

ORDINANCE NO. 51

AN ORDINANCE PROVIDING FOR THE REMOVAL OF NUISANCES, INCLUDING RANK GRASS, WEEDS AND OTHER VEGETATION, AND THE DRAINAGE OF PONDS, FROM ANY LOT OR PARCEL OF GROUND WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

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

SECTION 1. All nuisances, including rank grass, weeds or other vegetation and rubbish shall be removed or abated from any lot, lots or parcel of ground, and any pond or ponds of water shall be drained, at the cost and expense of the owner of the property on which the nuisance is located, whenever the Governing Body of said City shall by resolution determine that such nuisance, rank vegetation, rubbish, or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City.

SECTION 2. The City Clerk shall forthwith issue notice requiring the owner or agent of the owner of the premises to remove and abate from said premises the thing or things therein described as a nuisance within a time, not exceeding ten days, to be specified in the notice; said notice shall be served by the City Marshall or other peace officer, by delivering a copy thereof to the owner, occupant, or agent of such property, or if the same be unoccupied and the owner a nonresident, then by mailing a notice to his last known address; and if the owner, occupant or agent shall fail to comply with the requirement of said notice for a period longer than that named in the notice, then the City Marshall shall proceed to have the things described in said notice removed and abated from said lot or parcel of ground, report the cost thereof to the City Clerk, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance was located; and the City Clerk shall, at the time of certifying other city taxes to the County Clerk of said County, certify the aforesaid costs, and the County Clerk shall extend the same on the tax roll of the County against said lot or parcel of ground and it shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid.

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

PASSED AND APPROVED this 12th day of October 1966.


ATTEST: [Signature]
City Clerk
George Brown
Mayor

STATE OF KANSAS,)
) ss.
COUNTY OF OSAGE,)

I, the undersigned, the duly appointed and acting City Clerk of the City of Overbrook, Kansas, hereby certify that the above and foregoing Ordinance was passed by the Council and approved by the Mayor of said City on the 12th day of Oct 1966; a record of its final passage is shown on page 193 of the

Journal of the proceedings of said Governing Body; and the same was published according to law in The Citizen on the 20th day of October, 1966.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 12th day of October, 1966.



City Clerk

(Seal)

AN ORDINANCE RELATING TO STREETS AND ALLEYS IN THE CITY OF OVERBROOK, KANSAS. PROHIBITING CERTAIN USES THEREOF AND PRESCRIBING PENALTIES FOR THE VIOLATIONS THEREOF.

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

SECTION I: (a) No person shall operate or propel on the streets or alleys of the City of Overbrook a motor vehicle having a solid rubber tire unless the same shall have rubber on the entire traction surface at least one inch thick above the edge of the flange of the entire circumference.

(b) No person shall operate or propel on any street or alley of the City of Overbrook any motor vehicle, trailer or semi-trailer having any metal tire in contact with the street or alley surface.

(c) No person shall operate or propel on the streets or alleys of the City of Overbrook a motor vehicle having a tire which shall have on its circumference any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber, which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tire chains or reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

SECTION II: No person shall make any holes in any street or alley in the City of Overbrook or add or remove any earth, gravel, rock or other surface material without the consent of the governing body of said City.

SECTION III: No person shall drive or operate any vehicle over or across the curb on any street in the City of Overbrook, and no person shall obstruct or otherwise damage any ditch on the side of any street or alley or drive or park any vehicle in or across such ditch except where entrance pipes are installed.

SECTION IV: Any person violating any of the provisions of this ordinance shall on conviction be adjudged guilty of a misdemeanor and be fined a sum not to exceed \$100.00.

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

Passed and approved this 12th October 1966.

George Brannon
Mayor

ATTEST: [Signature]
City Clerk

(Seal)

all purposes to the City of Overbrook, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said electricity from any source available; and to do all things necessary or proper to carry on said business in the City of Overbrook, Kansas.

Section 2. As further consideration for the granting of this franchise, and in lieu of any city occupation, license or revenue taxes, the Company shall pay to the City during the term of this franchise three per cent (3%) of its gross revenue from all sales of electric energy within the corporate limits of said City, such payment to be made monthly for the preceding monthly period.

Section 3. That the Company, its successors and assigns, in the construction, maintenance, and operation of its electric transmission, distribution, and street lighting system, shall use all reasonable and proper precaution to avoid damage or injury to persons or property, and shall hold and save harmless the City of Overbrook, Kansas, from any and all damage, injury and expense caused by the sole negligence of said Company, its successors and assigns, or its or their agents or servants.

Section 4. That within sixty (60) days from and after the passage and approval of this ordinance, said Company shall file with the City Clerk of said City of Overbrook, Kansas, its unconditioned written acceptance of this ordinance.

Section 5. That any and all ordinances in conflict with the terms hereof are hereby repealed.

Section 6. That this ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage, approval, publication as required by law, and acceptance by Company.

Section 7. This franchise is granted pursuant to the provisions of Section 12-824 G.S. Kansas 1949.

Passed and approved this day of _____, 19__.

Mayor

Attest:

City Clerk

This notice executed at the City of Overbrook, Kansas, this 9 day of November, 1966.

James L. Ruble, Jr.
President, City Council

LEGAL

(First published in The Citizen, Overbrook, Ks., Nov. 17, 1966)

NOTICE

Notice is hereby given to the legal electors of the City of Overbrook, Kansas, that the governing body of said city proposes to pass an ordinance granting an electric franchise to The Kansas Power and Light Company, said ordinance being in form as follows:

ORDINANCE NO. _____

AN ORDINANCE, granting to The Kansas Power and Light Company, a Kansas corporation, its successors and assigns, an electric franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

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

Section 1. That in consideration of the benefits to be derived by the City of Overbrook, Kansas, and its inhabitants, there is hereby granted The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, into and through which it has built transmission lines, the right, privilege, and authority for a period of twenty (20) years from the _____ day of _____, 19__, to occupy and use the several streets, avenues, alleys, bridges, parks, parkings and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing electricity for

LEGAL NOTICE

(Published in The Citizen, Overbrook, Ks., Mar. 30, 1967)

ORDINANCE NO. ~~53~~ 54

An Ordinance Providing for the Regular City Election.

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

Section 1. That the regular city election of the City of Overbrook, Kansas, shall be held on Tuesday, the 4th day of April, 1967, from the hours of 8 a.m. to 6 p.m. in the Overbrook City Library, for the purpose of electing a mayor, a police judge, and five councilmen.

Section 2. That J. L. Long, C. F. Radcliff, and Martha Boyd, citizens not candidates for office, are hereby designated by the mayor, with the approval of the council, to act as judges of said election; and Fern Haas, Alta Dodder, and Lorraine Duncan, citizens not councilmen, are hereby designated by the council to act as clerks of said election.

Section 3. This ordinance shall take effect and be in force from and after its publication in The Citizen.

Passed by the City Council this 8th day of March, 1967.

Approved this 8th day of March, 1967.

George Branson
Mayor

Attest:
Jack Fisher
City Clerk

155

Citizen Publishing Co.
OVERBROOK, KANSAS

AFFIDAVIT OF PUBLICATION

OF KANSAS, OSAGE COUNTY, ss.
I, D. Boyd, being first duly sworn, De-
clare that he is publisher of The Citizen,
a newspaper printed in the State of Kansas,
and of general circulation in
the State of Kansas, with a general paid circula-
tion on a yearly basis in Osage County, Kansas,
and said newspaper is not a trade, religious
or political publication.
Said newspaper is a weekly published at least
once a year; has been so published
continuously and uninterruptedly in said county
for a period of more than five years
from the first publication of said notice; and
was admitted at the post office of Overbrook
County as second class matter.
The attached notice is a true copy thereof
published in the regular and entire issue
of said newspaper for 3 consecutive weeks,
the publication thereof being made as afore-

on the 20 day of Apr

Legal Notice

with subsequent publi (First published in The Citizen,
cations following dates: Overbrook, Kan., Apr. 20, 1967)

ORDINANCE NO. 55

April 19 67
AN ORDINANCE granting to The
Gas Service Company, a corpora-
tion, its successors and assigns,
a franchise to operate a natural
gas distribution plant and system
in the City of Overbrook, Kansas,
and vicinity.

**BE IT ORDAINED BY THE GOV-
ERNING BODY OF THE CITY OF
OVERBROOK, KANSAS:**

SECTION 1. That there is here-
by granted to The Gas Service
Company, a corporation, herein
called the Grantee, its succes-
sors and assigns, the right,
privilege and franchise for a
period of twenty (20) years from
the effective date hereof, to con-
struct, maintain and operate in
the present and future streets,
alleys, bridges and public places
in the City of Overbrook, Kan-
sas, a gas distribution system,
together with the right, privilege
and franchise to acquire, con-
struct, maintain and operate
therein and thereon such addi-
tions and extensions thereto as
may be necessary or desirable,
all for the purpose of supplying
natural gas for all purposes to
the inhabitants of said City and
consumers in the vicinity thereof.

SECTION 2. All rates estab-
lished and charges made by Gran-
tee for gas distributed and sold
hereunder shall be subject to
valid and lawful orders of the
State Corporation Commission
of the State of Kansas or other

competent authority having juris-
diction in the premises and the
sale of gas to consumers shall
be governed by the present op-
erating rules, regulations and
customs of Grantee and such
rules and regulations as may
hereafter be prescribed and ap-
proved.

SECTION 3. That in considera-
tion of and as compensation for
the right, privilege and franchise
hereby granted, the Grantee, its
successors and assigns, shall
furnish gas at such pressure and
of such quality as shall be desig-
nated by lawful orders of the State
Corporation Commission of said
State, if such gas is reasonably
procurable; shall furnish free of
cost to each consumer a recog-
nized standard meter or other
instrument for measurement of
gas sold or computation of con-
sumers' bills and keep same in
repair at its cost; which meter
shall at all times be the property
of the Grantee but subject to in-
spection by said City; shall at
all times save the City harmless
from any and all damages which
said City may be liable to pay
that may arise from the con-
struction, maintenance and op-
eration of its plant system or
any part thereof; shall limit all
excavations of streets, alleys
or public places to the neces-
sities of efficient operation and
shall not at any one time open
or encumber more of any high-
way or public place than shall
be reasonably necessary to en-
able Grantee to proceed with
advantage in laying or repairing
mains or pipes and shall not
permit such highway or public
place to remain open longer than
necessary for the purpose for
which it was opened; shall re-
fill all excavations and replace
all pavement with like material
and leave same in as good con-
dition as when altered or re-
moved; shall perform all work
on streets, alleys and public
places under supervision of a
representative of said City if so
desired; shall repay said City
all expense to which it has been
put in the repair or replace-
ment of streets, highways or
pavements in the event such work
is done by said City after the
neglect or refusal of Grantee
to perform same in reasonable
time.

SECTION 4. As a further con-
sideration for the rights, priv-
ileges and franchise hereby
granted and in lieu of all occu-
pation and license taxes, the
Grantee shall not later than Feb-
ruary 1st and August 1st res-
pectively in each year make a
report to the governing body of
the City of Overbrook of its
gross receipts from the sale of
gas for all purposes in said
City for the six months period
ending at the last meter reading
preceding December 31st and
June 30th respectively; and at

the time of making such report,
pay into the City Treasury a
sum equal to five (5%) per cent
of said gross receipts from the
sale of gas for domestic pur-
poses, and one (1%) per cent
of its gross receipts from the
sale of gas for industrial pur-
poses, which shall have accrued
subsequent to the effective date
of this franchise. Industrial sales
shall be considered as those
made under special contracts
providing for stand-by fuel and
interruption of service at any
time demands of domestic con-
sumers may so require.

SECTION 5. That none of the
privileges granted by this Ord-
inance shall take effect or be
in force until after the expir-
ation of sixty days from the
date of its final passage and
until Grantee, its successors
and assigns, shall file within
said sixty days with the City
Clerk of said City, a written
Acceptance of the provisions
hereof; and after the expiration
of sixty days, if no Acceptance
as hereinbefore provided has
been filed, then this Ordinance
shall ipso facto cease and be-
come null and void.

SECTION 6. That this Ord-
inance is made under and in
conformity with the laws of the
State of Kansas and shall take
effect and be in force as there-
in provided.

PASSED THIS 12th day of April,
1967.

George Branson
Mayor

ATTEST:
J. Fisner
City Clerk

and sworn to before

day

Maaya
Nota

commission expires

fee \$ 61.13

additional copies \$

ORDINANCE NO. 56

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF DOGS; THE ACQUISITION AND MAINTENANCE OF A DOG POUND; THE IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS; THE PENALTY FOR FAILURE TO REGISTER DOGS; AND REPEALING ORDINANCE NO. 11 OF THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1. The owner or harborer of any dog of the age of six weeks, or older, shall, on or before the 31 day of May 1968, and on or before the 31 day of January 1969, and each calendar year thereafter, cause the name and description of such dog to be registered with the City Clerk in a book to be kept for that purpose, and shall pay each calendar year, or portion of calendar year, to said City, before such dog is registered, a fee of One Dollar (\$1.00) for each male dog or each spayed female and Two Dollars (\$2.00) for each un-spayed female dog, and shall keep upon the neck of each dog so registered a suitable metallic or leather collar with a metallic check or tag, with the number distinctly marked thereon, which check or tag shall be furnished by said City at the time the dog is registered.

SECTION 2. Any person or persons owning or harboring any dog of the age of six weeks, or older, within the corporate limits of the City of Overbrook, Kansas, without having registered the same and paid the registration fee as provided in Section 1 of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not less than Ten Dollars (\$10.00) and not more than Twenty-five Dollars (\$25.00).

SECTION 3. A proper dog pound shall be erected, leased or otherwise acquired and maintained, within or without the City limits of said City, and the City Marshall shall supervise and be in charge of its care and maintenance.

SECTION 4. The City Marshall, Deputy Marshall or any other peace officer employed by said City shall capture and impound, in said dog pound, any dog of the age of six weeks, or older, found running at large without a current registration tag issued by said City attached to said dog as provided by this Ordinance, or any other dog running at large, with or without a current registration tag attached, if said dog is dangerous or is in any way causing a public nuisance including, but not limited to, female dogs in heat (oestrus).

SECTION 5. Any dog impounded as provided in Section 4 of this Ordinance shall be kept in said dog pound for five days, or until claimed by its owner or harborer as hereinafter provided; Provided, if any dog so impounded is not claimed, registered and the fees paid,

as hereinafter provided, within five days after being impounded, such dog shall be destroyed or otherwise disposed of by the City Marshall, Deputy Marshall or other peace officer employed by said City. Before possession of any such impounded dog shall be relinquished by the City, the owner or harbinger of such dog shall sign a statement in writing verifying he is the owner or harbinger thereof, register said dog with the City Clerk as provided in Section 1 of this Ordinance and pay to said City a minimum fee of Five Dollars (\$5.00) plus One and 50/100ths Dollars (\$1.50) per day for each day or part of day said dog is so impounded.

SECTION 6. Ordinance No. 11 and all other Ordinances or parts of Ordinances of said City which are in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 8 day of May 1968.

James L. Rubble
Mayor

(Municipal Seal)

Attest:

City Clerk

Fischer

C E R T I F I C A T E

I, the undersigned, certify I am the duly appointed and acting City Clerk of the City of Overbrook, Kansas; that the above Ordinance was passed by the Council and approved by the Mayor on 8 May 1968; that it was published in The Citizen, the official newspaper of said City, on 16 May 1968 and that the record of the final vote of its passage is shown on page 224 of Volume 1 of the proceedings of the Governing Body of said City.

Fischer

City Clerk

(Municipal Seal)

Legal Notice

(Published in The Citizen, Overbrook, Ks., Oct. 10, 1968)

ORDINANCE NO. 57

AN ORDINANCE DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

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

SECTION 1. The Citizen, a weekly newspaper printed in Overbrook, Kansas, and generally circulated in the City of Overbrook, Kansas, is hereby designated as the official newspaper of the City of Overbrook, Kansas.

SECTION 2. This ordinance shall be effective from and

after its passage and approval and publication as provided by law.

Passed by the Council this 2nd day of October, 1968.

Approved and signed by the Mayor.

JAMES L. RUBLE, JR.
Mayor

(Seal)

ATTEST:

C. FISCHER
City Clerk

AN ORDINANCE COMBINING THE WATERWORKS SYSTEM AND SEWAGE DISPOSAL SYSTEM OF THE CITY OF OVERBROOK, KANSAS.

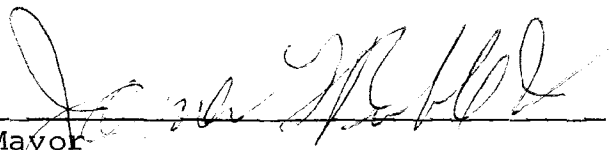
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. That the waterworks system and sewage disposal system of the City of Overbrook, Kansas be and they are hereby combined and declared to be a water and sewage system, to be operated and financed pursuant to K.S.A. 12-856 et seq.

SECTION 2. There is hereby created a water and sewage department for the operation of the water and sewage system created by Section 1 of this ordinance, and for the proper operation of the water and sewage system, the Governing Body shall, from time to time, designate appoint and provide for such officers and employees of said system as may be necessary.

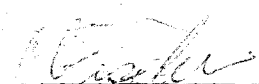
SECTION 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 2 day of October, 1968.



Mayor

ATTEST:



City Clerk

(Seal)

ORDINANCE NO. 59

AN ORDINANCE CALLING FOR A SPECIAL ELECTION FOR THE PURPOSE OF VOTING ON A PROPOSITION TO ISSUE WATER AND SEWAGE SYSTEM IMPROVEMENT REVENUE BONDS FOR THE CITY OF OVERBROOK, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF MAKING REPAIRS, ALTERATIONS, EXTENSIONS, RECONSTRUCTIONS, ENLARGEMENTS AND IMPROVEMENTS OF THE WATER AND SEWAGE SYSTEM OF SAID CITY.

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

SECTION 1. A special election of the electors of the City of Overbrook, Kansas, is hereby called and shall be held for the purpose of voting on a proposition of contracting for, and issuing revenue bonds of said City in a sum not exceeding \$99,600.00 for the purpose of paying the cost of, making repairs, alterations, extensions, reconstructions, enlargements and improvements of the water and sewage system of said City, which proposed repairs, alterations, extensions, reconstructions, enlargements, and improvements, shall consist of the construction of a submersible well and pump, a 4 inch pipeline to connect said well to the existing pumphouse, a 6 inch pipeline to the City of Overbrook City limits from the existing pumphouse, a 75,000 gallon elevated tank and connections thereof to the existing water system, including the cost of land, equipment and appurtenances thereto, and other costs in connection therewith. Said special election shall be held on the 5th of November, 1968, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

SECTION 2. At said special election, the following proposition shall be submitted.

PROPOSITION

Shall the following be adopted?

A proposition to contract for, and to issue revenue bonds of the City of Overbrook, Osage County, Kansas in an amount not to exceed \$99,600 for the purpose of paying the costs of, the making of repairs, alterations, extensions, reconstructions, enlargements, and improvements of the water and sewage system of said City, which proposed repairs, alterations, extensions, reconstructions, enlargements and improvements, shall consist of the construction of a submersible well and pump, a 4 inch pipeline to connect said new well to the existing pumphouse, a 6 inch pipeline to the City of Overbrook City limits from the existing pumphouse, a 75,000 gallon elevated tank and connections thereof to the existing water system, including the cost of land, equipment and appurtenances thereto, and other costs in connection therewith, pursuant to K.S.A. 12-856 et. seq.

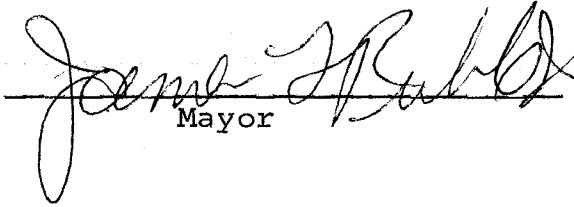
SECTION 3. Notice of the special election shall be published for three consecutive weeks in the official City newspaper. The first publication of the notice shall be not less than twenty-one days prior to the date fixed for the election. The Mayor and City Clerk and the county election officer of Osage County, Kansas, are authorized and directed to cause said notice to be published.

SECTION 4. The place of holding the said election shall be The City Library of the City of Overbrook, in Overbrook, Kansas.

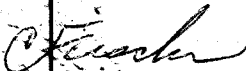
SECTION 5. If a majority of the electors of the City voting at said special election shall vote in favor of the issuance of bonds as hereinbefore provided for, the Governing Body of the City shall by ordinance provide for the issuance of the bonds, in the manner provided by law, and shall contract for such repairs, alterations, extensions, reconstructions, enlargements, and improvements as herein above-described and utilize the proceeds to pay the costs thereof.

SECTION 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 3rd day of October, 1968.


Mayor

ATTEST:


City Clerk

(Seal)

#60
Legal Notice

(Published in The Citizen, Overbrook, Kans., Dec. 26, 1968)

ORDINANCE NO. 60

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF OVERBROOK, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 1967 Supp. 12-520 ENLARGING THE TERRITORIAL LIMITS OF SAID CITY AND DECLARING THE ENTIRE BOUNDARY THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS: SECTION 1. The following described land in Osage County, Kansas, to-wit:

Beginning at a point 52 rods North of the corner stone at the Southwest corner of the West half of the Southwest quarter of Section 32, Township 14, Range 17 thence 150 feet North, thence East 13 rods, thence South 150 feet, thence West 13 rods to the point of beginning, in Osage County, Kansas,

meeting one or more of the classifications for annexation prescribed by K.S.A. 1967 Supp. 12-520 is hereby annexed and made a part of the City of Overbrook, Kansas.

SECTION 2. That the entire boundary of the City of Overbrook, as above changed, be, and the same is hereby declared to be as follows, to-wit:

Commencing at the northeast corner of the west 1/2 of the northwest 1/4 of Section 5, Township 15, Range 17, in Osage County, Kansas, thence south to a point 300 feet south of the south line of Market Street; thence west to a point 300 feet east of the east line of Cedar Street; thence south to the south line of said quarter section; thence west to the east line of Walnut Street; thence south 300 feet; thence west to the west line of Oak Street extended; thence north to the south line of the northeast 1/4 of Section 6, Township 15, Range 17; thence west to a point 422 feet west of the northeast corner of the southeast 1/4 of Section 6, Township 15, Range 17, thence west 300 feet; thence south 300 feet thence east 300 feet; thence north 300 feet; thence west to a point 677 feet east of the west line of said northeast 1/4; thence north to the north line of Fifth Street extended; thence east to the west line of Sycamore Street extended; thence north to the north

line of Sixth Street extended; thence east to a point 490 feet west of the west line of Elm Street; thence north to the north line of said Section 6; thence east 80 feet to the west line extended of the tract conveyed by Alfred Herlan to the State Highway Commission of Kansas; thence south 185 feet; thence east to a point 325 feet west of the west line of Elm Street; thence north to the north line of said Section 6; thence east to a point 421 feet west of the northeast corner of said Section 6; thence north 218 feet; thence east 171 feet; thence north 90

feet; thence east 250 feet to the west line of Section 32, Township 14, Range 17; thence north to a point 1008 feet north of the southwest corner of said Section; thence east 214.5 feet; thence south 783.44 feet; thence east 470.25 feet; thence south 224.56 feet; thence east to the place of beginning.

SECTION 3. All ordinances or parts of 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 publication in The Citizen, the official newspaper of said city, as provided by law. PASSED AND APPROVED this 9th day of October 1968.

JAMES L. RUBLE JR.

Mayor
ATTEST:
C. Fischer
City Clerk
(SEAL)

AN ORDINANCE RELATING TO TRAFFIC, DESIGNATING CERTAIN STREETS AS THROUGH HIGHWAYS, PROVIDING FOR STOP AND YIELD SIGNS FOR VEHICLES ENTERING SUCH THROUGH HIGHWAYS, REGULATING PARKING ON CERTAIN STREETS AND PROHIBITING PARKING ON CERTAIN STREETS; BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. All north and south streets in the City of Overbrook, Kansas, are hereby designated as through highways; all intersections with Locust, Maple and Cedar streets are designated as stop intersections and all intersections with all other north-south streets are designated as yield intersections.

SECTION 2. It shall be the duty of the City Marshal to erect and maintain a stop sign, as defined and prescribed by subsections 65 (b) and (c) of The Standard Traffic Ordinance, on each and every street intersecting Locust, Maple or Cedar streets, and, except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the nearest side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line but, if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 3. It shall be the duty of the City Marshal to erect a yield sign, as defined and prescribed by subsections 65 (b) and (d) of The Standard Traffic Ordinance, on each and every east-west street at each and every intersection with each and every north-south street except Locust, Maple and Cedar streets; and the driver of a vehicle approaching the yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line but, if none, then at a point nearest the intersecting roadway where the driver has the view of approaching traffic on the intersecting roadway.

SECTION 4. No person shall drive a vehicle at a speed in excess of 20 miles per hour on Maple Street between its intersection with Fifth Street and the south city limits, nor elsewhere in the city in excess of 30 miles per hour.

SECTION 5(a) No person shall park a vehicle

(i) on the south side of Seventh Street between Maple and Locust Streets at any time; nor

(ii) on the east side of Ash Street between Market and Fourth Street between 8:00 a.m. and 5:00 p.m.

(b) No vehicle of more than 3/4 ton capacity shall be parked

(i) on ~~the~~ Fourth Street between Maple Street and the first alley west of Maple Street; nor

(ii) on ~~the east side of~~ Fourth Street between Maple Street and the first alley east of Maple Street.

(c) Vehicles shall not be parked unless parked parallel with the curbing and with the right hand wheels on the shoulder of the street

(i) on the north side of Fourth Street between Maple Street and the first alley west of Maple Street;

(ii) on the south of Fourth Street between Maple Street and the first alley east of Maple Street; nor

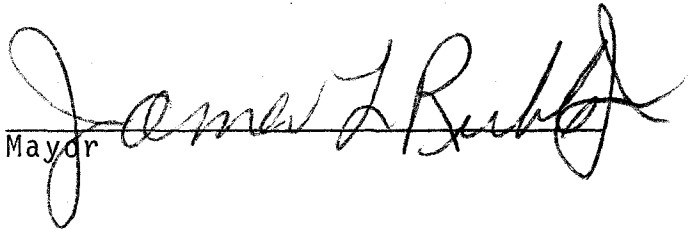
(iii) between 5:00 p.m. and 8:00 a.m. on the east of Ash Street between Market Street and Fourth Street.

SECTION 6. Every person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than ten (10) days.

SECTION 7. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are, to the extent they are conflicting, hereby repealed.

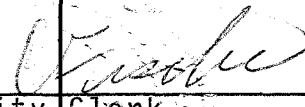
SECTION 8. This Ordinance shall take effect and be in force from and after its passage and its publication in The Citizen, the official City paper.

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this 8 day of May 1968.



Mayor

ATTEST:



City Clerk

(Seal)

C E R T I F I C A T E

I, the undersigned, certify I am the duly appointed and acting City Clerk of the City of Overbrook, Kansas; that the above Ordinance was passed by the Council and approved by the Mayor on 8 May 1968; that it was published in The Citizen, the official newspaper of said City, on May 1968 and that the record of the final vote of its passage is shown on page of Volume of the proceedings of the Governing Body of said City.

City Clerk

(Municipal Seal)

ORDINANCE NO. 61

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF OVERBROOK, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 1967 Supp. 12-520 ENLARGING THE TERRITORIAL LIMITS OF SAID CITY AND DECLARING THE ENTIRE BOUNDARY THEREOF.

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

SECTION 1. The following described land in Osage County, Kansas, to-wit:

A tract of land beginning at a point 422 feet West of the Northeast corner of the Southeast 1/4 of Section 6, Township 15, Range 17, thence West 300 feet; thence South 300 feet; thence East 300 feet; thence North 300 feet to the place of beginning;

meeting one or more of the classifications for annexation prescribed by K.S.A. 1967 Supp. 12-520 is hereby annexed and made a part of the City of Overbrook, Kansas.

SECTION 2. That the entire boundary of the City of Overbrook, as above changed be, and the same is hereby declared to be as follows, to-wit:

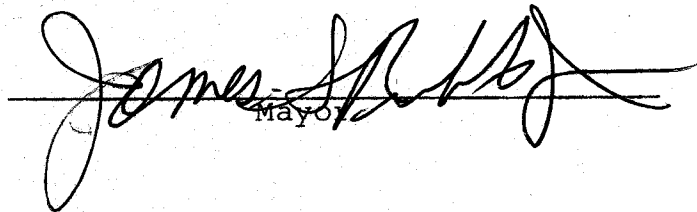
Commencing at the northeast corner of the West 1/2 of the Northwest 1/4 of Section 5, Township 15, Range 17, in Osage County, Kansas, thence south to a point 300 feet south of the south line of Market Street; thence west to a point 300 feet east of the east line of Cedar Street; thence south to the south line of said Quarter Section; thence west to the east line of Walnut Street; thence south 300 feet; thence west to the west line of Oak Street extended; thence north to the south line of the Northeast 1/4 of Section 6, Township 15, Range 17; thence West to a point 422 feet west of the Northeast corner of the Southeast 1/4 of Section 6, Township 15, Range 17, thence west 300 feet; thence south 300 feet; thence east 300 feet; thence north 300 feet; thence west to a point 677 feet east of the west line of said Northeast 1/4; thence north to the north line of Fifth Street extended; thence east to the west line of Sycamore Street extended; thence north to the north line of Sixth Street extended; thence east to a point 490 feet west of the west line of Elm Street; thence north to the north line of said Section 6; thence east 80 feet to the west line extended of the tract conveyed by Alfred Herlan to the State Highway Commission of Kansas; thence south 185 feet; thence east to a point 325 feet west of the west line of Elm Street; thence north to the north line of said section 6; thence east to a point 421 feet west of the northeast corner of said section 6; thence north 218 feet; thence east 171 feet; thence north 90 feet; thence east 250 feet to the west line of Section 32, Township 14, Range 17; thence north to a point 858 feet north of the southwest corner of said section; thence

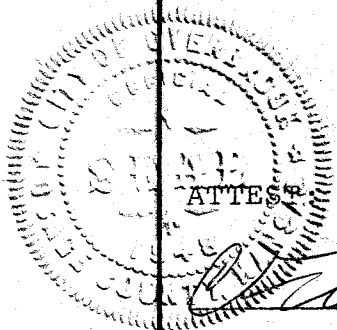
east 214.5 feet; thence south 643.5 feet; thence east 470.25 feet; thence south 224.56 feet; thence east to the place of beginning.

