shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided, that if the owner or his or her agent in charge of the property is a resident of Osage County, Kansas, the notice shall be personally served by the Chief of Police or his designated agent.

SECTION 8 SAME; CONTENTS. The notice shall state the condition(s) which is(are) in violation of Section 3. The notice shall also inform the person that;

(a) He, she or they shall have ten (10) days from the date of serving the notice to abate the condition(s) in violation of Section 3; or

(b) He, she or they have ten (10) days from the date of serving the notice to request a hearing before the governing body of the matter as provided by Section 12;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 9 and/or abatement of the condition(s) by the city as provided by Section 10.

SECTION 9 FAILURE TO COMPLY: PENALTY Should the person fail to comply with the notice to abate the nuisance or request a hearing, the Chief of Police may file a complaint in the municipal court of the city against such person and upon conviction of any violation of provisions of Section 3, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

SECTION 10 ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section 9, the Chief of Police may seek to remedy violations of this article in the following manner. If a person whom a notice has been sent pursuant to Section 7 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time period specified in Section 8, the Chief of Police may present a resolution to the governing body for adoption authorizing the Chief of Police or other agents of the city to abate the conditions causing the violation at the end of ten (10) days after passage of the resolution.

The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 13. A copy of the resolution shall be served upon the person in violation in one of the following ways;

(a) Personal service upon the person in violation;
(b) Service by restricted mail, postage prepaid, return receipt requested; or
(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the Chief of Police and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premise where such condition exists.

SECTION 11 DISPOSITION OF VEHICLE. Disposition of any motor vehicle removed and abated from private property pursuant to this ordinance shall be as provided by K.S.A. Supp. 8-1102, as amended.

SECTION 12 HEARING. If a hearing is requested within the ten (10) day period as provided in Section 8, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the Chief of Police before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter provided in Section 10.

SECTION 13 COSTS ASSESSED. If the city abates the nuisance pursuant to Section 10, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

SECTION 14 That Ordinance No. 121 and 165 of the City of Overbrook, Kansas are hereby repealed.

SECTION 15. This Ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 12th day of Sept. 1990.

Shepard

ORDINANCE NO. 169

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;

Part of the W 1/2 of the NW 1/4 of Section 5, Township 15 South, Range 17 East, described as follows: Beginning at the Southeast corner of the W 1/2 of said NW 1/4; thence North 01 degrees 22 minutes 02 seconds West along the East line of the W 1/2 of said NW 1/4, 544.23 feet to a point 300 feet South of the South line of Market Street; thence South 89 degrees 30 minutes 56 seconds West and parallel with the South line of Market Street, 277.28 feet to the West line of Ash Street extended; thence South 00 degrees 32 minutes 45 seconds East along the West line of Ash Street extended, 541.30 feet to the South line of the W 1/2 of said NW 1/4; thence South 89 degrees 54 minutes 37 seconds East along the South line of the W 1/2 of said NW 1/4, 285.12 feet to the point of beginning, containing 3.50 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 it's passage and approval and publication in the Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 19th day of Aug. 1991.

AN ORDINANCE PROHIBITING CROSS CONNECTIONS BETWEEN THE PUBLIC WATER SUPPLY OF THE CITY OF OVERBROOK, KANSAS AND ANY OTHER WATER OR ANY SUBSTANCE OF QUESTIONABLE OR UNKNOWN QUALITY, OR ANY SUBSTANCE WHICH WOULD TEND TO DEGRADE THIS PUBLIC WATER SUPPLY. INCORPORATING BY REFERENCE REGULATIONS PROVIDING FOR ENFORCEMENT THEREOF.

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

SECTION 1. PURPOSE. The purpose of this ordinance is to protect the public water supply of the City of Overbrook from contamination due to backflow or backsiphonage from any cross connection; and to prohibit and eliminate all cross connections to the public water supply; and to provide for the maintenance of continuing effective cross connection control program. This program shall include regularly scheduled inspections to detect and eliminate current cross connections as well as to prevent any future cross connections.

SECTION 2. CROSS CONNECTIONS PROHIBITED. No person, company, corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any cross connection whereby a private water supply, or any source of contamination may enter the regular public water supply of the City of Overbrook, unless said source is approved by the City Council of the City of Overbrook, the Kansas Department of Health and Environment.

SECTION 3. PROTECTIVE BACKFLOW PREVENTERS REQUIRED. Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where there is a hazard of contamination of the potable water supply system.

SECTION 4. INSPECTION. The city utility superintendent or other designate of the City Council of the City of Overbrook shall have the right of entry into any building or premises in the City as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the City of Overbrook, Kansas.

SECTION 5. PROTECTION FROM CONTAMINANTS. Pursuant to the authority given under Home Rule Powers and KSA 65-163a, the City of Overbrook, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. In addition, the City may immediately terminate water service to a premises where a backflow or backsiphonage condition exists which may be hazardous to the health of customers served by this public water supply system of the City of Overbrook.

SECTION 6. INCORPORATION BY REFERENCE. There is hereby incorporated by reference for the purpose of regulating cross connections between the public water supply and any sources of contamination that certain manual adopted by the Governing Body of the City of Overbrook known as, "MANUAL OF REGULATIONS REGULATING BACKFLOW AND BACKSIPHONAGE OF CONTAMINANTS DUE TO CROSS CONNECTIONS FOR THE CITY OF OVERBROOK PUBLIC WATER SUPPLY". No fewer than three copies of said manual shall be marked or stamped, "Official Copy as Adopted by Ordinance No. 170", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Osage County Chronicle, the official newspaper of the City of Overbrook.

PASSED AND APPROVED THIS 11th day of December 1991.

ORDINANCE NO. 171

AN ORDINANCE DESIGNATING THE MAY 1992 REGULAR COUNCIL MEETING TO BE HELD THE THIRD WEDNESDAY OF SAID MONTH.

