

ORDINANCE NO. 362

AN ORDINANCE OF THE CITY OF OVERBROOK, KANSAS REGULATING THE SALE AND DISPLAY OF FIREWORKS

The City Council of the City of Overbrook, Kansas does ordain as follows:

FIREWORKS

Section 1. Fireworks Defined. For purposes of this ordinance, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas state fire marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

Section 2. Fireworks Prohibited.

(a) Except as provided in Sections 3:6; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks. The possession or control by any person of any devices described in this ordinance and so charged and filled, upon the property of another without his permission, shall be deemed prima facie evidence of an intent to use the same or cause the same to be used for an unlawful purpose.

(b) Nothing in this ordinance shall be construed as applying to:

- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
- (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
- (3) The military or naval forces of the United States or of this state while in the performance of official duty;
- (4) Law enforcement officers while in the performance of official duty; or
- (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

Section 3. Same: Exceptions; Discharges.

(a) Section 2 of this ordinance shall not apply to the firing or discharge of fireworks in the city between the hours of 8:00 a.m. and 10:30 p.m. on June 27th through July 5th, EXCEPT on Fridays and Saturdays when fireworks may be discharged from 8:00 a.m. until 12:00 midnight, and EXCEPT on July 4, when fireworks may be discharged from 8:00 a.m. until 12:00 midnight. It shall be unlawful for any person to discharge, fire off or explode any squib, rocket, firecrackers or Roman candle, or other combustible fireworks within the City of Overbrook from and after July fifth (5th) and prior to June twenty-seventh (27th) of each calendar year. Furthermore, it shall be unlawful to discharge the heretofore-described fireworks in any business district in the City of Overbrook at any time.

(b) The governing body of the city may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(c) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit authorizing the public display.

Section 4. Same: Exception; Sale of Fireworks. Any person who has first obtained a valid permit to sell fireworks within the city may do so between the hours of 8:00 a.m., and 12:00 midnight commencing June 27th and through July 5th of each year.

Section 5. Permit for Sale of Fireworks Required; Fee; Issuance.

(a) It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the city without first paying a fee of 50.00 per establishment or premises to the city clerk and applying for and securing a permit therefor on or before April 27th of the permit year.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.

(c) No permit shall be issued without an application for permit, which includes the following information:

- (1) Name, address and contact information of the applicant.
- (2) Proposed location of the fireworks display
- (3) Such other information as the governing body deems necessary.

(d) Prior to the issuance of a permit, the applicant shall provide proof of liability insurance in a minimum amount of \$1,000,000.00 written by an insurance carrier licensed in Kansas, conditional on being non-cancelled except by giving 10-days advance written notice to the city clerk. When the city has an insurable interest, the policy shall name the city as an additional insured.

Section 6. Permit for Public Fireworks Display Required.

(a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 60 days in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$5,000,000.00 for a fireworks display, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the city clerk. When the city has an insurable interest, the policy shall name the city as an additional insured. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
- (7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

Section 7. Approved Fireworks; Bottle Rockets Prohibited.

- (a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal.
- (b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.

Section 8. Discharge on Streets and Public Property Prohibited. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon Maple Street, or in any park within the city without a permit.

Section 9. Throwing Prohibited. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind.

Section 10. Sale of Fireworks; Where Prohibited.

- (a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.
- (b) Where the fire chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

Section 11. Retail Display of Fireworks.

- (a) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.
- (b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.
- (c) Signs reading "Fireworks for Sale--No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks.

Section 12. Fire Extinguishers Required.

- (a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.
- (b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose

with nozzle end within five feet of the fireworks stand.

Section 13. Restrictions as to Gasoline Installations. It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 100 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

Section 14. Authority of Police Chief. The chief of police is authorized to seize and confiscate all fireworks, which may be kept, stored or used in violation of any section of this ordinance, and all of the rules of the state fire marshal. He or she shall dispose of all such fireworks as may be directed by the governing body.

