City of Park City
Municipal Code
# City of Park City Municipal Code

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ARTICLE 1. GENERAL PROVISIONS

1-101. CODE DESIGNATED.

The chapters, articles and sections herein shall constitute and be designated as "The Code of the City of Park City, Kansas," and may be so cited. The Code may also be cited as the "Park City Code."

1-102. DEFINITIONS.

In the construction of this code and of all ordinances of the city, the following definitions and rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise:

(a) City shall mean the City of Park City, Kansas.

(b) Code shall mean "The Code of the City of Park City, Kansas."

(c) Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be a Saturday, Sunday, or legal holiday, that day shall be excluded.

(d) County means the County of Sedgwick in the State of Kansas.

(e) Delegation of Authority. Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

(f) Gender. Words importing the masculine gender include the feminine and neuter.
(g) **Governing Body** shall be construed to mean the mayor and city council of the city, or those persons appointed to fill a vacancy in the office of mayor or the city council as provided in this code.

(h) **In the city** shall mean and include all territory over which the city now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

(i) **Joint authority.** All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(j) **Month** shall mean a calendar month.

(k) **Number.** Words used in the singular include the plural and words used in the plural include the singular.

(l) **Oath** includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word "swear" is equivalent to the word "affirm."

(m) **Officers, departments, etc.** Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the city, unless the context clearly indicates otherwise.

(n) **Owner** applied to a building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land and the owner of land shall mean the owner of record.

(o) **Person** includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

(p) **Property** includes real, personal and mixed property.

(q) **Real Property** includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.

(r) **Shall, may.** "Shall" is mandatory and "may" is permissive.

(s) **Sidewalk** means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(t) **Signature, subscription** includes a mark when the person cannot write, when his or her name is written near such mark and is witnessed by a person who writes his or her own name as a witness.

(u) **State** shall be construed to mean the State of Kansas.
(v) Street means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

(w) Tenant or occupant applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.

(x) Tenses - Words used in the past or present tense include the future as well as the past and present.

(y) Writing or written may include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.

(z) Year means a calendar year, except where otherwise provided.

1-103. EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

1-104. EFFECT OF REPEAL.

The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right which has accrued, any duty imposed, any penalty incurred or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein.

1-105. CATCH LINES OF SECTIONS.

The catch lines of the sections of this code printed in capital letters are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor unless expressly so provided, shall they be so deemed when any section, including its catch line, is amended or reenacted.

1-106. PARENTHETICAL AND REFERENCE MATTER.

The matter in parenthesis at the ends of sections is for information only and is not a part of the code. Citations indicate only the source and the text may or may not be changed by this code. This code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parenthesis is for information only and is not a part of this code.
1-107. AMENDMENTS; REPEAL.

Any portion of this code may be amended by specific reference to the section number as follows: "Section _____ of the code of the City of Park City is hereby amended to read as follows: (the new provisions shall then be set out in full)." A new section not heretofore existing in the code may be added as follows: "The code of the City of Park City is hereby amended by adding a section (or article or chapter) which reads as follows: . . .(the new provisions shall be set out in full)." All sections, or articles, or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) _____ of the code of the City of Park City is hereby repealed."

1-108. ORDINANCES.

The governing body shall have the care, management and control of the city and its finances, and shall pass all ordinances needed for the welfare of the city. All ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor. Where the number of favorable votes is one less than required the mayor shall have power to cast the deciding vote in favor of the ordinance.

1-109. ORDINANCES; SUBJECT AND TITLE; AMENDMENT.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.

1-110. ORDINANCES; PUBLICATION.

No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the city clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication.

1-111. ORDINANCES; ORDINANCE BOOK.

Following final passage and approval of each ordinance, the city clerk shall enter the same in the ordinance book of the city as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the record of the final vote on its passage taken from the official minutes, the name of the newspaper in which published and the date of publication.

1-112. RESOLUTIONS, MOTIONS.

Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the city council.
1-113. CITY RECORDS.

The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121 inclusive, which is incorporated by reference herein as if set out in full and as provided in the state open records act and the city policy regarding open public records.

1-114. ALTERING CODE.

It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Park City to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance duly adopted by the governing body.

1-115. SCOPE OF APPLICATION.

Any person convicted of doing any of the acts or things prohibited, made unlawful, or the failing to do any of the things commanded to be done, as specified and set forth in this code, shall be deemed in violation of this code and punished in accordance with section 1-116. Each day any violation of this code continues shall constitute a separate offense.

1-116. GENERAL PENALTY.

Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

   (a) A fine of not more than $1,000; or,

   (b) Imprisonment in jail for not more than 179 days; or,

   (c) Both such fine and imprisonment not to exceed (a) and (b) above.

1-117 SEVERABILITY.

If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this code or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this code.
ARTICLE 2. GOVERNING BODY

1-201. GOVERNING BODY.

The governing body shall consist of a mayor and city council to be elected as set out in Chapter 6 of this code.

1-202. GOVERNING BODY; POWERS GENERALLY.

All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the mayor and city council as governing body of the city.

1-203. GOVERNING BODY; MEETINGS.

(a) The Governing Body of the City of Park City will conduct regular meetings on the Second and Fourth Tuesday of each and every month, commencing at 7:00 o'clock p.m. in the City Hall Council Chambers at 6110 N. Hydraulic, Park City, Kansas.

(b) In the event that a regularly scheduled meeting date should fall on an official holiday or an election day, the regular meeting shall then be held on the next regular city working day following such holiday or election day.

(c) Special meetings may be called by the mayor or acting mayor, on the written request of any three members of the city council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.

(d) Regular or special meetings of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body shall determine in its motion to adjourn.

1-204. GOVERNING BODY; QUORUM.

In all cases, it shall require a majority of the council members-elect to constitute a quorum to do business.

1-205. POWERS OF THE MAYOR.

The mayor shall preside at all meetings of the governing body. The mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:

(a) Have the superintending control of all officers and affairs of the city;

(b) Take care that the ordinances of the city are complied with;
(c) Sign the commissions and appointments of all officers elected or appointed;

(d) Endorse the approval of the governing body on all official bonds;

(e) From time to time communicate to the city council or staff such information and recommend such measures as he or she may deem advisable;

(f) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;

(g) Sign all orders and drafts drawn upon the city treasury for money.

1-206. PRESIDENT OF THE COUNCIL.

The city council shall elect one of its own body as president of the council. The president of the council shall preside at all meetings of the council in the absence of the mayor. In the absence of both the mayor and the president of the council, the council members will accept that responsibility in order of seniority with the member having served the longest current term to be designated as the president until either the mayor or the elected president shall be available to serve as president. In the event of a tie between two or more members on the basis of seniority, the selection of a president to serve in the absence of the mayor and elected president shall be alphabetical based on the first letter of the last name of each such member. The president or other council members, when occupying the place of mayor, shall have the same privileges as other council members but shall exercise no veto.

1-207. ADMINISTRATIVE POWERS.

The governing body may designate whether the administration of a policy or the carrying out of any order shall be performed by a committee, an appointive officer, the City Administrator or the mayor. If no administrative authority is designated it shall be vested in the mayor.

1-208. AUTHORIZED SIGNATURES.

(a) Pursuant to K.S.A. 10-803 and K.S.A. 10-805, the Mayor, the City Clerk and the City Treasurer are hereby authorized and directed to sign on behalf of the City of Park City all checks, notes, drafts, bills of exchange, acceptances, and undertakings of other orders for the payment of city monies.

(b) The President of the Council is hereby authorized and directed to sign on behalf of the City of Park City in the absence of the Mayor.

(c) The Deputy/Assistant City Clerk is hereby authorized and directed to sign on behalf of the City of Park City in the absence of the City Clerk. (Ord. 165-86; Code 2006)
(d) The Assistant City Treasurer is hereby authorized and directed to sign on behalf of the City of Park City in the absence of the City Treasurer.

1-209. VACANCIES IN GOVERNING BODY; HOW FILLED.

(a) In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.

(b) In case of vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor by and with the advice and consent of the remaining council members shall appoint a suitable elector to fill the vacancy until the next election for that office. In case any person elected as council member neglects or refuses to qualify within thirty (30) days after his or her election, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may with the consent of the remaining council members appoint some suitable elector to fill such vacancy.

1-210. COMPENSATION.

(a) The members of the Governing Body of the City of Park City, Kansas shall be paid for performance of duties as City officials the following:

   (1) The Mayor shall receive the sum of Six Hundred Fifty Dollars ($650.00) per month.

   (2) The President of the City Council shall receive the sum of Four Hundred Dollars ($400.00) per month.

   (3) The remainder of the City Council members shall each receive the sum of Three Hundred Fifty Dollars ($350.00) per month.

   (4) City Council members shall be entitled to be reimbursed for out-of-town travel expenses when such travel is for City business on the same basis as applied to City employees.

(b) Members of the Governing Body may elect to enroll in the City’s health insurance program by paying one hundred percent (100%) of the cost of the premiums for such health insurance.


1-211. EXPENSES.

Each member of the governing body shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:
(a) Mileage at the same rate as is established by law by the state of Kansas for state employees for each mile traveled by the shortest route upon the performance of duties assigned by the mayor and/or city council.

(b) Reimbursement for actual food and lodging expenses upon the performance of duties assigned by the mayor and/or city council, provided such expenses shall be documented by proper receipts.

1-212. INCORPORATING CODE OF PROCEDURE.

There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city council meetings of the City of Park City, Kansas, that certain code known as the "Code of Procedures for Park City, Kansas," No fewer than three copies of said Code of Procedure shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Park City, Kansas," with all sections or portions 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 section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

1-213. CODE OF ETHICS.

(a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

(b) Responsibilities of Public Office - Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(c) Dedicated Service - All officials and employees of the city should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials.
and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) **Fair and Equal Treatment**

(1) **Interest in Appointments.** Canvassing of members of the city council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the city council.

(2) **Use of Public Property.** No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

(3) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) **Conflict of Interest.** No elected or appointive city official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

(1) **Incompatible Employment -** No elected or appointive city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(2) **Disclosure of Confidential Information -** No elected or appointive city official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.

(3) **Gifts and Favors -** No elected or appointive city official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is
interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to:
(a) an occasional non-pecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.

(4) Representing Private Interest before City Agencies or Courts - No elected or appointive city official or employee whose salary is paid in whole or in part by the city shall appear on behalf of any private interest before any agency of this city. He or she shall not represent private interests in any action or proceeding against the interest of the city in any litigation to which the city is a party.

1-214. EMERGENCY ADMINISTRATION.

In the event of a disaster or major crisis during which neither the Mayor nor the President of the city Council is available, the following process shall be followed until the Mayor or City Council President is available or the same are designated at the next meeting of the City Council following said disaster or crisis:

(a) That if neither the Mayor nor President of the City Council is available to serve as the chief administrative officer of the City, then the first available council person, using the following order of selection, shall be designated as the emergency chief administrative officer of the city until the next City Council meeting: in order of seniority with the member having served the longest current term to be designated as the chief administrative officer until either the mayor or the elected president shall be available to serve as such. In the event of a tie between two or more members on the basis of seniority, the selection of a chief administrative officer shall be alphabetical based on the first letter of the last name of each such member.

(b) That the duties of the emergency chief administrative officer of the City shall be subject to statutory limitations otherwise in effect and are anticipated to focus on providing necessary authorizations requesting emergency services from county, state, or federal authorities, as a spokesperson for the City, or to designate said spokesperson, and to guide and direct city staff during said emergency crisis.
ARTICLE 3. OFFICERS AND EMPLOYEES

1-301. APPOINTMENT.

The mayor, by and with the consent of the council, shall appoint a city treasurer and may appoint a city attorney, municipal judge, and such other officers as may be deemed necessary for the best interest of the city. Such officers shall hold their respective offices until their successors have been appointed and qualified. All such appointments shall be entered on the journal of proceedings of the governing body.

1-302. EMPLOYEES.

The city administrator shall have authority to hire all other employees, or such authority may be delegated to the respective department heads.

1-303. REMOVAL.

(a) A majority of all members elect of the governing body may remove any appointed officer.

(b) No officer or employee shall be removed for any reason until he or she has been given notice and afforded the opportunity for a pre-termination hearing.

(1-301, 1-303 Amended by ORD #1045-2018 on 8/16/2018)

1-304. VACANCY IN OFFICE.

Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the governing body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment.

1-305. CITY ADMINISTRATOR.

(a) There is hereby established the position of City Administrator. The Mayor shall recommend the hiring of a candidate to serve as City Administrator subject to the approval of a majority of the governing body. The City Administrator shall be an employee who serves at the will of the governing body.

(b) A job description for the City Administrator shall be approved and may be amended from time to time by the governing body.