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

SECTION 1. Due to the lack of quorum at the regularly scheduled May 1992 council meeting, said meeting is rescheduled to take place Wednesday May 20, 1992 at 7:30 p.m.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and publication in the official newspaper of the city as provided by law.

PASSED AND APPROVED THIS 8TH DAY OF APRIL, 1992.

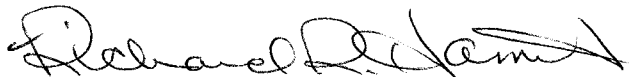
AN ORDINANCE AMENDING ORDINANCE NO. 101 (KENNEL ORDINANCE) BY CHANGING SECTIONS 2 AND 3.

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

SECTION 1: That Ordinance 101, Sections 2 and 3 are hereby amended by striking the word "dogs" and inserting the word animals.

SECTION 2; This ordinance shall become effective on the date of its publication in the official city newspaper.

PASSED AND APPROVED THIS 20th day of May 1992.

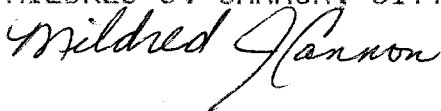


Mayor Richard Hamit

(SEAL)

ATTEST;

MILDRED J. CANNON, CITY CLERK



AN ORDINANCE AMENDING ORDINANCE NO. 1 BY CHANGING THE DESIGNATED DAY AND TIME WHEN REGULAR CITY COUNCIL MEETINGS WILL BE HELD AND PRESCRIBING ACTION TO BE TAKEN DUE TO LACK OF QUORUM ON REGULAR COUNCIL MEETING NIGHT.

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

SECTION 1: The Overbrook city council shall have regular meetings on the Second Wednesday of each month beginning at 7:30 p.m.

SECTION 2: When a quorum is not present to open a regular meeting, said meeting will be convened at 7:30 p.m. on the Third Wednesday of said month, unless otherwise designated by the governing body. Notice will be posted at city hall.

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

PASSED AND APPROVED THIS 20th DAY OF May 19 92.

Richard R. Hamit
MAYOR RICHARD HAMIT

ATTEST:

Mildred Cannon
MILDRED J. CANNON, CITY CLERK

SEAL

ORDINANCE NO. 174

AN ORDINANCE VACATING A PORTION OF SECOND STREET IN THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1: The following described street in the City of Overbrook, Osage County, Kansas:

That portion of Second Street from the East right-of-way line of Walnut Street, thence Eastward a distance of 140 feet, all in Coffman's Third Addition to the City of Overbrook, according to the recorded plat thereof,

Previously dedicated to public street use, is hereby vacated, pursuant to K.S.A. 15-427.

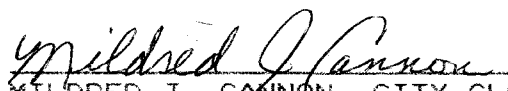
SECTION 2: This ordinance shall take effect and be in force from and after its passage approval and publication as provided by law.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 1992.


RICHARD HAMIT, MAYOR

(SEAL)

ATTEST:


MILDRED J. CANNON, CITY CLERK

AN ORDINANCE PROVIDING FOR THE APPOINTMENT, TERM OF OFFICE, AND DUTIES OF THE ASSISTANT CITY CLERK FOR THE CITY OF OVERBROOK, KANSAS.

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 council, 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. In the event the city clerk is unable to fulfill the duties of that office, the assistant city clerk shall become the acting city clerk and shall fulfill the duties of that office.

SECTION 5. Compensation of the assistant city clerk shall be set by ordinance passed by the governing body.

SECTION 6. This ordinance shall be in effect from and after its passage, approval, and publication in the official city newspaper.

Passed and approved this August 3, 1992.

Debra D. Daniel
Mayor

ATTEST:

Cheryl A. Brown
Assistant City Clerk

(SEAL)

* * * * *

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

Stephen Jones
Coffman, Jones & Gilliland
Lyndon, Kansas

500th Side
Car Wash

AN ORDINANCE ANNEXING CERTAIN LAND 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 annex said land to the City; and

WHEREAS, said Governing Body deems the annexation of said land 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:

The South 335 feet of the North 635 feet of the East 262 feet of the Southeast 1/4 of Section 6, Township 15 South, Range 17 East of the 6th P.M., according to the United States Government Survey thereof, in Osage County, Kansas;

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, upon publication in The Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 9th day of September 1992.

ATTEST:

Cheryl S. Brown
City Clerk

Richard D. Hamel
Mayor

(SEAL)

repealed by
Ord 178

ORDINANCE NO. 177

AN ORDINANCE AMENDING ORDINANCE NO. 162 TO REQUIRE OWNERS OF PROPERTY TO TRIM BRANCHES AND LIMBS OF TREES OR SHRUBBERY HANGING OVER ANY SIDEWALK OR THE TRAVELED PORTION OF ANY STREET, AVENUE, BOULEVARD OR ALLEY LESS THAN 12 FEET ABOVE THE SAME.

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

SECTION 1 of Ordinance No. 162 is hereby amended to read as follows:

SECTION 1: It shall be the duty of the owner of property abutting any street, avenue, alley or parking within the city of Overbrook, Kansas, to maintain, trim and, where necessary, remove the trees and shrubbery located in the parking or on their property so that they will not hang down over any sidewalk or the traveled portion of any street, avenue or alley less than twelve (12) feet above the level of such sidewalk, street or alley. It shall further be the duty of such owner to treat such trees and shrubbery when infected with disease or insect pests or larvae.

SECTION 2: EFFECTIVE DATE. This Ordinance shall be effective upon publication in the official city newspaper.

Adopted this 14th day of October, 1992, by the governing body of the city of Overbrook, Kansas.

Robert DeWitt
Mayor

Attest: *Cheryl L Brown*
City Clerk

(SEAL)

* * * * *

MEMO TO PUBLISHER: Please publish once and make proof of publication to City Clerk, Overbrook, Kansas 66524. Thank you.