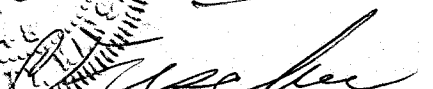
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and approval and publication in The Citizen, the official newspaper of said city, as provided by law.

PASSED AND APPROVED this 11 day of December 1967.


Mayor




City Clerk

~~Whereby certifying that this is a true and correct copy of the original Ordinance; that said Ordinance was passed by the Governing Body and approved by the Mayor the ___ day of December 1967; that a record of the final vote on its passage is found on page ___ of the ___ 19 ___ record of the proceedings of the Governing Body; and that it was published in the Citizen on the ___ day of ___ 19 ___.~~

City Clerk

(Published in The Citizen, Overbrook, Ks., April 17, 1969)

ORDINANCE NO. 62

AN ORDINANCE DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

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

SECTION 1. The Citizen, a weekly newspaper printed in Overbrook, Kansas, and generally circulated in the City of Overbrook, Kansas, is hereby designated as the official newspaper of the City of Overbrook, Kansas.

SECTION 2. This ordinance shall be effective from and after its passage and approval and publication as provided by law.

Passed by the Council this 9th day of April, 1969.

Approved and signed by the Mayor.

JAMES L. RUBLE, JR.

Mayor

(Seal)

ATTEST:
C. FISCHER

City Clerk

The Engineers shall furnish four (4) copies of detailed plans and specifications and other documents required hereunder to be subject to the approval of the City Council.

(d) Contract Award. The Engineers shall notify responsible Contractors and material men of the date and place of letting, and to perform all other operations in connection with the letting of the bids and awarding contracts for construction.

(e) Services During Construction. The Engineers shall: Check any necessary shop and working drawings furnished by Contractors or Suppliers.

Interpret the intent of the plans and specifications to protect the Owner against defects and deficiencies in construction on the part of the Contractors. He will not, however, guarantee the performance by any Contractor.

Provide periodic engineering inspection to observe the progress and quality of the executed work to determine in general if the work is proceeding in accordance with the contract documents. This periodic inspection is not to be considered as resident inspection.

Upon written request by the Owner, the Engineer shall provide competent resident engineering inspection services, either at all times when work is in progress, or intermittently, at the option of the Owner, in order to provide more extensive representation at the job site during the construction phase.

Compensation for resident engineering inspection service, which has been requested in writing by the Owner, shall be as provided in Paragraph 3 of Section 3 of this Agreement.

Prepare estimates for progress and final payments.

Make final inspection of all construction and certification of final inspection to the Owner.

He will provide the Owner with two (2) sets of prints of "record" plans at no cost to the Owner. He will conduct and handle all consultations, communications and negotiations between any Contractor and the Owner pertaining to the design, methods, materials, construction, inspection, payment and approval of the construction project.

The Engineer will secure and maintain at his expense such insurance as will protect him and the Owner from claims under the workmen's compensation act and from all claims for bodily injury, death or property damage which may arise from negligence in the performance of his services under this Agreement.

(f) Special and Extra Services. The Engineer shall provide services in addition to those listed above when such services are requested by or authorized by the Owner. Such services shall include special trips requested by the Owner other than those required under a, b, and c above, changes in plans ordered by the Owner or due to causes beyond the control of the Engineer, special additional services which may be required if the work should be suspended or abandoned, or any other special engineering services not included above which may be requested by the Owner.

2. The Owner shall provide information and assistance as follows:

(a) Place at the disposal of the Engineers all records, reports, maps, plans and other data pertinent to the services required under this Agreement.

(b) Pay for the cost of any agreed upon shop or laboratory costs.

3. The Owner agrees to pay the Engineers as compensation for such professional engineering services as are specified in Paragraph 1 hereof, in accordance with the following schedule:

(a) Fee. The fee based upon the total construction cost of all work contracted under this engineering contract herein shall be six (6) per cent.

(b) Payments shall be made as follows:

1. For services under Section

2, paragraph 1, article (d), 67 per cent of total, based upon the estimated construction cost, due upon completion of work under this item.

2. For services under Section 2, paragraph 1, article (e), 100 per cent of total fee less all previous payments, based upon the final construction cost.

3. For services under Section 2, paragraph 1, article (f), actual payroll cost attributed to project, plus 100 per cent, plus out-of-pocket expenses at net cost. Actual payroll cost shall include salary and allowance for holidays, sick leave, vacations, social security, unemployment and payroll taxes. Payment for these services shall be due and payable at the first of the month following the month in which the services were rendered.

4. Provided further, that in the event a construction contract has not been awarded within six (6) months from the date of approval of the plans for the project, or any part or section thereof by the City Commission, the full amount of the Consultant's fee for the project or any part or section thereof, shall be due and payable by the City in accordance with the terms heretofore set forth. Such payment shall be based on a mutually acceptable estimate of the construction costs of the project.

5. It is further mutually agreed:

(a) Construction Cost. Where this cost is referred to in this Agreement and is used as a basis for computation of payments to the Engineer, it shall mean the cost to the Owner of the entire construction, including all materials, labor and use of equipment and without deductions on account of penalties, liquidated damages or other amounts withheld from payments to contractors, but such cost shall not include the Engineer's fee or other payments to the Engineers under this agreement, and shall not include cost of land, right of way, property damages or any overhead costs unless mutually agreed otherwise. The estimated cost shall be used as a basis for any payments based on construction cost until the actual costs have been established by proposals or by contracts for construction.

(b) Payments to Others. Any authorized work performed by others in connection with the improvement shall be paid for by the Owner direct to the third party or parties; provided that such authorized work must be authorized in writing by the City Council. In addition to payments for actual construction work, this shall also include necessary building permits, licenses, advertising costs, costs of necessary borings, sub-surface exploration and other special tests when required.

(c) Drawings and Specifications. The drawings are instruments of service, and as such, the original documents, tracings and field notes are and remain the property of the Engineers whether the work for which they are prepared be executed or not, and shall not be used by the Owner, for any other project or construction, except with the permission in writing from the Engineer or by other written agreement between the parties hereto.

(d) Arbitration. Questions in dispute under this Agreement may be submitted to arbitration at the choice of either party hereto.

Section 3. That this ordinance shall take effect and be in force from and after its passage, approval and acceptance by the Engineers, and publication in the official city paper.

PASSED by the City Council,
OVERBROOK, KANSAS
APPROVED Dec. 11, 1968
JAMES L. RUBLE JR.
Mayor

ATTEST:
C. Fischer, City Clerk
(SEAL)

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Legal Notice

(Published in The Citizen, Overbrook, Kans., Dec. 19, 1968)

ORDINANCE NO. 62

AN ORDINANCE providing for the employment of the engineering firm of Bartlett & West to prepare plans and specifications and perform other engineering services, in connection with the construction of Water System Improvements, Project No. 1, 1968, and necessary appurtenances thereto.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERBROOK, KANSAS:

Section 1. That it is in the best interests of the City of Overbrook, Kansas, that the professional engineering services of the firm of Bartlett and West, Consulting Engineers, be procured for the purposes of preparing plans, specifications, estimates and performing other engineering services in connection with the construction of water system improvements for the City of Overbrook and known as Water System Improvements, Project No. 1, 1968, and all necessary appurtenances thereto in the City of Overbrook, Kansas, as directed by the City Council.

Section 2. That the City of Overbrook, hereinafter referred to as Owner, employ the said Bartlett & West, Consulting Engineers, hereinafter referred to as Engineers, for the purposes set forth in Section 1 hereof, on the following terms and conditions, to-wit:

1. The Engineers agree to furnish and perform the various professional services required for the construction of the improvements, which services shall include:

(a) Preliminary Work. These services shall include preliminary investigations, studies, surveys, preliminary cost estimates and all necessary conferences with the Owner.

(b) Field Check. These services shall be performed with representatives of both parties and shall be actually performed on the project sites.

(c) Detailed Plans and Specifications and Estimates. These services shall include preparation of complete general and detailed plans, specifications, forms for proposals, construction contracts and bonds, and detailed estimate of cost. The Engineers shall also prepare necessary plans and applications for permits for submission to and approval of local, state and federal authorities having proper jurisdiction and as may be required for the initiation, prosecution and construction of the improvement.

Legal Notice

(Published in The Citizen, Overbrook, Kans., Dec. 19, 1968)

ORDINANCE NO. 63

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF WATER AND SEWAGE SYSTEM REVENUE BONDS, SERIES A, OF THE CITY OF OVERBROOK, KANSAS, IN THE PRINCIPAL SUM OF \$99,600.00 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF IMPROVING THE WATER AND SEWAGE SYSTEM FOR SAID CITY; PRESCRIBING THE DETAILS OF SAID BONDS; AND PROVIDING FOR COLLECTION, SEGREGATION AND DISTRIBUTION OF THE INCOME OF SAID SYSTEM FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION, MAINTENANCE AND IMPROVEMENT OF SUCH UTILITY AND FOR PAYING THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS, AND MAKING CERTAIN AGREEMENTS WITH RESPECT THERETO.

BE IT ORDAINED by the Governing Body of the City of Overbrook, in Osage County, Kansas, that:

Section 1. For the purpose of paying the costs of extending and improving the water and sewage system of the City of Overbrook, Kansas, in accordance with plans, specifications and estimates on file in the office of the City Clerk of said City, there shall be and are hereby issued Water and Sewage System Revenue Bonds, Series A, in the total principal amount of \$99,600.00.

Section 2. Said issue of Water System Revenue Bonds, Series A, shall consist of 99 bonds numbered from 1 to 99, inclusive, shall be dated December 1, 1968, and shall be in the denomination of \$1,000.00 each except bond numbered 1 for \$600.00. The bonds will mature serially at the rate of three (3) bonds per year on December 1 of each of the years 1970 through 1973, then at the rate of four (4) bonds per year on December 1 of each of the years 1974 through 1976, then at the rate of five (5) bonds per year on December 1 of each of the years 1977 through 1980, then at the rate of six (6) bonds per year on December 1 of each of the years 1981 through 1983, then at the rate of seven (7) bonds per year on December 1 of each of the years 1984 through 1986, then at the rate of eight (8) bonds per year on December 1 of the years 1987 and 1988. Bonds numbered 1 to 9, inclusive, will bear interest at the rate of five per cent (5%) per annum, bonds numbered 10 to 20, inclusive, will bear interest at the rate of five and one-fourth per cent (5 1/4%) per annum, and bonds numbered 21 to 99, inclusive, will bear interest at the rate of five and one-half per cent (5 1/2%) per annum, such interest being payable on June 1 and December 1 of each year commencing June 1, 1969.

The City of Overbrook, Kansas, hereby reserves the right to call and redeem any or all bonds numbered 40 through 99, maturing December 1, 1980 through December 1, 1988, inclusive, at the option of the City, on December 1, 1979, or on any interest payment date thereafter, at the par value thereof together with accrued interest thereon to the date of redemption, with a premium for bonds called prior to their stated maturity which shall be three per cent (3%) of the principal amount of any bonds so called. In the event said City

shall elect to call for redemption and payment, as aforesaid, any of said bonds numbered 40 through 99, inclusive, prior to their stated maturity, then all of said bonds so subject to redemption shall be redeemed and paid prior to their stated maturity only in the inverse numerical order of said bonds, the outstanding bond having the highest number being the first bond called for payment. In the event of any such redemption, the City shall publish once in the official state paper of the State of Kansas, not less than thirty (30) days prior to the date on which said bonds are called for payment, a notice of the intention of said City to call and pay said bonds, and interest on any bond called for redemption shall cease from and after the date for which call is made.

Said bonds and the interest coupons to be attached thereto shall be payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas.

Section 3. Said bonds shall be signed by the Mayor and shall have the official seal of the City affixed thereto and shall be attested by the City Clerk. Interest coupons shall be attached to said bonds representing the interest to mature thereon and said interest coupons shall bear the facsimile signatures of the Mayor and the City Clerk.

Section 4. The form and contents of said bonds and interest coupons shall be as adopted by resolution of the governing body of the City of Overbrook, Kansas.

Section 5. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute said bonds and, when duly executed and registered, to deliver said bonds to the purchaser thereof upon payment of the purchase price.

Section 6. The \$99,600.00 principal amount of Water and Sewage System Revenue Bonds, Series A, dated December 1, 1968, of the City of Overbrook, Kansas, are hereby made a lien on the revenues produced from the combined water and sewage system of the City and shall be paid out of said revenues.

Section 7. The amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the treasury of the City, to be known and hereafter referred to as the "Water and Sewage System Construction Fund", and shall be used by said City for the sole purpose of paying the costs of the extension and improvement of the water system as hereinabove specified. Any surplus in said "Water and Sewage System Construction Fund" not required for the payment of the costs as hereinabove set forth shall be credited to the "Water and Sewage System Fund", created by Section 8 of this Ordinance.

Section 8. So long as any of the Water and Sewage System Revenue Bonds, Series A, remain outstanding and unpaid, the City covenants and agrees that all of the revenue derived by said City from the operation of its water and sewage system from and after the delivery of any of the bonds herein authorized, including all revenues of all improvements, extensions and enlargements of said system hereinafter constructed or acquired, will be paid and deposited into an operating fund hereby created in the treasury of the City to be known and hereinafter referred to as the "Water and Sewage System Fund" and said revenues will not be mingled with other funds of said City. Said "Water and Sewage System Fund" shall

tenance, alterations, reconstruction, repair, improvement, extension and enlargement of said system, providing an adequate depreciation fund, and paying the principal of and interest on the Water and Sewage System Revenue Bonds, Series A, and any water and sewage system revenue bonds of the City hereinafter issued, subject to the restrictions as hereinafter set forth, the moneys of said "Water and Sewage System Fund" to be used for the purposes aforesaid in the manner and under the conditions hereinafter set forth.

Section 9. There are hereby created in the treasury of the City two (2) further separate accounts to be known, respectively, as the:

Water and Sewage System Bond and Interest Account,

Water and Sewage System Bond Reserve Account,

and the City of Overbrook, Kansas, covenants and agrees that from and after the delivery of any of the bonds herein authorized, and continuing so long as any of said bonds shall remain outstanding, said City will maintain said accounts and each of them, and the City Treasurer, on the first day of each month following delivery of the Water and Sewage System Revenue Bonds, Series A, will allocate all of the revenues then in the "Water and Sewage System Fund" created and referred to in Section 8 of this Ordinance, in the following manner:

(a) There shall first be allocated and credited an amount sufficient to pay the cost of operating and maintaining the water and sewage system of the City for the ensuing month, provided, however, the amount so allocated and credited may also include any amount required to pay part or all of the then current expenses of operating and maintaining said system insofar as said expenses may remain unpaid, and provided that such cost of operation and maintenance shall not include the cost of extending or enlarging said system.

(b) There shall next be allocated and credited to the "Water and Sewage System Bond and Interest Account" the following sums:

1. On the first day of the month beginning with the first of said allocations and ending with the next succeeding interest-payment date on said bonds, an equal pro rata portion of the amount required to pay interest on said bonds on the next succeeding interest-payment date, and for the balance of the time that any of said bonds shall remain outstanding and unpaid an amount equal to one-sixth (1/6) of the amount of interest becoming due on said bonds on the next succeeding interest-payment date; and

2. On the first day of each month beginning December 1, 1969, an amount not less than one-twelfth (1/12) of the principal amount of said bonds becoming due on the next succeeding bond maturity date.

All amounts credited to said "Water and Sewage System Bond and Interest Account" shall be expended and used by the City for the sole purpose of paying the principal of and interest on said bonds as and when the same become due.

(c) The City presently has funds, derived from its water works system, not necessary for the operation and maintenance of said system, in excess of \$5,000.00. Prior to the issuance of the bonds herein authorized, there will be transferred from said existing funds to the "Water and Sewage System

(d) After making the allocations and payments required by paragraphs (a) and (b) of this Section 9, there shall next be allocated and credited to the "Water and Sewage System Bond Reserve Account" monthly deposits commencing June 1, 1969 of \$250.00 per month for each month until a total of \$15,000.00 shall be accumulated in said account. All amounts credited to and deposited in said "Water and Sewage System Bond Reserve Account", shall be expended and used solely to prevent any default in the payment of the principal of and interest on the bond herein authorized if the money in the "Water and Sewage System Bond and Interest Account" are insufficient to pay such principal and interest or if no other funds are available for such purpose. No part of the "Water and Sewage System Bond Reserve Account" shall ever be used expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Water and Sewage System Bond Reserve Account", after such call at payment the sum of \$15,000.00 or an amount equal to the principal of all of the bonds authorized hereunder then outstanding, together with all interest that will become due thereon maturity. Moneys accumulated in the "Water and Sewage System Bond Reserve Account" may be invested in United States Government obligations maturing within five (5) years from the date of purchase.

When and if the amount of said "Water and Sewage System Bond Reserve Account" shall aggregate the amount of not less than \$15,000.00, no further payment into said account shall be required, but if the City shall ever be compelled to use and expend any part of said account for the purpose authorized and such use shall reduce the amount in said account below the sum of \$15,000.00, then the City covenants and agrees that after making all allocations and credits at the time required to be made under the provisions of paragraphs (a) and (b) of this Section 9, it will thereafter continue or resume the allocation of \$250.00 each month into "Water and Sewage System Bond Reserve Account" until said account aggregates not less than \$15,000.00. Moneys in said account shall be used to pay and retire the last outstanding bond herein authorized, when sufficient to do so.

(e) If any moneys in any of the above accounts be invested in the manners herein

ted above, they may be deposited in a bank located in Overbrook, Kansas.

Section 10. Nothing contained in this Ordinance shall prohibit nor restrict the right of the City to issue additional revenue bonds payable from net revenues of the City's water and sewage system for the purpose of making further repairs, extensions, reconstruction, enlargements or improvements of said system, or from using moneys in the "Water and Sewage System Fund" to pay the principal of and interest on said additional bonds, provided that:

(a) The City shall not be in default in the payment of principal of and interest on any of the Water and Sewage System Revenue Bonds, Series A, nor shall the City be in default in any of the payments required to be made into the respective funds and accounts created or referred to in Sections 7, 8 and 9 of this Ordinance;

(b) Said additional revenue bonds shall be junior and subordinate to the Water and Sewage System Revenue Bonds, Series A, so that if at any time the City shall be in default in paying the principal of or interest on such Water and Sewage System Revenue Bonds, Series A, or if the City shall be in default in making any of the payments required to be made into the funds created or referred to in Sections 7, 8, and 9 of this Ordinance, the City shall make no payments of either principal of or interest on said junior subordinate bonds hereinafter issued until said default or defaults be cured and no default shall exist on the part of the City under the covenants, agreements and conditions contained in this Ordinance.

Section 11. The City of Overbrook, Kansas, covenants with each of the purchasers and holders of the Water and Sewage System Revenue Bonds, Series A, that so long as any of the said bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees or charges for the use of or services rendered by the water and sewage system of said City, including improvements, extensions and enlargements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said system, providing an adequate depreciation fund, and paying the principal of and interest on all water and sewage system bonds issued by said City against said system.

(b) None of the facilities or services afforded by the water and sewage system of the City will be furnished to any users without a reasonable charge being made therefor.

(c) The City will maintain the water and sewage system in good repair and working order and will operate the same in an efficient manner and at reasonable cost.

(d) The City will not mortgage, pledge or otherwise encumber its water and sewage system or any part thereof or any improvements, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said system or any material part thereof, provided, however, the City may dispose of any property which has become obsolete, nonproductive, or otherwise not usable to the advantage of the City. Any proceeds derived from the sale of such property shall become a part of the "Water and Sewage System Fund".

(e) The City will carry and maintain a reasonable amount of all-risk insurance including liability insurance upon the properties constituting its water and sewage system insofar as they are of an insurable

(Continued on page 6)

Legal Notice

(Continued from page 5)

nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(f) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water and sewage system. Such accounts shall show the amount of revenues received from said system, the application of such revenue, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices applicable to the operation of such a facility. The City will operate its water and sewage system on the basis of a fiscal year coinciding with the calendar year. Annually, at the end of each fiscal year, the City will cause an audit to be made by a competent firm of licensed municipal public accountants of the operation of its water system, and if such audit shall disclose that proper provisions have not been made for all of the requirements of this Ordinance and the laws of the State of Kansas, then the governing body of the City shall promptly proceed to cause to be charged for the use of or services rendered by the water and sewage system rates which will adequately provide for the requirements stated herein and set forth in the laws of the State of Kansas. Said audit shall be completed as soon as possible after the end of each fiscal year and a copy thereof shall be filed in the office of the City Clerk where it shall be open to public inspection. Duplicate copies of such audit shall be sent promptly by mail to Beecroft, Cole and Company, Topeka, Kansas.

(g) The holder of any of the Water and Sewage System Revenue Bonds - Series A shall

AN ORDINANCE VACATING A PORTION OF FOURTH STREET IN OVERBROOK, KANSAS.

Whereas, the owners of all the property surrounding and adjacent to the street hereinafter described to be vacated have petitioned the Governing Body for the vacation of the same;

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:

Pine Street between the South right-of-way line of fourth Street and the North right-of-way line of Market Street, adjacent to even-numbered lots 2 through 12, inclusive, in Coffman's Third West Addition to the Town 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 May 14, 1969.

James R. [Signature]
Mayor

(Municipal seal)

ATTEST:

[Signature]
City Clerk

Legal Notice

(Published in The Citizen, Overbrook, Kans., Dec. 25, 1969)

ORDINANCE NO. 65

AN ORDINANCE relating to mob action or other civil disobedience; providing for emergency regulations to preserve the peace and order of the city; and providing penalties for violation thereof.

Whereas, the State of Kansas, under the provisions of state law, Chapter 80, Laws of Kansas, 1967, imposes certain responsibilities upon cities for injuries and damages to persons and property caused by mob action; and

Whereas, it is deemed necessary and in the public interest that the city take all appropriate action to insure that orderly procedures exist to protect persons and property of the citizens of the city of Overbrook, Kansas; and

Whereas, Article 12, Section 5 of the Kansas Constitution, grants to the city the power to determine local affairs and government.

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

Section 1. Whenever, in the judgment of the mayor or in the event of his inability to act, the president of the council, determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city;

(a) To impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services; utility personnel maintaining essential public services; firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(b) To order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

(d) To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

Section 2. The Proclamation of Emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

Section 3. Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after forty-eight (48) hours from the issuance

thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

Section 4. Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the Proclamation of Emergency authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the city jail for a period of not to exceed six (6) months, or by both such fine and imprisonment.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

PASSED AND APPROVED this 12/10/69.

JAMES L. RUBLE JR.

Mayor

(Seal)

ATTEST:

C. Fischer

City Clerk

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A STANDARD INSTALLATION OF GAS APPLIANCES AND GAS PIPING CODE.

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

SECTION 1. That certain standard code known as the "American Standard Installation Gas Appliances And Gas Piping," 1964 edition, approved by the American Standard Association, Inc., on September 18, 1964, and sponsored by the American Gas Association, Inc., 605 Third Avenue, New York, New York, is hereby adopted by the City of Overbrook, Kansas, and shall be as much a part of this article as if the same had been set out in full herein, as authorized and in the same manner prescribed by the Statutes of the State of Kansas. The said standard code shall constitute the minimum standards of the installation of gas piping and gas appliances in buildings within the City of Overbrook. *with the sole exception of paragraph 6.6 thereof*

SECTION 2. Application for permits required for work under the said code shall be filed with the City Clerk. Fees for permits and inspections under the said code shall be required in accordance with the following schedule:

- (a) Each permit . . . \$ _____
- (b) Each outlet . . . \$ _____
- (c) Each range connection . . . \$ _____
- (d) Each heating stove connection . . . \$ _____
- (e) Each furnace installation . . . \$ _____
- (f) All other installations, not otherwise specified, per hour . . . \$ _____
- (g) Minimum fee . . . \$ _____

SECTION 3. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$ _____ or be imprisoned not to exceed _____ days, or be both so fined and imprisoned. Each day's violation shall constitute a separate offense.

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

PASSED AND APPROVED THIS 12 day of November, 1969.

Mayor

ATTEST:

City Clerk

C. Fischer

(MUNICIPAL SEAL)

Legal Notice

(Published in The Citizen, Overbrook, Kans., June 11, 1970)

ORDINANCE NO. 66

AN ORDINANCE DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

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

SECTION 1. The Citizen, a weekly newspaper printed in Overbrook, Kansas, and generally circulated in the City of Overbrook, Kansas, is hereby designated as the official newspaper of the City of Overbrook, Kansas.

SECTION 2. This ordinance shall be effective from and after its passage and approval and publication as provided by law.

Passed by the Council this 13th day of May, 1970.

Approved and signed by the Mayor.

JAMES L. RUBLE, JR.
Mayor

(Seal)

ATTEST: C. FISCHER
City Clerk

Legal Notice

(Published in The Citizen, Overbrook, Ks., July 16, 1970)

ORDINANCE NO. 67

AN ORDINANCE DEFINING AND PRESCRIBING THE PENALTY FOR CARELESS DRIVING.

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

SECTION 1. No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or in such manner as to endanger or be likely to endanger any person or property.

SECTION 2. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$10.00 nor more than \$100.00.

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 8 day of July, 1970.

DON E. HYLTON,

President of the City Council

(SEAL)

ATTEST:

C. FISCHER

City Clerk

Legal Notice

(Published in The Citizen, Overbrook, Kan., Feb. 4, 1971)

ORDINANCE NO. 68

AN ORDINANCE DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY OF OVERBROOK, OSAGE COUNTY, KANSAS.

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

SECTION 1. The Citizen, a weekly newspaper printed in Overbrook, Kansas, and generally circulated in the City of Overbrook, Kansas, is hereby designated as the official newspaper of the City of Overbrook, Kansas.

SECTION 2. This ordinance shall be effective from and after its passage and approval and publication as provided by law.

Passed by the Council this 13th day of January 1971.

Approved and signed by the Mayor.

JAMES L. RUBLE, JR.

Mayor

(SEAL)

ATTEST: John Jewell

City Clerk

Legal Notice

(Published in the Citizen, Overbrook, Kansas, Feb. 18, 1971)

ORDINANCE NO. 69

AN ORDINANCE CALLING FOR A SPECIAL ELECTION FOR THE PURPOSE OF VOTING ON A PROPOSITION TO ESTABLISH AND MAINTAIN A MUNICIPAL LIBRARY.

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

SECTION 1. A special election of the electors of the City of Overbrook, Kansas, is hereby called and shall be held for the purpose of voting on a proposition of the establishment and maintenance of a municipal library by the City of Overbrook, Osage County, Kansas. Said special election shall be held on the 6th of April, 1971, between the hours of 7:00 o'clock a. m. and 7:00 o'clock p. m.

SECTION 2. At said special election, the following proposition shall be submitted:

PROPOSITION

SHALL THE FOLLOWING BE ADOPTED?

Shall the City of Overbrook, Osage County, Kansas, establish and maintain a municipal library, as provided by law?

SECTION 3. Notice of the special election shall be published for three consecutive weeks in the official city newspaper. The first publication of the notice shall be not less than twenty-one days prior to the date fixed for the election. The Mayor and City Clerk and the county election officer of Osage County, Kansas, are authorized and directed to cause said notice to be published.

SECTION 4. The place of holding the said election shall be the Library Building, 403 Maple, in Overbrook, Kansas.

SECTION 5. If a majority of the electors of the City voting at said special election shall vote in favor of the establishment and maintenance of said library, the governing body of the city shall by ordinance establish such library forthwith and annually levy a tax for the maintenance of such library in such sums as the library board, appointed by the Mayor with the approval of the governing body, shall determine within the limitations fixed by law.

SECTION 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 10th of February, 1971.

James L. Ruble, Jr.

Mayor

ATTEST:

John Jewell

City Clerk

An ordinance providing for the establishment and maintenance of a library by the City of Overbrook, Kansas.

Whereas, in Ordinance No. 69, passed Feb 10, 1971, the governing body of the City of Overbrook, Kansas, called a special election for the purpose of voting on a question submitted of the establishment and maintenance of a municipal library by the said City, and further therein provided that, if a majority of the electors voting at said election voted in favor thereof, the said governing body would, by ordinance establish such library forthwith and annually levy a tax for the maintenance thereof pursuant to K.S.A. 12-1220; and

Whereas, at the said special election, held 6 April 1971, after lawful notice thereof, the said question submitted passed, 235 electors voting "yes" thereon, and 5 electors voting "no" thereon;

Now, therefore, be it ordained by the governing body of the City of Overbrook, Kansas that there is hereby established a municipal library in the City of Overbrook, Kansas, pursuant to K.S.A. 12-1220.

Passed and approved this 14 April, 1971.

Norm E. Lynton
Mayor

Attest:

John Jewell
City Clerk

(Seal)

Legal Notice

(Published in The Citizen, Overbrook, Ks., Oct. 21, 1971)

ORDINANCE NO. 71

AN ORDINANCE PRESCRIBING COMPREHENSIVE TRAFFIC CODE FOR THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1. The 1971 edition of Standard Traffic Ordinance For Kansas Cities, published by The League of Kansas Municipalities, is adopted by the City of Overbrook, Kansas.

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

Passed by the Council this October 13, 1971.

Approved and signed by the Mayor.

DON E. HYLTON
Mayor

(SEAL)
ATTEST:
John Jewell
City Clerk

Legal Notice

(Published in The Citizen, Overbrook, Ks., Dec. 16, 1971)

ORDINANCE NO. 72

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

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

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

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

SECTION 1. The following described real property, to-wit: A tract of land lying in part of the Southeast 1/4 of Section 31, Township 14 South, Range 17 East of the 6th P.M., Osage County, Kansas, and being described as follows:

Beginning at a point 600 feet North of the Southeast corner of the said section along the East line of said section; thence West parallel to the South line of the said section 250 feet; thence North 10 feet parallel to said East line; thence East 250 feet to the East line of said section; thence South 10 feet to the point of beginning,

and

Commencing at a point 292 feet North of the Southeast corner of the Southeast 1/4 of Section 31, Township 14, Range 17 East of the 6th P.M., thence North 308 feet, thence West 250 feet, thence South 308 feet, thence East 250 feet to the point of beginning.

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

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

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

PASSED AND APPROVED this 8th day of December 1971.