1-306. CITY CLERK. The city clerk shall:

(a) Be custodian of all city records, books, files, papers, documents and other personal effects belonging to the city and not properly pertaining to any other office;

(b) Carry on all official correspondence of the city;
(c) Attend and keep a record of the proceedings of all regular and special meetings of the governing body;

(d) Enter every appointment of office and the date thereof in the journal;

(e) Enter or place each ordinance of the city in the ordinance books after its passage;

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

1-307. CITY CLERK; FISCAL RECORDS. The city clerk shall:

(a) Prepare and keep suitable fiscal records according to generally accepted accounting principles;

(b) Assist in preparing the annual budget;

(c) Audit all claims against the city for goods or services rendered for the consideration of the governing body. His or her accounts shall properly show the amounts paid from any fund of the city and the cash balance existing in each fund;

(d) Keep an accurate account of all bonds issued by the city;

(e) Keep a record of all special assessments.

1-308. CITY CLERK; SEAL; OATHS. The city clerk shall:

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

(b) Have power to administer oaths for all purposes pertaining to the business and affairs of the city;

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

1-309. CITY CLERK; WITHHOLDING AGENTS.

The city clerk is designated as the withholding agent of the city for the purposes of the Federal Revenue (Income) Act, and shall perform the duties required of withholding agents by said act or any other act requiring withholding from the compensation of any city officer or employee. The clerk shall perform such other duties as may be prescribed by the governing body or the Kansas statutes.

1-310. ASSISTANT CITY CLERK.

(a) The office of assistant city clerk is hereby established.
(b) The assistant city clerk shall perform those duties assigned to that office by the city clerk.

(c) Whenever a vacancy occurs in the position of city clerk and the city is without a person qualified to hold that office, the assistant city clerk shall become the acting city clerk and fulfill the duties of that office.

1-311. CITY TREASURER. The city treasurer shall:

(a) Keep a full and accurate record of all money received and paid out in a ledger book provided by the governing body;

(b) Publish a quarterly financial statement;

(c) Deposit all public moneys and sign all checks of the city;

(d) Pay out city funds only upon orders or warrants properly signed by the mayor and city clerk;

(e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.

1-312. CITY ATTORNEY; OFFICE; DUTIES.

There is hereby established the office of city attorney. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall:

(a) Attend meetings of the city council when so directed to attend by the governing body;

(b) Advise the city council and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;

(c) When requested by the city council, give opinions in writing upon any such questions;

(d) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;

(e) Approve all ordinances of the city as to form and legality;

(f) Attend planning commission and board of zoning appeals meetings when so directed by the boards;
(g) Appear and prosecute all violations of city ordinances in municipal court when his or her services shall be required;

(h) Perform such other duties as may be prescribed by the governing body and the Kansas statutes.

1-313. CITY PROSECUTOR; OFFICE; DUTIES.

(a) There is hereby established the office of city prosecutor. No person shall be eligible for the office of city prosecutor who is not an attorney at law admitted to practice law in the State of Kansas. The city prosecutor shall:

   (1) Appear and prosecute all violations of city ordinances in municipal court;

   (2) Perform such other duties as may be prescribed by the governing body and the Kansas statutes.

(b) The governing body may appoint a city prosecutor in accordance with section 1-301. In the event that there is no city prosecutor, the city attorney shall serve in such capacity.

1-314. CITY ENGINEER.

The city engineer shall be a licensed professional engineer in the State of Kansas. He or she shall be responsible for:

(a) The design and specifications for all city streets, sewers, water lines, public buildings and other public facilities;

(b) The inspection of all public works projects including streets, sewers, water lines and other public facilities;

(c) The general supervision of the maintenance and repair of all public facilities.

1-315. APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION.

The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments.

1-316. CONFLICT OF INTEREST.

(a) No city officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:
(1) In which the officer or employee owns a legal or equitable interest exceeding $5,000 or five percent, whichever is less, individually or collectively with his or her spouse; or

(2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation or remuneration having a dollar value of $1,000 or more; or

(3) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

(b) The prohibitions contained in subsection (a) of this section shall not apply to the following:

(1) Contracts let after competitive bidding has been solicited by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.
ARTICLE 4. PERSONNEL POLICY AND EMPLOYEE BENEFITS

1-401. PERSONNEL POLICIES AND GUIDELINES.

There is hereby incorporated by reference for the purpose of establishing employee personnel rules and regulations the document entitled "Employee Personnel Manual." No fewer than three copies of said document shall be marked or stamped "Official Copy as adopted by the Code of the City of Park City" and which there shall be attached a copy of this section. Said official copies shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the city shall be supplied with copies of such rules and regulations as may be deemed necessary.
ARTICLE 5. OATHS AND BONDS

1-501. OATH.

All officers and employees of the city, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

Oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of __________ (here enter name of office or position). So help me God."

Affirmation: “I do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States and of the State of Kansas and faithfully discharge the duties of __________ (enter name of office or position). This I do under the pains and penalties of perjury.

1-502. OATHS FILED.

All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the forms for the purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed by the city clerk.

1-503. BONDS REQUIRED.

(a) The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the city. The bond shall be in the following amount, to wit:

(1) City treasurer - $10,000;

(2) City clerk - $10,000;

(3) Clerk of municipal court - $1,000;

(4) Judge of municipal court - $1,000.

(b) The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate.

1-504. BONDS REQUIRED; PREMIUMS.

All premiums on surety bonds shall be paid by the city.
1-505. CONDITION OF BONDS.

Each of the bonds required in section 1-503 of this article shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and of the city, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer by virtue of his or her office.

1-506. APPROVAL OF BONDS.

All bonds given to the city shall be approved as to their form by the city attorney and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the State of Kansas.
ARTICLE 6. OPEN RECORDS

1-601. POLICY.

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

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

1-602. RECORD CUSTODIANS.

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

(b) The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the city where it is available to members of the public who request public information in person.

1-603. LOCAL FREEDOM OF INFORMATION OFFICERS.

The Local Freedom of Information Officer shall:

(a) prepare and provide educational materials and information concerning the Kansas Open Records Act;

(b) be available to assist the city and members of the general public to resolve disputes relating the Kansas Open Records Act;

(c) respond to inquiries relating to the Kansas Open Records Act;

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

1-604. PUBLIC REQUEST FOR ACCESS.

All city offices keeping and maintaining open public records shall establish office hours during which any person may make a written request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may make a written request for access to an open public record.

1-605. FACILITIES FOR PUBLIC INSPECTION.

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

1-606. PROCEDURES FOR INSPECTION.

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

1-607. APPOINTMENT OF OFFICIAL CUSTODIANS.

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

(a) City Clerk - All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this section.

(b) City Treasurer - All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office.

(c) Chief of Police - All public records not on file in the office of the city clerk and kept and maintained in the city police department.
(d) City Attorney - All public records not on file in the office of the city clerk and kept and maintained in the city attorney’s office.

(e) Clerk of the Municipal Court - All public records not on file in the office of the city clerk and kept and maintained in the municipal court.

1-608. APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.

The City Clerk is hereby appointed as the local freedom of information officer and charged with all the duties as set forth in Section 1-603.

1-609. INSPECTION FEE.

The City shall charge a record inspection fee as determined by the City Clerk. Said fees and the procedure for their payment shall be made available to persons requesting inspection and/or copying of public records of the City, either on paper at City Hall or on the City’s website or both."

1-610. COPYING FEE.

The City shall charge a copy fee for copying of public records as determined by the City Clerk. Said fees and the procedure for their payment shall be made available to persons requesting inspection and/or copying of public records of the City, either on paper at City Hall or on the City’s website or both."

(1-608, 1-609 & 1-610 Amended by ORD #900-2011 on 11/8/2011)
ARTICLE 7. INVESTMENT OF IDLE FUNDS

1-701. PURPOSE AND GOALS.

It is the purpose of this statement to set forth the public policies of the city relating to the investment of public moneys, and establish procedural requirements as to investment management practice. The objective of the investment policy and program of the city shall be as follows:

(a) The safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.

(b) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services.

1-702. INVESTMENT OF IDLE FUNDS.

Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereafter described be invested:

(a) In temporary notes or no-fund warrants issued by such investing governmental unit;

(b) In time deposit, open accounts or certificates of deposit with maturities of not more than two years:
   (1) In commercial banks which have offices located in such investing governmental unit; or
   (2) If the office of no commercial bank is located in such investing governmental unit, then in commercial banks which have offices in the county or counties in which all or part of such investing governmental unit is located;

(c) In time certificates of deposit with maturities of not more than two years:
   (1) With state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit; or
   (2) If the office of no state or federally chartered savings and loan association or federally chartered savings bank is located in such governmental unit, then with state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located;
(d) In repurchase agreements with:

(1) Commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(2) (A) If the office of no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank is located in such investing governmental unit; or

(B) If no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank has an office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (1) of K.S.A. 75-4201, and amendments thereto, then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located; or

(3) If no bank, state or federally chartered savings and loan association or federally chartered savings bank which has its office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (1) of K.S.A. 75-4201, and amendments thereto, then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the State of Kansas;

(e) In United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with the following, which is doing business within the State of Kansas, any state or national bank, state or federally chartered savings and loan association, or federally chartered savings bank; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer which is registered in compliance with the requirements of section 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-1254, and amendments thereto;

(f) The municipal investment pool fund;

(g) The investments authorized and in accordance with the conditions prescribed in section 2 of the municipal investment pool fund act;
(h) The trust departments of commercial banks which have offices located in such investing governmental unit or with trust companies which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with commercial banks which have offices located in the county or counties in which such investing governmental unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Investments of public moneys under this paragraph shall be limited to those investments authorized under subsection (b) of section 1 of the municipal investment pool fund act.

(i) The investments authorized in paragraphs (e), (f), (g) or (h) of this section shall be utilized only if the appropriate eligible commercial banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such bank has an office which is located within such governmental unit, or the appropriate eligible state or federally chartered savings and loan associations or federally chartered savings banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such state or federally chartered savings and loan association or federally chartered savings bank has an office which is located within such governmental unit, cannot or will not make the investments authorized in paragraphs (b) or (c) of this section available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (l) of K.S.A. 75-4201, and amendments thereto.

1-703. PROCEDURES AND RESTRICTIONS.

The city clerk shall periodically report to the governing body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the city clerk shall provide for an investment program which shall so limit the amounts invested and shall schedule the maturities of investments so that the city will, at all times, have sufficient moneys available on demand deposit to assure prompt payment of all city obligations.

1-704. CUSTODY AND SAFEKEEPING.

Securities purchased pursuant to this article shall be under the care of the city clerk, mayor, and city treasurer, and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the city in a bank or trust company. Securities in the original or receipt form held in the custody of a bank or trust company shall be held in the name of the city, and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the city in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers.
1-705. SALE OR TRANSFER.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in section 1-703, it becomes necessary to transfer or sell any securities of such funds, the officers specified in section 1-704 may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement or assignment for and on behalf of the city.

1-706. INTEREST ON TIME DEPOSITS.

The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law.
ARTICLE 8. CAPITAL IMPROVEMENT FUND

1-801. FUND ESTABLISHED.

In accordance with the provisions of K.S.A. 12-1, 118 there is hereby established a capital improvements fund, which shall be used to finance in whole or in part, any public improvement need set forth in the city’s capital improvements plan.

1-802. FUND ESTABLISHED; POLICY OBJECTIVE.

It is the policy of the Governing Body that such fund shall be used primarily to provide a financing mechanism for the repair, restoration and rehabilitation of existing public facilities. Further, it is the intent of the Governing Body to utilize current revenues to be credited to the fund, to the maximum extent possible, to meet the City’s present and future public infrastructure and building needs, and to avoid the costs of unnecessary indebtedness.

1-803. FUND ESTABLISHED; USE FOR STUDIES.

Monies in said fund may be used to pay the cost of Engineering and other advanced public improvement plans and studies, with the fund periodically reimbursed from bond proceeds, special assessments, or from federal or state aid which may be available for the completed project.

1-804. FUND ESTABLISHED; PLAN OF OPERATIONS.

The City Administrator and the City Clerk shall annually submit, at the same time and as a part of the annual operating budget, such proposed revenue allocations and budget transfers as may be necessary to (a) finance those improvements scheduled for completion during the next year, the cost of which is to be credited to the fund, as provided by the multi-year capital improvements plan, and (b) set aside monies to be annually reserved for future improvements, as provided in the capital improvements plan.

1-805. FUND ESTABLISHED; INVESTING.

Monies in the capital improvements fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credited to said fund.
ARTICLE 9. EQUIPMENT RESERVE FUND

1-901. FUND ESTABLISHED.

In accordance with the provisions of Chapter 65, 1985 Session Laws of Kansas, there is hereby established a municipal equipment reserve fund, which shall be used by the City to finance the acquisition of equipment necessary for the performance of various functions and services of the City. For the purpose of this ordinance, the word “equipment” shall mean machinery, vehicles and other equipment or personal property which has an estimated future purchase or replacement cost in excess of Five Thousand Dollars ($5,000.00) and a life expectancy of not less than three (3) years.