AN ORDINANCE AMENDING ORDINANCE NO. 162 AND REPEALING ORDINANCE NO. 177 TO REQUIRE OWNERS OF PROPERTY TO TRIM BRANCHES AND LIMBS OF TREES OR SHRUBBERY HANGING OVER ANY SIDEWALK LESS THAN 8 FEET, OR THE TRAVELED PORTION OF ANY STREET, AVENUE, BOULEVARD, OR THE ALLEY LESS THAN 12 FEET ABOVE THE SAME.

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

SECTION 1 of Ordinance No. 162 is hereby amended to read as follows:

SECTION 1: It shall be the duty of the owner of property abutting any street, avenue, alley or parking within the city of Overbrook, Kansas, to maintain, trim and, where necessary, remove the trees and shrubbery located in the parking or on their property so that they will not hang down over any sidewalk less than eight (8) feet above the level of such sidewalk, or twelve (12) feet above any traveled portion of any street, avenue, or alley above the level of such street, avenue, or alley. It shall further be the duty of such owner to treat such trees and shrubbery when infected with disease or insect pests or larvae.

SECTION 2: That Ordinance No. 177 of the city of Overbrook, Kansas is hereby repealed.

SECTION 3: EFFECTIVE DATE. This Ordinance shall be effective upon publication in the official city newspaper.

Adopted this 9th day of December, 1992, by the governing body of the city of Overbrook, Kansas.


Robert R. Bennett
Mayor

Attest: Cheryl L. Brown
City Clerk

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC LIQUOR; PROVIDING FOR THE LICENSING OF PERSONS SELLING THE SAME; PRESCRIBING LICENSE FEES; PROVIDING FOR THE LOCATION OF THE SAME; PROVIDING FOR BUSINESS REGULATIONS; PROVIDING FOR THE REVOCATION OF LICENSES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF:

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

SECTION 1. The terms and phrases used in this ordinance shall be construed as having the meaning attached to the same, as defined in K.S.A. Chapter 41, Article 26.

SECTION 2. LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license or a private club license (Class A or Class B clubs) by the State of Kansas or any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any alcoholic liquor authorized by such license within the City without first obtaining a city license from the City Clerk.

SECTION 3. 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 4. LICENSE FEE.

- (a) There is hereby levied an annual license fee for each drinking establishment and private club located in the city which has a license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license or in any event, no later than December 30th of the year preceding said license year.
- (b) All applications for new or renewal city licenses shall be submitted to the City Clerk. Upon presentation of a state license, payment of the city license fee and the license application, the City Clerk shall issue a city license for the period covered by the State license (one year), if there are no conflicts with any zoning or alcoholic beverage ordinances of the City.
- (c) The City license fee for a Class A club shall be \$250.00 and for a Class B club shall be \$250.00. The city license fee for a drinking establishment shall be \$250.00. There is hereby levied an annual license fee in the amount of \$250.00 on each caterer doing business in the City who has a caterer's license.
- (d) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason and no license under this act shall be transferable.

- (e) Every licensee shall cause the city license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises, and in the event of a caterer's license, to be placed in plain view on any premises where the caterer is serving or mixing alcoholic liquor for consumption.

SECTION 5. BUSINESS REGULATIONS.

- (a) No licensee hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) No license shall be issued to any person who is not qualified to hold the same within the provisions of K.S.A. Chapter 41, Article 26.

SECTION 6. NOTICE TO CHIEF OF POLICE. Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall notify the Chief of Police where the event will take place if the event is within the City.

SECTION 7. Each licensee shall follow all applicable provisions of K.S.A. 41-2601 et. seq. as amended, and the Governing Body shall have the authority to revoke any license issued, for any of the causes set out in K.S.A. 41-2704, or for any violations of the terms of this Ordinance.

SECTION 8. PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five (5) days notice, written, to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license and the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by

- (a) a fine of not more than \$500.00; or
- (b) imprisonment in jail for not more than one year; or,
- (c) both such fine and imprisonment not to exceed (a) and (b) above

SECTION 9. This ordinance shall take effect and be in force from and after its passage by the Governing Body, approved by the Mayor, and publication in the official city newspaper.

PASSED BY the Governing Body and APPROVED by the Mayor of Overbrook, Kansas this 10th day of March, 1993

AN ORDINANCE CHANGING THE NAME OF FOURTH STREET IN THE CITY OF OVERBROOK, KANSAS.


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

SECTION ONE: That the name of Fourth Street in the city of Overbrook be changed, throughout its length, to Santa Fe Trail Street.

SECTION TWO: All Ordinances previously enacted and in conflict herewith are hereby repealed.

SECTION THREE: This Ordinance shall take effect and be in force on and after the date of publication in the official city newspaper.

ADOPTED AND APPROVED at the regular meeting of the governing body of the city of Overbrook, Kansas, this 14th day of April, 1993.


MAYOR

ATTEST: 
City Clerk

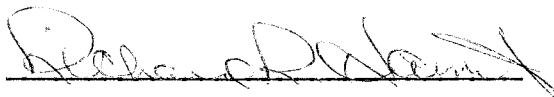
AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 1993, AND REPEALING ORDINANCE NO. 161.

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 with 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 1993, 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. 181" 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 fo 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 14th DAY OF July, 1993.



RICHARD R. HAMIT, MAYOR

ATTEST
(SEAL)



CHERYL L. BROWN, CITY CLERK

AN ORDINANCE REGULATING PUBLIC OFFENSES WITH THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 1993, AND REPEALING ORDINANCE NO. 167.

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

SECTION I: INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 1993, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 182," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

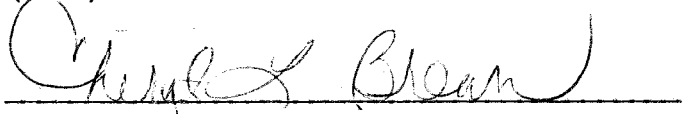
SECTION II: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 11th DAY OF August, 1993.