DON E. HYLTON

Mayor

ATTEST:

John Jewell

City Clerk

Legal Notice

(Published in The Citizen, Overbrook, Ks., Dec. 16, 1971)

ORDINANCE NO. 73

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

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

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

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

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

A tract of land lying in part of the Southeast 1/4 of Section 31, Township 14 South, Range 17 East of the 6th P.M., Osage County, Kansas, being described as follows:

Beginning at a point on the East line of the Southeast 1/4 of Section 31, Township 14 South, Range 17 East, 610.0 feet North of the Southeast corner of said 1/4 section, thence South 89 degrees 22 minutes 55 seconds West parallel with the South line of said 1/4 section, a distance of 320.0 feet, thence due North parallel with the East line of said 1/4 section, a distance of 644.50 feet, thence North 89 degrees 22 minutes 55 seconds East, a distance of 320 feet, to the East line of said 1/4 section, thence due South along the said East line, a distance of 644.50 feet to the point of beginning,

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

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

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

PASSED AND APPROVED This 8th day of December 1971.

DON E. HYLTON
Mayor

ATTEST:
JOHN JEWELL
City Clerk

(Published in The Citizen, Overbrook, Ks., Thursday, August 3, 1972.) Itc

ORDINANCE NO. 74

AN ORDINANCE REGULATING THE POSSESSION AND CONSUMPTION OF CEREAL MALT BEVERAGES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. It shall be unlawful for any person to have any cereal malt beverages in his possession upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted, except in the original and unopened container. This section shall not apply to premises licensed for on-premises consumption of cereal malt beverages.

SECTION 2. It shall be unlawful for any person to consume any cereal malt beverage upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted. This section shall not apply to premises licensed for on-premises consumption of cereal malt beverages.

SECTION 3. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$10.00, nor more than \$100.00.

SECTION 4. 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 28 day of July, 1972.

DON E. HYLTON

Mayor

(MUNICIPAL SEAL)

ATTEST:

JOHN JEWELL

City Clerk

LEGAL NOTICES

(Published in The Citizen, Overbrook, Ks., Thurs., March 29, 1973.) Itc

ORDINANCE NO. 75
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: Beginning at a point 1075 feet South of the Northwest corner of the Northeast 1/4 of Section 6, Township 15 South, Range 17 East of the 6th P. M., thence South 1143.12 feet to the North right of way line of the Missouri Pacific Railroad, thence in an Easterly direction along said right of way to the Southwest corner of the Cordts tract described in Book 227 at page 515 in the office of the Register of Deeds of Osage County, Kansas, thence North along the West line of said Cordts tract to the Northwest corner thereof, thence North 150 feet along the West line of the Lee Tract described in Book 227 at page 21 of said Register of Deeds office to the Northwest corner thereof, thence West 30 feet, thence North 30 feet, thence in a Northeasterly direction on a line, which if extended, would intersect the Northwest corner of Lot 1 of Western Heights Addition to Overbrook, Kansas, according to the recorded plat thereof, a distance of 93.34 feet to a point 20 feet South of the North line of said Lot 1 extended, thence West 715

feet, more or less, to the point of beginning. is hereby added to the corporate limits of Overbrook, Osage County, Kansas.

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

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

PASSED AND APPROVED this 21st day of March, 1973.

DON E. HYLTON,
Mayor

ATTEST:
JOHN JEWELL
City Clerk

LEGAL NOTICE

(Published in The Citizen, Overbrook, Ks., Thurs., April 19, 1973.) ltc

ORDINANCE NO. 76
AN ORDINANCE PROVIDING
FOR COMPENSATION OF MA-
YOR AND CITY COUNCIL MEM-
BERS FOR THE CITY OF O-
VERBROOK, KANSAS.

BE IT ORDAINED BY THE GOV-
ERNING BODY OF THE CITY
OF OVERBROOK:

Section 1. In consideration for duties performed, the Mayor and each City Council member shall be paid a token salary of seventy five dollars each per year.

Section 2. The above stated salary shall be paid in April of each year for the previous twelve month term. The first payment will be made in April, 1974.

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

PASSED AND APPROVED this
11th day of April, 1973.

DON E. HYLTON
Mayor

ATTEST:
JOHN JEWELL
City Clerk
(SEAL)

(Published in The Citizen, Overbrook, Ks., Thurs., May 3, 1973.)
lrc

ORDINANCE NO. 77

AN ORDINANCE DECLARING DOGS RUNNING AT LARGE TO BE A PUBLIC NUISANCE AND PROVIDING FOR THE CAPTURE, IMPOUNDING, DESTRUCTION OR RELEASE THEREOF.

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

SECTION 1. Dogs running at large within the city limits of the City of Overbrook, Kansas, within the period 1 April to 1 August, 1973 and each year thereafter are hereby declared to be public nuisances, whether or not licensed and registered pursuant to city ordinance; provided any dog securely restrained inside a vehicle or by a chain leash held by a person shall not be deemed to be running at large within the provisions of this article.

SECTION 2. The city marshal, deputy marshal or any other peace officer employed by said City shall capture and impound, in the Humane Society at Ottawa, Franklin County, Kansas, any dog found running at large in the period recited in Section 1.

SECTION 3. Any dog impounded as provided in Section 2 of this Ordinance shall be kept in said Humane Society custody for ten days, or until claimed by its owner or harbinger as hereinafter provided; provided, if any dog so impounded is not claimed and the fees paid, as hereinafter provided, within ten days after being so impounded, such dog shall be destroyed or otherwise disposed of by the city marshal, deputy marshal, other peace officer employed by said City or by said Humane Society. Before possession of any such impounded dog shall be relinquished by the City and the said Humane Society, the owner or harbinger of such dog shall sign a statement in writing verifying he is the owner or harbinger thereof, and shall pay to said City a minimum fee of five dollars (\$5.00) to defray the City's expenses in transporting said dog, and shall pay to said Humane Society its usual and customary charge for the care and keep of said dog.

SECTION 4. All ordinances or parts thereof in conflict herewith are hereby expressly repealed.

SECTION 5. 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 26 day of April 1973.

JEAN L. INGERSOLL
Mayor

(SEAL)
ATTEST:
JOHN JEWELL
City Clerk

LEGAL NOTICES

(Published in The Citizen, Overbrook, Ks., Thurs., May 3, 1973.)
Itc

ORDINANCE NO. 78

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF DOGS; THE IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS; THE PENALTY FOR FAILURE TO REGISTER DOGS; AND REPEALING ORDINANCE NO. 56 OF THE CITY OF OVERBROOK, KANSAS.

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

SECTION 1. The owner or harbinger of any dog of the age of six weeks, or older, shall, on or before the 15 day of May, 1973, and on or before the 31 day of January, 1974, and each calendar year thereafter, cause the name and description of such dog to be registered with the City Clerk in a book to be kept for that purpose, and shall pay each calendar year, or portion of calendar year, to said City, before such dog is registered, a fee of One Dollar (\$1.00) for each male dog or each spayed female and Two Dollars (\$2.00) for each un-spayed female dog, and shall keep upon the neck of each dog so registered a suitable metallic or leather collar with a metallic check or tag, with the number distinctly marked thereon, which check or tag shall be furnished by said City at the time the dog is registered.

SECTION 2. Any person or persons owning or harboring any dog of the age of six weeks, or older, within the corporate limits of the City of Overbrook, Kansas, without having registered the same and paid the registration fee as provided in Section 1 of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not less than Ten Dollars (\$10.00) and not more than Twenty-five Dollars (\$25.00).

SECTION 3. The city marshal, deputy marshal or any other peace officer employed by said City shall capture and impound, at the Humane Society at Ottawa, Franklin County, Kansas, any dog of the age of six weeks, or older, found within the city limits of the City of Overbrook without a current registration tag issued by said City attached to said dog as provided by this Ordinance.

SECTION 4. Any dog impounded as provided in Section 3 of this Ordinance shall be kept in said Humane Society at Ottawa, Franklin County, Kansas, for ten days, or until claimed by its owner or harbinger as hereinafter provided; provided, if any dog so impounded is not claimed, registered and the fees paid, as hereinafter provided, within ten days after being impounded, such dog shall be destroyed or otherwise disposed of by the city marshal, deputy marshal, other peace officer employed by said City, or by said Humane Society. Before possession of any such impounded dog shall be relinquished by the City, the owner or harbinger of such dog shall sign a statement in writing verifying he is the owner or harbinger thereof, register said dog with the City Clerk as provided in Section 1 of this Ordinance and pay to the City a minimum fee of Five Dollars (\$5.00) plus the usual and customary charges of said Humane Society for the care and keep of said dog.

SECTION 5. Ordinance No. 56 and all other ordinances or parts of ordinances of said City which are in conflict herewith are hereby repealed.

SECTION 6. 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 26th day of April 1973.

JEAN L. INGERSOLL
Mayor

(SEAL)
ATTEST:
JOHN JEWELL
City Clerk

ORDINANCE NO. ⁷⁹~~75~~
AN ORDINANCE ADDING CERTAIN REAL PROPERTY
TO THE CORPORATE LIMITS OF THE CITY OF
OVERBROOK, OSAGE COUNTY, KANSAS

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

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

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

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

A tract of land lying in part of the East 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 described as follows:

Beginning at the intersection of the South Right-Of-Way line of U.S. Highway 50 North (Now U.S. Highway 56), and the West line of the East 1/2 of the NW 1/4 of said Section 5; thence N89°50'28"E along said South Right-Of-Way a distance of 1008.21 feet to a point 49.89 feet South of the North line of the NW 1/4 of said Section 5; thence S00°00'00"E 309.13 feet; thence around a curve to the right having a radius of 579.26 feet an arc distance of 220.41 feet; thence tangent to last named curve on a bearing of S21°48'05"W a distance of 91.40 feet; thence S90°00'00"W a distance of 919.62 feet to the West line of the East 1/2 of the NW 1/4 of said Section 5; thence N01°14'52"W along said West line a distance of 606.48 feet to the place of beginning containing 13.80 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 publication in The Citizen, the official newspaper of said City, as provided by law.

PASSED AND APPROVED this 13 day of ^{June}~~May~~, 1973.


Jean L. Ingersoll
JEAN INGERSOLL
Mayor

ATTEST:

Leonard Atchison
~~John Jewell~~ Leonard Atchison
City Clerk

(Published in The Citizen, Overbrook, Ks., Thurs., June 21, 1973.) Itc

ORDINANCE NO. 80

AN ORDINANCE PRESCRIBING COMPREHENSIVE TRAFFIC CODE FOR THE CITY OF OVERBROOK, KANSAS.

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

Section 1. The 1973 edition of Standard Traffic Ordinance For Kansas Cities, published by The League of Kansas Municipalities, is adopted by the City of Overbrook, Kansas.

Section 2. This Ordinance shall take effect and be in force from and after its publication.

Passed by the Council this June 13, 1973.

Approved and signed by the Mayor.

JEAN INGERSOLL

Mayor

(SEAL)

ATTEST:

LEONARD ATCHISON

City Clerk

(Published in The Citizen, Overbrook, Ks., Thurs., April 4, 1974.) 1tc

ORDINANCE NO. 81
AN ORDINANCE RELATING TO
THE WATERWORKS SYSTEM
AND FIXING RATES AND
CHARGES FOR THE CONNEC-
TION WITH AND USE OF WA-
TER FROM THE SAME AND
FOR THE MANNER OF MAK-
ING AND COLLECTING SUCH
CHARGES AND REPEALING
ORDINANCES NOS. 19, 28 AND
29.

BE IT ORDAINED BY THE
GOVERNING BODY OF THE
CITY OF OVERBROOK, KAN-
SAS:

SECTION 1. That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the waterworks system supplied within the City limits of Overbrook, Kansas:

First 1000 gallons, \$2.50
Second 1000 gallons, \$1.25
All over 2000 gallons, \$0.75
per 1000 gallons
The minimum monthly charge shall be, \$2.50

For use and supply to school building during school term; fixed charge, \$50.00 per month

SECTION 2. That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the waterworks system supplied outside the City Limits of Overbrook, Kansas:

First 1000 gallons, \$3.50
Second 1000 gallons, \$1.25
All over 2000 gallons, \$0.75
per 1000 gallons
The minimum monthly charge shall be, \$3.50

SECTION 3. That where easement grants have made provision for rates and charges, the same shall be given force and effect and prevail over the rates provided for herein.

SECTION 4. 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 \$2.50 for 1000 gallons within the City and \$3.50 for 1000 gallons outside the City. In each case water supplied by the waterworks system of the City to the customer is resold without the consent of the Governing body of the City, service shall be disconnected after two days notice and shall not be restored until the customer has arranged to discontinue the reselling or redelivery of service. If service is required to be disconnected for this cause, a reconnection charge of \$1.00 shall be required to be paid before service is restored.

SECTION 5. All charges for the supplying of water by the City shall be paid to the City Clerk on or before the 10th day of the month following the month of such service. On all such bills that are not paid on or before the 10th day of the following month, a 10% penalty shall be added to and become part of such charge. When such delinquent bill remains unpaid the 15th day of the following month, service to the consumer shall be disconnected.

SECTION 6. The Governing Body shall have authority to require a deposit to insure payment of water bills when it finds and deems the same is necessary in any case.

SECTION 7. Service connections in the City limits shall be construed to mean: A corporation cock installed in the pipeline, a three-fourths inch copper line from the corporation cock to the property line or sidewalk, and a meter and meter box at the property line or sidewalk. The consumer shall then make his own connection from the meter to his own point of usage.

Service connections for consumers outside the City limits shall be construed to mean: A corporation cock installed in the pipeline, a three-fourths inch copper line from the corporation cock to the meter, and a meter and meter box to be placed at the City's pipeline. The consumer shall then make his own connection from the meter to his point of usage.

All such service connections shall be installed by the City and be the property of the City, but shall be paid for by the consumer at the cost of \$57.50, provided such installation is made at the time the water main is installed by the City. Charges for such service connections after the City main is laid and covered shall not be less than \$125.00. In either case no service connections shall be made by the City where the customer does not agree to use the City water for at least one year. At any time after the customer has used City Water for one year, he may request the City discontinue service on a temporary basis by paying a service charge of \$2.25. At the time he renews service an additional service charge will be made in the amount of \$2.25.

SECTION 8. Any meter may be tested for accuracy at any time. Such tests if desired shall be made at the City's expense. If a meter test is desired by a consumer, he may file a written request with the City Clerk at any time, and the meter shall be tested by the City. If such test shows the meter to be registering fast, the City shall bear the expense of the test and shall make adjustment with the consumer for overpayment as accurately as can be determined by the Governing Body. If such meter test shows the meter to be registering slow, the consumer who has requested the test shall bear the expense of the test by paying to the City Clerk the sum of \$2.50; provided, a meter that shows a test of not more than 3% inaccuracy shall be deemed to be accurate.

SECTION 9. All rates and charges provided for herein shall be paid to the City Clerk, who shall make proper record and account of the same and be by him paid at regular intervals of not less than once each month to the City Treasurer. The City Treasurer shall make proper record and account of the same and shall place such sums in a fund to be known as "waterworks fund", and shall not be co-mingled with the other funds of said City and shall only be used for the purposes authorized by law, including the operation and maintenance of said utility.

SECTION 10. That Ordinances Nos. 19, 28 and 29 be and the same are hereby repealed.

SECTION 11. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the Overbrook Citizen, as provided by law.

PASSED AND APPROVED
this 13th day of March, 1974.

JEAN L. INGERSOLL,

Mayor

ATTEST:
LEONARD ATCHISON
City Clerk
(SEAL)

LEGAL NOTICE

(First published in The Citizen Thursday, February 20, 1975)11

ORDINANCE NO. 82

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

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

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

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

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

A tract of land lying in part of the Southeast 1/4 of Section 31, Township 14 South, Range 17 East of the 6th P.M. and described as follows: Beginning at a point 610.00 feet North and 320.00 feet West of the Southeast corner of said 1/4 section, said point being the Southwest corner of Frierville Addition No. 1 in Overbrook, Kansas; thence North 00 degree 00 ft. 00 inches East 760.50 feet along the West line and West line projected of Oak Street, said West line being parallel with the East line of said 1/4 section; thence South 90 degree 00 feet 00 inches West 312.00 feet; thence South 00 degree 19 feet 40 inches East 1,078.82 feet to a point 295.00 feet North of the South line of said 1/4 section; thence North 80 degree 22 feet 55 inches East 375.85 feet, parallel with the South line of said 1/4 section; thence North 00 degree 00 feet 00 inches East 315.00 feet parallel with the East line of said 1/4 section to a point on the South line of Ninth Street; thence South 89 degree 22 feet 55 inches West 70.00 feet along the South line of said street to the point of beginning, is hereby added to the corporate limits of Overbrook, Osage County, Kansas.

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

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

PASSED AND APPROVED this 12th day of February 1975.

(S) Jean L. Ingersoll
Mayor

ATTEST:
(S) Leonard Atchison
City Clerk

AN ORDINANCE RELATING TO THE WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME AND FOR THE MANNER OF MAKING AND COLLECTING SUCH CHARGES AND REPEALING ORDINANCE No. 81.

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 within the City limits of Overbrook, Kansas:

First 1000 gallons	\$2.75
Second 1000 gallons	\$1.50
All over 2000 gallons	\$1.00 per 1000 gallons
The minimum monthly charge shall be	\$2.75

For use and supply to school building during school term: fixed charge \$50.00 per month

SECTION 2. That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the waterworks system supplied outside the City limits of Overbrook, Kansas:

First 1000 gallons	\$3.75
Second 1000 gallons	\$1.50
All over 2000 gallons	\$1.00 per 1000 gallons
The minimum monthly charge shall be	\$3.75

SECTION 3. That where easement grants have made provision for rates and charges, the same shall be given force and effect and prevail over the rates provided for herein.

SECTION 4. 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 \$2.75 for 1000 gallons within the City and \$3.75 for 1000 gallons outside the City. In each case water supplied by the waterworks system of the City to the customer is resold without the consent of the Governing Body of the City, service shall be disconnected after two days notice and shall not be restored until the customer has arranged to discontinue the reselling or redelivery of service. If service is required to be disconnected for this cause, a reconnection charge of \$10.00 shall be required to be paid before service is restored.

SECTION 5. All charges for the supplying of water by the City shall be paid to the City Clerk on or before the 10th day of the month following the month of such service. On all such bills that are not paid on or before the 10th day of the following month, a 10% penalty shall be added to and become part of such charge. When such delinquent bill remains unpaid the 15th day of the following month, service to the consumer shall be disconnected.

SECTION 6. The Governing Body shall have authority to require a deposit to insure payment of water bills when it finds and deems the same is necessary in any case.

SECTION 7. Service connections in the City limits shall be construed to mean: A corporation cock installed in the pipeline, a three-fourths inch copper line from the corporation cock to the property line or sidewalk, and a meter and meter box at the property line or sidewalk. The consumer shall then make his own connection from the meter to his own point of usage.

Service connections for consumers outside the City limits shall be construed to mean: A corporation cock installed in the pipeline, a three-fourths inch copper line from the corporation cock to the meter, and a meter and meter box to be placed at the City's pipeline. The consumer shall then make his own connection from the meter to his point of usage.

All such service connections shall be installed by the City and be the property of the City, but shall be paid for by the consumer at the cost of \$150.00. In either case no service connection shall be made by the City where the customer does not agree to use the City water for at least one year. At any time after the customer has used City water for one year, he may request the City discontinue service on a temporary basis by paying a service charge of \$5.00. At the time he renews service an additional service charge will be made in the amount of \$5.00.

SECTION 8. Any meter may be tested for accuracy at any time. Such tests if desired shall be made at the City's expense. If a meter test is desired by a consumer, he may file a written request with the City Clerk at any time, and the meter shall be tested by the City. If such test shows the meter to be registering fast, the City shall bear the expense of the test and shall make adjustment with the consumer for overpayment as accurately as can be determined by the Governing Body. If such meter test shows the meter to be registering slow, the consumer who has requested the test shall bear the expense of the test by paying to the City Clerk the sum of \$2.50; provided: a meter that shows a test of not more than 3% inaccuracy shall be deemed to be accurate.

SECTION 9. All rates and charges provided for herein shall be paid to the City Clerk, who shall make proper record and account of the same and be by him paid at regular intervals of not less than once each month to the City Treasurer. The City Treasurer shall make proper record and account of the same and shall place such sums in a fund to be known as "waterworks fund," and shall not be co-mingled with the other funds of said City and shall only be used for the purposes authorized by law, including the operation and maintenance of said utility.

SECTION 10. That Ordinance No. 81 be and the same is hereby repealed.

SECTION 11. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the Overbrook Citizen, as provided by law.

PASSED AND APPROVED this 10 day of March 1976.

A. Gerald Copman
Mayor

ATTEST:

Ronald Atchison
City Clerk
(SEAL)

LEGAL NOTICE

(First published in the Citizen Thursday,
August 5, 1976)11

ORDINANCE NO. 84

AN ORDINANCE PRESCRIBING A
COMPREHENSIVE CRIMINAL CODE
FOR THE CITY OF OVERBROOK,
KANSAS.

Section 1. The 1976 edition of the Criminal
Code for the City of Overbrook in ac-
cordance with the laws of the State of
Kansas is adopted by the City of Overbro-
ok, Kansas.

Section 2. This ordinance shall take effect
and be in force from and after its
publication.

Passed by the Council this July 14, 1976.

Approved and signed by the Mayor.
Gerald Coffman
Mayor

ATTEST:
Leonard Atchison
City Clerk

ORDINANCE NO. 84a

AN ORDINANCE REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. It shall be unlawful for any person to have any alcoholic liquor in his possession upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted, except in the original and unopened container.

SECTION 2. It shall be unlawful for any person to consume any alcoholic liquor upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted.

SECTION 3. As used in this ordinance, "alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than three and two-tenths percent (3.2%) of alcohol by weight.

SECTION 4. Any person violating the provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$ _____, nor more than \$ _____.

SECTION 5. 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 _____ day of _____ 1976.

Lerald Coffman
Mayor

ATTEST:

City Clerk

(SEA)

ORDINANCE NO. 84a

AN ORDINANCE REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. It shall be unlawful for any person to have any alcoholic liquor in his possession upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted, except in the original and unopened container.

SECTION 2. It shall be unlawful for any person to consume any alcoholic liquor upon any public street, alley, park, or any public property, or in any place or premises to which the public is admitted.

SECTION 3. As used in this ordinance, "alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than three and two-tenths percent (3.2%) of alcohol by weight.

SECTION 4. Any person violating the provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$ _____, nor more than \$ _____.

SECTION 5. 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 _____ day of _____ 1976.

Lerald Coffman
Mayor

ATTEST:

City Clerk

(SEA)

LEGAL NOTICE

(First published in the Citizen Thursday,
August 5, 1976)

ORDINANCE NO. 85

AN ORDINANCE PRESCRIBING A
COMPREHENSIVE TRAFFIC CODE
FOR THE CITY OF OVERBROOK,
KANSAS.

BE IT ORDAINED BY THE GOVER-
NING BODY OF THE CITY OF OVER-
BROOK, KANSAS:

Section 1. The 1976 edition of the Traffic
Code of the City of Overbrook in ac-
cordance with the laws of the State of
Kansas is adopted by the City of Over-
brook, Kansas.

Section 2. This ordinance shall take effect
and be in force from and after its
publication.

Passed by the Council this July 14, 1976.

Approved and signed by the Mayor.

Gerald Coffman
Mayor

ATTEST:
Leonard Atchison
City Clerk

LEGAL NOTICE

(First published in The Citizen Thursday,
July 17, 1975)11

ORDINANCE NO. 486

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

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

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

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

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

A tract in the West $\frac{1}{2}$ Southwest $\frac{1}{4}$ of
Section 32, Township 14 South of Range 17
East of the 6th P.M., described as follows:

Beginning 41.5 rods East of the South-
west corner of the Southwest $\frac{1}{4}$, thence
North 13.61 rods, thence West 28.5 rods,
thence North 9.6 rods, thence East to a
point 4 rods West of the East line of the
West $\frac{1}{2}$ Southwest $\frac{1}{4}$, thence South to the
South line of the Section, thence West to
the point of beginning,

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

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

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

PASSED AND APPROVED THIS 11th
DAY OF JUNE 1975.

Gerald Coffman
Mayor

ATTEST:
Leonard Atchison
City Clerk

LEGAL NOTICE

(First published in the Citizen Thursday, June 17, 1976)

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT (Storage, Collection, Transportation, Processing and Disposal)

ORDINANCE NO. 87

AN ORDINANCE PERTAINING TO PUBLIC HEALTH safety and welfare; regulating storage collection transportation processing and disposal of solid waste; providing for collection and disposal of solid waste; providing a penalty for violation of the provisions of this ordinance and repealing all ordinances in conflict herewith.

BE IT ORDAINED by the Governing Body of the City of Overbrook Kansas.

SECTION 1. SOLID WASTE STORAGE

The occupant of every dwelling unit and of every institutional commercial or business industrial or agricultural establishment producing solid waste within the corporate limits of the city, shall provide sufficient and adequate containers for the storage of all solid waste except bulky solid waste and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair; and shall maintain the area

surrounding them in a clean neat and sanitary condition at all times. These containers must have been originally manufactured for the purpose of storing solid waste including a lid. Exceptions to this will require special permission from the city.

SECTION 2. COLLECTION OF SOLID WASTE

The city shall provide for the collection of solid waste as follows:

SECTION 2.1 - Collection of residential solid waste - The city shall provide for the collection of all residential solid waste in the city, provided, however, that the city may provide the collection service by contracting with a person, county or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. Solid waste containers shall be placed at the curb before the time scheduled for collection. Bulky solid waste collection may or may not be provided, however, if not provided by the city, it shall be the occupant's responsibility to see that said bulky solid waste does not accumulate and to see that it is properly disposed of or processed.

SECTION 2.2 - Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance.

SECTION 2.3 - The following collection frequencies shall apply to collections of solid waste within the city: All residential solid waste, other than bulky solid waste, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly.

SECTION 2.4 - Containers to be manually lifted shall not exceed 35 gallons in capacity nor weigh more than 65 pounds when full.

SECTION 2.5 - All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed maintained and operated as to prevent spillage of solid waste therefrom.

SECTION 2.6 - Permits shall not be required for the removal hauling or disposal of earth and rock material from grading or excavation activities, nor shall they be required for the transportation of demolition and construction wastes; however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 3. DISPOSAL OF SOLID WASTE

SECTION 3.1 - Solid wastes shall be disposed of at a processing facility or disposal area complying with all requirements of the Kansas State Department of Health.

SECTION 3.2 - The city may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the city and which will meet all local, state and federal regulations.

SECTION 4. PERMITS

SECTION 4.1 - No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city, without first obtaining an annual permit therefor from the city; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit when performing their duties for said holder.

SECTION 4.2 - No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the city evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$300,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$50,000 for damage to property. Such policy may be written to allow the first \$500 of liability for damage to property to be deductible. Should any such policy be cancelled, the city shall be notified of such cancellation by the insurance carrier in writing not less than 15 days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

SECTION 4.3 - Each applicant for any such permit shall state in his application therefor: (a) the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed, or disposed; (c) the number of solid waste vehicles to be operated thereunder.

SECTION 4.4 - If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health and in conformity with this ordinance, the city shall issue the permit authorized by this ordinance. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of \$25.

The annual permit may be renewed simply upon payment of the fee provided all other requirements of this ordinance are met.

SECTION 4.6 - In order to insure compliance with this ordinance the city is authorized to inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this ordinance the city shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

SECTION 4.7 - In all cases, when the corrective measures have not been taken within the time specified, the city shall suspend or revoke the permit or permits involved in the violations, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

SECTION 4.8 - Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the city may, within thirty (30) days of the act for which redress is sought appeal directly to the proper Court of Kansas in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 5. PROHIBITED PRACTICES

It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (2) interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract with the city; (3) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency, except however, this does not apply to yard wastes; (4) dispose of solid waste at any facility or location which is not approved by the State of Kansas, Department of Health and Environment; (5) engage in the business of collection, transporting, processing or disposing of solid waste within the corporate limits of the city without a permit from the city, or operate under an expired permit, or operate after a permit has been suspended or revoked.

SECTION 6. SERVICE CHARGES

The City of Overbrook in providing the services of collection and disposing of all refuse accumulated within the city for the purpose of preventing insanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and refuse, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay any person contracting with the city for the collection and disposal of garbage and refuse, the fees and charges provided by the contract for the collection and disposal thereof.

There shall be charged, assessed, and collected from each residential unit within the city limits, the monthly amount of ~~\$2.00~~ (current contract)

In the case of mobile home parks, multiple or group dwellings, there shall be at least one standard container for each dwelling unit or in the equivalent volume an ap-

proved container or containers designed for mechanical emptying.

To assist in maintaining the general sanitation of the City of Overbrook, Kansas, it shall be the duty of every person occupying or having control of the occupancy of any dwelling located on a regularly established garbage and refuse route to notify the City Clerk of said city at the beginning of such occupancy or on the effective date of this ordinance and request, accept and use the garbage and refuse pickup and collection service; provided, however, the failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the city from adding the address of such premises to the proper garbage and refuse collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefore to be paid.

The service and service charge shall be terminated upon presentation of satisfactory proof to the city that any such dwelling unit is unoccupied, and shall be commenced upon renewed occupancy thereof.

Refuse service collection and the charges therefor may be discontinued upon a finding by the Sanitation Officer that, due to special circumstances applicable to a specified piece of property, the collection of refuse therefrom is unnecessary. In order to establish such fact, any interested person may file with the Sanitation Officer an affidavit, in a form to be approved by the City Attorney, setting forth sufficient information which, if found to be true, clearly demonstrates that the collection of refuse from the property therein described, is not necessary. No such finding shall be made by the Sanitation Officer without at least three (3) days prior notice to the person who has entered into a contract with the city for the collection and removal of refuse from residential establishments. Any such finding and determination shall be binding only for the fiscal year during which or for which such finding and determination is made. The Sanitation Officer may require the filing of a new affidavit before extending the period of exemption from refuse collection charges.

Whenever it is determined that the information upon which the Sanitation Officer has determined that the collection of refuse from a specified piece of property is unnecessary was or is untrue, the Sanitation Officer shall rescind his determination that the collection of refuse from such property is not necessary. In such case, all charges for refuse collection that would have been due except for such determination by the Sanitation Officer shall immediately become due and payable, plus interest thereon at the rate of seven percent per annum from the date that such charges should have been paid. Any person aggrieved by a decision of the Sanitation Officer made pursuant to this section may in writing appeal such decision to the City Council, and that the council's decision on the matter shall be final.