1-902. FUND ESTABLISHED; POLICY OBJECTIVE.

It is the policy objective of the Governing Body that such equipment reserve fund shall be used as a financing mechanism to secure the planned and orderly acquisition and replacement of equipment necessary for the efficient and effective operation of the city. It is the further intent of the Governing Body to annually approve in the future the budgeting of current revenues sufficient (a) to finance the acquisition of new equipment needed in the following year, and (b) to finance needed future replacements and acquisitions by setting aside a reserve amount. It is the planned intent of the Governing Body that the amount annually reserved shall be not less than the current use value of existing city equipment covered by the reserve fund.

1-903. FUND ESTABLISHED; PLAN OF OPERATION.

(a) The City Clerk shall prepare a plan of operation for the implementation of this Ordinance for the achievement of the policy objectives of the Governing Body.

(b) Each year, the City Clerk shall include in the proposed budget for the following year, an amount sufficient to cover necessary equipment acquisition costs, plus an amount approximately equal to the average expenditures of the city of equipment purchases during the past five (5) years.

(c) Beginning in 1991, the City Clerk shall annually submit at the same time the proposed annual budget is submitted, a proposed equipment acquisition program for each of the following three (3) years. The proposed budget shall include an amount sufficient to finance proposed equipment acquisitions for the following year, plus an amount to be reserved as set forth in the annually revised and extended equipment acquisition program.

1-904. FUND ESTABLISHED; INVESTING.

Money in the equipment reserve fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest earnings credited to such fund.
ARTICLE 10. SALE OF PERSONAL PROPERTY

1-1001. SALE OF PERSONAL PROPERTY; APPLICABILITY.

(a) This Article relates to the disposal of used or obsolete or unclaimed personal property that is no longer needed or is no longer useful by the City of Park City, Kansas (the “City”).

(b) Sales of used or obsolete or unclaimed personal property shall be for cash, and shall be conducted by or under the written authority of the City Administrator or the Mayor if there is no City Administrator. Used or obsolete or unclaimed personal property may be sold by public sale by advertising for bids in the official city newspaper, reserving authority to reject any and all bids, or by private sale. The decision as to whether the sale of used or obsolete or unclaimed personal property is to be conducted as a public sale or a private sale shall be made by the City Administrator or by the Mayor if there is no City Administrator.

1-1002. SALE OF PERSONAL PROPERTY; PROCEEDS.

The proceeds of the sale of used or obsolete or unclaimed personal property shall be deposited with the City Treasurer, along with a written report of such sale showing the following information:

(a) date of sale;
(b) name and address of purchaser;
(c) list of personal property sold;
(d) sale price.

1-1003. CREDITING MONIES DERIVED FROM SALE.

All monies derived from sales of personal property shall be credited by the City Treasurer to the General Fund.

1-1004. DISPOSAL BY TRADE.

The City Administrator or Mayor if there is no City Administrator may, if deemed in the best interests of the City, dispose of used or obsolete personal property by trade in lieu of disposing of such personal property by sale. If property is disposed of by trade, a written report of such trade shall be submitted to the City Treasurer, showing the following information:

(a) date of trade;
(b) name and address of owner of personal property being traded;
(c) list of City personal property being traded;
(d) list of property that is being traded for City personal property.

1-1005. DISPOSAL BY OTHER THAN SALE OR TRADE.

If personal property has no value or negligible value, the City Administrator or Mayor if there is no City Administrator may order the disposal of such property by means other than sale or trade, e.g., by gift, by transfer to a recycler, by disposing of property as trash, etc. Reports are not required when personal property of no value or negligible value is disposed of by transfer to a recycler or as trash. If said property is disposed of by gift, a report identifying the following information shall be provided to the City Treasurer:

(a) date of gift;

(b) list of personal property being gifted;

(c) name and address of the person receiving the personal property as a gift.
ARTICLE 11. LAND BANK

1-1101. PURPOSE.

The purpose of creating the City of Park City, Kansas, Land Bank is to implement the authority granted through K.S.A. 12-5901 et seq., to establish or dissolve a City Land Bank. The City Land Bank will be a quasi-governmental entity with all statutory authority, but with the primary responsibility and authority for maintaining and selling real property located within the City of Park City to help achieve the City’s goal of returning municipally owned property to private ownership, cost effectively maintain the property, conformance with the goals of the City’s Comprehensive Plan, and the encouragement of economic development. The Land Bank is intended to assist in the elimination of barriers to returning properties to private ownership and productive use, and to help facilitate the strategic conveyance of property.

1-1102. DEFINITIONS. As used in this Article:

(a) City - means the City of Park City, Kansas, unless otherwise specifically stated.

(b) Board - means the Board of Trustees of the City Land Bank.

(c) Bank - means the City of Park City, Kansas, Land Bank.

(d) Governing - means the Governing Body of the City.

1-1103. LAND BANK BOARD OF TRUSTEES; APPOINTMENT, TERMS and DISSOLUTION.

(a) There is hereby established a Land Bank Board of Trustees. The Board shall be composed of the entire membership of the Governing Body of the City, ex officio, who shall be the voting members, and one additional member appointed by the Mayor who shall be a non-voting member and who shall be a City staff member.

(b) The term of office of each voting member of the Board of Trustees shall be co-terminous with that member’s term of office on the Governing Body of the City. The non-voting member of the Board of Trustees shall serve at the pleasure of the Mayor.

(c) The Bank may be dissolved by ordinance of the Governing Body of the City. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

1-1104. LAND BANK BOARD of TRUSTEES; POWERS and DUTIES.

(a) To sue and be sued.

(b) To enter into contracts.
(c) To appoint and remove staff and provide for the compensation thereof.

(d) To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and any personal property, subject to the provisions of this Ordinance and state law. Any property acquired by the City, Sedgwick County or any other city or taxing subdivision within Sedgwick County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Ordinance or state law. The transfer of any property pursuant to this Subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.

(e) The fee simple title to any real estate which is sold to Sedgwick County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

(f) To rebate all or any portion of the taxes on any property sold or conveyed by the Bank.

(g) The Board shall assume possession and control of any property acquired by it under this Ordinance or state law and shall hold and administer such property. In the administration of property, the Board shall:

1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;

2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;

3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective utilization of such property;

4. Plan for and use the Board’s best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

5. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank’s activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and

6. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.
(7) To encourage sales within a competitive commercial market, land to be sold must be identified in the notice, but the name of the purchasing party need not be publicly announced if such announcement is not required under KORA or KOMA.

(h) To exercise any other power which may be delegated to the Bank by the Governing Body, by Ordinance, Resolution, or regular motion.

(i) To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank, this Article and state law.

(j) The Board may establish separate neighborhood or City advisory committees consisting of persons living or owning property within the City, Sedgwick County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board providing otherwise, each advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

1-1105. LAND BANK BOARD; ORGANIZATION.

(a) The Board officers shall consist of: 1) a chairperson who shall be the Mayor, 2) a vice-chairperson who shall be the President of the Council, and 3) a treasurer who shall be the non-voting appointee. Each officer shall be appointed annually, but may serve in such office for less than one year as the term of office of the chairman and vice-chairperson shall be coterminous with that member's term as Mayor or President of the Council of the Governing Body of the City. The treasurer shall be removed from membership of the Land Bank if no longer serving as a member of City Staff. The treasurer shall be bonded in such amounts as the Governing Body may require.

(b) The Board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

(c) The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 754317 et seq., and amendments thereto.

(d) A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.
(e) The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

(f) Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

1-1106. LAND BANK; OPERATIONAL REQUIREMENTS.

The Land Bank shall be subject to the following requirements:

(a) The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A.10-1101 et seq., and amendments thereto.

(b) The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration.

(c) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

(d) All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto.

(e) Any moneys of the Bank which are not immediately required for the purposes of the Bank, such requirements including but not limited to paying debt associated with the acquisition of such land, shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.

(f) The Bank shall make an annual report to the Governing Body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official City newspaper on or before January 31 of each year.
(g) The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto.

(h) The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property’s effective utilization.

(i) The sale of any real property by the Board, under the provisions of this ordinance or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.

(j) The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

(k) Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.

(l) Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this Ordinance and state law, the Sedgwick County Treasurer shall be notified by the Board to remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.

(m) Property held by the Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank. The Bank and the City may enter into any such Agreements regarding collection of special assessments that are lawful.

(n) The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the Bank and the Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the Sedgwick County Treasurer as of the effective date of the abatement.

(o) The Governing Body which has levied special assessments on property acquired by the Bank may enter into an agreement with the Bank to defer or reamortize part or all of the special assessments. The Governing Body shall provide for such deferral or reamortization by passage of an ordinance. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization.
(p) Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property, or to pay off any debt associated with the acquisition of the property by either the City or the Bank.

(1-1101 to 1-1106 Created by ORD #977-2015 adopted on 12/22/2015 published on 12/31/2015)
ARTICLE 1. GENERAL PROVISIONS

2-101. DEFINITIONS.

Unless otherwise specified, the following terms as used in this Ordinance shall be defined as follows:

(a) Agricultural Classification shall apply to Persons who maintain domestic Animals or bees on Premises having a land area of five (5) acres or more and where there are maintained no more than one (1) head of cattle, or two (2) head of sheep, or one (1) head of horses or two (2) head of goats per acre of land used for such maintenance and where part of the Animal's sustenance is obtained from grazing on said land area.

(b) Animal or Animals shall mean all vertebrate Animals, other than homo sapiens, that have been tamed or domesticated.

(c) Animal Shelter shall mean the City of Wichita, Kansas, Animal care facility, unless a different Animal care facility is designated by the City Council for the purpose of Impoundment of Animals by the Code Enforcement Officer pursuant to the enforcement of provisions of this Ordinance.

(d) Bite shall mean any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin caused by any Animal.

(e) Board of Health and Appeals shall be the Board of Health and Appeals that was heretofore established by ordinance of the City.

(f) Cattery shall mean any Premises where four (4) or more cats or more than two (2) unspayed female cats are maintained or harbored, or any Premises where any number of cats are boarded for financial gain, except Veterinary Hospitals. No more than three (3) additional cats may be maintained on site as visitors, and for no longer than two (2) consecutive weeks, before the site must be classified as a Cattery.

(g) Chief of Police shall mean the duly appointed official in charge of the Park City Police Department or a duly authorized law enforcement officer.

(h) City means the City of Park City, Kansas.

(i) City Clerk means the City Clerk of the City;
(j) **Code Enforcement Officer** shall mean the Person or Persons designated by the Governing Body as a Code Enforcement Officer or his/her designee.

(k) **Commercial Classification** shall apply to Persons who maintain domestic Animals on Premises used for Kennels, Catteries, poultry houses, rabbit slaughter houses, medical research facilities, pet shops, stables, riding academies, promotional demonstrations and domestic Animal shows where admissions are charged or where the circumstances in carrying out the particular Animal maintenance involves the holding, raising or care of domestic Animals offered as a service or sale directly to the general public. A Cattery where the Cattery operator owns all of the cats and all cats are kept inside a building on Premises used for Residential purposes shall be permitted as a home occupation.

(l) **Fowl** shall mean Animals that are included in the zoological class "Aves".

(m) **Frequent or Habitual Noise** shall mean barking, howling, yelping, crying, crowing or other noise made by an Animal for a total of at least fifteen (15) minutes in a three (3) hour period on at least two (2) days of three (3) consecutive days and within three hundred (300) feet of the property line of the Premises where an Animal making a Frequent or Habitual Noise is located.

(n) **Garbage** shall mean the putrescible Animal and vegetable Waste resulting from the handling, preparation, cooking and/or consumption of food for human beings.

(o) **Harborer** shall mean any Person who shall allow any Animal to habitually remain or lodge or to be fed within Premises.

(p) **Impoundment** shall mean Animal pick-up by Code Enforcement Officer and placement in the Animal Shelter.

(q) **Kennel** shall mean the Premises where a total of four (4) or more dogs or more than two (2) unspayed female dogs are maintained on a permanent basis, or where boarding and/or training of any number of dogs is done for compensation, except Veterinary Hospitals. No more than three (3) additional dogs may be maintained on site as visitors, and for not longer than two (2) consecutive weeks, before the site must be classified as a Kennel.

(r) **Owner** shall mean the Person who harbors, as defined hereinabove, an Animal and/or has a permit to keep an Animal or the Person in charge or control of the Premises where the Animal is located. A parent or legal guardian is the Owner of Animal(s) maintained by children under the age of eighteen (18) years living in their home, when said Animal(s) is on the parent or legal guardian's Premises.

(s) **Person** shall mean any individual, firm, association, joint stock company, syndicate, partnership or corporation.