RICHARD R. HAMIT, MAYOR

ATTEST
(SEAL)



Cheryl L. Brown, City Clerk

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.

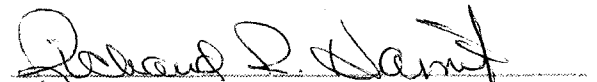
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK:

SECTION 1. It is hereby determined by the Governing Body that it is in the best interest of the City of Overbrook, and necessary that an additional 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 21 September 1993.



Mayor

ATTEST:


City Clerk

(SEAL)

ORDINANCE NO. 184

AN ORDINANCE RELATING TO CURFEW FOR PERSONS UNDER AGE 18 IN THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1: CURFEW. (a) It shall be unlawful for any person under 18 years of age to loiter, lounge, loaf, wander, or play in or upon any public street, alley, public park, square or municipal parking lot or any sidewalk appurtenant thereto within the city after the hour of 11:00 p.m. and before the hour of 6:00 a.m. the following day Sunday through Thursday and after 12:00 midnight and before the hour of 6:00 a.m. Saturday and Sunday.

(b) The provisions of subsection (a) shall not apply to any person under the age of 18 whose parent or legal guardian has renounced his or her right to the care, custody and earnings of that person or to any person under the age of 18 who is legally married.

SECTION 2: SAME; EXCEPTIONS. The curfew restrictions set out in Section 1 of this ordinance shall not apply under the following circumstances:

(a) When the person under 18 years of age is accompanied by his or her parent or guardian;

(b) When the person under 18 years of age is attending a church or school function or other activity organized or sponsored by and under the supervision of a church or school or sponsored by parents or while returning home from any such function or activity by way of the most direct route;

(c) When the person under 18 years of age is going to or from a place of lawful employment by way of the most direct route;

(d) When the person under 18 years of age is engaged in normal travel through, to or from the city to another destination.

SECTION 3: SAME; VIOLATIONS. (a) Any police officer finding a person under 18 years of age in violation of Section 1 shall ascertain the name and address of the minor and warn the minor that he or she is in violation of the curfew and shall direct the minor to proceed at once to his or her home or usual place of abode.

(b) If any minor refuses to heed the warning or direction by any police officer or refuses to give his or her correct name and address, he or she shall be taken to the police department and the parent, guardian or other adult having the care and custody of the minor shall be notified to come and take charge of the minor.

SECTION 4: SAME; PERMITTING VIOLATION OF CURFEW. It shall be unlawful for a parent, guardian or other person lawfully entitled to the care, custody or control of any person under 18 years of age to knowingly suffer or permit such person to violate Section 1.

SECTION 5: This ordinance shall take effect and be in full force and effect from and after its final passage, approval and publication in the official city newspaper provided by law.

ADOPTED this 13th day of October, 1993.

Richard D. Klement
Mayor

ATTEST: Cheryl L. Brown
City Clerk

(SEAL)

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

Lots 9 and 11, Block 2, Coffman's First Addition, Overbrook, Osage County, Kansas, 66524.

FROM R-2 (MULTIPLE 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:

Lots 9 and 11, Block 2, Coffman's First Addition, Overbrook, Osage County, Kansas, 66524.

from R-2 (Multiple Family Dwelling) to B-1 (General Business and Commercial)

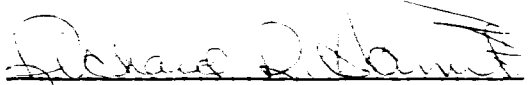
be adopted by the Governing Body of the City of Overbrook, Kansas.

SECTION 2. That the above-described property is rezoned from R-2 (Multiple 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.

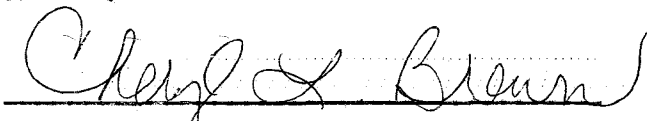
SECTION 4. This ordinance shall be in effect from and after its passage, approval, and publication in the official city newspaper.

Passed and approved this January 12, 1994.



Mayor

ATTEST:



City Clerk

mini-~~orange~~

ORDINANCE NO. 186

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS, AND PROVIDING FOR ZONING CLASSIFICATION OF THE SAME.

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 annex said land to the City; and

WHEREAS, said Governing Body deems the annexation of said land to be beneficial to said City; and

WHEREAS, pursuant to the City's Zoning Ordinance, the City of Overbrook Planning Commission held a public hearing on August 9, 1994, to consider the owners' request to re-zone the following described real property; and

WHEREAS, on August 10, 1994, the City of Overbrook Governing body received a recommendation from the Planning Commission that the real estate described herein be zoned as B-1, Commercial or Business; and

WHEREAS, said Governing Body deems the zoning of said land as B-1, Commercial or Business, 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 1/4 of the Southeast 1/4 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 to the City of Overbrook; thence South 295 feet to the South line of said Section; thence West along said line 180 feet; thence North 295 feet; thence East 180 feet to the point of beginning, in Osage County, Kansas.

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

SECTION 2. The aforesaid real property is hereby designated as B-1, Commercial or Business, for purposes of zoning classification.

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

SECTION 4. This ordinance shall take effect and be in force from and after its passage and approval, and upon publication in the Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 25th day of August, 1994.

Richard R. Hamel
MAYOR

ATTEST:

Cheryl A. Brown
City Clerk

(SEAL)

ORDINANCE NO. 187

AN ORDINANCE DESIGNATING A PORTION OF SEVENTH STREET IN THE CITY OF OVERBROOK, KANSAS, A ONE-WAY STREET.

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

SECTION ONE: Seventh Street in the City of Overbrook, between Maple Street and Locust Street, shall be designated a one-way street, permitting only westbound traffic thereon.