The system of refuse collection and disposal services established by the provisions of this ordinance is hereby designated an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage. The services provided for in this ordinance shall be deemed to be furnished both to the occupant and to the owner of the premises receiving such services, and the City may enforce collection of such charges by bringing proper legal action against the occupant, the owner, or both, of any premise which has received such services, to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the Court.

The service charge herein provided for is hereby imposed, jointly and severally, upon the owner and upon the occupant of each dwelling unit to which such service is made available under the provisions of this ordinance and billing therefor shall be made to the person contracting for City water and/or sewerage service to each such dwelling unit, in the event such person is neither the owner nor the occupant of such dwelling unit billing shall be made to the owner or the occupant thereof, or both.

All billing for garbage and refuse service charges shall be included on city utility bills and no payment shall be accepted by the city clerk except for the full amount due for all utility services. Delinquent garbage and refuse bills shall carry the same due dates, grace periods and penalties as city utility bills.

SECTION 7. PENALTIES

Any person violating any of the provisions of this ordinance, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five-hundred dollars (\$500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 8. REPEALS

All sections of previous ordinances regarding solid waste management or subfunctions thereof, that are in conflict with this ordinance are hereby repealed.

SECTION 9. MANAGEMENT AND OPERATION

If it becomes necessary to designate one person to see that this ordinance is properly enforced and that normal operations are maintained without separate council action on each problem that arises, the mayor is hereby authorized to appoint a citizen of this city to carry out these functions. City council approval will be necessary at the next regularly scheduled council meeting. Compensation will be decided by the city council. All decisions by this person shall be final unless a signed request for council review is delivered to said person who shall present the request at the next regularly scheduled council meeting.

SECTION 10. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

SECTION 11. DEFINITIONS

For the purposes of this ordinance, the following terms shall be deemed to have the meaning indicated below:

Approved Incinerator - An incinerator which complies with all current regulations of the Division of Air Quality, State of Kansas, Department of Health and Environment.

Bulky Solid Waste - Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor.

City - The City of Overbrook, Kansas.

Collection - Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

Demolition and Construction Waste - Waste materials from the construction or destruction of residential, industrial or commercial structures.

Dwelling Unit - Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

Garbage - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous Wastes - Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

Garbage - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous Wastes - Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

Occupant - Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

Processing - Incinerating, composting, baling, shredding, salvaging, compacting

and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Refuse - Solid waste.

Sanitation Officer - Person designated by Mayor and Council to enforce provisions of this ordinance.

Solid Waste - Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

(a) **Commercial solid waste** - solid waste materials from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) **Residential solid waste** - solid waste resulting from the maintenance and operation of dwelling units.

Solid Waste Container - Receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid Waste Disposal - The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

SECTION 12.

This ordinance shall take effect and be in force from and after July 1, 1976, and its passage approval and publication as provided by law.

Passed and approved this 9th day of June 1976.

Signed
Mayor

LEGAL NOTICE

(First published in The Citizen Thursday,
December 16, 1976) 1 †

ORDINANCE NO. 88

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 1976 WITH
CERTAIN OMISSIONS.

BE IT ORDAINED BY THE GOVER-
NING BODY OF THE CITY OF OVER-
BROOK:

**SECTION 1. Incorporating Standard
Traffic Ordinance.** There is hereby in-
corporated 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 1976,
prepared and published in book form by
the League of Kansas Municipalities,
Topeka, Kansas, save and except such
sections, as are hereafter omitted and
deleted, such incorporation being
authorized by K.S.K. 12-3009 through 12-
3012 inclusive. Not less than three (3)
copies of said standard ordinance shall be
marked or stamped "Official Copy as
Adopted by Ordinance No. 88," with all
sections thereof intended to be omitted or
changed clearly marked to show any such
omission or change 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 or-
dinance 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 2. All ordinances in conflict
herewith are hereby repealed.

SECTION 3. Effective Date. This or-
dinance shall take effect and be in force
from and after its passage, approval and
publication as provided by law.

PASSED AND APPROVED this
November 1976. Gerald Coffman
Mayor

ATTEST:
Barbara Williams
City Clerk

LEGAL NOTICE

(First published in the Citizen Thursday, December 18, 1976) 1 time

ORDINANCE NO. 89

AN ORDINANCE GRANTING THE FRANCHISE, PRIVILEGES AND RIGHTS TO CONTINENTAL

TELEPHONE COMPANY OF KANSAS, INC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, ACQUIRE, OPERATE AND MAINTAIN A TELEPHONE SYSTEM IN THE CITY OF OVERBROOK KANSAS, AND TO USE THE STREETS, ROADS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES.

Be It Ordained by the Governing Body of the City of Overbrook of the State of Kansas that:

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

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

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

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

SECTION V. The Telephone Company agrees to pay to the City as full compensation for granting the rights and privileges herein a sum equal to 3 percent of the gross receipts of the Telephone Company from subscribers in the City of Overbrook said gross receipts for the regular basic charge to customers or subscribers for telephone services in the City, but does not include charges for special services, long distance calls or charges for extension phones. The Telephone Company shall make and report to the Governing Body of the City all such gross receipts once each six months and pay to the City the amount due such City at the time said report is made. The first report and payment to be on the 1st day of January 1977.

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

SECTION VII. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

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

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

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

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

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

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

Approved this 8th day of December 1976

Gerald Coffman Mayor

ATTEST: Barbara Williams City Clerk

----LEGAL NOTICE----

(First published in the Overbrook Citizen,
Feb. 24, 1977)11

ORDINANCE NO. 90

AN ORDINANCE ADOPTING BY REFERENCE "TRAFFIC CODE FOR THE CITY OF OVERBROOK, KANSAS, 1977."

WHEREAS, the city of Overbrook, Kansas, a municipal corporation, has prepared, compiled and developed a Traffic Code and

WHEREAS, the Governing Body of the City of Overbrook, Kansas, has made the "Traffic Code for the City of Overbrook, 1977 available in printed pamphlet form, and

WHEREAS, Chapter 12, Section 3009 through 3012 of the Kansas Statutes annotated provide that such codes may be adopted by reference.

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

SECTION 1: That the "Traffic Code for the City of Overbrook, Kansas, 1977 be and the same is hereby adopted and incorporated as fully as set forth at length herein, and all provisions therein shall be controlling within the area of jurisdiction of the City of Overbrook, Kansas.

SECTION 2: There shall be not less than (3) copies of the Traffic Code for the City of Overbrook, Kansas, 1977 marked and stamped "Official Copy" as incorporated by Ordinance No. 90 with all sections, portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts of portions that are incorporated as the case may be, and to which shall be attached a copy of the incorporating ordinance, filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

SECTION 3: That this Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

Mayor
Gerald Coffman

Attest:
Barbara Williams

C R I M I N A L C O D E
OF THE CITY OF OVERBROOK

1977 EDITION

OFFICIAL COPY AS INCORPORATED BY ORDINANCE NO. 91

First published in the Citizen Thursday April 7, 1977)H

LEGAL PUBLICATION
ORDINANCE NO. 91

AN ORDINANCE ADOPTING BY REFERENCE
"CRIMINAL CODE FOR THE CITY OF OVERBROOK,
KANSAS, 1977."

WHEREAS, the city of Overbrook,
Kansas, a municipal corporation, has
prepared, compiled and developed a
Criminal Code and

WHEREAS, the Governing Body has
made the "Criminal Code for the City
of Overbrook, 1977 available in printed
pamphlet form, and

WHEREAS, Chapter 12, Section 3009
through 3012 of the Kansas Statutes
annotated provide that such codes may be
adopted by reference.

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

SECTION 1: That the "Criminal Code
for the City of Overbrook, Kansas, 1977
be and the same is hereby adopted and
incorporated as fully as set forth at
length herein, and all provisions therein
shall be controlling within the area of
jurisdiction of the City of Overbrook,
Kansas.

SECTION 2: There shall be not less
than three (3) copies of the Criminal Code
for the City of Overbrook, Kansas, 1977
marked and stamped "Official Copy" as
incorporated by Ordinance No. 91 with all
sections, portions thereof intended to be
omitted clearly marked to show any such
omission or showing the sections, ~~articles,~~
chapters, parts of portions that are incorp
orated as the case may be, and to which
shall be attached a copy of the incorporating
ordinance, filed with the City Clerk to
be open to inspection and available to
the public at all reasonable business hours.

SECTION 3: That this Ordinance
shall take effect and be in force from
and after its passage, approval and publication
~~law~~ as provided by law.

Mayor

Gerald Coffman

Attest:

City Clerk

Barbara Harth

ORDINANCE NO. 91

CRIMINAL CODE

- Article
1. General Provisions
 2. Offenses Against Peace and Order
 3. Offenses Against Property
 4. Offenses Against Public Officers
 5. Offenses Against Public Morals
 6. Offenses Against Public Safety and Welfare
 7. Offenses Against Personal Rights and Public Obedience
 8. Prohibition Against Loud, Unnecessary or Unusual Noises
 9. Arrest Procedure
 10. Proclamation and Control of Public Crisis
 11. Amusement Devices & Places
 12. Cereal Malt Beverages

Article 1. General Provisions

91-101

Scope of Application. The doing of any of the acts or things defined, made unlawful, or a misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this ordinance in the City of Overbrook is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of said city and unlawful; any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

91-102

Severability of parts of ordinance. If for any reason any article, section, sub-section, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances, is declared to be unconstitutional or invalid such decisions shall not affect the validity of any remaining article, section, sub-section, sentence, clause or phrase of this ordinance.

91-103

Definitions. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) "Act" includes a failure or omission to take action.
- (2) "Another" means a person or persons as defined in this ordinance other than the person whose act is claimed to be criminal.

(2)
CRIMINAL CODE

- (3) "Conduct" means an act or series of acts, and the accompanying mental state.
- (4) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.
- (5) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, within the City of Overbrook.
- (6) "Owner" means a person who has any interest in property.
- (7) "Property" means anything of value, tangible or intangible, real or personal.
- (8) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

91-104

Liability for Crimes of Another.

- (1) A person is criminally responsible for a crime committed by another if he intentionally aids, abets, advises, hires, counsels or procures the other to commit the crimes.
- (2) A person liable under subsection (1) hereof is also liable for any other crimes committed in pursuance of the intended crime if reasonably foreseeable by him as a probable consequence of committing or attempting to commit the crime or some other degree of the crime or of some other crime based on the same act.

91-105

Entrapment. A person is not guilty of a crime if his criminal conduct was induced or solicited by a public officer or his agent for the purposes of obtaining evidence to prosecute such person, unless:

- (1) The public officer or his agent merely afforded an opportunity or facility for committing the crime in furtherance of a criminal purpose originated by such person or a co-conspirator; or
- (2) The crime was a type which is likely to occur and recur in the course of such person's business, and the public officer or his agent in doing the inducing or soliciting did not mislead such person into believing his conduct to be lawful.

(3)
CRIMINAL CODE

91-106

Use of Force in Defense of a Person. A person is justified in the use of force against any aggressor when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force.

91-107

Use of Force in Defense of Dwelling. A person is justified in the use of force against another when and to the extent that it appears to him and he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon his dwelling.

91-108

Use of Force in Defense of Property Other Than a Dwelling. A person who is lawfully in possession of property other than a dwelling is justified in the threat or use of force against another for the purpose of preventing or terminating an unlawful interference with such property. Only such degree of force or threat thereof as a reasonable man would deem necessary to prevent or terminate the interference may intentionally be used.

91-109

Attempt.

(1) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is prevented or intercepted in executing such crime.

(2) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the crime was not possible.

91-110

Conspiracy.

(1) A conspiracy is an agreement with another person to commit a crime or to assist to commit a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by him or by a co-conspirator.

(4)
CRIMINAL CODE

(2) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of his co-conspirators, before any overt act in furtherance of the conspiracy has been committed by him or by a co-conspirator.

Article 2. Offenses Against Peace and Order.

91-201

Disturbance of Peace. Disturbance of the peace is the wilfull disruption of the peace, quiet and good order of any family, neighborhood, assembly or meeting of people lawfully and peacefully assembled; or wilfully disturbing the peace and quiet of any person, and is unlawful.

91-202

Window Peeping. Window peeping is the entering upon the private property of another to observe wrongfully the occupant of the property without the permission or knowledge of the occupant, or loitering in a public street, alley, parking or other public place for the purpose of wrongfully observing the occupants of another dwelling, and is unlawful.

91-203

Public Intoxication. Public intoxication is being on a highway or street or in any public place while under the influence of intoxicating liquor, narcotics or other drugs to the degree that one may endanger himself or other persons or property or annoy persons in his vicinity, and is unlawful.

91-204

Sale of Alcoholic Liquor; Unlawful Acts. It shall be unlawful for any person to own, maintain, operate or conduct either directly or indirectly, any business place, public or private, where alcoholic liquor is sold, offered for sale, or kept for sale by the drink or in any quantity of less than one-half (1/2) pint. Provided, however, that the provision of this ordinance shall not apply to private clubs properly licensed by the State of Kansas.

(5)
CRIMINAL CODE

91-205

Same; Consumption in Public Places Prohibited. It shall be unlawful for any person to drink or consume alcoholic liquor upon the public streets, alleys, roads or highways, or beer parlors, taverns, pool halls, or places to which the general public has access, whether or not an admission or other fee is charged or collected, or upon property owned or maintained by the state or any governmental subdivision thereof or inside vehicles while upon the public streets, alleys, roads or highways; provided the provisions of this section shall not apply to those premises properly licensed under applicable state and local ordinances for the sale and dispensing of alcoholic beverages and cereal malt beverages.

91-206

Disorderly Conduct. Disorderly conduct is unlawful. For the purpose of this chapter disorderly conduct shall be construed to be as follows:

- (1) Acting in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health.
- (2) Acting in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
- (3) Endangering the lawful pursuits of another by acts of violence, angry threats or abusive conduct.
- (4) Causing, provoking or engaging in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another.
- (5) Assembling or congregating with another or others for the purpose of causing, provoking or engaging in any fight or brawl.
- (6) Jostling or roughly crowding or pushing any person in any public place.
- (7) Using fighting words directed toward another person who as a result becomes outraged and thus create a turmoil.

(6)
CRIMINAL CODE

- (8) Throwing any stones, snowball or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any other person in any public or private way or place or enclosed or unenclosed ground.
- (9) Throwing any stone, snowball or any other missile from any vehicle, either moving, stopped or parked, upon or at any building, tree, sign or other public or private property, or upon or at any person in any public or private way or place of enclosed or unenclosed ground.
- (10) Interfering, by acts of violence, with another's pursuit of a lawful occupation.
- (11) Assembling or congregating with another or others for the purpose or with the intent to engage in gaming, unless such gaming is permitted under the laws of the State of Kansas.
- (12) Accosting or attempting to force one's company upon any person.
- (13) Unlawfully congregating with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refusing to clear such public way when told to do so by a member of the Overbrook Police Department or any other lawful authority.
- (14) Expecterating, urinating, or defecating on any public street, alley, sidewalk, or floor of any public building, or any other place where the public gathers or has access.
- (15) Entering upon the land or premises of any other person, whether such person be the owner or lessee of said land or premises and wilfully acting in a disorderly manner by making loud and unseemly noises or by profane cursing or swearing or using obscene language or acting in any other disorderly manner while thereon.
- (16) Lurking, lying in wait or concealed in any house or other building or any yard, premises or street with the intent to do any mischief or to pilfer or to commit any crime or misdemeanor whatever.
- (17) Loitering or prowling around a dwelling house or any other place used wholly or in part for living or dwelling purposes, belonging to or occupied by another.

(7)
CRIMINAL CODE

(18) Occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or any automobile, truck, railroad car, or other vehicle without owning the same, or without permission of the owner or person entitled to possession of the same, or sleeping in any vacant lot during the hours of darkness.

(19) Wandering abroad and begging, or going about door to door at private homes or commercial and business establishments or placing oneself in or upon any public way or place to beg or receive alms for oneself.

91-207

Person Obstructing the Public Ways, Buildings, or Private Buildings to Which the Public has Access. It shall be unlawful for persons to gather in a crowd or to collect in such a manner as to prevent, interrupt, or obstruct the travel, free passage, or access over the same by the public upon any public park, sidewalk, street, alley or building or upon any private property to which the public has access.

91-208

Carrying of Deadly Weapons. It shall be unlawful for any person who is not an officer of the law, or a deputy to such officer:

(a) To carry upon his person a concealed weapon. A deadly weapon includes, by illustration, but not limited to: pistols, knives, other than pocket knives with blades less than four (4) inches in length, dirks, sling shots, and knucks; or

(b) To carry on his person or have within the immediate control of his person on or about public property or a public place any loaded firearm or automatic firearm with the magazine loaded, detached or attached.

91-209

Same, Forfeiture and Destruction. The Municipal Judge shall upon conviction, order any such weapons to be confiscated and the same shall, whenever the weapon is no longer needed for evidentiary purposes in the discretion of the trial court, be destroyed, returned to the owner thereof, preserved as City Police Department property, or sold and the proceeds of such sale shall be deposited

(8)
CRIMINAL CODE

in the funds available to the Police Department. Unless otherwise provided by law, all other property shall be disposed of in such manner as the Court in its sound discretion may direct.

91-210

Discharging of Firearms; Discharging or Use of Air Guns, Spring Guns, Sling Shots. It shall be unlawful for any person, other than a peace officer in the performance of his duty, to discharge any cannon, gun, pistol, rifle or other fire arm, or to discharge or use any air gun, spring gun, or sling shot within the corporate limits of this city.

91-211

Deadly Weapons; Drawing Upon Another. It shall be unlawful for any person, not a peace officer in the execution of his duty, to draw a pistol, revolver, knife, or any other deadly weapon upon another.

91-212

Furnishing Weapons to Minors or Persons of Unsound Mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, or any dirk, Bowie knife, knucks, sling shot, or other dangerous weapons to any minor, or to any person of notorious unsound mind, or habitual drunkard or narcotics addict.

91-213

Unlawful Use of Tear Gas, Mace. It shall be unlawful for any person not a police officer in the execution of his duty, to discharge tear gas, mace or any other chemical substance against any individual within the corporate limits of the city of Overbrook.

91-214

Assault. An assault is an intentional threat or attempt to do bodily harm to another coupled with apparent ability and resulting in immediate apprehension of bodily harm. No bodily contact is necessary.

91-215

Assault of a Law Enforcement Officer. Assault of a law enforcement officer is an assault, as defined in section 91-214 committed against a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of his duty.

(9)
CRIMINAL CODE

91-216

Battery. Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.

91-217

Battery Against a Law Enforcement Officer. Battery against a law enforcement officer is a battery, as defined in section 91-216, committed against a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of his duty.

91-218

Unlawful Interference With a Fireman or Fire Fighter. Unlawful interference with a fireman or fire fighter is knowingly and intentionally interfering with, molesting or assaulting, as defined in section 91-214, any fireman or fire fighter while engaged in the performance of his duties, or knowingly and intentionally obstructing, interfering with or impeding the efforts of any fireman or fire fighter to reach the location of a fire.

91-219

Unlawful Restraint.

- (1) Unlawful restraint is knowingly and without legal authority restraining another so as to interfere substantially with his liberty.
- (2) This section shall not apply to acts done in the performance of duty by any law enforcement officer of the state of Kansas or any political subdivision thereof.
- (3) Any merchant, his agent or employee, who has probable cause to believe that a person has actual possession of and (a) has wrongfully taken, or (b) is about to wrongfully take merchandise from a mercantile establishment, may detain such person (a) on the premises or (b) in the immediate vicinity thereof, in a reasonable manner and for a reasonable period of time for the purpose of investigating the circumstances of such possession. Such reasonable detention shall not constitute an arrest nor an unlawful restraint.

(10)
CRIMINAL CODE

91-220

Vagrancy. Vagrancy is:

- (a) Engaging in an unlawful occupation; or
- (b) Being of the age of eighteen (18) years or over and able to work and without lawful means of support and failing, or refusing to seek employment; or
- (c) Loitering in any community without visible means of support; or
- (d) Loitering on the streets or in a place open to the public with intent to solicit for immoral purposes; or
- (e) Deriving support in whole or in part from begging.

91-221

Harassment by Telephone. Harassment by telephone is use of telephone communication for any of the following purposes:

- (a) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent; or
- (b) Making a telephone call, whether or not conversation ensues, without disclosing the identity of the caller and with intent to annoy, abuse, threaten or harass any person at the called number; or
- (c) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
- (d) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
- (e) Playing any recording on a telephone, except recordings such as weather information or sports information, when the number thereof is dialed, unless the person or group playing the recording shall identify itself or himself and state that it is a recording; or
- (f) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

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91-222

Giving a False Alarm. Giving a false alarm is:

- (a) Initiating or circulating a report or warning of an impending bombing or other crime or catastrophe, knowing that the report or warning is baseless and under such circumstances that it is likely to cause evacuation of a building, place of assembly, or facility of public transport or to cause public inconvenience or alarm; or
- (b) Transmitting in any manner to the fire department of any city, township or other municipality a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.

91-223

Possession and Distribution of Opiates, Opium or Narcotic Drugs; Penalties. Except as authorized by the Kansas uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under this control, possess with intent to sell, sell, prescribe, administer, deliver, distribute, dispense or compound any opiates, opium or narcotic drugs.

91-224

Manufacture, Possession, Disposition or Sale of Depressant, Stimulant or Hallucinogenic Drugs; Penalties.

- (a) Except as authorized by the Kansas uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense or compound:
 - (1) Any depressant designated in subsection (e) of K.S.A. 65-4107, subsection (b) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and any amendments thereto;
 - (2) Any stimulant designated in subsection (d) of K.S.A. 65-4107 or subsection (d) of K.S.A. 65-4109, and any amendments thereto;
 - (3) Any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105; or
 - (4) Any substance designated in subsection (c) of K.S.A. 65-4111, and any amendments thereto.

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(b) Except as authorized by the Kansas uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in his possession with the intent to sell:

- (1) Any depressant designated in subsection (e) of K.S.A. 65-4107, subsection (b) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and any amendments thereto;
- (2) Any stimulant designated in subsection (d) of K.S.A. 65-4107 or subsection (d) of K.S.A. 65-4109, and any amendments thereto;
- (3) Any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105; or
- (4) Any substances designated in subsection (c) of K.S.A. 65-4111, and any amendments thereto.

Article 3. Offenses Against Property

91-301

Shoplifting. Any person who shall wilfully take possession of any goods, wares or merchandise of a value of less than \$50.00 offered for sale by any store or other merchantile establishment with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of the offense of shoplifting.

Concealment from view of any goods, wares or merchandise, on the person or otherwise under the control of that person, shall be deemed prima facie evidence of shoplifting.

91-302

Receiving or Buying Stolen Property. It shall be unlawful for any person to knowingly buy or in any way receive any goods, money, rights in action, personal property, any valuable security or any valuable effects whatsoever, that have been stolen or illegally taken from another.

91-303

Posting, Painting of Advertising Matter, Unlawful. It shall be unlawful for any person to post, paste, paint, brand or stamp any printed, written, painted or other advertisement, bills, posters, dodgers, bulletins or signs or notices of any kind or character, upon any private fence, house or other building, or upon any other private property in the corporate limits without consent of the owner thereof.

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91-304

Injuring Property. It shall be unlawful for any person to wilfully or wantonly damage, injure, engrave, deface, stain, or tarnish any property, either real, personal or mixed, of another, or daub or besmear the same or any part thereof with paint, mud, filth, tar, oil or grease or injure the same by throwing stones, dirt, or any other article or thing thereat, or commit any other acts of vandalism.

91-305

Injury to Plants; Grounds. It shall be unlawful for any person to wilfully and without authority cut, pull, pluck, or otherwise injure any plants, flowers, grass, shrubs or trees growing in or around any public or private grounds within the corporate limits of the city or to wilfully and without authority to tear down, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure, damage or destroy any stand, bench, seat or other property situated upon such park or ground.

91-306

Protection of Lawns, Yards. It shall be unlawful for any person or persons to cut across or walk upon any lawn, front yard or courtyard, except upon sidewalks or walkways, if the same are provided or upon a regularly established path where no sidewalk or walkway has been provided to the house or other building.

91-307

Tearing or Defacing Posted Advertising. It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any poster, advertisement or bill, the same being the property of any other person, firm or corporation, when the same is rightfully or lawfully posted, or put up in any place in the city.

91-308

Vehicle Used for Littering. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or under his control to be used for littering, and it shall be presumed that a registered owner is responsible for any littering in which his vehicle may be involved.

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91-309

Interfering With and Abusing Police Dogs. It shall be unlawful for any person to wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department for the city of Overbrook in the performance of the functions or duties of such department or to interfere with or meddle with any such dog while being used by said department or any of the duties or functions of said department or of such officer or member.

91-310

Injury to Public Building, Structures. It shall be unlawful for any person to wilfully, wantonly, or maliciously injure, destroy, engrave, deface or tarnish, any public building, or part thereof, or any gate, fence, or any useful or ornamental work or improvement, or any part thereof, or any post or structure lawfully standing in the streets, park or public grounds within the corporate limits or daub or desmear the same or any part thereof with paint, mud, filth, tar, oil or grease, or injure the same by throwing stones, dirt, litter, or any substance or thing thereat or in any other wanton or wilful manner injure or damage the same.

91-311

Tampering with, Molesting or Injuring Lamps, Fire Alarm Boxes, Fire Hydrants, Utility Poles, Street Signs and Traffic Signals. It shall be unlawful for any person to wilfully or wantonly injure or break any of the lamps or lighting devices on any street, alley, park, or public grounds of the city, or injure or break any fire alarm box, or any lamp post, telegraph, telephone, electric light or fire alarm pole or wires; or any sign post or sign containing the name of any street or avenue, or any traffic signal in the corporate limits. It shall be unlawful to tamper with or turn on any fire hydrant, any signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft, or watercraft.

91-312

City Property, Withholding Possession. It shall be unlawful for any person to take possession of any property, real or personal, belonging to the city or the possession of which the city shall be entitled or withhold the possession thereof from the city.

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91-313

Offensive Premises; Nuisances. It shall be unlawful for the owner or occupant of any lot or piece of ground in the city to suffer or permit any putrescible refuse matter, animal or vegetable, or any putrid or unwholesome substance to be or accumulate thereon, or to suffer or permit any cellar, stable, poultry house, dog kennel or any place where any animals are kept, or any water closet, septic tank or privy vault thereon, to be in such a condition as to emit offensive odors or otherwise be injurious or hazardous to the health of the neighborhood. Any such condition shall be abated as a public nuisance as hereinafter provided.

91-314

Pools of Water; Nuisances. It shall be unlawful for the owner or occupant of any lot or piece of ground in the city to suffer or permit any noisome or foul smelling pools of water or putrid liquid substances, whether animal or vegetable, to accumulate thereon to the annoyance of the neighborhood or likely to engender an epidemic or endemic disease in the city. Any such condition on any lot or piece of ground shall be abated as a public nuisance as hereinafter provided.

91-315

Weeds and Obnoxious Vegetation Subject to Cutting. All weeds and obnoxious growth of vegetation over eighteen (18) inches high on lots and pieces of land and in streets and alleys in front of and abutting on any lot or piece of land in the city are hereby declared a nuisance and subject to abatement as hereinafter provided.

91-316

Clearing of Litter From Private Property by City; Notice to Remove. The Chief of Police is hereby authorized and empowered to notify the owner or owners of any private property within the city or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, or in person, addressed to said owner or owners at his last known address.

91-317

Same; Action Upon Non-Compliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within thirty (30) days after receipt of written notice provided for in

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Section 91-316 or within thirty (30) days after the date of such notice in the event the same is returned to the city Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Chief of Police is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City, and shall be further authorized to enter the designated premises for such purpose.

91-318

Same; Assessment Against Property Owner. When the Chief of Police shall have caused the removal of such dangerous litter as aforesaid, the Chief of Police shall report the cost thereof to the City Clerk and the cost of such removal shall be paid by the owner of the property or shall be assessed against the lot or parcel of ground upon which the dangerous litter was located.

91-319

Same; Collection of Assessment. The City Council shall upon notification by the Chief of Police forthwith cause a statement of charges and demands for payment to be mailed to the owner or agent of the property upon which such litter was removed; and if the cost of remedying the condition is not paid within thirty (30) days after receipt of such statement therefor, the City Council shall so notify the City Clerk who shall cause such costs to be levied against the property as a special assessment at the time of certifying other city taxes to the County Clerk certifying 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 as provided by law and the same shall be collected in the same manner as other taxes against said property. All monies collected hereunder shall be credited to the Overbrook Police Department General Fund.

91-320

Closing Hour of All Parks; 11:00 o'clock P.M. It shall be unlawful for any person except a public officer in the discharge of his duty to visit, loiter about or be found in any public park in the city of Overbrook after the hour of 11:00 P.M. and before sunrise of the following day.

91-321

Regulation of Swimming Pools. It shall be unlawful for any person to enter, use or occupy any swimming pool belong to the City of Overbrook, Osage County, Kansas, except at such times as there is an official city lifeguard on duty at such pool.

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91-322

Public Speaking; Permit. It shall be unlawful for any person to make a public address, or deliver a sermon or preach, exhort or lecture in or upon any of the public grounds or parks of the City of Overbrook without having first obtained a permit from the Mayor to do so.

91-323

Theft. Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of his property, of the value of less than fifty (50) dollars:

- (a) Obtaining or exerting unauthorized control over property; or
- (b) Obtaining by deception control over property; or
- (c) Obtaining by threat control over property; or
- (d) Obtaining control over stolen property, knowing the property to have been stolen by another.

Nothing herein shall prohibit the removal in a lawful manner, by towing or otherwise, of personal property unlawfully placed or left upon real property.

91-324

Theft of Services.

(1) Theft of services is obtaining services of the value of less than fifty (50) dollars from another by deception, threat, coercion, stealth, mechanical tampering or use of false token or device.

(2) "Services" within the meaning of this section, includes, but is not limited to, labor, professional service, public utility or transportation service, entertainment and the supplying of equipment for use.

91-325

Unlawful Deprivation of Property. Unlawful deprivation of property is obtaining or exerting unauthorized control over property, with intent to deprive the owner of the temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of his property. Nothing herein shall prohibit the removal in a lawful manner, by towing or otherwise, of personal property unlawfully placed or left upon real property.