(t) **Pot Belly Pig** shall mean a domesticated, miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred fifty pounds in weight
and 24 inches in height measured at the shoulder: provided, however, that the governing body may waive strict compliance with the weight and height restrictions set out above if they find to do so would not threaten the health, safety and welfare of the City and its residents.

(u) **Premises** shall mean a lot, tract, or parcel of land including the dwelling and structures, if any, located thereon.

(v) **Registered Breeder** shall mean a dog or cat Owner who is a member of a recognized association as determined by the Code Enforcement Officer, whose interest and purpose is related to purebred Animals, or a dog Owner who has his/her dog(s) registered with the American Kennel Club or the United Kennel Club; or a cat Owner who has his/her cat(s) registered with the American Cat Association or Cat Fancier's Association, and who declares, in writing, an intent to breed such dog(s) or cat(s). Any such association may petition the Code Enforcement Officer for recognition and provide verification for certification of members as Registered Breeders. All Registered Breeders shall provide a fenced or equivalent confinement area for his/her Animals.

(w) **Refuse** shall mean all putrescible and non-putrescible Waste materials (except Animal bodily discharges) such as trash, dead Animals, paper, cardboard, tin cans, glass, wood, metals, salvage or inert materials produced or accumulated in connection with the maintenance of domestic Animals.

(x) **Resident** shall mean a Person who resides on property within the city limits of the City of Park City.

(y) **Running at Large** shall mean any Animal that is not confined within a Shelter as defined herein or under the control of a Person either by leash, cord, rope or chain; provided, that any Animal may be considered confined if it is on a leash, rope or chain which is securely fastened or picketed in a manner which is sufficient to keep the Animal on the Premises where picketed.

(z) **Service Dog** shall mean any dog trained to assist Persons of lesser abilities.

(aa) **Shelter** shall mean all pens, houses, fences, or fence enclosures where Animals are confined, such as, but not limited to, hutches, cotes, lofts, Kennels, warrens, feed lots, barns, stables, or other buildings or enclosures.

(bb) **Veterinarian** shall mean a doctor of veterinary medicine licensed by the State of Kansas.

(cc) **Veterinary Hospitals** shall mean a domestic Animal hospital operation by a Veterinarian, licensed by the State of Kansas. Veterinary Hospitals are excluded from the classification definitions as used in this Ordinance.
(dd) **Vicious Animal** means the following:

1. Any Animal that when unprovoked inflicts Bites or attacks a human being or domestic Animal either on public or private property, or in a vicious or terrorizing manner, approaches any Person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

2. Any Animal that has a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic Animals; or

3. Any Animal which engages in, or is found to have been trained to engage in, exhibitions of fighting; or

4. Any Animal at large found to attack, menace or chase, in a threatening or aggressive behavior or otherwise threaten or endanger the safety of any Person or domestic Animal.

**Vicious Animal - does NOT mean:**

1. Any Animal that attacks or inflicts Bites upon a trespasser of a fully enclosed building or Premises, or Bites in defense of its Owner or family;

2. Any Animal that attacks or inflicts Bites upon any Person or other Animal for the sole purpose of defending life and/or well being of another Person or Animal.

3. Any Animal used in the military or police if the Bites or attack occurred while the Animal was performing in that capacity.

(ee) **Waste or Wastes** shall mean manure or the bodily discharge of all domestic Animals, spilled feed or unconsumed feed, and liquid cleaning Wastes including suspended solids resulting from cleaning operations.

(ff) **Written Complaint** shall mean a written form prepared by the Code Enforcement Officer that is filled out and signed by Residents.

(2-101 Amended by ORD #958-2015 on 7/14/2015 published 7/16/2015)

2-102. **RESPONSIBILITIES OF CODE ENFORCEMENT OFFICER.**

(a) The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance, as well as any law enforcement officer who is called upon by the Code Enforcement Officer for assistance. The Code Enforcement Officer is hereby authorized to make investigations and mail notices, orders or directions as necessary for enforcement of this Ordinance and to pick up Animals on public and/or private property as deemed necessary by the Code Enforcement Officer, and to arrange and pay for
confinement of such Animals at the Animal Shelter, with the costs of the same to be charged to the Owner and/or Harborer of said Animal(s).

(b) The Code Enforcement Officer shall have the power of a law enforcement officer for the purpose of signing complaints and serving Notice(s) to Appear upon such Person(s) when the Code Enforcement Officer has probable cause to believe such Person(s) has or is violating a section of this Ordinance.

(c) Any Animal that has bitten a Person may, in accordance with law, be removed from the property of its Owner or Harborer by the Code Enforcement Officer and such Animal may be impounded.

(d) The Code Enforcement Officer is hereby authorized to use humane live Animal traps to capture any Animal whose presence on private or public property constitutes a nuisance to Persons or a threat to the public health or the health of domestic Animals.

(e) Whenever any Animal is found confined in a motor vehicle in a private place under weather conditions that endanger its life as determined by a Code Enforcement Officer, the Code Enforcement Officer may, with assistance from the police, enter such vehicle and rescue such Animal and remove it to the Animal Shelter.

2-103. DUTIES OF THE CHIEF OF POLICE.

The Chief of Police shall furnish the Code Enforcement Officer with such information on Animal Bites as may be prescribed by the Code Enforcement Officer and carry out such activities as are herein provided, and has authority and duty to enforce the provisions of this Ordinance either personally or through his representatives.

2-104. CONTROL OR PROTECTION OF ANIMALS; REGISTRATION PROCEDURES; CERTIFICATION.

(a) Licensing and Exception. It shall be unlawful for a Person to own, keep, or harbor any dog or cat over five (5) months of age within the City limits unless there has been issued a permit for keeping each such dog or cat and without such dog or cat having a current vaccination against rabies performed by a Veterinarian.

(b) The Owner of a dog or cat over five (5) months old is hereby required to register such dog or cat with the City Clerk and make application for and obtain a permit to keep such dog or cat as herein provided.

(c) The City Clerk shall provide suitable forms in triplicate and may supply the same to Veterinarians practicing in the City or the immediate vicinity. Such forms are to be designed to receive information on the dog's or cat's description, date of rabies vaccination, veterinary tag number, Veterinarian's signature, whether the dog or cat is spayed or neutered, whether a fenced yard or fenced run is available for confinement of the dog or dogs, whether the animal has been microchipped, and the Owner's name,
address and phone number. Such forms will serve as application to keep a dog or cat and the actual permit when validated.

(d) The City Clerk shall issue said permits and shall collect the fees provided for and the City Clerk shall make the arrangement for the collection of fees and issuance of annual permits to keep a dog or cat by area Veterinarians and the providing of the Animal permits, collection of permit fees, and other fees. Such arrangements shall be subject to the approval of the Governing Body of the City.

(e) The Premises of the Dog Owners shall be available for inspection by the Code Enforcement Officer to insure a fenced yard or fenced run is available that can adequately confine the dog, if so stated in the permit application. The foregoing provisions shall also be applicable to cats excepting information concerning whether a fenced yard or run is available for confinement of the Animal and the provision for inspection thereof.

(f) The permit for keeping each dog or cat shall be Thirty-Five Dollars ($35.00) for each dog and Twenty-Five Dollars ($25.00) for each cat, with a discount of Ten Dollars ($10.00) for each dog if the Owner's dwelling or place where the dog resides has a fenced yard or fenced run that would adequately confine the dog, a discount of Five Dollars ($5.00) if the Animal has been spayed or neutered, and a discount of Five Dollars ($5.00) if the Animal has been micro-chipped. An Owner of a Service Dog or a police department's, sheriff department's or other law enforcement agency's dog shall not be required to pay the permit fees upon obtaining the license to keep the dog, but shall be subject to all other requirements contained in this Ordinance. An additional processing fee not to exceed two dollars ($2.00), to be retained by the Veterinarian, will be imposed for each Animal licensed through a Veterinarian.

(g) The City Clerk or designated representative of the same shall impose and collect a One Dollar ($1.00) penalty for each thirty (30) days beginning thirty (30) days following the expiration of the previous permit, and prior to the acquisition of a current permit, or in the event of a dog or cat not being previously or currently covered by a permit, beginning thirty (30) days following the Owner having been notified to obtain such permit.

(h) The permit described above shall be for a twelve (12) month period and shall be issued only upon the Owner seeking such permit presenting proof of the vaccination of a dog or cat against rabies, with the vaccination having been performed by a Veterinarian and with proof of vaccination dated not more than thirty (30) days prior to the date of issuance of the permit. In order to qualify for a discount for spaying or neutering or micro-chipping, the Owner shall present certification from a Veterinarian showing that such a procedure has been performed on an Animal. Animals shall have attached to their collars around their neck, the current metallic tag for that particular Animal, issued by the Veterinarian administering the current rabies vaccination, distinctly marked with the year of the vaccination, the Veterinarian’s name, the Veterinary Clinic name, address and tag identification number; provided, however, that a vaccination may be waived at the full discretion of the Code Enforcement Officer, but
only if the Owner of such dog or cat shall exhibit a statement from the Veterinarian currently dated, certifying that such vaccination would be injurious due to the health of the Animal. The current rabies vaccination on a cat shall be made available for inspection immediately by any Person owning or harboring a cat upon the request of the Code Enforcement Officer.

2-104 Amended by ORD #869-2010 on 3/4/2010)
2-104 Amended by ORD # 1019-2017 on 2-16-2017)
2-104 Amended by ORD # 1020-2017 on 3-2-17)

2-105. FALSE STATEMENTS.

(a) Any false statements in rabies certification or application for a license to keep a dog or cat shall render null and void the permit issued to the Owner for keeping such dog or cat.
(b) Any Person who makes a false statement in any application, affidavit or other document required by this Ordinance or any regulation prescribed thereby is guilty of a misdemeanor.

2-106. CRUELTY TO ANIMALS

(a) It shall be unlawful for any Person to maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, burn, or scald with any substance, or drive over or otherwise cruelly set upon any Animal, except that reasonable force may be employed to drive off dangerous, vicious, or trespassing Animals. Exception: The Owner of any sick or injured Animal may euthanize the Animal if it is done in a humane way and no City; county or state laws are violated.
(b) It shall be unlawful for any Person to drive or work any Animal cruelly.
(c) It shall be unlawful for any Person to fail, refuse, or neglect to provide any Animal in his or her charge or custody, as Owner or otherwise, with wholesome food, potable water, shade, care or Shelter appropriate to the season and weather conditions (to include, but not be limited to, heat, cold, wind, ice, precipitation), exercise area, and medical care, and/or to carry any Animal in or upon any vehicle in a cruel or inhumane manner. Any Animal kept outside shall be provided with a clean, structurally sound, weatherproof enclosure, large enough to accommodate the Animal, and adequate to provide the Animal proper Shelter as generally described hereinafore.
(d) It shall be unlawful for any Person to abandon any Animal within the City limits of the City.
(e) It shall be unlawful for any Person by any means to make accessible to any Animal, with the intent to cause harm or death, or reckless disregard for the safety of an Animal, any substance that has, in any manner, been treated or prepared with a harmful or poisonous substance. It is not, however, the intent of this section to prohibit
the use of poisonous substances for control of vermin of significance to public health, but to require that the use of such substances not occur with disregard for the safety of Animals the subject of regulation herein.

(f) Every operator of a motor vehicle or other self-propelled vehicle upon the streets and roadways of the City, except emergency vehicles, shall immediately, upon injuring, striking, maiming, or running down any Animal, notify the police department of the location, and the police department shall notify any agency, as it deems necessary.

(g) It shall be unlawful for any Person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, contest, or fight in which one or more Animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other Animal.

(h) It is unlawful for any Person to have, keep, or harbor any Animal which is infected with any dangerous or incurable and/or painfully crippling condition except as provided herein. The municipal court judge may order a Person convicted under this section to turn the Animal involved over to the Animal Shelter. All such Animals taken by the Animal Shelter may be humanely destroyed as soon thereafter as is conveniently possible, with the Owner of the Animal to be assessed any costs associated with the maintaining and subsequent destroying of the Animal. This section shall not be construed to include Veterinary Hospitals or Animals under active veterinary care, which care the Code Enforcement Officer may require to be verified in writing by the Owner or Harborer of the Animal.

(i) It shall be unlawful for any Person to permit anyone other than a Veterinarian to dock or crop an Animal's ears or tail.

(j) The trapping of Animals shall be prohibited everywhere in the City unless done with the use of "live capture" traps employed for nuisance Animals and attended at least once each twenty-four (24) hours, except that this provision shall not apply to the trapping of vermin which cause significant health issues for the public.

(k) Animals shall not be induced to perform through the use of chemical, mechanical, electrical or manual devices in a manner which may cause injury or suffering. All equipment must fit properly.