Section 15. Repeal of Inconsistent Ordinances. Sections 91-604, 91-605 and 91-606 of Ordinance 91 and all other ordinances of the City of Overbrook, Kansas that are inconsistent with this ordinance are hereby repealed.

Section 16. That this ordinance shall take effect and be kept in force from and after its passage, approval and publication in The Osage County Herald-Chronicle as provided by law.

Passed and approved by the Council this 14th day of March, 2012.



Don Schultz, Mayor

Attest:



Jim Koger, Clerk



ORDINANCE NO. 363

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 1 OF ORDINANCE NO. 308.

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

SECTION 1. THAT EFFECTIVE August 1, 2012, 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, Kansas:

MINIMUM CHARGE - FIRST 1,000 GALLONS....\$13.16

ALL OVER 1,000 GALLONS.....\$7.40/1000 GALLONS
OR FRACTION THEREOF

SECTION 2. THAT said Section 1 of Ordinance No. 308 is hereby repealed.

SECTION 3. THAT this rate change eliminates the convenience charge for making credit card/ACH payments to the City through the City online payment portal. Please note that this does not apply to charges that your bank (or credit card company, etc.) may charge you.

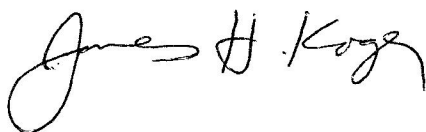
SECTION 4. THAT a 1% rate increase on Section 1 and Section 3 rates will be EFFECTIVE each January 1st through 2017.

SECTION 5. THAT this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Official city newspaper as provided by law.

PASSED AND APPROVED THIS 13th DAY OF June, 2012.


DON SCHULTZ, MAYOR

ATTEST:
JAMES H. KOGER CITY CLERK





ORDINANCE NO. 364

AN ORDINANCE RELATING TO THE SEWER SERVICE SYSTEM AND FIXING RATES AND CHARGES FOR THE USE THEREOF FROM THE SAME; AND REPEALING ORDINANCE NO. 313.

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

SECTION 1. THAT EFFECTIVE August 1st, 2012, 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 Twelve dollars and Fifteen cents (\$12.35) 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 1,000 gallons per month.

THERE SHALL BE an additional charge of Three dollars and Eighty-Five cents (\$3.85) per month, or any portion thereof, for each additional 1,000 gallons of water used in excess of 1,000 gallons per month with no maximum charge.

SECTION 2. THAT Ordinance No. 313 in its entirety is hereby repealed.

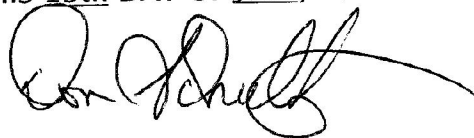
SECTION 3. THAT this rate change eliminates the convenience charge for making credit card/ACH payments to the City through the City online payment portal. Please note that this does not apply to charges that your bank (or credit card company, etc.) may charge you.

SECTION 4. THAT a 1% rate increase on Section 1 rates will be EFFECTIVE each January 1st through 2017.

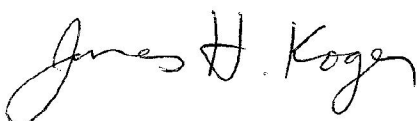
SECTION 5. THAT this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Official city newspaper as provided by law.

PASSED AND APPROVED THIS 13th DAY OF June, 2012.

DON SCHULTZ, MAYOR



ATTEST: JAMES H. KOGER CITY CLERK



ORDINANCE NUMBER 365

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2013 FOR THE City of Overbrook.

WHEREAS City of Overbrook must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

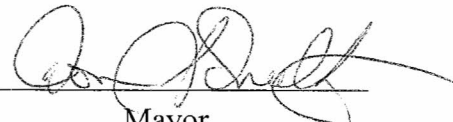
NOW THEREFORE, be it ordained by the Governing Body of the City of Overbrook:

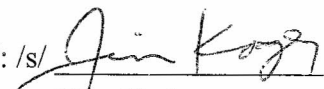
Section One. In accordance with state law, the City of Overbrook has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2013 until December 31, 2013.