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91-326

Criminal Trespass. Criminal trespass is entering or remaining upon or in any land, structure, vehicle, aircraft or watercraft by one who knows he is not authorized or privileged to do so, and,

- (a) Who enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to him by the owner thereof or other authorized person; or
- (b) Who enters premises or property posted in a manner reasonably likely to come to the attention of intruders, or fenced or otherwise enclosed.

91-327

Littering. Littering is dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about:

- (a) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or
- (b) Any private property without the consent of the owner or occupant of such property.

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Article 4. Offenses Against Public Officers

91-401

Impersonating an Officer. It shall be unlawful for any person not lawfully so appointed to exercise or assume to exercise any of the powers conferred upon any police officer, sheriff, deputy sheriff, detective or any other peace officer or to wear a star, badge or insignia such as is provided for or worn by any such officer, or by signs or words or in any other way represent or hold himself out to be any such officer, or to possess the power and authority thereof.

91-402

Resisting an Officer. It shall be unlawful for any person to obstruct, resist, oppose or interfere with any police officer or any other peace officer in the discharge of his duties in the corporate limits of the city.

91-403

Lawful Police Order. It shall be unlawful for any person to wilfully fail or refuse to comply with any lawful order of direction of any police officer or other peace officer in the discharge of his duties within the corporate limits of the City of Overbrook.

91-404

False Calls or Report For Police Assistance. It shall be unlawful for any person to give or cause to be given any false call or alarm for police assistance, or send or cause to be sent to any police station or member of the Police Department any false calls for assistance, or knowingly make or cause to be made a false report of a commission of any crime to a member of the Police Department.

91-405

Escape of Prisoners. It shall be unlawful for any person who is confined in the city jail or who is in the custody of any duly authorized police officer of the city for the violation of any of the ordinances of this city for which a sentence of fine or imprisonment or both has been or may be imposed to escape from such jail or from the custody of any officer or such escape, confinement or custody.

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91-406

Carrying Instruments Into Jail. It shall be unlawful for any person to convey or bring into any jail or place of confinement in the city any disguised instrument or any other device or material, suitable or useful to facilitate the escape of any prisoner lawfully committed or kept in such place of confinement regardless of whether escape is effected or not.

91-407

Use of Chemical Substance Against Police. It shall be unlawful for any person not an officer of the law to discharge tear gas, mace or any other chemical substance against a police officer or anyone else attempting to carry out the administration of justice.

91-408

Use of Force in Resisting Arrest. A person is not authorized to use force to resist an arrest which he knows is being made either by a law enforcement officer or by a private person summoned and directed by a law enforcement officer to make the arrest, even if the person arrested believes that the arrest is unlawful.

91-409

Obstructing Legal Process or Official Duty. Obstructing legal process or official duty is knowingly and willfully obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

91-410

Failure to Appear.

(1) Failure to appear is willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days following the date of such forfeiture by one who is charged with a misdemeanor and has been released on bond for appearance before any court of this state, for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days after his conviction of a misdemeanor has become final by one who has been released on an appearance bond by any court of this state.

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(2) Any person who is released upon his own recognizance, without surety, or who fails to appear in response to a summons or traffic citation, shall be deemed a person released on bond for appearance within the meaning of subsection (1) of this section.

(3) The provisions of subsection (1) of this section shall not apply to any person who forfeits a cash bond supplied pursuant to law upon an arrest for a traffic offense.

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Article 5. Offenses Against Public Morals and Decency

91-501

Leasing or Renting Premises for the Purposes of Gambling. It shall be unlawful for any person to permit any premises to be leased or rented for the purposes of gambling as defined herein.

91-502

Confiscation and Destruction of Gambling Devices. Upon conviction of any person under this ordinance, the Municipal Court Judge shall, as part of the judgment, order the destruction of all gambling devices or materials used by or in the possession of the defendant and the Chief of Police shall execute such judgments by publicly destroying or causing to be destroyed all such gambling devices and material. The destruction shall take place after the devices or material are no longer needed for evidentiary purposes.

91-503

Inducing or Enticing Persons to Gamble. It shall be unlawful for any person to gamble, or to induce, entice, or permit another to gamble within the corporate limits of the City of Overbrook. Gambling is: (a) making a bet, or (b) entering or remaining in a gambling place with intent to make a bet, to participate in a lottery, or to place a gambling device.

91-504

Maintaining a Public Nuisance. Maintaining a public nuisance is by act, or by failure to perform a legal duty, intentionally causing or permitting a condition to exist which injures or engangers the public health, safety or welfare. For purposes of this section, public nuisance shall mean and include any brothel, bawdyhouse, house of prostitution, house of assignation, gambling house, gaming room, open saloon, any place in which lewd, indecent, lascivious, or obscene films, pictures, books, or paraphernalia are exhibited or any other place usually included within the meaning of a public nuisance.

91-505

Persons Liable for Maintaining a Public Nuisance. Any person who uses, occupies, establishes, or conducts a public nuisance or aids or abets therein, and the owner, agent, or lessee of any interest in such premises with the persons employed in or in control of any such premises is guilty of maintaining a public nuisance and shall be enjoined as provided.

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91-506

Procedure for Abatement. Upon the filing of a complaint, under oath, the Municipal Judge shall within forty-eight (48) hours after the filing of such complaint issue a notice directed to the defendant or defendants in said action and to the record title owner or owners of said premises, directing them to appear at a time and place fixed by him, not later than five (5) days from the time of filing said complaint and show cause, if any, why the public nuisance alleged shall not be abated. The notice shall be served in the same manner as a summons and a copy of the notice shall be posted on the premises in question. The defendants may file an answer or answers to said complaint as the other pleading required.

91-507

Nuisance, Abatement. Upon judgment by the Municipal Court that the place or premises in question is a public nuisance, he shall order the Chief of Police to padlock and fasten all doors, entries and windows into said place or part thereof so that the same may not be used, and the same shall remain closed for a period of not less than three (3) months nor more than two (2) years and until the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety to be approved by the Municipal Judge in the sum of not less than Five Thousand (\$5,000.00) Dollars payable to the City of Overbrook on condition that said place shall not be used, kept, or maintained as a public nuisance. Upon violation of the conditions of said bond, the Municipal Court Judge may order the same forfeited to the city, and may reinstate the order of abatement.

91-508

Appeal From Order. The City or any defendant may appeal from the judgment of the Municipal Court on any such proceedings to abate a public nuisance in the manner provided by taking an appeal in criminal cases. Any defendant who appeals an order abating a public nuisance must provide a surety bond payable to the City of Overbrook to be approved by the Municipal Judge in a sum of not less than Five Thousand (\$5,000.00) Dollars conditioned that he will prosecute his appeal without unnecessary delay and if judgment be rendered against him on that appeal, he will satisfy the judgment and costs of the action.

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91-509

Disturbing the Schools. It shall be unlawful for any person or persons to wilfully or maliciously make, or assist in making, on the street or streets, or on any public or private ground adjacent to any building in which a public school shall be in actual session, any noise, disturbance or improper diversion, by which the peace, quietude or good order of such school shall be disturbed.

91-510

Unauthorized Presence.

(a) It shall be unlawful for any person in any school room where any public school is assembled, or in or about any building which is used for public school purposes or on the grounds or approaches adjacent thereto, to disturb or interrupt the peace, good order or quiet of said school.

(b) It shall be unlawful for any person not in immediate attendance upon said school and being in such building, or upon the premises belonging thereto, while said school is in session, or while said school or premises are being used either for school purposes or activities, to conduct or behave himself or herself improperly, or to interrupt the peace, good order or quiet of such activities.

91-511

Same; Notice to Leave. It shall be unlawful for any person upon the request of a teacher, custodian or security personnel of any public school, or any person in charge thereof, to refuse or neglect to leave said building or premises. It shall further be unlawful to return to said building or premises after having been notified as above to leave said premises, without first obtaining a pass from the proper authorities in said school.

91-512

Furnishing Intoxicants or Cereal Malt Beverages to Minors, Incompetents, and Intoxicated Persons. No person shall knowingly or unknowingly sell, give away, dispose of, exchange or deliver, or to permit the sale, gift or procuring of any alcoholic liquor or cereal malt beverage to or for any minor; and no such minor shall represent that he is of age for the purpose of asking for, purchasing or receiving alcoholic liquor or cereal malt beverage, from any persons, except in cases authorized by law. No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor or

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CRIMINAL CODE

cereal malt beverage to or for any person who is mentally incapacitated by the consumption of such liquor. No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor or cereal malt beverage to or for any person while that person is under the influence of intoxicating liquor, cereal malt beverage, narcotics, or other drugs.

~~91-513~~ Repealed

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

~~91-514~~ Repealed

Application. Before any person, persons or corporation shall operate or carry on any enterprise or business such as referred to in Section 91-513 of this article, and which as a part of the operation or carrying on of said business renders service or does business between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m., said person, persons or corporation shall make application to the City of Overbrook and shall pay an annual fee of Twenty-five (\$25.00) Dollars, as payment for investigation and costs of processing said application, for a license to operate or carry on said business between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m., and such application and fee shall be filed with the City Clerk, and before any license can be granted by the City Council said application shall be referred to the Chief of Police and he shall have power to inquire and make findings as to the method to be used in the operation and carrying on of said enterprise or business, the commodity to be sold or dispenses, the hours and time which said business shall be open to the public and the character of the individual or individuals making said application. In the event that the application for license is denied for any reason, the fee accompanying said application shall be retained by the city to cover its costs in investigating said application.

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91-515

Repealed

Same; Approval of Application. After investigation, the Chief of Police shall refer all application to the City Council of the City with his written endorsement thereof stating his recommendations as to whether the license shall be granted or denied, and the City Council shall then act upon said application after said recommendations as made by the Chief of Police have been noted in the record.

91-516

Repealed

Same; Cancellation and Suspension. Any person, persons or corporation holding a license issued under the authority of this article shall be responsible for the manner and method of operating or carrying on said business, and the Chief of Police upon informing and after investigation shall have power to suspend said license if in his opinion said business or enterprise is conducted in such a manner as to constitute a nuisance and that the commodities sold or the services rendered are unlawful or said business or enterprise is operated or carried on in such a manner as to disturb the peace of the community, or in such a manner as to impair the value of any property of any person, persons or corporation residing in or doing business in the city; Provided, that before any suspension order shall become effective a written notice of the same shall be delivered by the Chief of Police to the person, persons or corporation so operating or carrying on said business or enterprise under a license issued by authority of this article, and said service by the Chief of Police upon any person, persons, or corporation in charge of said business or enterprise or upon any agent of any person, persons or corporation who are in charge of said business or enterprise or any person in charge of or agent for the person who is in charge of said premises on which said business or enterprise is operated, shall be deemed sufficient service and upon the completion of said service said license is suspended until further order of the City Council. The Chief of Police shall be sole judge as to whether the manner, means, method, operation or carrying on of said business or enterprise or the commodity sold by said person, persons or corporation is such that the same constitutes a nuisance for the purpose of said suspension order.

91-517

Repealed

Same; Cancellation. After said license has been suspended by the Chief of Police he shall immediately report to the City Council that he has suspended said license, and at the next regular meeting of the City Council, said license may be reinstated or cancelled by said City Council and said City Council may receive any information other than that furnished by the Chief of Police or said City Council to make further investigation before acting on the matter of the cancellation of said license.

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91-518 *Repealed*

Official Acts. For the purpose of this article, all duties and acts enjoined upon the Chief of Police may be performed by any duly authorized member of the Police Department acting under the direction of said Chief of Police.

91-519

Term of License. All licenses issued hereunder shall expire on the first day of January of each calendar year.

91-520

Cruelty to Animals.

1. Cruelty to animals is:

- a. Subjecting any animal to cruel mistreatment;
or
- b. Having custody of any animal and subjecting such animal to cruel neglect.

2. This section shall not be deemed applicable to accepted veterinary practices or activities carried on for scientific research. Any police officer or public health officer or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility or licensed veterinarian may take charge of any animal found abandoned or clearly showing evidence of cruel neglect upon either private or public property and inspect, care for, treat or transport such animal to a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if it appears the animal is diseased or disabled beyond recovery for any useful purpose, for disposition.

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Article 6. Offenses Against the Public Safety and Welfare

91-601

Explosive, Defined. The term "explosive" shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing or combustible units or other ingredients, in such proportion, quantities, or packing that an ignition by fire, friction, concussion, percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb; and shall also include bombs commonly known as tear bombs or stink bombs and other compounds containing acids or gases which when released by explosion or otherwise may give off offensive odors or cause distress to persons exposed thereto; Provided, That manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, or such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury to life, limb or property by fire, by friction, by concussion, by percussion or by detonator such as fixed ammunition for small arms, firecrackers, safety fuse matches.

91-602

Incendiary Defined. An "incendiary" shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing a fire of imminent degree similar to the capability of explosives as defined in Section 91-601, Provided, That the provision of this section shall not apply to individual units in such limited quantities of such a nature, or in such packing, that it would be impossible to procure a simultaneous or destructive fire to injure life, limb, or property by the immediate ignition thereof.

91-603

Possession or Transportation of Incendiary or Explosive Device. Possession or transportation of an incendiary or explosive device is the knowing possession or transportation of any incendiary or explosive material liquid solid or mixture equipped with a fuse, wick, or any other detonating device, commonly known as a "molotov cocktail" and is unlawful.

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91-604

Incendiaries; Explosives; Trespass With; Evidence. 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.

91-605

Nitroglycerin. It shall be unlawful for any person to bring into or keep within the City of Overbrook any nitroglycerin.

91-606

Fireworks, Discharging of. 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-sixth (26th) 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.

91-607

Keeping Livestock in City. It shall be unlawful for any person, firm or corporation to keep cows, calves, horses, mules, swine, goats or other such animals in the City of Overbrook in a building or lot within two hundred (200) feet of any residence or place of business other than that of the owner of such animals.

91-608

Exceptions to Section 91-607. The provisions of Section 91-607 shall not apply to any person, persons, company or corporation engaged in the packing house business or in selling or shipping cows, calves, goats, horses, mules or swine insofar as it may be necessary for said parties to bring such livestock into the city and keep the same in said city in the legitimate transaction and carrying on their business: Provided, That Section 91-607 shall not apply to the owner or owners of any unplatted tracts of land within the City of Overbrook containing twenty (20) acres or more and which are used exclusively for agricultural purposes.

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91-609

Stock; Running at Large; Driving Herds on Streets. It shall be unlawful for any person to suffer or permit any livestock, owned or controlled by such person, to run at large, or to drive any herd of cattle, horses, mules or hogs, or any flock of sheep upon any street in the City of Overbrook.

91-610

Stock: Grazing. It shall be unlawful for any person to graze or permit to be grazed, any horses, mules, cattle or other stock upon any street, avenue, alley, public park, or the parking on any street or avenue, or to picket out or fasten any such animal upon any such street, avenue, or upon premises adjoining thereto, in such manner as to permit such stock to go upon or across any street, avenue, sidewalk, public park or parking on any street or avenue in the City of Overbrook.

91-611

Taking Up and Impounding Animals. It shall be the duty of the Police to take up any livestock found running at large upon any of the streets, avenues, alleys, sidewalks, street parkings, parks or other public grounds, in the City of Overbrook and confine the same in such pound, pen, building or enclosure as may be designated by the Chief of Police, by and with the approval of the City Council. The Chief of Police shall provide, at the cost of the city, suitable and necessary food and water for all animals so taken up and impounded, and the cost of providing such food and water together with all other costs and charges, growing out of the taking up, impounding, care and keeping of such animals shall be paid to the Chief of Police, or in case of his absence, to one of the city officers before said animal or animals shall be released.

91-612

Sale. Any animal so taken up and impounded may be sold at public sale by the Chief of Police at any time after the expiration of ten (10) days from the time of impounding the same. The Chief of Police, or in case of his absence or inability to be present, any of the police officers shall personally attend the selling of all animals and shall give at least five (5) days previous notice of the time and place of such sale by causing notices thereof to be printed for one (1) consecutive week in the officially designated newspaper for the City of Overbrook. Said notice shall be substantially the following form:

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IMPOUNDMENT NOTICE

Taken up and impounded by the City of Overbrook, Kansas, on the _____ day of _____, 19____, the following described animals, found running at large contrary to the ordinances of said city, to-wit:

Said animals unless redeemed, will be sold at public auction for cash, to the highest bidder, at said place of impoundment, at the hour of _____ o'clock a.m., on the _____ day of _____ 19____.

Chief of Police

91-613

Charges. The following charges shall be allowed under the ordinance:

- (a) For taking up and impounding any animal mentioned in this ordinance \$2.00;
- (b) For providing food and water for each animal \$1.00 per day.

91-614

Excess. The excess arising from such sales, after deducting the cost, charges and expenses allowed by this article, shall be paid into the City Treasury by the Chief of Police, and he shall take duplicate receipts therefor, one (1) of which receipts he shall file with the City Clerk.

91-615

Owner May Reclaim. If the owner of any such animal shall apply to and pay to the Chief of Police the costs, charges and expenses incurred under this article at any time before the sale thereof, the Chief of Police shall release the same. If the owner of any such animal shall apply to the Chief of Police after said animal has been sold, and prove the ownership thereof to the satisfaction of the Chief of Police before payment of the amount received therefor into the City Treasury, the Chief of Police shall pay to such applicant the amount received from the sale of such animal, after deducting therefrom the costs,

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charges and expenses of taking up and impounding the same, and the Chief of Police shall take a receipt in duplicate therefor from such applicant, one of which receipts he shall file with the City Clerk. But if the owner of any such animal sold shall apply to the Chief of Police after payment of the amount received therefor into the City Treasury, and prove the ownership thereof to the satisfaction of said officer, then the Chief of Police shall certify the facts to the City Council, stating the amount deposited in the City Treasury on account of such animal and the costs, charges and expenses of taking up and impounding the same, and thereupon said amount less the costs, charges and expenses of impounding such animal shall be paid to such claimant in the manner provided by law.

91-616

Obstructing Impounding. It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any animal running at large contrary to the provisions of this article.

91-617

Breaking or Injuring Place of Impoundment. It shall be unlawful for any person to break open, destroy or injure any door, gate, fence or enclosure, or to take, or attempt to take, or drive out any animal impounded without first paying the fees, costs, charges and expenses as herein provided.

91-618

Driving Animal to Place of Impoundment; Unlawful. It shall be unlawful for any person to take or drive any animal mentioned and described in this ordinance from any enclosed lot or tract of ground or from or out of any stable or other building to any place of impoundment in said city, with the intent that such animal shall be impounded or to drive or entice any animal from beyond the limits of said city into any such place of impoundment, or to aid or abet the same.

91-619

Dead Animals: Report. It shall be unlawful for any person to put any dead animal in any street, avenue, alley or other public place in the City of Overbrook and it shall be the duty of the owner, possessor and all persons having knowledge of any dead animal in the City of Overbrook to immediately report the same to the City Clerk, giving the kind of animal and the place where the same may be found.

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91-620

Dead Animals: Removal. It shall be the duty of the Chief of Police, immediately upon the receipt of such report, to remove or provide for the removal of such dead animal.

91-621

Destruction of Wild and Undomesticated Animals Unlawful; Exceptions. It shall be unlawful for any person to injure, kill, maim, molest, torture or destroy any wild or undomesticated animal in the city: Provided, That upon complaint to the Police Department that any such wild or undomesticated animal has caused or is causing damage or destruction of property upon any private premises in the city, such animal or animals may be taken into custody and destroyed by an approved pest control firm or company upon the issuance of a permit by said Department: Provided, however, That rats, mice and like rodents infesting any private premises may be controlled and destroyed at any time without a permit.

91-622

Domestic Fowl Running at Large; Unlawful Acts. It shall be unlawful for any person, firm or corporation to allow or permit domestic fowl to run or be at large at any time in the City of Overbrook. For the purpose of this section, the term "at large" shall be defined to include those times during which any domestic fowl shall not be confined or kept in pens sufficiently strong or constructed to keep such fowl on the premises of their owner or keeper.

91-623

Keeping of Domestic Fowl Regulated. It shall be unlawful for any person, firm or corporation to keep or maintain any domestic fowl upon any private premises in the city (when such keeping is lawful under other ordinances of the city) within fifty (50) feet of any dwelling other than that of the owner or tenant of the premises on which such fowl are kept or maintained, or to keep or maintain such fowl at any time on any premises in a manner or condition constituting a public nuisance.

91-624

Destruction of Birds and Bird's Nests Unlawful; Exceptions: Nuisances. It shall be unlawful for any person to shoot, kill, maim or injure in any manner any bird or fowl of the air in the city, or to destroy the nest of any such bird or fowl: Provided, That English Sparrows and starlings or the nests thereof may be

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destroyed at any time by any person or approved pest control firm or company when the same may be done without the use of firearms or other weapons or devices, the discharge of which is prohibited by ordinances: Provided further, That pigeons or other birds of the air that have become public nuisances by reason of their nesting or roosting on any private premises in the city may, upon complaint to the Police Department, be destroyed by an approved pest control firm or company under the conditions of the permit issued by said Department.

91-625

Permit Required.

(a) It shall be unlawful for any person to own, keep or harbor within the corporate limits of this City any animal over six (6) months of age without first obtaining a permit therefor from the City Treasurer or such other person or persons as may be designated by the governing body.

(b) No permits shall be given except upon the presentation of a valid rabies vaccination certificate plainly showing the animal's last vaccination is effective throughout the present permit period and payment of the applicable fee hereunder.

Permit Fee. The permit fees for the permit year beginning on 1 June of each calendar year are as follows:

1. For each non-neutered male animal - - - - - \$3.00
2. For each neutered male animal - - - - - \$2.00
3. For each unspayed female animal - - - - - \$3.00
4. For each spayed female animal - - - - - \$2.00
5. For any kennel or pet shop, covering all animals kept during the permit year - - - - - \$20.00

91-626

Same; Exceptions.

(a) No fee shall be required of any humane society or veterinary hospital.

(b) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a new permit fee paid as aforesaid.

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(c) No person shall use any animal or kennel permit issued for another animal or kennel.

91-627

Same; Forms Furnished by Treasurer. Applications for permits shall be made upon forms provided by the City Treasurer, setting forth such information as necessary to properly implement the terms and provisions of this article.

91-628

Same; Late Charge. Any person may obtain a permit within thirty (30) days after the commencement of the current permit year without penalty; provided, however, a late charge of one dollar (\$1.00) shall be assessed for each month the applicant is delinquent in making application. Said late charge shall be added to and collected with the regular permit. Any portion of a month shall be considered as a full month for the purposes of late charge computation.

91-629

Same; Change of Ownership, Fee. In the event that there is a change of ownership of an animal or kennel, the new owner shall, within thirty (30) days of such transfer, apply to the City Treasurer and shall receive a permit for the remainder of the permit year upon payment of a transfer fee in the amount of one (\$1.00) dollar; provided that where the former owner has been delinquent in obtaining the proper permit for said animal or kennel a late charge shall be assessed in the same manner and amount as set forth in Section 91-628.

91-630

Same; Tag. Upon full compliance with the terms of this article, the City Treasurer shall issue a written permit to such person together with a durable permit tag stamped with an identifying number and so designated that it may be securely fastened to a collar or harness. Such tag shall be securely attached to the collar or harness of the animal for which such permit and tag is issued and shall be worn at all times such animal is off the premises of the owner. In the event that a tag issued for an animal is lost, a new tag may be obtained from the City Treasurer upon payment of one (\$1.00) dollar. No person shall attach a tag to any animal other than the one for which said tag was issued.

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91-631

Impoundment. Any animal found to be at large within the city may be impounded in the animal shelter designated by the city in a humane manner. Impounded animals shall be kept for a period of not less than seventy-two (72) hours unless sooner claimed by the owner. If by a tag or other reasonable means, the owner can be identified, the animal shelter or its designated agent shall, as soon as possible, upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. In the event an impounded animal shall not be redeemed within the detention period above set forth, then, and in that event, said animal shall be deemed abandoned and title thereto shall pass to the city by operation of law.

91-632

Redemption of Impounded Animals. The owner shall be entitled to resume possession of any impounded animal, except as herein-after provided, upon compliance with the permit provisions of this ordinance and the payment of the impoundment fees set forth herein to the Humane Society. The impoundment fee for a dog shall be \$5.00 for each dog, and the additional sum of \$1.00 for each day such dog is kept after the expiration of the legal detention period. No owner shall be allowed to redeem any animal impounded for being a public nuisance, unless such redemption is authorized by any court having jurisdiction. No owner shall be allowed to redeem any animal found to be rabid or any animal which has been bitten by a rabid animal, unless such redemption is authorized by any court having jurisdiction. No owner shall be allowed to redeem any animal when in the judgment of the Animal Shelter designated by the city or Humane Society, the animal should be destroyed for humane reasons.

91-633

Rabies Control.

(a) Every person shall promptly report to the City Police Chief:

1. Any animal which bites a person;
2. Any rabid animal; or
3. Any animal suspected of being rabid.

(b) Every such animal shall thereupon be securely quarantined at the direction of the Police Chief for a period of ten (10) days, and shall not be released from the quarantine except by written permission of the Police Chief.

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91-634

Same. At the direction of the Police Chief, such quarantine may be on the premises of the owner, at the shelter designated as a city animal shelter, or at the owner's option and expense, at a veterinarian hospital of his choice. In the cases of stray animals or animals whose ownership is not known, such quarantine shall be at the city animal shelter or one so designated by the proper city authority. An owner upon demand by the City Health Officer shall surrender any rabid animal, any animal which has bitten a human, or any animal suspected as having been exposed to rabies, for supervised quarantine and/or destruction, which expense shall be borne by the owner, and which animal may be reclaimed by the owner if and when adjudged free of rabies and upon compliance with the permit provisions set forth in this article. When an animal under quarantine has been diagnosed as either being rabid or an animal suspected by a licensed veterinarian as being rabid and dies while under such observation the Police Chief shall immediately send such animal's head to the state health department for pathological examination.

91-635

Same. The Police Chief shall immediately, upon learning an animal is or was rabid notify by phone or mail all persons who are known to have had contact with such animal while rabid or susceptible of being rabid, all animal owners whose animals are known to have had contact with such animal while rabid or susceptible of being rabid, and the Mayor of the City of Overbrook. When an animal has been positively diagnosed as rabid, the Mayor of the City of Overbrook may call a city-wide quarantine for a period of thirty (30) days, during which, no owner shall allow his animal to go or be taken off his premises. During a city-wide quarantine, every animal bitten by an animal adjudged to be rabid shall be surrendered by its owner to the Police Chief who shall forthwith destroy or have destroyed such animal, or at the owner's expense and option, have such animal treated for rabies infection by a licensed veterinarian.

91-636

Same. In the event there are additional positive cases of rabies occurring during the period of a city-wide quarantine, the Mayor of the City may extend said quarantine for such time as necessary for the general welfare. No person shall kill, or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human,

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except as herein provided, nor remove the same from the city limits without first obtaining written permission from the Chief of Police. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Chief of Police.

91-637

Visiting Animals. The permit and vaccination requirements of this article shall not apply to a non-resident animal owner who keeps his animal within the city for not longer than thirty (30) days, provided that all times, such animal is under restraint.

91-638

Confinement. The owner shall confine within a building or secure enclosure:

1. Every fierce, dangerous or vicious animal;
2. Every animal having a natural propensity to be fierce or dangerous or vicious; and
3. Every unspayed female dog in heat, in such a manner that such female cannot come into contact with another animal except for planned breeding.

91-639

Duties, Veterinarians. The veterinarians of the City of Overbrook are hereby required to notify the Chief of Police, within five (5) days in the event they treat some animal that does not have a license or rabies vaccination. Such notification shall include, but is not limited to, if known, the following:

1. The date of the treatment;
2. The reason for the said treatment;
3. Name and address of the owner of the animal; and
4. A description of the animal sufficient for identification by the Chief of Police.

91-640

Dogs at Large Prohibited. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit same to run at large. For the purpose of this section, a dog shall be deemed to be at large when not contained by a building, fence, or when not restrained by means of a leash, rope, chain, or cord. The fact of a dog being found at large shall be prima facie evidence of violation of this section.

*amended
Ord # 206*

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91-641

Impounding. It shall be unlawful for any person or persons to obstruct, hinder or prevent the impounding of any animal running at large contrary to the provisions of this article or to break open, destroy or injure the door, gate or enclosure of any impounding area to take, or attempt to take therefrom an animal therein impounded.

91-642

Authority. All police officers of the City of Overbrook are authorized to enforce this article and aid and assist in the enforcement of the same.

91-643

Unspayed Female Animals; Nuisance. It shall be unlawful for the owner or harbinger of any unspayed female animals to keep such animals in such manner as to cause a nuisance by attracting male animals to the premises of such owner, keeper or harbinger.

91-644

Unlawful Failure to Report a Wound. Unlawful failure to report a wound is the failure by an attending physician or other person having knowledge thereof, to report his treatment of any wound, described in subsections (a) and (b) hereafter, to the office of the Chief of Police of the city or the office of the Sheriff of the county in which such treatment took place:

- (a) Any bullet wound, gunshot wound, powder burn or other injury arising from or caused by the discharge of a firearm; or
- (b) Any wound which is likely to or may result in death and is apparently inflicted by a knife, ice pick, or other sharp or pointed instrument.

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Article 7. Offenses Against Personal Rights and Public Obedience

91-701

Unlawful Assembly. Unlawful assembly is meeting or coming together with four (4) or more other persons for the purpose of engaging in conduct constituting either disorderly conduct, as defined in Section 91-206; or when lawfully assembled with two (2) or more other persons, agreeing to engage in such conduct, and such assemblies are hereby declared unlawful.

91-702

Remaining at an Unlawful Assembly. Remaining at an unlawful assembly is wilfully failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer, and is hereby declared unlawful.

Article 8. Prohibition Against Loud, Unnecessary or Unusual Noise.

91-801

Prohibition Against Loud, Unnecessary or Unusual Noises.
State of Purpose. It is found and declared that:

- (a) The making and creation of loud, unnecessary or unusual noises within the limits of the City of Overbrook is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Overbrook; and
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public prohibitions hereinafter contained and enacted, are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Overbrook and its inhabitants.

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91-802

Same; Standards. The standards which shall be considered in determining whether a violation of this article exists shall include, but shall not be limited to the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The volume and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is recurrent, intermittent, or constant; and
12. Whether the noise is produced by a commercial or a non-commercial activity.

91-803

Loud; Unnecessary or Unusual Noises; Unlawful. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City, Provided, That the provisions of this article shall not apply to such occasional and infrequent uses as authorized by special permit of the City Council, upon a showing by an applicant and determination by the City Council, the proposed use does not offend the spirit of the statement of purpose paragraphs of this article.