(l) It shall be unlawful to offer to give or give a live Animal as a prize or as a business inducement or as any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(m) It shall be unlawful to display for sale, sell, exchange, barter, or give away any Animal except in the following places:

(1) A commercial Animal establishment having a valid business license.

(2) A private Kennel or Cattery registered under this Ordinance.
A private residence.

(n) It shall be unlawful to confine calves, sheep, or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or possess any calves, sheep or hogs so tied or confined, or load into any conveyance, for the purpose of transportation, any Animal in a cruel or inhumane manner.

(o) Other than an individual when actually in the process of working a dog or other Animal for ranching purposes, no Person shall transport or carry an Animal in a motor vehicle, unless the Animal is safely enclosed within the vehicle, or secured by means of a container, cage, or other device that will prevent the Animal from falling from, jumping from, or being thrown from the motor vehicle.

(p) No Person shall leave any dog or other Animal in an unattended motor vehicle without adequate ventilation or in such a manner as to subject the Animal to extreme temperature that may adversely affect the health or well being of the Animal.

(q) It shall be unlawful for any Person to possess, display, sell or give away ducklings, chicks, Fowl, or rabbits as pets, playthings, novelties, gifts, for advertising or sales promotional purposes, or to suffer or cause such Animals to be dyed, colored, or in any way artificially treated.

(r) This section shall not be construed to prohibit the display by hatcheries, stores, Owners, dealers, or Persons regularly and continuously engaged in the business of selling the same to be raised for food; but no such hatcheries, stores, Owners, dealers, or Persons shall sell or give away baby chicks, ducks, Fowl, or rabbits as pets, playthings, or novelties; nor shall they suffer or cause such Animals or Fowl to be dyed, colored, or in any way artificially treated.

(s) Exceptions: the provisions of this section shall not be deemed applicable to:

(1) Rodeo practices accepted by the rodeo cowboys' association;

(2) With respect to farm Animals, normal or accepted practices of Animal husbandry;

(3) A Code Enforcement Officer trained in the use of chemical immobilization capture with the appropriate dosage for the size of the Animal, when such Animal is dangerous or vicious or could not be captured after reasonable attempts using other methods.

(4) Accepted veterinary practices or activities carrying on scientific research.
(t) Any Person who witnesses a violation of this section may sign a complaint with the Department of Code Enforcement to cause the same to be brought before the Municipal Court of Park City, Kansas.

2-107. DANGEROUS OR VICIOUS ANIMAL DETERMINATION.

It shall be at the sole discretion of the Code Enforcement Officer to determine whether the best interests of public safety and welfare require confinement of an Animal as being a Vicious Animal prior to a hearing as provided in Section 8 hereof. Upon such declaration by the Code Enforcement Officer and the taking of such an Animal for confinement at an Animal Shelter and/or in the manner and location he or she deems appropriate, the Owner thereof shall be charged with the fees assessed by the Animal Shelter for the daily maintenance of said Animal.

2-108. NOTICE OF HEARING; CONFINEMENT OR DESTRUCTION.

(a) Upon the complaint of any Person or on his or her own complaint, the Code Enforcement Officer may, after written notice of time and place is given to the Owner and/or Harborer of any Animal, cause to be conducted a hearing by the Board of Health and Appeals for purposes of the Board of Health and Appeals determining whether or not an Animal is a Vicious Animal. In making a determination, the Board of Health and Appeals shall consider the following:

   (1) The seriousness of any attack or wound associated with the Animal;
   (2) The past history of wounds inflicted by the Animal;
   (3) The potential propensity of the Animal to inflict wounds in the future;
   (4) The conditions existing when said Animal inflicted said wound or wounds;
   (5) The conditions under which the Animal is kept and maintained.

(b) If the Board of Health and Appeals determines that an Animal is a Vicious Animal, they may authorize the Code Enforcement Officer to pick up and retain the Animal and arrange for the Animal's destruction through the Animal Shelter or, in lieu of such action, the Board of Health and Appeals may permit the confinement of the Animal in a manner or location that the Board of Health and Appeals deems appropriate and charge the Owners and/or Harborers of said Animal a reasonable fee for such confinement unless, without danger to the public, the Animal can be and is removed by the Owner and/or Harborer from the City within forty-eight (48) hours.
2-109. INTERFERENCE WITH THE PERFORMANCE OF A CODE ENFORCEMENT OFFICER.

(a) It shall be unlawful for anyone to refuse to identify himself or herself by correct name and address when asked to do so by the Code Enforcement Officer when the Code Enforcement Officer has a reasonable suspicion to believe that such Person has violated a section of this Ordinance.

(b) It shall be unlawful for anyone to interfere with, molest, threaten with bodily injury, injure or prevent the Code Enforcement Officer in the lawful discharge of his or her duties as herein prescribed.

2-110. BITE VIOLATIONS.

(a) Any Owner or one who harbors any Animal that inflicts an unprovoked Bite to a human shall be deemed guilty of a misdemeanor.

(b) Any Person having an Animal Bite shall report or have reported by another Person, physician, hospital, or law enforcement agency, to the Department of Code Enforcement information concerning the Animal Bite, including the victim's name, address and telephone number, a description of the Animal and, if known, the name and address of the Animal's Owner or Harborer. Said reporting shall occur immediately, but in no event more than twenty-four (24) hours from the time of the Bite.

2-111. PROCEDURE OF RETENTION; OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS.

The police department shall report all Animal Bite cases coming to its attention from any hospital or other source and shall convey such information to the Code Enforcement Officer. The Owner or Harborer of any Animal which has been determined by the Code Enforcement Officer to have bitten a Person or another Animal, shall confine and render to the Code Enforcement Officer such Animal for rabies observation purposes, in accordance with the instructions of said officer and such Owner shall be responsible for payment of any cost for such confinement.

2-112. KNOWN RABID ANIMALS.

(a) In case of rabies exposure to domestic Animals such as, but not limited to, dogs or cats, when such Animal is known to be rabid or has been bitten by a rabid skunk or other rabid Animal, the Code Enforcement Officer may order such Animal to be destroyed or confined for a period of ninety (90) days in a Veterinary Hospital or Animal care facility specified by the Sedgwick County Health Officer; provided, further, that in the case of domestic Animals unvaccinated against rabies, the Sedgwick County Health Officer may require post-exposure prophylaxis and one hundred eighty (180) day confinement of such Animals that have been exposed to a known rabid Animal at a Veterinary Hospital or an Animal care facility.
(b) Any Owner or Harborer of any Animal that has been ordered confined for rabies observation purposes by the Code Enforcement Officer or designee or the Sedgwick County Health Officer that is not confined in accordance with such order or runs at large shall be guilty of a misdemeanor.

2-113. INJURED ANIMALS.

The Owner or Harborer of an injured Animal taken to a Veterinarian or Animal Shelter by the Code Enforcement Officer or designee shall be responsible for the payment of charges for Veterinarian services related thereto. The Owner and/or Harborer shall reimburse the City for all expenditures that the City may be assessed for the veterinary services rendered to the Owner or Harborer's Animal under this section. In addition, the Owner or Harborer of said Animal shall be assessed a Forty Dollar ($40.00) fee for the delivery to the Animal Shelter and/or Veterinarian.

2-114. PROHIBITED ANIMALS.

It shall be unlawful to keep, harbor, own or in any other way possess within the City limits:

(a) Any warm-blooded carnivorous or omnivorous wild or exotic Animal.

(b) Any Animal able to deliver or cause a poisonous Bite(s);

(c) Any pit bull dog as defined:

(1) The bull terrier breed of dog;

(2) The Staffordshire bull terrier breed of dog;

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

(4) The American Staffordshire terrier breed of dog;

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

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

(d) Any rooster chicken on Premises other than those that qualify as Agricultural or Commercial Classification.
EXCEPTION: A pit bull dog as defined in (c) above may be allowed if the owner presents to the City Department of Code Enforcement a statement from a licensed veterinarian to the effect that the animal seems to be well socialized and not a threat to the public

(2-114 Amended by ORD #921-2013 on 1/10/2013)

2-115. ANIMALS RUNNING AT LARGE AND OTHER UNLAWFUL ACTS.

(a) Anyone who is an Owner, or one who keeps or harbors, any Animal (other than domestic cats) found Running at Large within the City limits shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the Owner or Person who harbors or keeps such an Animal shall not be an element or elements of this offense.

(b) This provision shall not apply to:

1. Domestic pigeons or cats, which shall, however, be under reasonable restraint to prevent such nuisance activities as are prohibited in this Ordinance;

2. Any Person of lesser abilities using a Service Dog in the customary manner shall be deemed to be in compliance with subsection (a) hereof;

3. Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) hereof;

4. An Owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) hereof. Evidence of this shall be shown by the fact that the dog and Owner are going through standard obedience exercises, the Owner has a leash on the Owner's Person, and the dog is under immediate control. The dog's tags must be readily available on the Owner's Person.

(c) The prohibition of this section shall not apply to *bona fide*:

1. Zoos, as defined by the American Association of Zoological Parks and Aquariums;

2. Medical Institutions;

3. Educational Institutions;

4. Veterinary clinics in possession of these Animals;

5. Circuses, if properly licensed by the City;

6. Carnivals, if properly licensed by the City;

7. Persons temporarily transporting such Animals through the City.
(d) It shall be unlawful for any Person to:

(1) Break or train any horse or other Animal on or within the reach of any street, sidewalk, or other public place within the corporate limits of the City;

(2) Keep or harbor any Animal which, by Frequent or Habitual Noise, disturbs two (2) or more Residents of separate households.

(A) First Notice. A written notice may be given to the Owner of an Animal who makes Frequent or Habitual Noise when two (2) or more Residents file a Written Complaint with the City Code Enforcement Officer. Such written notice shall be signed by a City Code Enforcement Officer and shall give the Person or Persons to whom it is directed no less than seventy-two (72) hours nor more than one hundred twenty hours (120) hours to remove or abate the Frequent or Habitual Noise. Such written notice may be posted at such Premises when an Owner cannot be found on the Premises.

(B) Complaints after First Notice. Upon receipt of a second Written Complaint from two (2) or more Residents of separate households concerning an Animal making Frequent or Habitual Noise within thirty (30) days from the date a first written notice was served, the City Code Enforcement Officer may cause a complaint to be filed in municipal court against the Owner of the Animal, charging the Owner with violation of this section. Before a complaint is filed, the Code Enforcement Officer shall ascertain that at least two (2) Residents from separate households will be willing to testify in court regarding the Frequent or Habitual Noise. Such Residents shall sign a written statement on a form prepared and approved by the City Code Enforcement Officer as to their willingness to appear and testify in court.

(C) Prior Convictions. The notice requirements set forth herein shall not apply to filing of Complaints against Persons who have been convicted of violating this section within the previous twelve (12) months, and upon receipt of a Written Complaint from two (2) or more Residents of separate households concerning such an Owner keeping or harboring an Animal who makes Frequent or Habitual Noise, the City Code Enforcement Officer may cause a complaint to be filed in municipal court against such an Owner charging the Owner with violation of this section. Such Residents shall sign a written statement on a form prepared and approved by the City Code Enforcement Officer as to their willingness to appear and testify in court.

(3) Own or harbor unspayed female dogs or cats that were or are away from confinement on the Premises of the Owner or Harborer, except on a lead and under the control of an adult Person when such dogs or cats are in heat/season; control shall mean no contact with an unneutered male dog or cat.
(4) Keep or harbor bees or large Animals such as, but not limited to, cows, horses, and other equines, sheep, and nanny goats, on any property classified as "Residential," or any property classified "Commercial" of less than five (5) acres, within the corporate limits of the City. A Pot Belly Pig that is permitted under the provisions of subsection (d)(5) below shall not be considered a "large Animal" under this subsection;

(5) Keep or harbor hogs or male goats within the corporate limits of the City; provided, however, that a Pot Belly Pig shall not be considered a hog and shall be permitted subject to the following restrictions:

(A) Only one Pot Belly Pig shall be permitted per property of less than 5 acres in size;

(B) Any Pot Belly Pig kept within the City shall have been spayed or neutered;

(C) The Owner of any Pot Belly Pig kept within the City shall have a completely privacy-fenced yard or area outside any Dwelling which the Pot Belly Pig is restricted to when allowed to be outside;

(D) Any Pot Belly Pig kept within the City shall be housed and kept in the primary residence on the property;

(E) Any Pot Belly Pig kept within the City shall not be raised for slaughter for food;

(F) The Owner of any Pot Belly Pig kept within the City shall apply for and maintain a license from the City for such Pot Belly Pig and as a requirement for obtaining such license such Owner shall provide:

1. Payment of fee of $12.00

2. Proof of spaying or neutering;

3. Written proof that such Pot Belly Pig has been examined by a veterinarian and certification by such veterinarian that such Pot Belly Pig has received any recommended vaccinations.