SECTION TWO: The street department and city Police Chief shall install official traffic-control devices directing all traffic westbound only on said portion of Seventh Street.

SECTION THREE: All ordinances previously enacted and in conflict herewith are hereby repealed.

SECTION FOUR: This ordinance shall take effect and be in force on and after the date of publication in the official city newspaper.

ADOPTED AND APPROVED at the regular meeting of the governing body of the City of Overbrook, Kansas, this 14th day of September,

1994.

ORDINANCE NO.

188

AN ORDINANCE ESTABLISHING THE SPEED LIMIT ON DEVON STREET BETWEEN SECOND STREET AND SANTA FE TRAIL;; ON SURREY LANE BETWEEN SECOND STREET AND SANTA FE TRAIL STREET; AND ON SECOND STREET BETWEEN DEVON STREET AND SURREY LANE STREET.

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

SECTION 1. The maximum lawful speed on Devon Street between Second Street and Santa Fe Trail Street; and on Surrey Lane between Second Street and Santa Fe Trail Street; and on Second Street between Devon Street and Surrey Lane 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

September 14 of 19 94.

ORDINANCE NO. 189

AN ORDINANCE REGULATING PUBLIC OFFENSES WITH THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 1994, AND REPEALING ORDINANCE NO. 182.

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

SECTION I. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain code known as the "Uniform Public Offense Code", Edition of 1994, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 190", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION II. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 14th DAY OF September, 1994.

ORDINANCE NO. 190

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 1994, AND REPEALING ORDINANCE NO. 181.

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 1994, 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. 189" and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance 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

14th

DAY OF

September

,

CERTIFICATE

I, Cheryl Brown, city clerk for the city of Overbrook, hereby certify that the foregoing is a true and correct copy of the original Ordinance No. 190, that said Ordinance was passed on the 14th day of Sept., 1994; that the record of the final vote on its passage is found on page 2 of journal Sept.; that it was published in the Osage County (name of newspaper) on the 22nd day of Sept.,
Chronicle
1994.

ORDINANCE NO. 191

AN ORDINANCE VACATING A PORTION OF ELM STREET IN THE CITY OF OVERBROOK, KANSAS.

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

SECTION I. The following described street in the City of Overbrook, Osage County, Kansas:

That portion of Elm Street from the North right-of-way line of Eighth Street (Highway 56), thence Southward a distance of 250 feet, all in Coffman's First West Addition to the City of Overbrook, according to the recorded plat thereof,

Previously dedicated to public street use, is hereby vacated, pursuant to K.S.A. 15-427.

SECTION 2. This ordinance shall take effect and be in force from and after it's passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 12th DAY OF October, 1994

ORDINANCE NO. 192

AN ORDINANCE DECLARING CERTAIN MATTERS AS NUISANCES WITHIN THE CITY OF OVERBROOK, KANSAS; PROVIDING FOR THE REMOVAL OR ABATEMENT OF NUISANCES; AUTHORIZING THE ASSESSMENT OF COSTS AND PROVIDING FOR PENALTIES.

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

SECTION I. NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

- (a) Filth, excrement, cans, paper, trash, junk, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- (b) All dead animals not removed within 24 hours after death;
- (c) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- (d) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (e) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or any icebox or refrigerator not in actual use unless the door, opening, or lid thereof is unhinged, or unfastened and removed therefrom;
- (f) All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- (g) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public grounds so as to obstruct the same, except as permitted by the laws of the city.

SECTION II. PUBLIC OFFICER. The governing body of the City of Overbrook shall designate a public officer to be charged with the administration and enforcement of this ordinance.

SECTION III. COMPLAINTS; INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon receiving a complaint, or complaints in writing stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the board of health, chief of police, or the fire chief. The public officer may also make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection, the public officer shall make a written report of findings.

SECTION IV. RIGHT OF ENTRY. It shall be a violation of this ordinance to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

SECTION V. NOTICE. Any person, corporation, partnership or association found by the public officer to be in violation of Section I shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided, that if the owner of his or her agent in charge of the property is a resident of Osage County, Kansas, the notice shall be personally served by the public officer or a law enforcement officer.

SECTION VI. SAME; CONTENTS. The notice shall state the condition(s) which is (are) in violation of Section I. The notice shall also inform the person, corporation, partnership or association, that:

- (a) He, she or they shall have 10 days from the date of serving the notice to abate the condition(s) in violation of Section I; or
- (b) He, she or they have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided in Section IX;
- (c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section VII and/or abatement of the condition(s) by the city as provided by Section VIII.

SECTION VII. FAILURE TO COMPLY; PENALTY. Should the person, corporation, partnership or association fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violation of provisions of Section I, be fined in an amount not to exceed \$100.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

SECTION VIII. ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section VII, the public officer may seek to remedy violations of this section in the following manner. If a person to whom a notice has been sent pursuant to Section V has neither alleviated the conditions causing the alleged violation, nor requested a hearing before the governing body within the time periods specified in Section VI, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section X. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Service by restricted mail, postage prepaid, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper, and by posting a copy of the resolution on the premises where such a condition exists.

SECTION IX. HEARING. If a hearing is requested within the 10 day period as provided in Section VI, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest

the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section VIII.

SECTION X. COSTS ASSESSED. If the city abates the nuisance pursuant to Sectio VIII, the costs of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

SECTION XI. ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION XII. This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 14th day of December, 1994.

ORDINANCE NO. 193

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 REPEALING SECTION I OF ORDINANCE NO. 153.

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

SECTION I. That there is hereby assigned and fixed, the following monthly rates and charges for the use of water from the waterworks system supplied by the City of Overbrook:

MINIMUM CHARGE -- FIRST 1,000 GALLONS.....\$9.00
ALL OVER 1,000 GALLONS....\$4.00/1000 gal or fraction thereof

PUBLIC SCHOOLS WITHIN THE CITY LIMITS OF OVERBROOK SHALL BE SUBJECT TO A MONTHLY CHARGE OF A FLAT RATE OF \$4.00 PER 1,000 GALLONS.