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Article 9. Arrest Procedure

91-901

Arrest by Law Enforcement Officer. A law enforcement officer may arrest a person when:

- (a) He has a warrant commanding that such person be arrested.
- (b) He has probable cause to believe that a warrant for the person's arrest has been issued in this state or in another jurisdiction for a felony committed therein.
- (c) He has probable cause to believe that the person is committing or has committed:
 1. A felony
 2. A misdemeanor, and the law enforcement officer has probable cause to believe that:

Such person will not be apprehended or evidence of the crime will be irretrievably lost unless such person is immediately arrested; or

Such person may cause injury to himself or others or damage to property unless immediately arrested.
- (d) Any crime has been or is being committed by such person in this view.

91-902

Stopping of Suspect.

1. Without making an arrest, a law enforcement officer may stop any person in a public place whom he reasonably suspects is committing, has committed or is about to commit a crime and may demand of him his name, address and an explanation of his actions.
2. When a law enforcement officer has stopped a person for questioning pursuant to this section and reasonably suspects that his personal safety requires it, he may search such person for firearms or other dangerous weapons. If the law enforcement officer finds a firearm or weapon, or other thing, the possession of which may be a crime or evidence of crime, he may take and keep it until the completion of the questioning at which time he shall either return it, if lawfully possessed, or arrest such person.

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91-903

Arrest by Private Person. A person who is not a law enforcement officer may arrest another person when:

1. A felony has been or is being committed and the person making the arrest has probable cause to believe that the arrested person is guilty thereof.
2. Any crime has been or is being committed by the arrested person within the view of the person making the arrest.

91-904

Method of Arrest.

1. An arrest is made by an actual restraint of the person arrested or by his submission to custody.
2. An arrest may be made on any day and at any time of the day or night.
3. All necessary and reasonable force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest.

91-905

Release by Officer of Person Arrested. A law enforcement officer having custody of a person arrested without a warrant is authorized to release the person without requiring him to appear before a court when the officer is satisfied that there are no grounds for criminal complaint against the person arrested.

91-906

Assisting Law Enforcement Officers.

1. A law enforcement officer making an arrest may command the assistance of any person who may be in the vicinity.
2. A person commanded to assist a law enforcement officer shall have the same authority to arrest as the officer who commands his assistance.
3. A person commanded to assist a law enforcement officer in making an arrest shall not be civilly or criminally liable for any reasonable conduct in aid of the officer or any acts expressly directed by the officer.

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Article 10. Proclamation and Control of Public Crisis

91-1001

Mayor May Proclaim Crisis. Whenever, in the judgment of the Mayor or the person legally acting for the Mayor in his absence, upon personal investigation or other information determines that a public crisis exists resulting from disaster, rioting, catastrophe or other public emergency within the City by reasonable apprehension of immediate danger thereof, he may proclaim a state of emergency within the City of Overbrook. Said proclamation shall recite the findings of the Mayor or person legally acting for the Mayor, and shall declare that a state of public emergency exists and shall be signed by the Mayor, or person legally acting for the Mayor in his absence.

91-1002

Shall Formulate Regulations. Following such proclamation, the Mayor, or the person legally acting for the Mayor in his absence, shall promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property and/or to bring the emergency situation under control.

91-1003

Same; Enumerated. Without limiting the scope of the same, said orders, rules and regulations may provide for:

- (a) The control of traffic, including public and private transportation within the City or any area thereof.
- (b) Designation of specific zones within the City in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated.
- (c) Control of places of amusement and assembly, and of persons on public streets and thoroughfares.
- (d) Establishment of a curfew.
- (e) Control of the sale, transportation and use of alcoholic beverages and liquors and cereal malt beverages.
- (f) Control of the possession, sale, carrying and use of firearms and other dangerous weapons and ammunition.

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(g) Control of the storage, use and transportation of explosives or inflammable materials deemed to be dangerous to public safety.

91-1004

Same; Effective When Issued. Said orders, rules and regulations shall be effective from the time of issuance by the Mayor, or the person legally acting for the Mayor in his absence, and in such manner as shall be prescribed therein. Said orders, rules and regulations may be amended, modified or rescinded from time to time by the Mayor, or the person legally acting for the Mayor, during the pendency of the emergency.

91-1005

News Media to Disseminate Emergency Regulations. The proclamation, orders, rules and regulations issued by the Mayor, or the person legally acting for the Mayor, shall be disseminated immediately to the citizens of the City by the various radio stations, television stations and newspapers within and serving the City of Overbrook. The above-mentioned media will continue to broadcast and publish the said orders, rules and regulations periodically at least three times each hour throughout the period of the emergency and shall also broadcast or publish immediately any modification, amendment or rescission of the proclamation, orders, rules and regulations in order to provide all citizens with knowledge of the emergency situation at all times.

91-1006

May Request National Guard. In addition to any orders, rules or regulations the Mayor or the person legally acting for the Mayor in his absence, may request the governor, or in his absence, the adjutant general, to call upon the National Guard to aid the City of Overbrook. The commanding officer of such militia shall report to the Mayor and shall cooperate with him and the civil authorities and shall render all assistance in attempting to maintain and restore the public peace or safety, and in the protection of life or property for the duration of the lawfully proclaimed state of emergency.

91-1007

Law Officers, Military Personnel and Others Immune to Liability. All law enforcement officers, military personnel or others, while engaged in enforcement of any orders, rules or regulations issued pursuant to the authority of this article and while performing any other lawfully described duty pursuant to

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this article or any section of the Code of the City of Overbrook or the statutes of the State of Kansas shall be immune from civil and criminal liability for all acts reasonably done by them in the performance of their duties so long as they act without malice and without the use of excessive or unreasonable force.

91-1008

Termination of Emergency. All emergency powers conferred on the Mayor, or the person legally acting for the Mayor in his absence, and all orders, rules and regulations made in the exercise of such power shall cease to be in effect upon declaration by the Mayor, or the person legally acting for the Mayor, that the emergency no longer exists, unless such emergency powers or orders, rules and regulations shall have been superseded by a proclamation of the Governor of the State of Kansas.

91-1009

Violation Unlawful. It shall be unlawful for any person to willfully violate any order, rule or regulation made pursuant to a proclaimed state of emergency subsequent to a determination that a public crisis exists.

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Article 11. Amusement Devices and Places

91-1101

Automatic Amusement and Musical Devices; License Tax Levied. A license tax is hereby levied and imposed, in the amount and in accordance with the terms and conditions herein-after stated, upon the proprietors of places of business within the City of Overbrook at which are allowed the location and operation of an automatic musical or amusement device or devices, as defined herein, for profit or gain. Every proprietor who now or hereafter permits the location and operation of any such device or devices at his or its place of business shall pay said tax in the amount and manner hereinafter specified.

91-1102

Automatic Musical Devices, Defined. An automatic musical device is hereby defined as a machine which, upon the insertion of a coin, slug, or similar object, operates or may be operated to produce music therefrom.

91-1103

Automatic Amusement Devices, Defined; Prohibited Devices. An automatic amusement device is hereby defined as a machine or device which, upon the insertion of a coin, slug or similar object or by any other method operates or may be operated or used for game, contest or amusement of any description excluding however any such device which is so constructed mechanically that its operation violates any of the laws of the State of Kansas. It shall be unlawful for the proprietor of any place of business to permit any such device to be placed or operated in his place of business.

91-1104

License Tax; Annual. The license tax shall be Seven Dollars and Fifty Cents (\$7.50) per year for each automatic musical device, and Ten Dollars (\$10.00) per year for each automatic amusement device operated within the City of Overbrook for gain, the beginning of the license year for automatic musical and amusement devices shall be January of each year; licenses purchased during the year to be pro-rated quarterly for the unexpired portion of the year.

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91-1105

Payment of License Tax. All license fees for any automatic musical and/or amusement devices shall be paid by the proprietor of the location in which such devices are located for operation, and said license tax shall be paid on the date such device is set for operation; Provided, That at the beginning of the license year, said proprietor shall be allowed thirty (30) days in which to pay such license tax. Each of such proprietors shall within thirty (30) days after the beginning of each license year file in the office of the City Clerk of said city a written statement showing the number of such machines or devices which he allows to be located for operation for gain in or upon the premises in his place or places of business, together with the street address or addresses of such place or places of business at which automatic musical and/or amusement devices are located for operation. The location for operation upon such premises at a later date shall be likewise reported.

91-1106

Display of License. Every person, firm or corporation to whom an automatic musical and/or amusement device license is issued shall post and display the same in a conspicuous place in the place of business in which such device or devices are located.

91-1107

Prize; Award; Gifts Forbidden. It shall be unlawful for any proprietor or other person by himself or another, or otherwise, to give any prize, award, merchandise, gift or money to any player or to any operator of such automatic amusement device.

See ord 122 attached

(49)
CRIMINAL CODE

Article 12, Cereal Malt Beverages

91-1201

Definitions. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

- (a) "Persons" shall include individuals, firms, co-partnerships, corporations and associations.
- (b) "Sale at retail" and "retail sale" mean sales for use or consumption and not for resale in any form.
- (c) "Place of business" shall mean any place at which cereal malt beverages are sold or dispensed.
- (d) "Wholesaler" or "distributor" shall mean individuals, firms, co-partnerships, corporations or associations which sell or offer for sale any beverage referred to in this article, to persons, firms, co-partnerships, corporations or associations authorized by this ordinance to sell cereal malt beverages at retail.
- (e) "Cereal malt beverage" shall include any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute but shall not include any such liquor which contains more than three and two-tenths per cent (3.2%) of alcohol by weight.
- (f) "Licensee" is a person as defined in (a) who has a license as herein required.
- (g) "General retailer" is a licensee who has a license to make retail sales where beverages may be consumed on the premises.
- (h) "Limited retailer" is a licensee who has a license to sell only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises.

91-1202

License Required of Retailers. No person shall sell or dispense any cereal malt beverages at retail without first having secured a license for each place of business such person desires to operate within the corporate limits of the City of Overbrook, as herein provided, and a person having a license to sell only at

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retail cereal malt beverages in original and unopened containers, and not for consumption on the premises, shall not sell such beverages in any other manner.

91-1203

License Fees. The license fee shall be: General retailer: Fifty Dollars (\$50.00) per calendar year for each place of business selling or dispensing cereal malt beverages at retail and where said beverages may be consumed on the premises; Limited retailer: Fifty Dollars (\$50.00) per calendar year for each place of business selling only at retail cereal malt in original and unopened containers, and not for consumption on the premises. The full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under said license for the remainder of the calendar year in which the license is issued.

91-1204

Application for License. Any person desiring a license shall make application at the office of the City Clerk of the City of Overbrook and accompany the application by the license fee required by Section 91-1203, hereof, for each place of business for which a license is desired. The application shall be verified and upon a form prepared by the Attorney General of the State of Kansas, and shall contain:

- (a) The name and address of the applicant and how long he has resided in the State of Kansas, Osage County, and the City of Overbrook;
- (b) The particular place for which a license is desired;
- (c) The name of the owner of the premises upon which the place of business is located; and
- (d) A sworn statement that the applicant is a citizen of the United States and not less than twenty-one (21) years of age, and that he has not within two (2) years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.

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91-1205

Examination; Approval. If the application is in proper form and accompanied by cash or certified check in the amount of the license fee, the City Council shall examine the application, and after examination of the application the City Council shall, if the applicant is qualified as provided by law, direct the proper officers of the city to issue a license to the applicant; Provided, That no license shall be issued to:

91-1205 (a)

Disqualification. A person who has not been a resident in good faith of the State of Kansas for at least one (1) year prior to the date of making application, and who has not been a resident of Osage County, for six (6) months prior to the date of making application.

91-1205 (b)

Same; Character.

- (a) A person who is not of good character and reputation in the City of Overbrook.
- (b) A person who is not a citizen of the United States.
- (c) A person who within two (2) years immediately preceding the date of making application has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor, or the violation of any other intoxicating liquor law of any state or of the United States.

91-1205 (c)

Same; Partnership; Corporation.

- (a) A co-partnership, unless one of the co-partners is a resident of the City of Overbrook and unless all other members of such co-partnership shall otherwise be qualified to obtain a license.
- (b) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than twenty-five per cent (25%) of the stock of said corporation, would be ineligible to receive a license hereunder for any reason other than nonresidence in the City of Overbrook, or Osage County.

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91-1205 (d)

Same; Agent; Retailer.

- (a) A person whose place of business is to be conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of a licensee.
- (b) A person applying for a license as a limited retailer if not engaged in business in the City of Overbrook.

91-1206

Action Taken. The minutes of the City Council shall show the action taken and if the license is granted, shall direct the proper officers charged by law to issue licenses for the city, to execute the license by order of the City Council. The license shall not be transferable to any other person and it shall so state that it is not transferable in addition to the calendar year for which it is issued. Licenses may be transferable from one location to another upon re-application and City Council approval; provided, in the case of transfer of the license to a new location, the licensee shall not be required to pay another cereal malt beverage license fee, but shall pay a transfer fee of twenty-five dollars (\$25.00).

91-1207

Cereal Malt Beverages - Crimes and Offenses. It shall be unlawful to sell cereal malt beverages between the hours of twelve midnight and 6:00 a.m. or on Sunday, or on the day of any national, state, county, or city elections, including primary elections, during the hours the polls within the City of Overbrook are open.

91-1207 (a)

Same. It shall be unlawful to operate a private room or closed booth in said place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1207 (b)

Same. Said place of business shall be open to the public and to the police at all times during business hours, and it shall be unlawful for a licensee, his agents or servants, to deny any police officer access to the licensed premises during business

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hours, except that a premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

91-1207 (c)

Same. It shall be unlawful to sell to or to permit any person under eighteen (18) years of age to consume any cereal malt beverage in or about said place of business.

91-1207 (d)

Same. It shall be unlawful for any person under eighteen (18) years of age to purchase or attempt to purchase any cereal malt beverage.

91-1207 (e)

Same. It shall be unlawful for any person to have any alcoholic liquor in his possession while in said place of business, unless the premises are currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1208

Prohibited Zones Established. No license for the sale of cereal malt beverages to be consumed on the premises shall be issued to any place of business located or to be located within the following described zones:

- (a) Within one hundred (100) feet of any church building;
- (b) Within one hundred (100) feet of any school building or school yard.

91-1209

Revocation of License. The City Council upon five (5) days notice to the person holding such license, shall revoke or suspend such license for any one of the following reasons:

- (a) If a licensee has fraudulently obtained a license by giving false information in the application therefor;
- (b) If the licensee has violated any provision of the laws of the State of Kansas relating to cereal malt beverages and licenses therefor, or any of the provisions of the ordinances of the City of Overbrook, relating to cereal malt beverages and licenses therefor; or any rule or regulation made thereto;

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- (c) If the licensee has become ineligible to obtain a license under the provisions of this article;
- (d) Drunkenness of the person holding such license or permitting any intoxicated person to remain in such place;
- (e) The sale of cereal malt beverages to any person under the age of eighteen (18) years, or permitting them to consume any such beverages on or near the premises;
- (f) The non-payment of any license fee or fees;
- (g) For permitting any gambling in or upon such premises;
- (h) For permitting any person to mix drinks with materials purchased in said place of business or brought in for this purpose;
- (i) For the employment of persons under eighteen (18) years of age in dispensing any cereal malt beverages, Provided, however, that this shall not apply to retail grocery stores where such sales are only incidental to sale of other products;
- (j) For employing any person who has been adjudged guilty of a felony or of any violation of the intoxicating liquor laws of the State of Kansas or ordinances of the City of Overbrook;
- (k) For employing any person who has been refused a license to sell cereal malt beverages or any person whose license to sell cereal malt beverages has been revoked within six (6) months of such refusal or revocation;
- (l) For purchasing or displaying a federal retail liquor stamp expiring after 30 June 1937, issued by the United States Treasury Department, except where issued for industrial, mechanical, scientific and medicinal purposes;
- (m) For the sale or possession of or for permitting or suffering any person to use or consume upon or in said premises alcoholic liquor as defined by the laws of the State of Kansas relating thereto;
- (n) For violation of any of the provisions of Sections 91-1207 and 91-1207 (a) through (e), inclusive, 91-1213, 91-1217, 91-1218, 91-1219 and 91-1220;

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(o) For permitting any act or conduct of any employee on the premises, which is in violation of the state law or the ordinances or rules and regulations of the City of Overbrook.

91-1210

Appeal. Within twenty (20) days after the order of the City Council suspending or revoking any license, the licensee may appeal to the district court of Osage County in the manner as now provided by law in appeals from the probate court: Provided, Any appeal taken from an order suspending or revoking any such license shall not suspend the order of suspension or revocation during the pendency of any such appeal. In the case of the revocation of the license of any licensee, no new license shall be issued to such person or any person acting for or on his behalf for a period of six (6) months thereafter.

91-1211

Regulations Governing Retailers. It shall be unlawful for any licensee to sell or dispense within the City of Overbrook any cereal malt beverages at retail containing more than 3.2 per centum of alcohol by weight or for any licensee to sell any alcoholic liquor; provided, that this provision shall not apply if the said licensee is operating a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1212

Condition of Sales. It shall be unlawful for any licensee to sell or dispense cereal malt beverages to any person except on the premises covered by the license therefor, unless delivered to the purchaser in an original and unopened container, and curb service is hereby prohibited.

91-1213

Drunkenness Prohibited. Drunkenness of any licensee, or permitting any intoxicated person to remain on the premises, shall be illegal, and punishable under the provisions of this article.

91-1214

Application Each Location. A separate application shall be made for each place of business for which a license is desired; all managers or agents of any place of business shall make application and secure approval of the City Council prior to assuming any duties as such, and in event of any change in managers or agents, the new manager or agent shall likewise make application and secure the approval thereof.

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91-1215

State License Required. No licensee shall buy any cereal malt beverages from any wholesaler, distributor, his agents, or employees, unless such wholesaler or distributor shall have first secured from the Director of Revenue of the State Department of Revenue of the State of Kansas, a license, authorizing such sales.

91-1216

Hours Prohibited; Exceptions. No person shall be permitted to consume or drink any cereal malt beverage between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m., or on Sunday or on the day of any national, state, county or city election (including primary elections) during the hours the polls are open, in or about a place of business licensed to sell cereal malt beverages; Provided, that this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1217

Windows. The windows and doors of every place selling or dispensing cereal malt beverages shall be free and clear of any obstruction which would interfere with or obscure the view of the interior of such place from the street; provided, that this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1218

Lighting. Within the limits of the City of Overbrook, any place selling or dispensing cereal malt beverages shall at all times be kept well lighted and if at any time the Chief of Police shall determine any such place is not lighted to his entire satisfaction, he shall notify the owner or proprietor thereof to supply such additional light or lights as he shall deem necessary and if the owner and/or proprietor of any such place fails to comply with any order of the Chief of Police relative to the lighting thereof within a reasonable time, said time to be fixed by the Chief of Police, then in that event the license of any such establishment shall be subject to immediate cancellation, pursuant to 91-1209.

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91-1219

Booths. From and after the taking effect of this ordinance it shall be unlawful for any person within the limits of the City of Overbrook to sell cereal malt beverages in any place where booths are provided with backs extending over and above forty-eight (48) inches from the floor, provided that this provision shall not apply if the licensed premises are also currently licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

91-1220

Gambling Prohibited. No licensee shall permit gambling in any form in or about his place of business.

91-1221

Inspection of Place of Business. Before a license shall be issued for any place of business to retail cereal malt beverages, said building shall be inspected by a City appointed inspector and the Chief of Police, and no application shall be approved by the City Council unless said building shall conform to the provisions of this article and all laws, health, fire, sanitary and plumbing regulations of the City of Overbrook and the State of Kansas; if said building conforms to said laws and regulations the building inspector shall so certify on the application of said applicant; and said inspectors shall thereafter make frequent inspections or at any time deemed necessary for the enforcement of the provisions of this article.

91-1222

Sanitary Regulations. All places where cereal malt beverages are sold or dispensed shall at all times be kept in a clean and sanitary condition.

91-1223

Same; Sales. No wholesaler and/or distributor shall sell or deliver any cereal malt beverages to any retailer of said beverages within the City of Overbrook between the hours of twelve (12) o'clock midnight and six (6) o'clock a.m., or on Sunday or any election day during the hours the polls are open. No wholesaler and/or distributor shall sell or deliver to any licensee within the City of Overbrook any cereal malt beverages containing more than three and two-tenths per centum (3.2%) of alcohol by weight.

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91-1224

Same; Samples. All wholesalers and/or distributors selling or delivering any cereal malt beverages within the City of Overbrook shall, upon demand of the City Attorney or the Assistant City Attorney, or any police officer or other authorized representatives of the City of Overbrook turn over to said City Attorney or the Assistant Attorney or any police officers or other authorized representatives, samples of any cereal malt beverages in their possession for the purpose of testing the alcoholic content of said beverages.

91-1225

Open Container; Public Property. Any person who shall drink or consume cereal malt beverages or have in his possession an open container of cereal malt beverages while in any vehicle on the public highways, roads, streets, alleys, sidewalks, parks or other municipally owned or public facility, shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished as hereinafter provided.

91-1226

Same; Private Property. Any person who shall drink or consume cereal malt beverage, or transport or have in his possession an open container of cereal malt beverage, while on a public street, public right-of-way, public sidewalk or on private property as defined in Ord. 90 of the Code of the City of Overbrook shall, upon conviction thereof, be deemed guilty of a misdemeanor:

91-1927

Penalties. Every person convicted of violating any of the provisions of this act for which another penalty is not provided shall be guilty of a Class C misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than ten (10) days. For a second such conviction within one year thereafter such person shall be guilty of a Class B misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year shall be guilty of a Class A misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

*see attached
Ord 131*

----LEGAL NOTICE----

(First published in the Citizen Thursday
April 7, 1977)1t

**LEGAL PUBLICATION
ORDINANCE NO. 91**

**AN ORDINANCE ADOPTING BY
REFERENCE "CRIMINAL CODE FOR
THE CITY OF OVERBROOK, KANSAS,
1977."**

**WHEREAS, the City of Overbrook,
Kansas, a municipal corporation, has
prepared, compiled and developed a
Criminal Code and**

**WHEREAS, the Governing Body has
made the "Criminal Code for the City of
Overbrook, 1977 available in printed
pamphlet form, and**

**WHEREAS, Chapter 12, Section 3009
through 3012 of the Kansas Statutes
annotated provide that such codes may be
adopted by reference.**

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

**SECTION 1: That the "Criminal Code
for the City of Overbrook, Kansas, 1977 be
and the same is hereby adopted and in-
corporated as fully as set forth at length
herein, and all provisions therein shall be
controlling within the area of jurisdiction
of the City of Overbrook, Kansas.**

**SECTION 2: There shall be not less
than three (3) copies of the Criminal Code
for the City of Overbrook, Kansas, 1977
marked and stamped "Official Copy" as
incorporated by Ordinance No. 91 with all
sections, portions thereof intended to be
omitted clearly marked to show any such
omission or showing the sections, articles,
chapters, parts of portions that are in-
corporated as the case may be, and to
which shall be attached a copy of the in-
corporating ordinance, filed with the City
Clerk to be open to inspection and
available to the public at all reasonable
business hours.**

**SECTION 3: That this Ordinance shall
take effect and be in force from and after
its passage, approval and publication as
provided by law.**

Mayor

Gerald Coffman

Attest:

City Clerk

Lorene Harth

----LEGAL NOTICE----

(First published in the Citizen Thursday,
May 26, 1977) 11
ORDINANCE NO. 92

AN ORDINANCE DESIGNATING THE
OFFICIAL NEWSPAPER OF THE CITY
OF OVERBROOK, OSAGE COUNTY,
KANSAS.

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

Section 1. The Citizen, a weekly
newspaper printed in Overbrook, Kansas,
and generally circulated in the City of
Overbrook, Kansas is hereby designated
as the official newspaper of the City of
Overbrook, Kansas.

Section 2. This ordinance shall be ef-
fective from and after its passage and
approval and publication as provided by
law.

Passed by the Council this 11th day of
May, 1977.

Approved and signed by the Mayor
Calvin R. Ufford
Mayor

Seal
Attest Lorene Harth
City Clerk

----LEGAL NOTICE----

(First published in the Citizen Thursday, Aug. 18, 1977)†

ORDINANCE NO. 93

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE CITY OF OVERBROOK, KANSAS:

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

SECTION 1. Planning Commission.

(A) PLANNING COMMISSION: QUALIFICATIONS.

There is hereby established for the City of Overbrook, Kansas, a city planning commission for such City, which shall consist of seven (7) electors, of which two (2) members shall reside outside of, but within three (3) miles of the corporate limits of said City, and of which five (5) members shall be residents of the City, all to be appointed by the Mayor, with the consent of the counsel. The members of the commission first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally, or as nearly equal as possible, between these terms. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. Members of the planning commission shall serve without compensation.

(B) PLANNING COMMISSION: MEETINGS; QUORUM.

The members of the city planning commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as chairman and one as vice-chairman who shall serve one (1) year and until their successor has been selected. Special meetings may be called at any time by the chairman, or in the chairman's absence, by the vice-chairman. Any majority of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of its proceedings.

(C) PLANNING COMMISSION: POWERS; DUTIES.

The planning commission and City governing body shall have all the powers and duties applicable to them as set forth in Article 7 of Chapter 12 of Kansas Statutes Annotated, and such other powers and duties as are now or may hereafter be prescribed by law.

SECTION 2. Repeal of conflicting ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after its passage, approval and publication in The Citizen, the official newspaper of said City.

Passed and approved this 10 day of August 1977.

Calvin R. Ufford
Mayor

----LEGAL NOTICE----

(First published in The Citizen Thursday,
October 27, 1977)11

ORDINANCE NO. 94

**AN ORDINANCE AMENDING OR-
DINANCE NO. 91 AND THE CRIMINAL
CODE OF THE CITY OF OVERBROOK,
KANSAS.**

**BE IT ORDAINED BY THE GOVER-
NING BODY OF THE CITY OF OVER-
BROOK, KANSAS:**

**SECTION 1. Amending Ordinance No. 91
and the Criminal Code of the City of
Overbrook. Section 91-203 of that certain
criminal code known as the "Criminal
Code of the City of Overbrook," as in-
corporated by Ordinance No. 91, such
incorporation being authorized by K.S.A.
12-3009 through 12-3012 inclusive, is hereby
deleted and the following substituted
therefor:**

91-203

Public Intoxication. Public in-
toxication is being on a highway or
street or in any public place while
under the influence of narcotics or
other drugs to the degree that one may
endanger himself or other persons or
property or annoy persons in his
vicinity, and is unlawful.

Not less than three (3) copies of this
amendment to said criminal code shall be
marked or stamped "Official Copy as
Adopted by Ordinance No. 94," and shall
be filed with the City Clerk to be open to
inspection by the public and there shall be
available to the Police Judge and all ad-
ministrative departments of the City
charged with the enforcement of the or-
dinance at the cost of the City, such
number of official copies of this amend-
ment to said ordinance similarly marked,
as may be deemed expedient.

SECTION 2. Effective Date. This or-
dinance shall take effect and be in force
from and after its passage, approval and
publication as provided by law.

PASSED AND APPROVED this Oct. 12,
1977.

Calvin R. Ufford
Mayor

ATTEST:
Carol Carver
City Clerk
(SEAL)

LEGAL NOTICE

(First published in the Citizen Thursday, April 13, 1978) 11

ORDINANCE NO. 95

AN ORDINANCE DIVIDING AND SEPARATING THE CITY OF OVERBROOK, KANSAS, INTO ZONES OR DISTRICTS, AND REGULATING AND RESTRICTING THE LOCATION, ERECTION, ALTERATION AND REPAIR OF BUILDINGS AND STRUCTURES AND THE USES OF THE LAND WITHIN EACH ZONE OR DISTRICT.

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

SECTION 1. TITLE. This ordinance shall be known and cited as the Zoning Ordinance of the City of Overbrook, Kansas.

SECTION 2. ESTABLISHMENT OF DISTRICTS OR ZONES.

1. For the purpose of promoting the public health, safety, morals and general welfare of the community, the City of Overbrook, Kansas, is hereby divided into the following types of districts or zones:

R-1. Single Family Dwelling Districts.
R-2. Multiple Family Dwelling Districts.
M-1. Mobile Home Districts.
B-1. General Business and Commercial Districts.

I-1. Industrial Districts.
2. Said districts are bounded and identified as shown on the map entitled "Zoning Map" of the City of Overbrook, Kansas, adopted this 8 day of March, 1978, and certified by the city clerk, which accompanies this ordinance and which, with all explanatory matter thereto, is attached hereto and made a part hereof as though fully described herein at length.

3. As provided in Kansas Statute 12-707, the zoning authority of the City of Overbrook, Kansas, is extended to include a four square mile area bounded by the center lines of the county and township roads approximately one mile north, south, east and west of the intersection of Maple Street in Overbrook, Kansas, with U. S. Highway 56. The purpose of this extension is to control the establishment of any commercial feed lot, salvage yard, dump or other installation deemed a hazard to health or safety or to be otherwise detrimental to the city and community. It is not intended to interfere with normal agricultural pursuits, but building permits and certificates of occupancy will be required in this area.

SECTION 3. DEFINITIONS. Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future and plurals include the singular. The word "building" includes the word "structure." "Occupied or used" shall be construed as though followed by the words "or intended, arranged or designed to be used or occupied." Any words not specifically defined herein shall be construed and defined as normally construed and defined in building codes.

1. **ACCESSORY USE.** A use incidental to the principal use of a building. In buildings restricted to residence use, the office of a professional person or customary family occupations and work shops not conducted for compensation shall be deemed accessory use.

2. **ALTERATIONS.** As applied to a building or structure means a change or rearrangement in the structural parts or in the exit facilities, or enlargement, whether by extending on the side or by increasing the height or moving from one location or position to another.

3. **ALTERATIONS, STRUCTURAL.** Any change in location of the supporting timbers of the building, such as bearing walls, columns, beams or girders.

4. **BUILDING.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosing of persons, animals or chattels.

5. **BUILDING, ACCESSORY.** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

6. **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated.

7. **DWELLING.** A building designed or used exclusively as the living quarters for one or more families.

8. **FAMILY.** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

9. **GARAGE.** An accessory building intended or designed to be used for the storage of motor vehicles belonging to the persons occupying a dwelling and not used for commercial storage or repair of vehicles.