(6) Own or harbor an Animal that engages in the following conduct:

(A) Molesting any passerby or chasing a passing vehicle, including a bicycle;

(B) Attacking any other Animal, including but not limited to biting;

(C) Causing injury to any Person;
(D) Damaging public or private property;

(E) Being ridden on public property in a manner which obstructs, impedes or interferes with vehicular or pedestrian traffic;

(F) Interfering with or impeding Refuse or trash collection by ripping, tearing, upsetting, or tipping any container of such.

(7) Keep or harbor a Vicious Animal within the City;

(8) Allow any Animal to enter any theater, store, or other public building in the City, whether accompanied by its Owner or Person in charge or otherwise, except with the approval of the building's owner or manager. Service Dogs and law enforcement dogs are exempt from this provision;

(9) Failure by a Person to control an Animal either by leash, cord, rope or chain, or tethered or picketed in a manner which is sufficient to keep the Animal on the Premises where picketed or tethered while in City park(s) or recreation areas. Tethered or picketed Animals must be attended to.

(10) Kill any songbird or molest the nest of such birds within the corporate limits of the City; provided that it shall be permissible for the Code Enforcement Officer to kill birds or other wild Animals that have become so numerous as to cause destruction or nuisance to property or in the event of disease occurring among such Animals that may be considered contagious or potentially contagious to human beings as such is permitted by law.

(11) Interfere with or molest a dog used by the police department of the City in the performance of the functions or the duties of such department.

(12) Allow an Animal to trespass on or enter upon the property of a Person other than the Owner or Harborer of said Animal. Knowledge or intent on the part of the Owner or Harborer shall not be elements of this offense.

(13) Hold or retain, without the knowledge and consent of the Owner, possession of any Animal of which he/she is not the Owner for more than twenty-four (24) hours without first reporting the possession of such Animal to the Animal Shelter, Department of Code Enforcement, or Police Department.

(14) Leave any pet Animal or livestock unattended while tethered to any utility pole, parking meter, building structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the permission of the Person or agency in charge thereof, nor shall a pet Animal be tethered in such a manner as to permit it to intrude upon a public sidewalk or street.

(15) Violations of this section shall be classified as Animal Nuisance Violations and the penalty for violation shall be as set forth in Section 2-130.
(e) EXCEPTIONS. The restrictions of Section 2-115 (d)(6)b., c., and d., set forth hereinabove, shall not apply to:

(1) Any injury or damage sustained by a Person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon Premises occupied by the Owner of the Animal or was committing or attempting to commit a crime; or,

(2) An Animal protecting or defending a human being or another Animal within the immediate vicinity of the Animal from an unjustified attack or assault.

(2-215 Amended by ORD #958-2015 adopted on 7/14/2015 published on 7/16/2015)

2-116. REVOCATION OF PERMIT TO KEEP A DOG OR CAT OR OTHER ANIMAL.

Upon a Person’s conviction for a third time in any one (1) year for any Animal or Animals Running at Large as described hereinabove, the Code Enforcement Officer may, after written notice of time and place is given to such Person, request a hearing by the Board of Health and Appeals to determine whether or not such Person’s permit to keep or harbor an Animal or Animals shall be revoked. In making the determination as to whether any Person’s permit as an Owner or Harborer of an Animal, the Board shall consider the following:

(a) Whether or not said Person knowingly and/or recklessly permitted said Animal(s) to run at large; and,

(b) The conditions under which said Animal was kept and maintained by the Owner or Harborer of the same, and, in particular, any improvement of condition so as to insure against a further repeat charge or conviction of Running at Large by an Animal in the future.

(c) It shall be unlawful for a Person to keep, harbor or maintain an Animal within the corporate limits of the City where the Owner’s or Harborer’s permit to keep or maintain an Animal has been revoked by the Board of Health pursuant to this subsection.

2-117. AUTHORIZATION FOR QUARANTINE.

The Code Enforcement Officer, in consultation with the Sedgwick County Health Officer, shall report to the Mayor of the City or the President of the City Council in the Mayor’s absence, in the event a potential outbreak of rabies is suspected in the Animal population of the City, and if the Mayor or President of the City Council concurs with the Code Enforcement Officer that the danger to public safety from rabid Animals is reasonably imminent, the Mayor or President of the City Council is hereby authorized, and it shall be their duty, to issue a quarantine proclamation ordering Persons owning, keeping, or harboring Animals to muzzle the same and/or confine the same as herein
provided for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the Mayor of the City, the Person or Persons keeping or harboring any Animal shall follow the procedure as prescribed in such notice. All dogs, cats, or other Animals found Running at Large during the time specified by the Mayor of the City in the quarantine proclamation may be destroyed by any officer of the City under procedures established by the Code Enforcement Officer.

2-118. WRITTEN NOTICE REQUIREMENT; HEARING BEFORE THE DEPARTMENT OF CODE ENFORCEMENT.

The written notice requirements of this Ordinance that must be followed prior to a hearing before the Code Enforcement Officer shall be deemed sufficient if the notice is served by the Code Enforcement Officer upon the Person personally or if it is sent by registered or certified mail to the Person's last known address; provided, further, if the notice cannot be conveniently served by the aforesaid, service may be made upon such Person by at least one (1) publication in the official newspaper of the City, such publication to contain the reason of notice and the date, time and place of hearing.

2-119. NOTICE TO APPEAR FOR VIOLATION OF LEASH LAW.

(a) Whenever any dog is found Running at Large in violation of this Ordinance, the Code Enforcement Officer finding such dog may take its rabies tag number, if such dog is wearing a collar with an identification tag as is required, and may take any other information the dog is wearing which may identify its Owner.

(b) The Code Enforcement Officer who finds a dog Running at Large may sign a complaint against the Person identified as the dog's Owner pursuant to this Ordinance. If a complaint is signed, then a notice to appear shall be served upon such identified Owner in accordance with K.S.A. 12-4207. If the Owner fails to appear as required in the notice to appear, a warrant shall be issued for that Person's arrest.

(c) In any prosecution charging a violation of this Ordinance, proof that the dog described in the complaint was in violation of such section of the Ordinance, together with proof that the defendant named in the complaint was, at the time of such violation, the licensed Owner of such dog, shall constitute as evidenced a prima facie presumption that the licensed Owner of the dog violated this Ordinance.

(d) The foregoing stated presumption shall apply only when the procedure as prescribed above has been followed.

2-120. APPEAL OF DEPARTMENT OF CODE ENFORCEMENT RULING.

Any Person dissatisfied with any order or determination of the Board of Health and Appeals may appeal such order or determination to the City Council. An appeal to the City Council shall be taken on the record of the hearing before the Board of Health and Appeals.
2-121. PERMIT TO KEEP ANIMALS WITHIN AGRICULTURAL CLASSIFICATION AND COMMERCIAL CLASSIFICATION; FEES LISTED; FEE WAIVER.

(a) For persons keeping, harboring or maintaining Animals within the Agricultural or Commercial Classification within the City limits, a permit shall be required for keeping more than five (5) Fowl or one (1) or more goats, horses, cows, sheep, or more than two (2) Animals of any other kind. The annual fee for such a permit shall be Ten Dollars ($10.00) for Animals within a Commercial Classification and Five Dollars ($5.00) for Animals within an Agricultural Classification.

(b) Should any Person come under the terms of both classifications, it is herein provided that such Person shall pay a permit fee at the highest applicable rate; provided, that for Persons engaged in the business or operating of dog shows, demonstrations, livestock shows or any other shows or exhibitions involving Animals on any Premises under the jurisdiction of the City or in connection with 4-H livestock shows, the permit fee may be waived subject to all other provisions of this Chapter.

(2-121 Amended by ORD #920-2012 on 12/26/2012)

2-122. NUMBER OF CERTAIN ANIMALS LIMITED.

On Premises within the City limits other than those within an Agricultural or Commercial Classification, no more than three (3) different kinds of Animals shall be maintained on such Premises no more than four (4) rabbits, one hundred (100) pigeons, no more than five (5) hen chickens; two Animals of other kinds not herein specified or prohibited by other provisions of this Chapter; or any combination of cats and dogs totaling more than three (3) unless a greater number is otherwise permitted by other provisions of this Chapter. This section shall apply only to mature Animals that are fully weaned and shall not apply to common carriers transporting Animals to or through the City.

(2-122 ended by ORD #920-2012 on 12/26/2012)

2-123. KENNEL OR CATTERY; CONSENT OF NEIGHBORS.

Subject to the provisions of this Ordinance, no Person shall own, maintain, or operate a Kennel or Cattery for the purpose of holding, breeding, or raising dogs or cats within the corporate limits of the City without submitting to the Code Enforcement Officer with the initial application the written consent of the majority of householders of all properties immediately adjacent to such Kennel or Cattery, including properties directly across the street or alley. All Kennel or Cattery permits shall be renewed on an annual basis, providing that renewal of a permit for a Kennel or Cattery shall be made providing no written protest signed by a majority of householders of all properties immediately adjacent to such Kennel or Cattery, including properties directly across the street or alley, is received by the Code Enforcement Officer and providing that such Animal maintenance complies with the provisions of this Ordinance. All cats maintained at a Cattery shall be confined inside a structure.
2-124. HEALTH STANDARD; MINIMUM LISTED.

The following minimum environmental health standards shall be observed and followed by Persons subject to the terms of this section:

(a) All domestic Animal Shelters shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation; provided, however, that this shall not apply to grazing areas coming within the definition of the term Agricultural Classification.

(b) Collected fecal material and other solid organic Waste shall be disposed of at a sanitary landfill, fertilizer-processing plant, or by proper dispersal on land used for agricultural purposes.

(c) Grain or protein feed shall be stored in tightly covered rodent-proof bins.

(d) Premises subject to the terms of this Ordinance shall be maintained free of rodent infestation.

(e) Use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.

(f) Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.

(g) All domestic Animal Shelters and board fences shall be maintained in good repair. Plywood and pressed-wood panel(s) shall neither be allowed nor considered suitable fence material(s) and are not to be used in the construction and/or repair of wood fencing.

(h) Garbage shall not be fed to Fowl.

(i) Refuse shall be stored in proper containers or in a manner approved by the Board of Health or Department of Code Enforcement and disposed of at least once each week or as frequently as may be required by the Board of Health or the Department of Code Enforcement.

(j) Provided, further, that barbed wire fences and electrically charged fences shall not be permitted for Animal Shelters except on properties for which an Agricultural Classification permit is held or except on other properties where the barbed wire or electrically charged fence is protected by an exterior fence.

(k) Provided, further, that solid Wastes accumulated from the cleaning of domestic Animal Shelters maintained by Persons subject to a commercial or agricultural permit according to the terms of this Ordinance shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Department of Code Enforcement. Provided, that all solid
Wastes shall be properly disposed of at least once each week or less often as may be approved by the Department of Code Enforcement.

2-125. PET SHOP; KENNEL; CATTERY REGULATIONS.

All pet shops, catteries and Kennels shall:

(a) Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex and age; date received and source, including name and address of Owner or previous Owner; purpose for which Animal is maintained; date and disposition of Animal, including name and address of new Owner, if applicable; prevention and/or treatment and by whom.

(b) Provide cages and pens constructed of nontoxic, easily cleanable, water impervious materials if used for confining Animals and shall keep such cages and pens clean and sanitary at all times.

(c) Provide adequate space and ventilation to prevent over-crowding and to minimize contagion.

(d) Provide general environmental conditions including endo-parasite and ecto-parasite control, clean wholesome food and water, weather protection and clean and sanitary facilities other than housing so as to enhance the health and well being of such Animals.

2-126. PIGEONS; CONDITIONS FOR KEEPING; LETTING LOOSE IN CITY.

Every Person who owns, controls, keeps, maintains or harbors any pigeons in the City shall at all times keep them confined in proper cages or pens; provided, however, that what are generally known as seamless banded pigeons, being pigeons banded by a recognized association of pigeon fanciers, may be released in compliance with this Section.

2-127. PREMISES OPEN FOR INSPECTION.

All places and Premises on which any domestic Animals as described by the Ordinance are kept or maintained shall be open at all times for inspection by the Department of Code Enforcement. If, on such an inspection, any Person who has been granted a permit is found violating any of the regulations prescribed in this Ordinance, such Person shall be given a written notice of such violation and, if such violation or violations do not cease within twenty-four (24) hours, the permit may be revoked or canceled by action of the Department of Code Enforcement, subject to the right of appeal to the City Council within fifteen (15) days.
2-128. CONTROL OR PROTECTION OF ANIMALS IN GENERAL.

Anyone who is an Owner, or one who keeps or harbors any Animal, other than cats, found Running at Large within the corporate City limits shall be deemed guilty of a misdemeanor. Knowledge or intention on the part of the Owner or Person who harbors or keeps a pet shall not be elements of this offense. The Code Enforcement Officer may seize and impound any such Animal pursuant to the provisions of this Ordinance in a location he/she deems appropriate and may charge the Owner a reasonable fee for such Impoundment.