SECTION II. That a deposit of \$75.00 will be required for each initial water service, to be refunded with interest (rate to be determined by current Kansas statute) after a period of 12 months satisfactory payments, which is to mean payments made on or before the 20th of the month.

SECTION III. That a letter of credit from the previous water utility company will be accepted in lieu of the \$75.00 deposit, providing said service is comprised of at least 12 months payment record.

SECTION IV. That said Section I. of Ordinance No. 153 is hereby repealed.

SECTION V. 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.

APPROVED THIS 11th DAY OF January, 1995

ORDINANCE NO. 194

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

WHEREAS, the owner of the real property hereinafter described in the enacting portion of this Ordinance has petitioned the governing body of said City to annex said land to the City; and

WHEREAS said governing body deems the annexation of said land to be beneficial to said City, which land adjoins said City of Overbrook, Kansas.

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 lying in part of the E 1/2 of the NW 1/4 of Section 5, Township 15 South, Range 17 East of the 6th P.M., Osage County, Kansas, and being described as follows: Beginning at the SW corner of the E 1/2 of the NW 1/4 of said section; thence N 01°13'14" W (assumed bearing) along the West line of said E 1/2 894.31 feet; thence N 89°39'45" E 868.08 feet; thence S 01°14'40" E 590.03 feet to the NW corner of a cemetery; thence continuing S 01°14'40" E 313.09 feet to the south line of said E 1/2; thence N 89°45'23" W along said south line 868.63 feet to the point of beginning; containing 17.91 acres, more or less,

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, upon publication in the Osage County Chronicle, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 12th day of April, 1995.

PETITION TO ADD PROPERTY

MEADOWBROOK, INC., owner of the following-described real property in

Osage County, Kansas, which land adjoins the City of Overbrook, Kansas:

A tract of land lying in part of the E 1/2 of the NW 1/4 of Section 5, Township 15 South, Range 17 East of the 6th P.M., Osage County, Kansas, and being described as follows: Beginning at the SW corner of the E 1/2 of the NW 1/4 of said section; thence N 01°13'14" W (assumed bearing) along the West line of said E 1/2 894.31 feet; thence N 89°39'45" E 868.08 feet; thence S 01°14'40" E 590.03 feet to the NW corner of a cemetery; thence continuing S 01°14'40" E 313.09 feet to the south line of said E 1/2; thence N 89°45'23" W along said south line 868.63 feet to the point of beginning; containing 17.91 acres more or less,

hereby petitions the Governing Body of the City of Overbrook, Overbrook, Osage County, Kansas, to add said property to the corporate limits of said City and consents to the hearing and allowance of this Petition at any time and the addition of said property by an ordinance duly enacted by said Governing Body.

Dated this 27TH day of MARCH, 1995.

ORDINANCE NO. 195

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 1995, "WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NO. 189.

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

SECTION I. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 1995, prepared and published in book form by the League of Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 195," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION II. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 11th DAY OF October, 1995.

ORDINANCE NO. 196

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 1995, AND REPEALING ORDINANCE NO. 190.

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 1995, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 196," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance 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 in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 11th DAY OF October, 1995.

ORDINANCE NO. 197

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY CHANGING SECTION 12.

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

SECTION 1. That Ordinance No. 95, Section 12 is hereby amended by adding the phrase "No building permit shall be approved by the building inspector or issued by the city clerk until all city utility service connections have been paid for in full when said utility service connections are deemed necessary.

SECTION 2. This ordinance shall take effect from and after its passage, adoption, and publication in the official city newspaper.

PASSED AND ADOPTED this 8th day of November, 1995.

ORDINANCE NO. 198

AN ORDINANCE AMENDING ORDINANCE NO. 97 (WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME) BY CHANGING CERTAIN PROVISIONS OF SECTION 7 REGARDING SERVICE CONNECTION FEES.

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

SECTION 1. That Ordinance No. 97, Section 7 be amended by striking the figure \$350.00 and inserting the figure \$500.00 in its place.

SECTION 2. That this ordinance shall take effect and be in force from and after its passage, adoption, and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 8th DAY OF November, 1995.

An ordinance granting an non-exclusive franchise for a period of ten (10) years to CABLEVISION of TEXAS III, L.P. (d.b.a. CABLEVISION). for the construction, maintenance and operation of a community antenna system and lines of television co-axial cables, including poles, wires, land fixtures where necessary upon, along, through and over and under streets, alleys, bridges and other public places of the CITY of OVERBROOK, KANSAS. Be it ordained by the CITY COUNCIL of the CITY of OVERBROOK, KANSAS as follows:

SECTION 1. In consideration of the benefits to be derived by the citizens and inhabitants of the CITY of OVERBROOK, KANSAS, and the privilege license to be paid as hereinafter set out, there is granted to CABLEVISION of TEXAS III, L.P. (d.b.a. CABLEVISION), hereinafter called grantee, its successors and assigns, for a period of ten (10) years from the effective date of this ordinance, exclusive right, privilege and authority to construct, maintain and operate a plant or plants and system for the distribution and transmission of television signals and operation of a community antenna system and lines of television co-axial cables, including poles, wire, and fixtures where necessary upon, along, through, over and under streets, alleys bridges and other public places of the CITY of OVERBROOK, KANSAS, subject to the ordinances, rules, and regulations of the CITY of OVERBROOK, KANSAS, and subject to the conditions of the provisions of this ordinance.

SECTION 2. The grantee agrees to a mid-term performance review at the end of the first five (5) years of this franchise. The following criteria shall be used as a basis for determining satisfactory performance:

1. Addition of Prime Sports, will be completed by September 1, 1996.
2. Timely response to customers complaints and concerns.
3. Continued quality reception.
4. Maintain the level of service on the Overbrook system with cable systems in similarly situated communities in the geographic area.