10. **HOME OCCUPATION.** An occupation for gain or support conducted only by members of the family residing on the premises and conducted entirely within the dwelling.

11. **LOT.** A parcel of land occupied or designed to be occupied by one building and the accessory building or buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such building. A lot may or may not be the land shown as a lot on a duly recorded plat.

12. **MOBILE HOME.** Any dwelling customarily transported to its site on wheels that are an integral part of its construction, whether it be allowed to remain on said wheels or placed upon a permanent type foundation and whether or not the lot upon which it is placed be owned or leased by the mobile home owner or occupant. This definition shall include campers and all recreational vehicles used as dwellings within the city and all so-called "double-wides" and modular homes that are not approved for residential districts.

13. **NON-CONFORMING USE.** A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated at the time of the passage of this ordinance.

14. **YARD, FRONT.** An open unoccupied space on the same lot with the main building extending the full width of the lot and situated between the front line of the lot and the main building. Covered porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into the required front yard.

15. **YARD, REAR.** An open unoccupied space on the same lot with the main building between the rear line of the building and the rear line of the lot and extending the full width of the lot. Covered porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into the required rear yard.

16. **YARD, SIDE.** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line nor a rear line shall be deemed a side line.

SECTION 4. APPLICATION OF REGULATIONS (EXCEPTIONS AS HEREINAFTER PROVIDED).

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered on a lot containing less area, to occupy a greater percentage of lot area or to have narrower or smaller front yards, rear yards or side yards than as specified herein for the district in which such building is located.

3. No part of the yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or other open space similarly required for another building.

SECTION 5. R-1. RESIDENTIAL DISTRICTS.

The following regulations shall apply in all R-1 Residential Districts.

1. Uses Permitted.

A. Single family dwellings.

B. Church or similar place of worship, parish house.

C. Public parks and playgrounds and similar or incidental recreational areas not commercially operated for profit.

D. Public schools and institutions of higher learning, public libraries, municipal buildings.

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 devalues surrounding property shall be made by the Board of Zoning Appeals.

F. Customary home occupation, provided that there shall be no external evidence of such occupation except a small announcement or professional sign not more than two feet in area and that a permit for such home occupation be obtained from the Board of Zoning Appeals.

G. The renting of a single room.
2. **Required Lot Area.** Each dwelling shall be located on a lot having an area of not less than 10,000 square feet.

3. **Percentage of Lot Coverage.** The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of such lot.

4. **Yards Required.** Yards of the following depth or width shall be provided: Front yard depth 30 feet from the property line, side yard 10 feet to the neighbor's boundary, rear yard depth 5 feet, provided, however, that a corner lot shall provide a front yard depth of 30 feet, a rear yard depth of 5 feet and a side yard of 30 feet from the street side and 10 feet from the neighbor's property line.

SECTION 6. R-2. RESIDENTIAL DISTRICTS.

The following regulations shall apply in all R-2 Residential Districts.

1. Uses Permitted.

A. Multiple family dwelling.

B. Church or similar place of worship, parish house.

C. Public parks and playgrounds, golf courses and similar recreational areas not operated for profit.

D. Public schools and institutions of higher learning, public libraries, municipal buildings.

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 building shall conform with the neighboring property to the extent that said buildings shall not devalue surrounding property. The determination as to whether or not said moved-in buildings devalue surrounding property shall be determined by the Board of Zoning Appeals.

F. Customary home occupation, provided that there shall be no external evidence of such occupation, except a small announcement or professional sign not over two square feet in area and that a permit for such home occupation be obtained from the Board of Zoning Appeals.

G. The taking of boarders or roomers.

2. **Required Lot Area.** Each multiple family dwelling shall be located on a lot having an area of not less than 10,000 square feet.

3. **Percentage of Lot Coverage.** The principal and accessory buildings on any lot shall not cover more than 75 per cent of the area of such lot.

4. **Yards Required.** Yards of the following depths or widths shall be required: Front yard depth 10 feet from the property line, side yard depth 10 feet from neighbor's boundary, rear yard depth 5 feet.

SECTION 7. M-1. MOBILE HOME DISTRICTS.

The following regulations shall apply to all M-1 Mobile Home Districts.

1. Uses Permitted.

A. Mobile homes, including all "double-wides" and modular homes that do not comply with the requirements of Section 5, paragraph 1 E of this ordinance.

B. Churches or similar places of worship, parish houses.

C. Public parks and playgrounds and similar recreational areas not operated for profit.

D. Customary home occupation, provided that there shall be no external evidence of such occupation except a small announcement or professional sign not over two square feet in area.

2. **Required Lot Area.** Each mobile home shall be located on a lot having an area of not less than 5,000 square feet.

3. **Percentage of Lot Coverage.** The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of said lot.

4. **Yards Required.** Yards of the following minimum depths and widths shall be provided: Front yard depth 30 feet, including off-street parking for at least one automobile; side yard widths 10 feet each; rear yard depth 5 feet.

SECTION 8. B-1. GENERAL BUSINESS AND COMMERCIAL DISTRICTS.

The following regulations shall apply in all B-1 districts.

1. Uses Permitted.

A. All uses permitted in any residential district subject to all provisions specified for such residential districts.

B. Stores and shops for the conducting of any retail business.

C. Personal service shops and laundries.

D. Banks, offices, studios.

E. Shops for custom work, shops for making articles or products to be sold at retail on the premises.

F. Restaurants, cafes, tea rooms and similar establishments.

G. Theaters, assembly halls, billiard or pool parlors, bowling alleys, taverns and any public recreational use.

H. Hotels, lodging houses.
I. Motor vehicle salesrooms, garage, service station, implement sales or repair.

J. Undertaking establishments.

K. Bus passenger stations, telegraph office, express office, electric sub-station, printing plant, newspaper office.

L. Wholesale business, storage in bulk of or warehouse for such materials as building material, contractor's equipment, clothing, cotton, drugs, dry goods, seed, food, furniture, hardware, ice, machinery, metals, oil and petroleum in quantities less than tank car lots, paint and paint supplies, pipe, rubber, shop supplies, tobacco and wood.

M. Accessory buildings and accessory uses in connection with business uses.

2. **Yards Required.** Front yards, none required; side yards, none required; rear yards, not less than 5 feet but with ample space for the providing of loading and unloading of goods, supplies and materials on the premises without the blocking of public alleys.

SECTION 9. I-1. INDUSTRIAL DISTRICTS. The following regulations shall apply to all I-1 Districts:

1. **Uses Permitted.** All uses not otherwise prohibited by law.

2. **Uses Prohibited.** The following uses are prohibited, provided, however, that any such uses may be permitted if approved by the Board of Zoning Appeals with such restrictions and safeguards as may be required by said Board of Zoning Appeals and upon securing a permit therefor: All uses or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar circumstance or condition.

3. **Building Height Limit.** No restrictions.

4. **Yards Required.**

A. Each lot shall have a front yard of not less than 20 feet in depth.

B. There shall be a side yard of 10 feet along each side of every lot in an I-1 district.

C. There shall be a rear yard on every lot of not less than 25 feet unless adequate parking and loading and unloading areas are provided solely upon said lot.

SECTION 10. NON-CONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued except as hereinafter provided, although such use does not conform with the provisions of this ordinance, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

1. **Unsafe Structures.** Any structure or portion thereof declared to be unsafe by proper authority may be restored to a safe condition.

2. **Alterations.** A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in the aggregate cost greater than 75 per cent of the total value of the building, unless said building is changed to a conforming use.

3. **Extension.** A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

4. **Construction Approved Prior to Ordinance.** Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit or authority has been given and the construction of which shall have been diligently prosecuted and which entire building shall be completed according to such plans and specifications as originally determined within one year from the date of the passage of this ordinance.

5. **Restoration.** No building damaged by fire or other cause to the extent of more than 75 per cent of its actual value shall be repaired or rebuilt except

in conformity with the regulations of this ordinance.

6. **Abandonment.** Whenever a non-conforming use has been discontinued for a period of 90 days such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this ordinance.

7. **Changes.** Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

8. **Displacement.** No non-conforming use shall be extended to displace a conforming use.

9. **District Changes.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply also to any non-conforming use existing therein.

10. **Public Structures.** Any structure may be erected and premises used in any location by a public service corporation or for public utility purposes which the governing body of the City of Overbrook, Kansas, deems reasonably necessary for the public convenience and welfare.

SECTION 11. ENFORCEMENT. This ordinance shall be enforced by the building inspector of the City of Overbrook, Kansas. The building inspector shall be appointed by the mayor of the City of Overbrook, Kansas, and approved by the governing body of Overbrook, Kansas. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this ordinance.

SECTION 12. BUILDING PERMITS. No building or structure shall be erected, added to or structurally altered until a permit therefore has been approved by the building inspector and issued by the city clerk at a total cost of \$10.00 for each permit. All applications for such permits shall be made to the building inspector and such applications shall set forth a plan or sketch of the proposed building or structure and shall be in compliance with this ordinance and shall have an expiration of 12 months.

SECTION 13. CERTIFICATE OF OCCUPANCY.

1. No land shall be occupied or used and no building hereafter erected, altered, extended, moved in, used or changed in use or occupied until a certificate of occupancy shall have been issued by the building inspector stating that the building or proposed use thereof complies with the provisions of this ordinance.

2. No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued therefor by the building inspector.

3. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate of occupancy shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.

4. The building inspector shall maintain a record of all certificates and said record shall be on file with the city clerk and copies shall be furnished upon request by any person having a proprietary or tenancy interest or equitable interest in the building affected.

5. No permit for excavation or the erection or alteration of any building shall be issued until an application has been made for a certificate of occupancy.

SECTION 14. INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the highest standards shall govern.

SECTION 15. BOARD OF ZONING APPEALS.

1. A Board of Zoning appeals is hereby created, consisting of five (5) members, all of whom shall be taxpayers and residents of the City of Overbrook, Kansas, or the area defined in Section 2, paragraph 2, to be appointed by the mayor, by and with the consent of the city council. Initially, one member of said board shall be appointed to serve a period of one year, two for a period of two years and two for a period of three years. Thereafter all terms shall be for three years. Vacancies shall be filled by appointment for the unexpired term. The members of said board shall serve without compensation. The board shall elect a chairman from its membership and shall appoint a secretary and shall prescribe the rules for the conduct of its affairs.

2. **Powers and Duties.** The board of zoning appeals shall have the following powers and it shall be its duty:

A. To hear and decide all appeals from any order, requirement, decision or determination made by the building inspector.

B. No special permits shall be granted by the board of zoning appeals unless it finds that the use for which such permit is sought will not in the circumstances of the particular case and under any conditions that the board considers to be necessary or desirable be injurious to the neighborhood or otherwise detrimental to the public welfare.

C. To permit variation in the strict application of the provisions of this ordinance where there are unusual, practical difficulties or unnecessary hardships in the carrying out of said provisions due to an irregular shape of lot, topographical or other conditions, provided such variation will not adversely affect any adjoining property or the general welfare of the public and is the minimum variance that will accomplish the purpose.

D. To permit variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. Whenever the applicant can show that the strict application of the terms of this ordinance will impose unusual, practical difficulties or particular hardship or deprive a landowner of his property, provided that such variation will not be injurious to the neighborhood or otherwise detrimental to other owners of property or to the public welfare.

D. To permit variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. Whenever the applicant can show that the strict application of the terms of this ordinance will impose unusual, practical difficulties or particular hardship or deprive a landowner of his property, provided that such variation will not be injurious to the neighborhood or otherwise detrimental to other owners of property or to the public welfare.

3. **Procedure.** Appeals from rulings of the building inspector concerning enforcement of the provisions of this ordinance may be made by a person concerned to the board of zoning appeals within 30 days from the date of such ruling. Such appeals shall be completed when the appellant shall have filed with the board of zoning appeals and with the building inspector a notice of appeal, specifying the ruling from which appealed and the grounds therefor and depositing with the city clerk the sum of \$10.00 to cover cost of the publication notice. The building inspector shall forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.

B. A time and place of hearing for the appeal shall be fixed by the board within 30 days from the perfection thereof and notice of such hearing shall be given by publication once in the official city newspaper at least seven days prior to said hearing. Any party may appear at said hearing in person or by attorney. The board shall render decision upon conclusion of said hearing or, in any event, not later than five (5) days from the adjournment of said hearing.

C. The fee of \$10.00 paid by the appellant shall be credited by the city clerk to the general fund of the City of Overbrook, Kansas.

SECTION 16. AMENDMENTS. All amendments to this ordinance shall be in accordance with the provisions of the general city law applicable thereto. Any proposed amendment shall be submitted to the planning commission for report and recommendation prior to any action thereon by the city governing body.

SECTION 17. VALIDITY. The invalidity of this section or any provision of this ordinance shall not violate any other section or provision thereof.

SECTION 18. VIOLATIONS AND PENALTIES. Any person, firm or corporation who shall violate, neglect or refuse to comply with, or who shall maintain, use or construct any building on premises in violation of any of the provisions of this ordinance shall, upon conviction, be fined a sum not less than \$10.00 and not more than \$100.00 for each offense, and each day's violation shall constitute a separate offense, and in addition to the above penalty such actions at law or suits in equity may be maintained by the City of Overbrook, Kansas, or any interested person or persons as may be authorized by law.

SECTION 19. This ordinance shall take effect from and after its passage, adoption and publication in The Overbrook Citizen, the official city newspaper.

PASSED AND ADOPTED this 8th day of March, 1978.

Calvin R. Uffor
Mayor

ATTEST:
City Clerk, Carol Carver

LEGAL NOTICE

(This Ordinance published in the Citizen-Times, Overbrook, Kansas, Thurs., March 22, 1979.)

ORDINANCE NO. 96

AN ORDINANCE PRESCRIBING FIRE LIMITS AND RELATING TO THE CONSTRUCTION OF BUILDINGS THEREIN, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. The following shall be and are hereby declared to be the fire limits:

Beginning at the Northeast corner of Lot 8 in Block 2 in Coffman's Addition, thence South to First Street, thence West to Maple, thence South to the City limits, thence West along City limits to the East boundary of Oak Street, thence North to the Northwest corner of Lot 2 in Block 11 of the Original Town, thence East to the Northeast corner of Lot 2 in Block 11 in the Original Town, thence North to the Northeast corner of Lot 10 in Block 3 in the Original Town, thence East to the Northeast corner of Lot 9 in Block 3 in the Original Town, thence North to the Northeast corner of Lot 7 in Block 3 in the Original Town, thence East to the point of beginning.

SECTION 2. Every building hereafter erected or enlarged or repaired within the fire limits shall be enclosed on all sides with walls constructed of stone, brick, tile, terra cotta, concrete, or cement block, except as otherwise provided by this ordinance.

SECTION 3. Small frame outhouses not exceeding 150 square feet in area and 8 feet in height and temporary one-story frame buildings for use of builders may be built within the fire limits, provided however, that such buildings shall not be located within 20 feet of any other building.

SECTION 4. No frame building shall be moved from without to within the fire limits. For the purpose of this ordinance a building shall be classed as frame when the exterior walls or portions thereof are of wood; also a building with wooden framework veneered with brick, stone, terra cotta, tile or concrete, or wood covered with plaster, stucco or sheet metal shall be classed as a frame building.

SECTION 5. Any frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise to an amount greater than 50 per cent, exclusive of its foundation, shall not be repaired or rebuilt but shall be removed.

SECTION 6. All buildings hereafter erected within the fire limits shall have the roof, top and sides of all roof structures including dormer windows and mansard roofs, covered with incombustible material. No existing wooden shingle roof within the fire limits shall be renewed or repaired with other than incombustible roof covering.

SECTION 7. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense. Each day that any of the provisions of this ordinance shall be violated shall constitute a separate offense.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication in the official city paper.

PASSED AND APPROVED this 14 day of March 1979.

Calvin R. Ufford
MAYOR

ATTEST:

Carol Carver
CITY CLERK

(SEAL)

LEGAL NOTICE

(First Published in the Citizen-Times, Overbrook, Kansas, Thurs., March 22, 1979.)

ORDINANCE NO. 97

AN ORDINANCE RELATING TO THE WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME AND FOR THE MANNER OF MAKING AND COLLECTING SUCH CHARGES, PROHIBITING THE TAKING OF WATER WITHOUT AUTHORITY, PROHIBITING TAMPERING WITH CURB COCKS, PROVIDING FOR WATER RATIONING AND RESTRICTIONS PERTAINING THERETO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCE NO. 83.

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 within the City limits of Overbrook, Kansas:

First 1,000 gallons---	\$2.75
1,000 to 10,000 gal.--	\$2.25 per 1,000 gal.
All over 10,000 gal.--	\$1.50 per 1,000 gal.
The minimum monthly charge shall be---	\$2.75

SECTION 2. That there is hereby assessed and fixed the following monthly rates and charges for the use of water from the waterworks system supplied outside the City limits of Overbrook, Kansas:

First 1,000 gallons--	\$2.75
1,000 to 10,000 gal.--	\$2.25 prt 1,000 gal.
All over 10,000 gal.--	\$1.50 per 1,000 gal.
The minimum monthly charge shall be---	\$2.75

SECTION 3. That where easement grants have made provision for rates and charges, the same shall be given force and effect and prevail over the rates provided for herein.

SECTION 4. 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 \$2.75 for 1,000 gallons within the City and \$2.75 for 1,000 gallons outside the city. In each case water supplied by the waterworks system of the City to the customer is resold without the consent of the Governing Body of the City, service shall be disconnected after two days notice and shall not be restored until the customer has arranged to discontinue the reselling or redelivery of service. If service is required to be disconnected for this or any other cause, a reconnection charge of \$10.00 shall be required to be paid before service is restored.

SECTION 5. All charges for the supplying of water by the City shall be paid to the City Clerk on or before the 10th day of the month following the month of such service. On all such bills that are not paid on or before the 10th day of the following month, a 10% penalty shall be added to and become part of such charge. When such delinquent bill remains unpaid the 15th day of said following month, service to the consumer shall be disconnected.

SECTION 6. The Governing Body shall have authority to require a deposit to insure payment of water bills when it finds and deems the same is necessary in any case.

SECTION 7. Service connections in the City limits shall be construed to mean: a corporation cock installed in the pipeline, a three-fourths (3/4) inch copper line from the corporation cock to the property line or sidewalk, and a meter and meter box at the property line or sidewalk. The consumer shall then make his own connection from the meter to his own point of usage. Permission for connections larger than 3/4 inch must be secured from the Governing Body.

Service connections for consumers outside the City limits shall be construed to mean: a corporation cock installed in the pipeline, a three-fourths (3/4) inch copper line from the corporation cock to the meter, and a meter and meter box to be placed at the City's pipeline. The consumer shall then make his own connection from the meter to his point of usage. Permission for connections larger than 3/4 inch must be secured from the Governing Body.

All such service connections shall be installed by the City and be the property of the City, but

shall be paid for by the consumer at a cost of \$350.00 for a three-fourths (3/4) inch connection and meter. No service connection shall be made by the City, where the customer does not agree to use the City water for at least one year. At any time after the customer has used City water for one year, he may request the City discontinue service on a temporary basis by paying a service charge of \$5.00. At the time he renews service an additional service charge will be made in the amount of \$5.00. Cost of connections larger than 3/4 inch will be determined by the Governing Body.

SECTION 8. Any meter may be tested for accuracy at any time. Such tests if desired shall be made at the City's expense. If a meter test is desired by a consumer, he may file a written request with the City Clerk at any time, and the meter shall be tested by the City. If such test shows the meter to be registering fast, the City shall bear the expense of the test and shall make adjustment with the consumer for overpayment as accurately as can be determined by the Governing Body. If such meter test shows the meter to be registering slow, the consumer who has requested the test shall bear the expense of the test by paying to the City Clerk the sum of \$2.50; provided: a meter that shows a test of not more than 3% inaccuracy shall be deemed to be accurate.

SECTION 9. All rates and charges provided for herein shall be paid to the City Clerk, who shall make proper record and account of the same and be by him paid at regular intervals of not less than once each month to the City Treasurer. The City Treasurer shall make proper record and account of the same and shall place such sums in a fund to be known as "waterworks fund," and shall not be co-mingled with the other funds of said City and shall only be used for the purposes authorized by law, including the operation and maintenance of said utility.

SECTION 10. It is hereby declared to be unlawful for any person, firm or corporation to take any water from the municipal waterworks system except through a meter installed by the City or to take water from any premises not owned by him or them without the permission of the owner thereof, or in any way to damage or interfere with the supply of water, or to open any valve or hydrant of the waterworks system located on public grounds or to connect to or take water from the said system without the authority of the department.

SECTION 11. It shall be unlawful for any person or persons to turn any curb cock on or off except a duly authorized employee of the water department or someone authorized by such department.

SECTION 12. The City reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the Governing Body determines the public exigency so requires.

SECTION 13. Whenever the Governing Body determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.

SECTION 14. In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

- a. Watering lawn, garden, trees, shrubs, plants and watering outside dwellings for such purposes as car, boat or trailer washing or washing exterior of dwellings;
- b. Industrial uses of water, including, but not limited to, car wash operations and packing plant operations;
- c. Business uses other than industrial; and
- d. Home uses other than those set forth in sub-section "a".

SECTION 15. Any person, firm or corporation, who shall violate any of the provisions of this article shall, upon conviction thereof be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

SECTION 16. That Ordinance No. 83 be and the same is hereby repealed.

SECTION 17. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the Overbrook Citizen, as provided by law.

PASSED AND APPROVED this 14 day of March 1979.

Calvin R. Ufford
Mayor

ATTEST:

Carol Carver
CITY CLERK
(SEAL)

ORDINANCE NO. 98

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF WATER SYSTEM REVENUE BONDS, SERIES 1979, OF THE CITY OF OVERBROOK, KANSAS, IN THE PRINCIPAL SUM OF \$145,000.00 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ENLARGING AND IMPROVING THE WATERWORKS SYSTEM FOR SAID CITY; PRESCRIBING THE DETAILS OF SAID BONDS; AND PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE INCOME OF SAID WATERWORKS SYSTEM FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION, MAINTENANCE AND IMPROVEMENT OF SUCH UTILITY AND FOR PAYING THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS, AND MAKING CERTAIN AGREEMENTS WITH RESPECT THERETO.

BE IT ORDAINED by the Governing Body of the City of Overbrook, Osage County, Kansas, that:

Section 1. For the purpose of paying the costs of enlarging and improving the water system for the City of Overbrook, Kansas, which construction shall consist of constructing water wells, main extensions, and necessary appurtenances thereto as shown by certain plans and specifications now filed in the office of the City Clerk, there shall be and are hereby issued Water System Revenue Bonds, Series 1979, in the total principal amount of \$145,000.00.

Section 2. Said issue of Water System Revenue Bonds, Series 1979, shall consist of 29 bonds numbered from 1 to 29, inclusive, shall be dated April 1, 1979, and shall be in the denomination of \$5,000.00 each. The bonds shall bear interest at the rate of six and one-half percent (6 1/2%) per annum, and shall mature as follows:

Table with columns: Bond No., Aggregate Amount, Maturity Date. Rows 1-29 with amounts ranging from \$5,000.00 to \$15,000.00 and maturity dates from 1980 to 1994.

Interest shall be payable on April 1 and October 1 of each year, commencing October 1, 1980, at the office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas.

The City of Overbrook, Kansas, hereby reserves the right to call and redeem any or all bonds numbered 17 through 29, maturing October 1, 1990 through October 1, 1994, inclusive, at the option of the City, on October 1, 1989, or on any interest payment date thereafter, at the par value thereof, together with accrued interest thereon to the date of redemption, with a premium for bonds called prior to their stated maturity which shall be 3 1/2% of the principal amount of any bonds so called. In the event said City shall elect to call for redemption and payment, as aforesaid, any of said bonds numbered 17 through 29, inclusive, prior to their stated maturity, then all of said bonds so subject to redemption shall be redeemed and paid prior to their stated maturity only in the inverse numerical order of said bonds, the outstanding bond having the highest number being the first bond called for payment. In the event of any such redemption, the City shall publish once in the official state paper of the State of Kansas, not less than 30 days prior to the date on which said bonds are called for payment, a notice of the intention of said City to call and pay said bonds, and interest on any bond called for redemption shall cease from and after the date for which all is made.

Said bonds and the interest coupons to be attached thereto shall be payable at the office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas.

Section 3. Said bonds shall be signed by the Mayor and shall have the official seal of the City affixed thereto and shall be attested by the City Clerk. Interest coupons shall be attached to said bonds representing the interest to mature thereon and said interest coupons shall be the facsimile signatures of the Mayor and the City Clerk.

Section 4. The form and contents of said bonds and interest coupons shall be substantially as follows:

No. \$5,000.00

UNITED STATES OF AMERICA STATE OF KANSAS COUNTY OF OSAGE CITY OF OVERBROOK WATER SYSTEM REVENUE BOND SERIES 1979

KNOW ALL MEN BY THESE PRESENTS: That the City of Overbrook, in the County of Osage, in the State of Kansas, for value received, hereby promises to pay out of the revenues hereinafter specified, to the bearer, the sum of FIVE THOUSAND DOLLARS

in lawful money of the United States of America on the first day of October, 19 , with interest thereon at the rate of six and one-half percent (6 1/2%) per annum, payable October 1, 1980, and thereafter semi-annually on April 1 and October 1 in each year until the principal sum shall have been paid, upon presentation and surrender of the interest coupons attached hereto, bearing the facsimile signatures of the Mayor and the Clerk of the City of Overbrook, Kansas, as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas.

Bonds numbered 17 through 29 of this series may be called for redemption and payment at the option of the City of Overbrook, Kansas, on October 1, 1989, or on any interest payment date thereafter, and prior to its ultimate maturity, for the principal amount thereof, together with accrued and unpaid interest thereon to date of redemption, together with a premium of 3 1/2% of the principal amount of this bond; provided, however, that all of the bonds of this series which are subject to redemption and payment prior to their ultimate stated maturity, being bonds numbered 17 through 29, inclusive, shall be redeemed and paid prior to their ultimate maturity only in the inverse numerical order of said bonds, the outstanding bond having the highest number being the first bond called for payment; and provided further that in the event of any such redemption, the city shall publish once in the official state paper of the State of Kansas, not less than thirty (30) days prior to the date on which this bond is called for redemption and payment, a notice of intention of said City to call and pay this bond. If this bond be called for redemption and payment as aforesaid, interest on

this bond shall cease from and after the date for which such call is made.

This Bond is one of a series of 29 bonds of like date and tenor, excepting maturity date, interest rate, and privilege of redemption, aggregating the principal sum of \$145,000.00 issued by said City for the purpose of paying the costs of enlarging and improving the waterworks system for said City, by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and the laws of the State of Kansas, including K.S.A. 10-1201 et seq., and all acts amendatory thereof and supplemental thereto, and all other provisions of law of said state, applicable thereto. This bond and all interest hereon are to be paid by the City of Overbrook, Kansas, solely from the revenues derived from the rates, fees and charges collected by said City from the operation of its water system, and not from any other fund or source. Reference is made to the ordinance of the City of Overbrook authorizing this series of bonds for the complete terms and conditions concerning the security for, the payment of, and the redemption of the bonds of this series.

This Bond has been duly registered in the office of the City Clerk of Overbrook, Kansas, and in the office of the Treasurer of the State of Kansas, and this bond is negotiable.

It is hereby declared and certified that all acts, proceedings, 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 the laws of the State of Kansas.

IN WITNESS WHEREOF, the City of Overbrook in the State of Kansas, by its governing body, has caused this bond to be signed and attested by the signatures of the Mayor and the Clerk of said City and the seal of said City to be affixed hereto, and the coupons hereto attached to be signed with the facsimile signatures of said officers and this bond to be dated this first day of April, 1979.

Calvin R. Ufford Mayor of the City of Overbrook, Kansas (Seal) Carol Carver City Clerk

OFFICE OF THE CITY CLERK OF THE CITY OF OVERBROOK, KANSAS

I, the undersigned, City Clerk of the City of Overbrook, Kansas, hereby certify that the within Water System Revenue Bond, Series 1979, has been duly registered in my office according to law this

Carol Carver City Clerk (Seal)

OFFICE OF THE TREASURER OF THE STATE OF KANSAS

I, 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 and the coupons attached hereto were registered in my office according to law this

WITNESS my hand and official seal. Treasurer (Seal)

By Assistant Treasurer (April, October) 1, 19

Coupon No. Bond No.

THE CITY OF OVERBROOK, KANSAS, will pay to the bearer at the office of the STATE TREASURER, TOPEKA, KANSAS, the amount shown hereon in lawful money of the United States of America, upon presentation and surrender of this coupon being interest then due on its WATER SYSTEM REVENUE BONDS, SERIES 1979, dated April 1, 1979.

Facsimile signature. Facsimile signature Mayor City Clerk

Section 5. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute said bonds and, when duly executed and registered, to deliver said bonds to the purchasers thereof upon payment of the purchase price.

Section 6. The \$145,000.00 principal amount of Water System Revenue Bonds, Series 1979, dated April 1, 1979, of the City of Overbrook, Kansas, are hereby made a lien on the revenues produced from the water system of the City and shall be paid out of said revenues.

Section 7. The amount received from the sale of said bonds shall be deposited in a separate fund hereby created in the Treasury of the City, to be known and hereafter referred to as the "Water System Construction Fund", and shall be used by said City for the sole purpose of paying the costs of the construction of the waterworks system improvements as hereinabove specified. Any surplus in said "Water System Construction Fund" not required for the payment of the costs as hereinabove set forth shall be credited to the "Water System Bond and Interest Account" created by Section 9 of this Ordinance.

Section 8. So long as any of the Water System Revenue Bonds, Series 1979, remain outstanding and unpaid, the City covenants and agrees that all of the revenue derived by said City from the operation of its water system from and after the delivery of any of the bonds herein authorized, including all revenues of all improvements, extensions and enlargements of said system hereinafter constructed or acquired, will be paid and deposited into an operating fund hereby created in the Treasury of the City to be known and hereinafter referred to as the "Water System Fund" and said revenues will not be mingled with other funds of said City. Said "Water System Fund" shall be used only for the purposes authorized by law, including paying the costs of operation, maintenance, alterations, reconstruction, repair, improvement, extension and enlargement of said system, providing an adequate depreciation fund, and paying the principal of and interest on the Water System Revenue Bonds, Series 1979, and any water system revenue bonds of the City hereinafter issued, subject to the restrictions as hereinafter set forth.