2-129. VIOLATION; PENALTY.

Any Person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) and/or by imprisonment of not more than one hundred eighty (180) days in jail, or by both such fine and imprisonment, for each such violation of this Ordinance; provided, the minimum fine for the hereinbelow enumerated subsections of this Ordinance shall be assessed as a minimum fine as follows:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
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<tbody>
<tr>
<td>Violation of Leash Law</td>
<td>1st offense - not less than $50.00</td>
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<td></td>
<td>2nd offense - not less than $100.00</td>
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<td></td>
<td>3rd or subsequent offense - not less than $150.00</td>
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<tr>
<td>Bite Violation</td>
<td>1st offense within a 12-month period - $300.00</td>
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<td></td>
<td>2nd offense within a 12-month period - $500.00</td>
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<td></td>
<td>3rd or subsequent offense within a 12-month period - $1,000.00</td>
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<td>and the Animal will be confiscated by the Code Enforcement Officer and destroyed</td>
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<td>Failure to Have Rabies Vaccination</td>
<td>1st offense - not less than $50.00</td>
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<td></td>
<td>2nd offense - not less than $100.00</td>
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<td>3rd or subsequent offense - not less than $150.00</td>
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<tr>
<td>Failure to Obtain a Permit to Keep an Animal</td>
<td>1st offense - not less than $50.00</td>
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<td>2nd offense - not less than $100.00</td>
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<td></td>
<td>3rd or subsequent offense - not less than $150.00</td>
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<td>No Identification Tags</td>
<td>1st offense - not less than $50.00</td>
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<td>2nd offense - not less than $100.00</td>
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<td>3rd or subsequent offense - not less than $150.00</td>
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<tr>
<td>Animal Nuisance</td>
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<td>2nd offense - not less than $100.00</td>
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<td></td>
<td>3rd or subsequent offense - not less than $150.00</td>
</tr>
<tr>
<td>Owning or Harboring a Prohibited Animal</td>
<td>1st offense - not less than $150.00</td>
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<td>2nd offense - not less than $250.00 and/or forty-eight (48) hours in county jail</td>
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<tr>
<td></td>
<td>3rd or subsequent offense - not less than $400.00 and/or ten (10) days in county jail</td>
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</table>
These penalties shall be in addition to such other and further costs and assessments as are described hereinabove.

2-130. SEVERABILITY.

Should any court declare any section, clause or provision of this Ordinance to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other remaining section, clause or provision of this Ordinance.

2-131. ANIMAL OWNER RESPONSIBILITY FOR REMOVAL OF ANIMAL EXCREMENT.

(a) The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public rights-of-way, public property or private property.

It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner or person in control of the animal. The fact that the animal was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to so act.

(b) It is an exception to the application of this section that:

(1) The owner or person in control of the animal immediately removed and cleaned up such animal's feces from public or private property; or

(2) That the owner or person in control of an animal has a physical disability or visual impairment and the animal is a service animal trained by an accredited institution to provide assistance to physically disabled and/or visually impaired persons.

Violation of this Section shall be punished by a fine of not less than $10.00, plus applicable court costs. The Municipal Judge shall have authority to order community service in lieu of a fine and/or costs and to suspend the fine and/or costs or any portion thereof.

(2-131 Created by ORD #898-2011 on 9/27/2011)
ARTICLE 1. GENERAL PROVISIONS

3-101. DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

(a) Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) Alcoholic Liquor means alcohol, spirits, wine, 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 cereal malt beverage.

(c) Caterer means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

(d) Cereal Malt Beverage means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

(e) Class A Club means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

(f) Class B Club means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.
(g) **Club** means a Class A or Class B club.

(h) **Drinking Establishment** means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(i) **General Retailer** means a person who has a license to sell cereal malt beverages at retail.

(j) **Limited Retailer** means a person who has a license to sell cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

(k) **Place of Business.** Any place at which cereal malt beverages or alcoholic beverages or both are sold.

(l) **Temporary Permit** means a permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.

(m) **Wholesaler or distributor.** Any individuals, firms, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this chapter, to persons, co-partnerships, corporations and associations authorized by this chapter to sell cereal malt beverages at retail.

3-102. **RESTRICTION ON LOCATION.**

(a) No alcoholic liquor shall be sold or served by a person holding a license or permit from the city whose place of business or other premises are located within 300 feet of any church, school, nursing home, or hospital, said distance to be measured from the nearest property line of such church, school, nursing home, or hospital, to the nearest portion of the building occupied by the premises.

(b) The distance location of subsection (a) above shall not apply to a club, drinking establishment, caterer or temporary permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.

(c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the city or conflicts with other city laws, including building and health codes.

3-103. **MINORS ON PREMISES.**

(a) It shall be unlawful for any person under the legal age as defined by state law to remain on any premises where the sale of alcoholic liquor is licensed for on-
premises consumption, or where a caterer or temporary permit holder is serving alcoholic liquor.

(b) It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor or a caterer or temporary permit holder who is serving alcoholic liquor to permit any person under the age of 21 years to remain on the premises.

(c) This section shall not apply if the person under the legal age is accompanied by his or her parent or guardian, or if the licensed or permitted premises derive not more than 30 percent of its gross receipts in each calendar year from the sale of alcoholic liquor for on-premises consumption.

3-104. CONSUMPTION ON PUBLIC PROPERTY.

No person shall drink or consume any alcoholic liquor on city owned public property.

3-105. PUBLIC SALE; CONSUMPTION.

(a) It shall be unlawful for any person to sell, serve or dispense any cereal malt beverage or alcoholic beverage in any public place not licensed to sell, serve or dispense such beverage at such public place within or under the jurisdiction of the city.

(b) It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic beverage in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the city.

(c) For purposes of this section, the term "public place" shall include upon any street, public thoroughfare, public parking lot or any privately owned parking area made available to the public generally, within any parked or driven motor vehicle situated in any of the aforesaid places or upon any property owned by the state or any governmental subdivision thereof unless such property is leased to others under K.S.A. 12-1740 et seq. if the property is being used for hotel or motel purposes or purposes incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

3-106. OPEN CONTAINER.

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

(1) In the original, unopened package or container, the seal of which has not been broken and from which the original cap or cork or other means of closure has not been removed;
(2) In the locked, rear trunk or rear compartment or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion or;

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

(b) As used in this section highway and street have meanings provided by K.S.A. 8-1424 and K.S.A. 8-1473 and amendments thereto.

3-107. CONSUMPTION WHILE DRIVING.

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

3-108. IDENTIFICATION CARD.

(a) It shall be unlawful for any person to:

(1) Display, cause or permit to be displayed, or have in possession, any fictitious, fraudulently altered, or fraudulently obtained identification card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(2) Display or represent any identification card not issued to such person as being his or her card for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(3) Permit any unlawful use of an identification card issued to a person for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(4) Photograph, photocopy, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photocopy, duplicate, reproduction or facsimile for purposes relating to the sale, purchase or consumption of either cereal malt beverage or alcoholic liquor.

(b) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase or consumption of any alcoholic liquor.
(2) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the sale, purchase or consumption of any cereal malt beverage.

3-109. UNDERAGE PURCHASER.

(a) It shall be unlawful for any person under 21 years of age to purchase or attempt to purchase any cereal malt beverage.

(b) It shall be unlawful for any person under 21 years of age to purchase or attempt to purchase any alcoholic liquor.
ARTICLE 2. CEREAL MALT BEVERAGES

3-201. LICENSE REQUIRED OF RETAILERS.

(a) It shall be unlawful for any person to sell any cereal malt beverage at retail without a license for each place of business where cereal malt beverages are to be sold at retail.

(b) It shall be unlawful for any person, having a license to sell cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any cereal malt beverage in any other manner.

3-202. APPLICATION.

Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. 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 residence of the applicant and how long he or she has resided within the State of Kansas;

(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;

(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired.

(e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or 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;

(f) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he or she has inspected the premises to be licensed and that the same comply with the provisions of chapter 8 of this code.

(g) Each application for a general retailer's license must be accompanied by a certificate from the city fire chief certifying that he or she has inspected the premises to be licensed and that the same comply with the provisions of chapter 7 of this code.

(h) The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information
pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The chief shall report to the City Administrator not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

3-203. LICENSE APPLICATION PROCEDURES.

(a) All applications for a new and renewed cereal malt beverage license shall be submitted to the city clerk 10 days in advance of the governing body meeting at which they will be considered.

(b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.

(c) The clerk's office shall provide copies of all applications to the police department, to the fire department, and to the city-county health department, when they are received. The police department will run a records check on all applicants and the fire department and health department will inspect the premises in accord with chapters 7 and 8 of this code. The departments will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.

(d) The governing body will not consider any application for a new or renewed license that has not been submitted 10 days in advance and been reviewed by the above city departments.

(e) An applicant who has not had a cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.

3-204. LICENSE GRANTED; DENIED.

(a) The journal of the governing body shall show the action taken on the application.

(b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.

(c) No license shall be transferred to another licensee.

(d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.
3-205. LICENSE TO BE POSTED.

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

3-206. REQUIREMENTS FOR LICENSEE. No license shall be issued to:

(a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Sedgwick County for at least six months prior to filing of such application.

(b) A person who is not a citizen of the United States.

(c) A person who is not of good character and reputation in the community in which he or she resides.

(d) A person who, within two 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.

(e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.

(f) A corporation if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than nonresidence within the city or county.

(g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which:

(1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or

(2) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.
3-207. RESTRICTION UPON LOCATION.

(a) No license shall be issued for the sale at retail of any cereal malt beverage on premises that are located in areas not zoned for such purpose.

(b) It shall be unlawful to sell or dispense at retail any cereal malt beverage at any place within the city limits that is within a 300-foot radius of any church, or school or library.

(c) Provisions of this section shall not apply to any establishment holding a private club license issued by the State of Kansas.

(d) The distance limitation of subsection (b) above shall not apply to any establishment holding a cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

(3-207 Amended by ORD #855-2009 on 9/17/2009)

3-208. LICENSE FEE.

The rules and regulations regarding license fees shall be as follows:

(a) General Retailer - for each place of business selling cereal malt beverages at retail, $225.00 per calendar year.

(b) Limited Retailer - for each place of business selling only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises, $75.00 per calendar year.

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 the license for the remainder of the calendar year in which the license is issued.

3-209. SUSPENSION OF LICENSE.

The chief of police, upon five days' written notice, shall have the authority to suspend such license for a period not to exceed 30 days, for any violation of the provisions of this chapter or other laws pertaining to cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven days from the date of such order.

3-210. LICENSE SUSPENSION/REVOCATION BY GOVERNING BODY.

The governing body of the city, upon five days' written notice, to a person holding a license to sell cereal malt beverages shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:
(a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;

(b) If the licensee has violated any of the provisions of this article or has become ineligible to obtain a license under this article;

(c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling cereal malt beverages;

(d) The sale of cereal malt beverages to any person under the legal age of consumption;

(e) For permitting any gambling in or upon any premises licensed under this article;

(f) For permitting any person to mix drinks with materials purchased in any premises licensed under this article or brought into the premises for this purpose;

(g) For the employment of any person under the age established by the State of Kansas for employment involving dispensing cereal malt beverages;

(h) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;

(i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed under this article;

(j) The nonpayment of any license fees;

(k) If the licensee has become ineligible to obtain a license under this chapter;

(l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

3-211. APPEAL OF SUSPENSION / REVOCATION.

The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Sedgwick county and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken under this section shall not suspend the order of revocation or suspension during the pendency of such appeal. In 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 or her behalf, for a period of six months thereafter.
3-212. CHANGE OF LOCATION.

If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee of $50.00. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

3-213. WHOLESALERS AND/OR DISTRIBUTORS.

It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver cereal malt beverages within the city, to persons authorized under this article to sell the same within this city unless such wholesaler and/or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales.

3-214. BUSINESS REGULATIONS.

It shall be the duty of every licensee to observe the following regulations.

(a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by subsection (d), no cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:00 a.m., and 6:00 a.m., Monday through Saturday. Sunday sales are limited to the hours between 12:00 pm (noon) and 8:00 pm. Closing hours for clubs shall conform to K.S.A. 41-2614 and any amendments thereto.

(d) Cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2701 et seq., and licensed as a club by the State Director of Alcoholic Beverage Control.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that 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.

(f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
(g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under 21 years of age.

(i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(k) No licensee or agent or employee of the licensee shall employ any person under the legal age as defined by the state law of the State of Kansas in dispensing cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

3-215. PROHIBITED CONDUCT ON PREMISES.

The following conduct by a cereal malt beverage licensee, manager or employee of any licensed cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

(a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/females pubic hair, anus, buttocks or genitals;

(b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of any other employee or any patron;

(c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;

(d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or

(2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.