SECTION 3. There is hereby granted the further right, privilege and authority to the grantee to lease, rent, or in any other manner obtain the use of such towers, poles, lines cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate lines of the CITY of OVERBROOK, KANSAS and use of such towers, poles, lines cables and other equipment and facilities, subject to all the existing and future ordinances and regulations of the CITY of OVERBROOK, KANSAS.

SECTION 4. The grantee, its successors or assigns, may from time to time declare, make and enforce reasonable rules and regulations as conditions for the sales and distribution by it of television signals to any, firm or corporation.

SECTION 5. Whenever the grantee shall cause any opening, alteration or change what so ever to any owned or controlled by the CITY of OVERBROOK, KANSAS for any purpose, the work shall be completed within a reasonable time, and the grantee shall upon the completion of such work restore the property disturbed or changed to as good a condition as it was before such opening, alteration or change, and shall hold the CITY of OVERBROOK, KANSAS, free and harmless and free from all claims and damages arising from or by reason of the laying or erection, construction, maintenance or operation of said cables, laterals or the distribution system or accessories thereto.

SECTION 6. Whenever the CITY of OVERBROOK, KANSAS, finds that the construction of any of its streets and properties requires the relocation of any part of grantee's system, the CITY of OVERBROOK, KANSAS, may order the grantees to relocate the grantee's properties therefore, and shall be done at the sole expense of the grantee.

SECTION 7. The rights and privileges granted in this ordinance are upon the following terms and conditions:

As a permit fee and as compensation for the rights and privileges enjoyed hereinafter, the grantees shall pay to the CITY of OVERBROOK, KANSAS, on a quarterly basis an amount equal to three (3) percent of their gross income from revenues for the preceding quarter. The city shall have all reasonable rights of inspection and audit of the grantee's books and records. The permit fee herein provided shall be in lieu of any privilege tax.

SECTION 8. In the event the television service or the community antenna system shall be interrupted or fail to function by reason of act of God, accident or cause otherwise beyond the control of the grantee, the grantee shall restore the service in a reasonable time and such interruption shall not constitute a breach of this franchise.

SECTION 9. If any of the provisions of this ordinance shall be held invalid or void, it shall not effect the validity of the remainder, but the remainder shall stand.

SECTION 10. The City shall publish the executed Franchise Ordinance in the local newspaper. A copy of the publication shall be sent to the Grantee.

PASSED THIS 8th day of November, 1995

An ordinance providing for and approving the transfer of the cable television franchise in the City of Overbrook granted pursuant to Ordinance No. 200, dated May 8 19 96, the "Franchise Ordinance" amending the Franchise Ordinance in certain respects: providing for publication of the caption; providing for severability; and providing the effective date.

WHEREAS, by the Franchise Ordinance, the City of Overbrook has granted to Cablevision of Texas III, L.P., a Delaware Limited Partnership, the right, among other things, to operate a cable television facility within the municipal boundaries of the City of Overbrook; and

WHEREAS, Cablevision of Texas III, L.P. has requested that the City of Overbrook approve the proposed transfer of the Franchise Ordinance by Cablevision of Texas III, L.P. to Galaxy Telecom, L.P., a Delaware Limited Partnership, and the City of Overbrook is willing to consent to such transfer;

NOW THEREFORE, BE IT ORDAINED BY THE FRANCHISING AUTHORITY OF THE CITY OF Overbrook:

Section 1. Transfer of Franchise Ordinance. Pursuant to the Franchise Ordinance consent and approval is hereby granted by the City of Overbrook for the transfer of the Franchise Ordinance from Cablevision of Texas III, L.P. to Galaxy Telecom, L.P. or any controlled, affiliated or related corporation managed by the Galaxy companies or their principals to which the Ordinance may ultimately be assigned. The Mayor is hereby authorized to execute all instruments, documents and agreements in the name of and on behalf of the City of Overbrook which are necessary or desirable in connection with the sale from Cablevision of Texas III, L.P. to Galaxy Telecom, L.P. of the cable television facilities serving the City of Overbrook, including, without limitation, the Consent to Assignment attached hereto as Annex 1.

Section 2. Ordinance Affirmed and Extended. All terms and provisions of the Franchise Ordinance shall continue in full force and effect, except the term of the franchise which shall be extended for an additional ten (10) years from the date of closing of the sales transaction from Cablevision of Texas III, L.P., to Galaxy Telecom, L.P.

Section 3. Effective Date. This Ordinance shall be effective upon the closing of the sale from Cablevision of Texas III, L.P. to Galaxy Telecom, L.P. of the cable television facilities serving the City of Overbrook. Upon or after such closing, Galaxy Telecom, L.P., shall notify the City of Overbrook of the name of the entity to whom the Ordinance is assigned.

Section 4. The grantee agrees to a mid-term performance review at the end of the first five (5) years of this franchise. The following criteria shall be used as a basis for determining satisfactory performance:

1. Addition of Prime Sports will be completed by September 1, 1996.
2. Timely response to customers' complaints and concerns.
3. Continued quality reception.
4. Maintain a level of service in the Overbrook system that is similar to cable systems in the geographic area.

Section 5. Inconsistency. In the event any of the terms and provisions of any other ordinance or regulation of the City of Overbrook are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of the Ordinance shall govern and control.

Section 6. Publication. The City of Overbrook Secretary/Clerk is hereby directed to publish the caption of this Ordinance at least once in an official newspaper in the City of Overbrook as authorized by Statutes.

Signed on this the 8th day of May, 19 96.

CITY: OVERBROOK

STATE: KANSAS

ORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY AMENDING SECTION 15 (3) (B) CONCERNING NOTICE OF HEARING BEFORE THE BOARD OF ZONING APPEALS.