Section 9. There are hereby created in the Treasury of the City two further separate accounts to be known, respectively, as the "Water System Bond and Interest Account" and the "Water System Bond Reserve Account" and the City of Overbrook, Kansas, covenants and agrees that from and after the delivery of any of

any of said bonds shall remain outstanding, said City will maintain said accounts and each of them, and the City Treasurer, on the first day of each month following delivery of the Water System Revenue Bonds, Series 1979, will allocate all of the revenues then in the "Water System Fund" created and referred to in Section 8 of this Ordinance, in the following manner:

(a) There shall first be allocated and credited an amount sufficient to pay the cost of operating and maintaining the water system of the City for the month ending on the date hereof, or the amount so allocated and credited may also include any amount required to pay part or all of the then current expenses of operating and maintaining said system insofar as said expenses may remain unpaid, and provided that such cost of operation and maintenance shall not include the cost of extending or enlarging said system.

(b) There shall next be allocated and credited to the "Water System Bond and Interest Account" the following sums:

1. On the first day of each month beginning September 1, 1979, an equal pro rata portion of the amount of the principal of the bonds or said bonds on the next succeeding interest payment date, and for the balance of the time that any of said bonds shall remain outstanding and unpaid, an amount equal to one-sixth (1/6) of the amount of interest becoming due on said bonds on the next succeeding interest payment date; and

2. On the first day of each month beginning September 1, 1979, an amount not less than one-twelfth (1/12) of the principal amount of said bonds becoming due on the next succeeding bond maturity date. All amounts credited to said "Water System Bond and Interest Account" shall be expended and used by the City for the sole purpose of paying the principal of and interest on said bonds as and when the same become due.

(c) After making the allocations and payments required by paragraphs (a) and (b) of this Section 9, there shall next be allocated and credited to the "Water System Bond Reserve Account" monthly deposits commencing June 1, 1979 of \$500.00 until a total of \$24,000.00 shall be accumulated in said account. All amounts credited to and deposited in said "Water System Bond Reserve Account" shall be expended and used solely to prevent any default in the payment of the principal of and interest on the bonds herein authorized if the moneys in the "Water System Bond and Interest Account" are insufficient to pay such principal and interest or if no other funds are available for such purpose. No part of the "Water System Bond Reserve Account" shall ever be used or expended by the City to call any of said bonds for payment prior to their ultimate maturity unless there shall remain in said "Water System Bond Reserve Account" after such call and payment the sum of \$24,000.00 or an amount equal to the principal of all of the bonds authorized hereunder then outstanding, together with all interest that will become due thereon to maturity. Moneys accumulated in the "Water System Bond Reserve Account" may be invested in obligations permitted by law.

When and if the amount of said "Water System Bond Reserve Account" shall aggregate the amount of not less than \$24,000.00, no further payments into said account shall be required, but if the City shall ever be compelled to use and expend any part of said account for the purpose authorized and such use shall reduce the amount in said account below the sum of \$24,000.00, then the City covenants and agrees that after making all allocations and credits at the time required to be made under the provisions of paragraphs (a) and (b) of this Section 9, it will thereafter continue into the "Water System Bond Reserve Account" until said account aggregates not less than \$24,000.00. Moneys in said account shall be used to pay and retire the last outstanding bonds herein authorized, when sufficient to do so.

Section 10. Nothing contained in this Ordinance shall prohibit nor restrict the right of the City to issue additional revenue bonds payable from net revenues of the City's water system for the purpose of making further repairs, extensions, reconstruction, enlargements or improvements of said system, or from using moneys in the "Water System Fund" to pay the principal of and interest on said additional bonds, provided that:

(a) The City shall not be in default in the payment of principal of and interest on any of the Water System Revenue Bonds, Series 1979, nor shall the City be in default in any of the payments required to be made into the respective funds and accounts created or referred to in Sections 7, 8 and 9 of this Ordinance;

(b) Said additional revenue bonds shall be junior and subordinate to the Water System Revenue Bonds, Series 1979, so that if at any time the City shall be in default in paying the principal of and interest on said Water System Revenue Bonds, Series 1979, or if the City shall be in default in making any of the payments required to be made into the funds created or referred to in Sections 7, 8 and 9 of this Ordinance, the City shall make no payments of either principal or interest on said junior subordinate bonds hereinafter issued until said default or defaults be cured and no default shall exist on the part of the City under the covenants, agreements and conditions contained in this Ordinance.

Section 11. The City of Overbrook, Kansas, covenants with each of the purchasers and holders of the Water System Revenue Bonds, Series 1979, that so long as any of the said bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees or charges for the use of or services rendered by the water system of said City, including improvements, extensions and enlargements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said system, providing an adequate depreciation fund, and paying the principal of and interest on all water system bonds issued by said City against said system, and which rates, fees or charges will annually produce a net income after the payment of operation and maintenance expenses, in an amount equal to 150% of the average annual principal and interest requirements on the bonds herein authorized, at the time outstanding.

(b) None of the facilities or services afforded by the water system of the City will be furnished to any user without a reasonable charge being made therefor.

(c) The City will maintain the water system in good repair and working order and will operate the same

in an efficient manner and at reasonable cost.

(d) The City will not mortgage, pledge or otherwise encumber its water system or any part thereof or any improvements, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said system or any material part thereof; provided, however, the City may dispose of any property which has become obsolete, nonproductive, or otherwise not usable to the advantage of the City. Any proceeds derived from the sale of such property shall become a part of the "Water System Fund".

(e) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(f) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(g) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(h) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(i) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(j) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(k) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(l) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(m) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(n) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(o) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(p) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(q) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(r) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(s) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(t) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(u) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(v) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(w) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(x) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

(y) The City will carry and maintain a reasonable amount of all-risk insurance, including liability insurance, upon the properties constituting its water system insofar as they are of an insurable nature, the amount of such insurance being that which would normally be maintained and carried by a private corporation engaged in a similar type of business.

(z) The City will install and maintain proper books, records and accounts, entirely separate from all other records and accounts of the City, in which complete and correct entries will be made of all deals and transactions of or in relation to the property, business and affairs of the water system.

copy thereof shall be filed in the office of the City Clerk where it shall be open to public inspection. Duplicate copies of such audit shall be sent promptly by mail to Becraft Cole & Co., Topeka, Kansas.

(g) The holder of any of the Water System Revenue Bonds, Series 1979 shall have the right at all reasonable times to inspect the water system of the City and all records, accounts and data relating thereto, and any such holder shall be furnished by the City with such information concerning the system and the operation thereof that he may reasonably require.

Section 12. The provisions of this Ordinance shall constitute a contract between the City of Overbrook and the holders of the Water System Revenue Bonds, Series 1979, and the holder of any one or more of said bonds may, by any action or proceeding at law or in equity, enforce or compel performance of all duties and obligations required by this Ordinance to be done or performed by said City. Nothing contained in this Ordinance, however, shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation contained herein or to pay the principal or interest on any of the revenue bonds of the City.

Section 13. This Ordinance shall take effect and be in full force after its passage, approval and publication in the official city newspaper.

Passed and approved this 14 day of March, 1979.

(Seal) Attest: Carol Carver City Clerk

Calvin R. Ufford Mayor

Legal Notice

(First Published in the Citizen-Times, Overbrook, Ks.,
Thursday, July 19, 1979) 1t

ORDINANCE NO. 99

An ordinance amending Ordinance No. 97, relating to the waterworks system and fixing rates and charges for the use of water from the same.

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

SECTION 1. Ordinance No. 97 is hereby amended by the addition of the following to Section 5 thereof:

A. FAILURE TO PAY: LIEN UPON PROPERTY. In the event such charge or charges be not paid within the time and in the manner provided above, the City Clerk shall certify to the County Clerk of Osage County the legal description of the real property enjoying the use of said water service together with the amount of such charge or charges remaining unpaid to be placed on the tax roll for collection, subject to the same penalties and collected in the

same manner as other taxes are by law collectible, and shall become a lien upon the real property so served.

b. JOINT RESPONSIBILITY: TENANT AND OWNER. The occupant and user of the premises using water service and the owner of such premises shall be jointly and severally liable to pay for such water services rendered on or to said premises.

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

Passed this 11th day of July, 1979.

Frank D. Boyd
Mayor

ATTEST:

Carol Carver
City Clerk
(SEAL)

ORDINANCE NO. 100

Repealed by
Ord 156

An ordinance prohibiting the parking of junk automobiles on public or private property in the City of Overbrook, Kansas, and providing penalties therefor.

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

SECTION 1. No person shall keep, maintain, permit, store or park any junk automobile upon public or private property within the city limits of the City of Overbrook, Kansas, except as hereinafter provided.

SECTION 2. A junk automobile is defined as any automobile, truck or other automotive vehicle that does not bear a current registration or is unservicable and incapable of self-locomotion.

SECTION 3. The restrictions set forth above shall not apply to a bona fide automobile repair business operated in an area of the city that is zoned for commercial or industrial purposes.

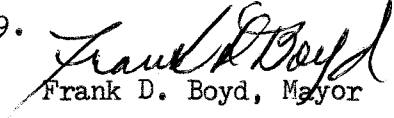
SECTION 4. In cases of home occupation, the restrictions set forth in Section 5, Para. 1, F, Ordinance No. 95 shall apply.

SECTION 5. An owner in violation of this ordinance shall be notified of the violation by a registered letter sent by the city clerk and shall be allowed 30 days in which to remove himself from violation.

SECTION 6. If a violation persists after 30 days from the date of said notice, the owner shall be subject to a fine of \$100.00 and each day of violation thereafter shall constitute a separate offense.

SECTION 7. This ordinance shall be in effect the day after its publication in the official city newspaper. Any previous ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Passed this 12th day of September, 1979.


Frank D. Boyd, Mayor

ATTEST:
Carol Carver, City Clerk
(SEAL)

ORDINANCE NO. 100

Repealed by
Ord 156

An ordinance prohibiting the parking of junk automobiles on public or private property in the City of Overbrook, Kansas, and providing penalties therefor.

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

SECTION 1. No person shall keep, maintain, permit, store or park any junk automobile upon public or private property within the city limits of the City of Overbrook, Kansas, except as hereinafter provided.

SECTION 2. A junk automobile is defined as any automobile, truck or other automotive vehicle that does not bear a current registration or is unservicable and incapable of self-locomotion.

SECTION 3. The restrictions set forth above shall not apply to a bona fide automobile repair business operated in an area of the city that is zoned for commercial or industrial purposes.

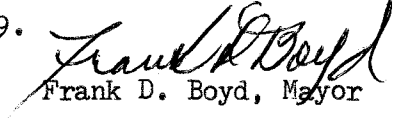
SECTION 4. In cases of home occupation, the restrictions set forth in Section 5, Para. 1, F, Ordinance No. 95 shall apply.

SECTION 5. An owner in violation of this ordinance shall be notified of the violation by a registered letter sent by the city clerk and shall be allowed 30 days in which to remove himself from violation.

SECTION 6. If a violation persists after 30 days from the date of said notice, the owner shall be subject to a fine of \$100.00 and each day of violation thereafter shall constitute a separate offense.

SECTION 7. This ordinance shall be in effect the day after its publication in the official city newspaper. Any previous ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Passed this 12th day of September, 1979.


Frank D. Boyd, Mayor

ATTEST:
Carol Carver, City Clerk
(SEAL)

LEGAL NOTICE
(First published in the Citizen Thursday, April 13, 1978)

ORDINANCE NO. 95

AN ORDINANCE DIVIDING AND SEPARATING THE CITY OF OVERBROOK, KANSAS, INTO ZONES OR DISTRICTS, AND REGULATING AND RESTRICTING THE LOCATION, ERECTION, ALTERATION AND REPAIR OF BUILDINGS AND STRUCTURES AND THE USES OF THE LAND WITHIN EACH ZONE OR DISTRICT.

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

SECTION 1. TITLE. This ordinance shall be known and cited as the Zoning Ordinance of the City of Overbrook, Kansas.

SECTION 2. ESTABLISHMENT OF DISTRICTS OR ZONES.

1. For the purpose of promoting the public health, safety, morals and general welfare of the community, the City of Overbrook, Kansas, is hereby divided into the following types of districts or zones:

- R-1. Single Family Dwelling Districts.
- R-2. Multiple Family Dwelling Districts.
- M-1. Mobile Home Districts.
- B-1. General Business and Commercial Districts.

1-1. Industrial Districts.
2. Said districts are bounded and identified as shown on the map entitled "Zoning Map" of the City of Overbrook, Kansas, adopted this 8 day of March, 1978, and certified by the city clerk, which accompanies this ordinance and which, with all explanatory matter thereto, is attached hereto and made a part hereof as though fully described herein at length.

3. As provided in Kansas Statute 12-707, the zoning authority of the City of Overbrook, Kansas, is extended to include a four square mile area bounded by the center lines of the county and township roads approximately one mile north, south, east and west of the intersection of Maple Street in Overbrook, Kansas, with U. S. Highway 56. The purpose of this extension is to control the establishment of any commercial feed lot, salvage yard, dump or other installation deemed a hazard to health or safety or to be otherwise detrimental to the city and community. It is not intended to interfere with normal agricultural pursuits, but building permits and certificates of occupancy will be required in this area.

SECTION 3. DEFINITIONS. Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future and plurals include the singular. The word "building" includes the word "structure," "occupied or used" shall be construed as though followed by the words "or intended, arranged or designed to be used or occupied." Any words not specifically defined herein shall be construed and defined as normally construed and defined in building codes.

1. ACCESSORY USE. A use incidental to the principal use of a building. In buildings restricted to residence use, the office of a professional person or customary family occupations and work shops not conducted for compensation shall be deemed accessory use.

2. ALTERATIONS. As applied to a building or structure means a change or rearrangement in the structural parts or in the exit facilities, or enlargement, whether by extending on the side or by increasing the height or moving from one location or position to another.

3. ALTERATIONS, STRUCTURAL. Any change in location of the supporting timbers of the building, such as bearing walls, columns, beams or girders.

4. BUILDING. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosing of persons, animals or chattels.

5. BUILDING, ACCESSORY. A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

6. BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated.

7. DWELLING. A building designed or used exclusively as the living quarters for one or more families.

8. FAMILY. One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

9. GARAGE. An accessory building intended or designed to be used for the storage of motor vehicles belonging to the persons occupying a dwelling and not used for commercial storage or repair of vehicles.

10. HOME OCCUPATION. An occupation for gain or support conducted only by members of the family residing on the premises and conducted entirely within the dwelling.

11. LOT. A parcel of land occupied or designed to be occupied by one building and the accessory building or buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such building. A lot may or may not be the land shown as a lot on a duly recorded plat.

12. MOBILE HOME. Any dwelling customarily transported to its site on wheels that are an integral part of its construction, whether it be allowed to remain on said wheels or placed upon a permanent type foundation and whether or not the lot upon which it is placed be owned or leased by the mobile home owner or occupant. This definition shall include campers and all recreational vehicles used as dwellings within the city and all so-called "double-wides" and modular homes that are not approved for residential districts.

13. NON-CONFORMING USE. A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated at the time of the passage of this ordinance.

14. YARD, FRONT. An open unoccupied space on the same lot with the main building extending the full width of the lot and situated between the front line of the lot and the main building. Covered porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into the required front yard.

15. YARD, REAR. An open unoccupied space on the same lot with the main building between the rear line of the building and the rear line of the lot and extending the full width of the lot. Covered porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into the required rear yard.

16. YARD, SIDE. An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line nor a rear line shall be deemed a side line.

SECTION 4. APPLICATION OF REGULATIONS (EXCEPTIONS AS HEREINAFTER PROVIDED).

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered on a lot containing less area, to occupy a greater percentage of lot area or to have narrower or smaller front yards, rear yards or side yards than as specified herein for the district in which such building is located.

3. No part of the yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or other open space similarly required for another building.

SECTION 5. R-1. RESIDENTIAL DISTRICTS. The following regulations shall apply in all R-1 Residential Districts.

- 1. Uses Permitted.
 - A. Single family dwellings.
 - B. Church or similar place of worship, parish house.
 - C. Public parks and playgrounds and similar or incidental recreational areas not commercially operated for profit.
 - D. Public schools and institutions of higher learning, public libraries, municipal buildings.
 - 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.
 - F. Customary home occupation, provided that there shall be no external evidence of such occupation except a small announcement or professional sign not more than two feet in area and that a permit for such home occupation be obtained from the Board of Zoning Appeals.
 - G. The renting of a single room.

2. Required Lot Area. Each dwelling shall be located on a lot having an area of not less than 10,000 square feet.

3. Percentage of Lot Coverage. The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of such lot.

4. Yards Required. Yards of the following minimum depths and widths shall be provided: Front yard depth 30 feet, including off-street parking for at least one automobile; side yard widths 10 feet each; rear yard depth 5 feet.

SECTION 6. R-2. RESIDENTIAL DISTRICTS. The following regulations shall apply in all R-2 Residential Districts.

- 1. Uses Permitted.
 - A. Multiple family dwelling.
 - B. Church or similar place of worship, parish house.
 - C. Public parks and playgrounds, golf courses and similar recreational areas not operated for profit.
 - D. Public schools and institutions of higher learning, public libraries, municipal buildings.
 - 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.
 - F. Customary home occupation, provided that there shall be no external evidence of such occupation except a small announcement or professional sign not more than two feet in area and that a permit for such home occupation be obtained from the Board of Zoning Appeals.
 - G. The renting of a single room.

2. Required Lot Area. Each dwelling shall be located on a lot having an area of not less than 10,000 square feet.

3. Percentage of Lot Coverage. The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of such lot.

4. Yards Required. Yards of the following depth or width shall be provided: Front yard depth 30 feet from the property line, side yard 10 feet to the neighbor's boundary, rear yard depth 5 feet, provided, however, that a corner lot shall provide a front yard depth of 30 feet, a rear yard depth of 5 feet and a side yard of 30 feet from the street side and 10 feet from the neighbor's property line.

SECTION 6. R-2. RESIDENTIAL DISTRICTS. The following regulations shall apply in all R-2 Residential Districts.

- 1. Uses Permitted.
 - A. Multiple family dwelling.
 - B. Church or similar place of worship, parish house.
 - C. Public parks and playgrounds, golf courses and similar recreational areas not operated for profit.
 - D. Public schools and institutions of higher learning, public libraries, municipal buildings.
 - 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 determined by the Board of Zoning Appeals.
 - F. Customary home occupation, provided that there shall be no external evidence of such occupation, except a small announcement or professional sign not over two square feet in area and that a permit for such home occupation be obtained from the Board of Zoning Appeals.
 - G. The renting of boarders or roomers.

2. Required Lot Area. Each multiple family dwelling shall be located on a lot having an area of not less than 10,000 square feet.

3. Percentage of Lot Coverage. The principal and accessory buildings on any lot shall not cover more than 75 per cent of the area of such lot.

4. Yards Required. Yards of the following depth or widths shall be required: Front yard depth 10 feet from the property line, side yard width 10 feet from neighbor's boundary, rear yard depth 5 feet.

SECTION 7. M-1. MOBILE HOME DISTRICTS. The following regulations shall apply to all M-1 Mobile Home Districts.

- 1. Uses Permitted.
 - A. Mobile homes, including all "double-wides" and modular homes that do not comply with the requirements of Section 5, paragraph 1 E of this ordinance.
 - B. Churches or similar places of worship, parish houses.
 - C. Public parks and playgrounds and similar recreational areas not operated for profit.
 - D. Customary home occupation, provided that there shall be no external evidence of such occupation except a small announcement or professional sign not over two square feet in area.
 - E. Shops for custom work, shops for making articles or products to be sold at retail on the premises.
 - F. Restaurants, cafes, tea rooms and similar establishments.
 - G. Theaters, assembly halls, billiard or pool parlors, bowling alleys, taverns and any public recreational use.
 - H. Hotels, lodging houses.
 - I. Motor vehicle repair shops, garage, service station, implement sales or repair.
 - J. Bus passenger establishments.
 - K. Bus passenger stations, telegraph office, express office, electric sub-station, printing plant, newspaper office.
 - L. Wholesale business, storage in bulk of material, contractor's equipment, clothing, cotton, drugs, dry goods, seed, food, furniture, hardware, ice, machinery, metals oil and petroleum in quantities less than tank car lots, paint and paint supplies, pipe, rubber, step supplies, tobacco and wood.
 - M. Accessory buildings and accessory uses in connection with business uses.
 - N. Yards Required. Front yards, none required; side yards, none required; rear yards, not less than 5 feet but with a 15-foot space for the providing of loading and unloading of goods, supplies and materials on the premises without the blocking of public alleys.

2. Required Lot Area. Each mobile home shall be located on a lot having an area of not less than 5,000 square feet.

3. Percentage of Lot Coverage. The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of said lot.

4. Yards Required. Yards of the following minimum depths and widths shall be provided: Front yard depth 30 feet, including off-street parking for at least one automobile; side yard widths 10 feet each; rear yard depth 5 feet.

SECTION 8. B-1. GENERAL BUSINESS AND COMMERCIAL DISTRICTS. The following regulations shall apply in all B-1 districts.

- 1. Uses Permitted.
 - A. All uses permitted in any residential district subject to all provisions specified for such residential districts.
 - B. Stores and shops for the conducting of any retail business.
 - C. Personal service shops and laundries.
 - D. Banks, offices, studios.
 - E. Shops for custom work, shops for making articles or products to be sold at retail on the premises.
 - F. Restaurants, cafes, tea rooms and similar establishments.
 - G. Theaters, assembly halls, billiard or pool parlors, bowling alleys, taverns and any public recreational use.
 - H. Hotels, lodging houses.
 - I. Motor vehicle repair shops, garage, service station, implement sales or repair.
 - J. Bus passenger establishments.
 - K. Bus passenger stations, telegraph office, express office, electric sub-station, printing plant, newspaper office.
 - L. Wholesale business, storage in bulk of material, contractor's equipment, clothing, cotton, drugs, dry goods, seed, food, furniture, hardware, ice, machinery, metals oil and petroleum in quantities less than tank car lots, paint and paint supplies, pipe, rubber, step supplies, tobacco and wood.
 - M. Accessory buildings and accessory uses in connection with business uses.
 - N. Yards Required. Front yards, none required; side yards, none required; rear yards, not less than 5 feet but with a 15-foot space for the providing of loading and unloading of goods, supplies and materials on the premises without the blocking of public alleys.

2. Required Lot Area. Each building shall be located on a lot having an area of not less than 5,000 square feet.

3. Percentage of Lot Coverage. The principal and accessory buildings on any lot shall not cover more than 50 per cent of the area of said lot.

4. Yards Required. Yards of the following minimum depths and widths shall be provided: Front yard depth 30 feet, including off-street parking for at least one automobile; side yard widths 10 feet each; rear yard depth 5 feet.

SECTION 9. I-1. INDUSTRIAL DISTRICTS.
 The following regulations shall apply to all I-1 Districts:

1. Uses Permitted. All uses not otherwise prohibited by law.
2. Uses Prohibited. The following uses are prohibited, provided, however, that any such uses may be permitted if approved by the Board of Zoning Appeals with such restrictions and safeguards as may be required by said Board of Zoning Appeals and upon securing a permit therefor: All uses or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar circumstance or condition.
3. Building Height Limit. No restrictions.
4. Yards Required.
 - A. Each lot shall have a front yard of not less than 20 feet in depth.
 - B. There shall be a side yard of 10 feet along each side of every lot in an I-1 district.
 - C. There shall be a rear yard on every lot of not less than 25 feet unless adequate parking and loading and unloading areas are provided solely upon said lot.

SECTION 10. NON-CONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued except as hereinafter provided, although such use does not conform with the provisions of this ordinance, but future use of said premises shall be in conformity with the provisions of this ordinance.

1. Unsafe Structures. Any structure or portion thereof declared to be unsafe by proper authority may be restored to a safe condition.
2. Alterations. A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in the aggregate cost greater than 75 per cent of the total value of the building, unless said building is changed to a conforming use.

3. Extension. A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

4. Construction Approved Prior to Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit or authority has been given and the construction of which shall have been diligently prosecuted and which entire building shall be completed according to such plans and specifications as originally determined within one year from the date of the passage of this ordinance.

5. Restoration. No building damaged by fire or other cause to the extent of more than 75 per cent of its actual value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.

6. Abandonment. ~~When a non-conforming use has been discontinued for a period of 180 days such use shall thereafter be established and any future use shall be in conformity with the provisions of this ordinance.~~

7. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

8. Displacement. No non-conforming use shall be extended to displace a conforming use.

9. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply also to any non-conforming use existing thereat.

10. Public Structures. Any structure may be erected and premises used in any location by a public service corporation or for public utility purposes which the governing body of the City of Overbrook, Kansas, deems reasonably necessary for the public convenience and welfare.

SECTION 11. ENFORCEMENT. This ordinance shall be enforced by the building inspector of the City of Overbrook, Kansas. The building inspector shall be appointed by the mayor of the City of Overbrook, Kansas, and approved by the governing body of Overbrook, Kansas. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this ordinance.

SECTION 12. BUILDING PERMITS. No building or structure shall be erected, added to or structurally altered until a permit therefor has been approved by the building inspector and issued by the city clerk at a total cost of \$10.00 for each permit. All applications for such permits shall be made to the building inspector and such applications shall set forth a plan or sketch of the proposed building or structure and shall be in compliance with this ordinance and shall have an expiration of 12 months.

SECTION 13. CERTIFICATE OF OCCUPANCY.

1. No land shall be occupied or used and no building hereafter erected, altered, extended, moved in, used or changed in use or occupied until a certificate of occupancy shall have been issued by the building inspector stating that the building or proposed use thereof complies with the provisions of this ordinance.

2. No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued therefor by the building inspector.

3. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate of occupancy shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.

4. The building inspector shall maintain a record of all certificates and said record shall be on file with the city clerk and copies shall be furnished upon request by any person having a proprietary or tenancy interest or equitable interest in the building affected.

5. No permit for excavation or the erection or alteration of any building shall be issued until an application has been made for a certificate of occupancy.

SECTION 14. INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the highest standards shall govern.

SECTION 15. BOARD OF ZONING APPEALS.

1. A Board of Zoning appeals is hereby created, consisting of five (5) members, all of whom shall be taxpayers and residents of the City of Overbrook, Kansas, or the area defined in Section 2, paragraph 2, to be appointed by the mayor, by and with the consent of the city council. Initially, one member of said board shall be appointed to serve a period of one year, two for a period of two years and two for a period of three years. Thereafter all terms shall be for three years. Vacancies shall be filled by appointment for the unexpired term. The members of said board shall serve without compensation. The board shall elect a chairman from its membership and shall appoint a secretary and shall prescribe the rules for the conduct of its affairs.

2. Powers and Duties. The board of zoning appeals shall have the following powers and it shall be its duty:
 - A. To hear and decide all appeals from any order, requirement, decision or determination made by the building inspector.

- B. No special permits shall be granted by the board of zoning appeals unless it finds that the use for which such permit is sought will not in the circumstances of the particular case and under any conditions that the board considers to be necessary or desirable be injurious to the neighborhood or otherwise detrimental to the public welfare.

- C. To permit variation in the strict application of the provisions of this ordinance where there are unusual, practical difficulties or unnecessary hardships in the carrying out of said provisions due to an irregular shape of lot, topographical or other conditions, provided such variation will not adversely affect any adjoining property or the general welfare of the public and is the minimum variance that will accomplish the purpose.

- D. To permit variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. Whenever the applicant can show that the strict application of the terms of this ordinance will impose unusual, practical difficulties or particular hardship or deprive a landowner of his property, provided that such variation will not be injurious to the neighborhood or otherwise detrimental to other owners of property or to the public welfare.

3. Procedure. Appeals from rulings of the building inspector concerning enforcement of the provisions of this ordinance may be made by a person concerned to the board of zoning appeals within 30 days from the date of such ruling. Such appeals shall be completed when the appellant shall have filed with the board of zoning appeals and with the building inspector a notice of appeal, specifying the ruling from which appealed and the grounds therefor and depositing with the city clerk the sum of \$10.00 to cover cost of the publication notice. The building inspector shall forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.

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B. A time and place of hearing for the appeal shall be fixed by the board within 30 days from the perfection thereof and notice of such hearing shall be given by publication once in the official city newspaper at least seven days prior to said hearing. Any party may appear at said hearing in person or by attorney. The board shall render decision upon conclusion of said hearing or, in any event, not later than five (5) days from the adjournment of said hearing.

C. The fee of \$10.00 paid by the appellant shall be credited by the city clerk to the general fund of the City of Overbrook, Kansas.

SECTION 16. AMENDMENTS. All amendments to this ordinance shall be in accordance with the provisions of the general city law applicable thereto. Any proposed amendment shall be submitted to the planning commission for report and recommendation prior to any action thereon by the city governing body.

SECTION 17. VALIDITY. The invalidity of this section or any provision of this ordinance shall not violate any other section or provision thereof.

SECTION 18. VIOLATIONS AND PENALTIES. Any person, firm or corporation who shall violate, neglect or refuse to comply with, or who shall maintain, use or construct any building on premises in violation of any of the provisions of this ordinance shall, upon conviction, be fined a sum not less than \$10.00 and not more than \$100.00 for each offense, and each day's violation shall constitute a separate offense, and in addition to the above penalty such actions at law or suits in equity may be maintained by the City of Overbrook, Kansas, or any interested person or persons as may be authorized by law.

SECTION 19. This ordinance shall take effect from and after its passage, adoption and publication in The Overbrook Citizen, the official city newspaper.

PASSED AND ADOPTED this 8th day of March, 1978.

Calvin R. Ufford
 Mayor

ATTEST:
 City Clerk, Carol Carver

Legal Notice

(First published in the Citizen-Times, Thursday, April 17, 1980) It

ORDINANCE NO. 104
 AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY CHANGING THE PROVISIONS OF SECTION 10, SUBSECTION B REGARDING ABANDONMENT.

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

SECTION 1. Of Ordinance No. 95, Section 10, Subsection 6, is hereby amended by deleting the words, "for a period of 180 days," and by adding the sentence, "such provisions shall be construed to apply to vacant homes, which, once removed from a property, may not be replaced by another mobile home on an area zoned for mobile homes."

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

SECTION 3. This ordinance be in effect on and after its passage, approval and publication in the official city newspaper on this 9th day of April, 1980. Passed and approved

ATTEST:
 Mildred J. Cannon, Clerk
 (SEA)

Frank D. Boyd, Mayor

see address # 146 - Conditional Use