Section Two. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2012 budget.

Section Three. This ordinance shall take effect after publication once in the official city newspaper.

Passed and approved by the Governing Body on this 11th day of July, 2012.

/s/ 
Mayor

ATTEST: /s/ 
City Clerk

(SEAL)

(Must be published and publication attached to budget)



ORDINANCE NO. 366

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 2012", PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 357.

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

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2012, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 366, 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 the 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 2. 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 8th DAY OF AUGUST, 2012.



ATTEST:

(SEAL)

A handwritten signature in cursive script, appearing to read "James H. Koger".

James H. Koger, City Clerk

A handwritten signature in cursive script, appearing to read "Don Schultz".

Don Schultz, Mayor

ORDINANCE NO. 367

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 2012 AND REPEALING ORDINANCE NO 358.

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

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 2012, 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. 367", 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.

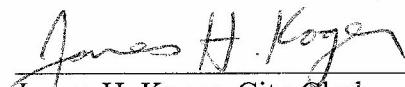
This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.


PASSED AND APPROVED THIS 8th DAY OF AUGUST, 2012.



ATTEST:

(SEAL)


James H. Koger, City Clerk


Don Schultz, Mayor

ORDINANCE NO. 368

AN ORDINANCE REPEALING SECTION 1 OF ORDINANCE NO. 106 AND AMENDING ORDINANCE NO. 105 BY CHANGING THE PROVISIONS OF SECTION 4 REGARDING DELINQUENT WATER BILLS.

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

SECTION 1. THAT all charges for the supplying of water by the City shall be paid to the City Clerk by the twentieth (20th) day of the month following such service. All such bills that are not paid on or before the twentieth (20th) day shall become delinquent and an eight percent (8%) penalty shall be added to and become a part of such charge. All such bills that remain unpaid on or before the twenty sixth (26th) day of the month shall be charged an additional five percent (5%) penalty and become a part of such charge. All such bills that remain unpaid on or before the second (2nd) of the following month, an additional five percent (5%) shall be added and become a part of such charge. When such delinquent bill remains unpaid through the fifth (5th) day of the following month, services to the consumer shall be disconnected. If such charge or charges are not paid within the time and in the manner provided, the City reserves the right, with proper notice, to submit the debt to the Kansas Set-off Program, and/or other debt collection services, as well certify to the County Clerk of Osage County, the legal description of said real property enjoying the use of said water service together with the amount of such charge or charges remaining unpaid to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are by law collectible, and shall become a lien upon the real property so served. When the above described dates fall on a weekend or holiday, the next business day will be used.

SECTION 2. THAT all new service activations require a \$50 non-refundable activation fee in addition to any associated new service costs such as adding a meter or tapping in to the sewer.

SECTION 3. THAT a SECURITY DEPOSIT of \$120 be required when, during a calendar year, three (3) shut-off notices are delivered OR one (1) non-pay shut-off occurs. This SECURITY DEPOSIT can be split as a Misc. Charge over the next three (3) Utility Bills and will earn interest as specified by law. The SECURITY DEPOSIT will be held until a request for cancellation of service is made and can be applied to a final bill or refunded to the customer once the final bill has been satisfied.

SECTION 4. THAT said Section 1 of Ordinance No. 106 is hereby repealed.

SECTION 5. THAT a non-refundable Disconnect Fee of \$25.00 will be charged when service is disconnected for an unpaid bill.

SECTION 6. THAT a non-refundable Reconnect Fee of \$10.00 will be charged when service is reconnected following disconnection for an unpaid bill.

SECTION 7. THAT a Returned Item fee of \$25.00 will be charged to the customer when a check or other payment type is returned unpaid by their bank. Repeat offenders will be required to pay by cash or money order.

SECTION 8. THAT this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the