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


SECTION 1. Section 15 (3) (B) of Ordinance No. 95, which section concerns the time and place for hearing for appeals of the Board of Zoning Appeals, and the notice thereof, is hereby repealed, and in its place there is adopted the following:

"A time and place of hearing for the appeal shall be fixed by the Board within thirty (30) days from the perfection thereof, and notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the City Planning Commission. Any party may appear at said hearing in person or by attorney. The Board may render its decision upon the conclusion of said hearing or, in any event, not later than five (5) days from the adjournment of said hearing."

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 January 11, 1989.

ATTEST:



Mayor



City Clerk

(SEAL)

* * * * *

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

ORDINANCE NO. 164

AN ORDINANCE CONCERNING MANUFACTURED HOUSING IN RESIDENTIAL AREAS; AMENDING THE DEFINITIONS SECTION AND PERMITTED USE TABLE OF ORDINANCE NO. 95 OF THE CITY OF OVERBROOK, KANSAS, AND REQUIRING ZONING COMPLIANCE DOCUMENTS.

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

SECTION 1. Definitions. The definitions section of the zoning ordinance No. 95 of the City of Overbrook is amended by adding the following terms and definitions:

DWELLING UNIT. An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

MANUFACTURED HOUSE. A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) promulgated by the U.S. Department of Housing and Urban Development.

MANUFACTURED HOUSE, CLASS A. A manufactured house constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

(a) The manufactured house has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

(b) The manufactured house has a minimum of 1,000 square feet of enclosed and heated living area;

(c) The pitch of the roof of the manufactured house has a minimum vertical rise of 4 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(d) All roof structures shall provide an eave projection of no less than 12 inches, excluding gutter;

(e) The exterior siding consists predominately of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the city;

(f) The manufactured house is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards (NCS/BCS A225.1) (Manufactured Home Installations) chapter 2 herein adopted by reference and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

(g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the city building code attached firmly to the primary structure and anchored securely to the ground; and

(h) The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to ensure that a Class A manufactured house, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

MANUFACTURED HOUSE, CLASS B. A manufactured house constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (f), (g) and (h) for Class A houses above.

MANUFACTURED HOUSE, CLASS C. Any manufactured house as defined in this ordinance that does not meet the definitional criteria of a Class A or Class B manufactured house.

SECTION 2. Permitted Uses. The Permitted Use Table of the zoning ordinance is amended by adding the following permitted uses in the districts designated.

	<u>R-1</u>	<u>R-2</u>	<u>M-1</u>
Class A Man. House	P	P	P
Class B Man. House			P
Class C Man. House			P

(P = Permitted Use)

SECTION 3. Zoning Compliance Documents. A zoning compliance permit must be secured by the owner of a manufactured house from the city building inspector before a Class A, B or C manufactured house may be placed on a lot zoned for residential purposes. A building permit must also be secured by the owner of the house. The building permit shall state all applicable conditions and requirements and state that any violations will be subject to appropriate enforcement action. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured from the city. The certificate shall state that the house owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur.

These permits required shall be in addition to all other necessary permits.

SECTION 4. Effective Date. This ordinance shall be effective upon publication in the official city newspaper and shall apply to the placement of any manufactured house on or after that date.

Adopted this 14th day of March, 1990, by the governing body of the City of Overbrook.

Denise DeLam
Mayor

ATTEST: Mildred Cannon
City Clerk

* * * * *

MEMO TO THE PUBLISHER: Please publish once and make proof of publication to Mrs. Mildred Cannon, City Clerk, Overbrook, Kansas 66524. Thank you.

(h) The...

MANUFACTURED HOUSE...

1476

ORDINANCE NO. 166

AN ORDINANCE AMENDING ORDINANCE NO. 95 TO EXEMPT MOVED-IN BUILDINGS OF LESS THAN 200 SQUARE FEET FROM PARAGRAPH E OF SUBSECTION 1 OF SECTION 5, RESIDENTIAL DISTRICTS.

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

SECTION 1 -

SECTION 5, SUBSECTION 1, PARAGRAPH E is hereby amended by deleting the period at the end of the last sentence thereof and adding the following: "with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding properties shall be made by the city building inspector, so that said paragraph shall read as follows:

"E. Moved-in buildings, provided, however, that said buildings shall conform to all the provisions of this ordinance together with fire, safety and health regulations, and all other pertinent ordinances of the city of Overbrook, Kansas, and the laws of the state of Kansas, and said moved-in buildings shall conform with neighboring property to the extent that said buildings shall not devalue surrounding property. The determination as to whether or not said moved-in building devaluates surrounding property shall be made by the Board of Zoning Appeals with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector."

SECTION 6, SUBSECTION 1, PARAGRAPH E is hereby amended by deleting the period at the end of the last sentence thereof and adding the following: "with regards to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector." So that said paragraph shall read as follows:

"E. Moved-in buildings, provided, however, that said buildings shall conform to all of the provisions of this ordinance together with fire, safety and health regulations, and all other pertinent ordinances of the city of Overbrook, Kansas, and the laws of the state of Kansas. and such moved-in buildings shall conform with

buildings shall not devalue surrounding property. The determination as to whether or not said moved-in building devaluates surrounding property shall be determined by the board of zoning appeals with regard to buildings of more than 200 square feet. The determination as to whether or not said moved-in building of less than 200 square feet devaluates surrounding property shall be made by the city building inspector."

SECTION 2 -

EFFECTIVE DATE. This ordinance shall be effective upon publication in the official city newspaper.

Adopted this 11th day of July, 1990, by the governing body of the City of Overbrook, Kansas,

ATTEST:

Mildred Cannon
City Clerk

Robert W. Smith
Mayor

(seal)

* * * * *

MEMO TO PUBLISHER:

Please publish once and make proof of publication to Mrs. Mildred Cannon, City Clerk, Overbrook, Kansas, 66524.