(e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d) of this section.
(f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:

1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;

2. The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;

3. Scenes in which a person displays the buttocks, anus, genitals or the female breasts.

(g) As used in this section, the term premises means the premises licensed by the city as a cereal malt beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

3-216. SANITARY CONDITIONS REQUIRED.

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

3-217. MINORS ON PREMISES.

(a) It shall be unlawful for any person under 21 years of age to remain on any premises where the sale of cereal malt beverages is licensed for on-premises consumption.

(b) This section shall not apply if the person under 21 years of age is an employee of the licensed establishment, or is accompanied by his or her parent or guardian, or if the licensed establishment derives not more than 50 percent of its gross receipts in each calendar year from the sale of cereal malt beverages for on-premises consumption.
ARTICLE 3. ALCOHOLIC LIQUOR

3-301. STATE LICENSE REQUIRED.

(a) It shall be unlawful for any person to keep for sale, offer for sale, or expose for sale or sell any alcoholic liquor as defined by the "Kansas liquor control act" without first having obtained a state license to do so.

(b) The holder of a license for the retail sale in the city of alcoholic liquors by the package issued by the state director of alcoholic beverage control shall present such license to the city clerk when applying to pay the occupation tax levied in section 3-302 and the tax shall be received and a receipt shall be issued for the period covered by the state license.

3-302. OCCUPATION TAX.

There is hereby levied an occupation tax of $600.00 on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquors for consumption off the premises. Such tax shall be paid by the retailer to the city clerk before business is begun under an original license and shall be paid within five days after any renewal of a state license.

(3-302 Amended by ORD #944-2014 on 7/22/2014)

3-303. POSTING OF RECEIPT.

Every licensee under this article shall cause the city alcoholic liquor retailer's occupation tax receipt to be placed in plain view, next to or below the state license in a conspicuous place on the licensed premises.

3-304. HOURS OF SALE.

No person shall sell at retail any alcoholic liquor:

(a) On Sunday before 12:00 noon or after 8:00 p.m.;

(b) On Easter Day, Thanksgiving Day and Christmas Day;

(c) Before 9:00 a.m. or after 11:00 p.m. on any day other than Sunday when the sale thereof is permitted.

3-305. BUSINESS REGULATIONS.

It shall be unlawful for a retailer of alcoholic liquor to:

(a) Permit any person to mix drinks in or on the licensed premises;

(b) Employ any person under the age of 21 years in connection with the operation of the retail establishment;
(c) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;

(d) Furnish any entertainment in his or her premises or permit any pinball machine or game of skill or chance to be located in or on the premises; or

(e) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package.

(f) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person under 21 years of age.

(Section 3-306 Repealed by ORD #855-2009 on 9/17/2009)
ARTICLE 4. PRIVATE CLUBS

3-401. LICENSE REQUIRED.

It shall be unlawful for any person granted a private club license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a local license from the city clerk.

3-402. LICENSE FEE.

(a) There is hereby levied an annual license fee on each private club located in the city which has a private club license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license. The city license fee for a Class A club shall be $500.00 and the city license fee for a Class B club shall be $400.00.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city club license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

3-403. BUSINESS REGULATIONS.

(a) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) No club membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under 21 years of age.
ARTICLE 5. DRINKING ESTABLISHMENTS

3-501. LICENSE REQUIRED.

It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a city license from the city clerk.

3-502. LICENSE FEE.

(a) There is hereby levied a license fee in the amount of $500.00 on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises

(3-502 Amended by ORD #943-2014 on 6/24/2014 published on 7/3/2014)

3-503. BUSINESS REGULATIONS.

(a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

(c) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under the legal age of consumption.
ARTICLE 6. CATERERS

3-601. LICENSE REQUIRED.

It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from the city clerk.

3-602. LICENSE FEE.


(a) There is hereby levied an annual license fee in the amount of $500.00 on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.

(b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

(c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.

(d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

3-603. BUSINESS REGULATIONS.

(a) No caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-604. NOTICE TO CHIEF OF POLICE.

Prior to any event at which a caterer will sell or serve alcoholic liquor by the individual drink, the caterer shall provide written notice to the chief of police at least five business days prior to the event if the event will take place within the city. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.
ARTICLE 7. TEMPORARY PERMITS

PERMIT REQUIRED. It shall be unlawful for any person granted a temporary permit by the State of Kansas to sell or serve any alcoholic liquor within the city without first obtaining a local temporary permit from the city clerk.

3-702. PERMIT FEE.

(a) There is hereby levied a temporary permit fee in the amount of $100.00 per day on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit.

(b) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

3-703. CITY TEMPORARY PERMITS.

(a) It shall be unlawful for any person to conduct an event under a state issued temporary permit without first applying for a local temporary permit at least five business days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:

(1) the name of the applicant;
(2) the group for which the event is planned;
(3) the location of the event;
(4) the date and time of the event;
(5) any anticipated need for police, fire or other municipal services.

(b) Upon presentation of a state temporary permit, payment of the city's temporary permit fee and a written application as provided for in subsection (a), the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city.

(c) The city clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

3-704. PERMIT REGULATIONS.

(a) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary permit has been issued.
(b) No alcoholic beverages shall be given, sold or traded to any person under the legal age of consumption.
CHAPTER 4. BUILDINGS AND CONSTRUCTION

Article 1. International Building Code
Article 2. Electrical Code
Article 3. Structure Code
Article 4. Mechanical Code
Article 5. Residential Code
Article 6. Plumbing Code
Article 7. Manufactured Housing Code
Article 8. Contractor Licensing
Article 9. Board of Appeals

4-101. BUILDING CODE--ADOPTED.

The International Building Code, 2006 Edition (hereinafter the “2006 IBC”), as published by the International Code Council, Inc., 4051 West Flossmoor Rd, Country Club Hills IL 60478-5795, excluding all appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinbelow, and shall be referred to herein as the "building code." The building code is hereby adopted as the commercial building code for the city of Park City, Kansas. Any reference therein to the International Residential Code, for One- and Two-Family Dwellings, shall be construed as a reference to the current Park City, KS residential code for one- and two-family dwellings.

4-102. SECTION 101.4 of the 2006 IBC is deleted in its entirety and the following alternate provisions are adopted:

(a) Section 101.4.1 Electrical. The provisions of the current Park City, KS Electrical Code shall apply to the installation of electrical systems, including, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Whenever used in the Building Code, the term "ICC Electrical Code" shall be construed to mean the current Park City, KS Electrical Code.

(b) Section 101.4.2 Gas. The provisions of the current Park City, KS Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connection of appliances and the installation and operation of residential and commercial gas appliances and related accessories. Whenever used in the Building Code, the term "International Fuel Gas Code" shall be construed to mean the current Park City, KS Plumbing Code.

(c) Section 101.4.3 Mechanical. The provisions of the current Park City, KS Mechanical Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems. Whenever used in the Building
Code, the term "International Mechanical Code" shall be construed to mean the current Park City, KS Mechanical Code.

(d) Section 101.4.4 Plumbing. The provisions of the current Park City, KS Plumbing Code shall apply to the installation, alterations repairs, replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of medical gas system. Whenever used in the Building Code, the term "International Plumbing Code" shall be construed to mean the current Park City, KS Plumbing Code.

4-103. SECTION 101.4.5 of the 2006 IBC is deleted in its entirety.

4-104. SECTION 101.4.6 of the 2006 IBC is amended to read as follows:

Fire Prevention. The provisions of the current Park City, KS Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. Whenever used in the Building Code, the term "International Fire Code" shall be construed to mean the current Park City, KS Fire Code.

4-105. SECTION 101.4.7 of the 2006 IBC is deleted in its entirety.

4-106. SECTION 102.6 of the 2006 IBC is amended to read as follows:

Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered by the provisions of this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

4-107. SECTION 103 of the 2006 IBC is hereby re titled DEPARTMENT OF CODE ENFORCEMENT.

4-108. SECTION 103.3 of the 2006 IBC is hereby amended to read as follows:

Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

4-109. SECTION 105.1.1 of the 2006 IBC is deleted in its entirety.

4-110. SECTION 105.1.2 of the 2006 IBC is deleted in its entirety.
4-111. SECTION 105.2 of the 2006 IBC is hereby amended to read as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other resolutions, laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet

2. Fences not over 6 feet (1829 mm) high.

3. Oil derricks.

4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallon (18 927L) and the ratio of height to diameter or width does not exceed 2 to 1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19 000 L) and are installed entirely above ground.

10. [Reserved.]

11. Swings and other playground equipment accessory to one- and two family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54” from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

4-112. SECTION 105.2.3 of the 2006 IBC is deleted in its entirety.

4-113. SECTION 106.3.4.1 of the 2006 IBC is hereby amended to read as follows:

General: When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in charge. If the circumstances require, the owner shall designate a substitute registered design professional in charge who shall perform the duties required of the original registered design professional in charge. The owner shall notify the building official in writing if the registered design professional in charge is changed or is unable to continue to perform the duties.

The registered design professional in charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. See also duties and specified in Section 1704.

4-114. SECTION 107.3 of the 2006 IBC is hereby amended to read as follows:

Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lightning, heat or power in the current Park City, Kansas Electrical Code.

4-115. SECTION 108 of the 2006 IBC is hereby amended to read as follows:

108.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

108.2 Permit fees. The fee for each permit shall be as set forth below.

108.2.1 Commercial permits. The fee for each commercial permit shall be as set forth in Table 108.2, except the permit fee for agricultural structures for the provisions of this code shall be determined by multiplying the square foot of area under roof by thirteen cents (13).
108.2.2 Residential permits. The fee for each residential permit shall be as set forth in the current Park City, KS one- and two-family dwelling code.

108.2.3 Value. The determination of value or valuation under any of the provisions of this code shall be made by the building official. For the purpose of this section, the value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, mechanical, elevators, fire-extinguishing systems and any other permanent equipment. The building official shall, when deemed necessary, require reasonable substantiation of value stated in any application for permit or other form that may be prescribed.

108.2.4 Issuance fee. A permit issuance fee of fifteen dollars ($15.00) shall be charged for each permit which is issued under the provisions of this code, and shall be in addition to the other permit fees set forth herein.

Table 108.2 BUILDING PERMIT FEES

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500.00</td>
<td>$18.00</td>
</tr>
<tr>
<td>$501.00 to $2,000.00</td>
<td>$18.00 for the first $500.00 plus $2.50 for each additional $100.00 or fraction thereof, to and including $2,000.00</td>
</tr>
<tr>
<td>$2,001.00 to $25,000.00</td>
<td>$55.50 for the first $2,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $25,000.00</td>
</tr>
<tr>
<td>$25,001.00 to $50,000.00</td>
<td>$274.00 for the first $25,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $50,000.00</td>
</tr>
<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$449.00 for the first $50,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00</td>
</tr>
<tr>
<td>$100,001.00 to $500,000.00</td>
<td>$699.00 for the first $100,000.00 plus $4.00 for each additional $1,000.00 or fraction thereof, to and including $500,000.00</td>
</tr>
<tr>
<td>$500,001.00 to $1,000,000.00</td>
<td>$2,299.00 for the first $500,000.00 plus $3.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00</td>
</tr>
<tr>
<td>$1,000,001.00 and up</td>
<td>$4,049.50 for the first $1,000,000.00 plus $2.50 for each additional $1,000.00 or fraction thereof</td>
</tr>
</tbody>
</table>
Other Inspections and Fees:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Inspections outside of normal business hours (minimum charge--two hours)</td>
<td>$30.00 per hr*</td>
</tr>
<tr>
<td>2. Reinspection fees assessed under provisions of Section 305(g)</td>
<td>$30.00 per hr*</td>
</tr>
<tr>
<td>3. Inspections for which no fee is specifically indicated (minimum charge--one-half hour)</td>
<td>$30.00 per hr*</td>
</tr>
<tr>
<td>4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half hour)</td>
<td>$30.00 per hr*</td>
</tr>
</tbody>
</table>

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

108.3 Plan review fees. When the valuation of the proposed commercial construction exceeds $1,000 and a plan or other data required to be submitted, a plan review fee shall be paid. Said plan review fee shall be sixty-five percent (65%) of the building permit fee shown in Table No. 108.2. The department of code enforcement shall remit twenty-five percent (25%) of the plan review fee so collected to the county fire district to compensate for checking plans for compliance with applicable law and fire safety provisions.

108.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

108.5 Investigation Fees. Work without a Permit.

108.5.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

108.5.2 Fee. An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee set forth in Table 108.2. The payment of such investigation fee shall not exempt any person from
compliance with all other provisions of this code nor from any other penalty prescribed by law.

108.6 Fee Refunds. The building official may authorize refunding of any fee paid here under which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit which a plan review fee has been paid with withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

4-116. SECTION 109.3 of the 2006 IBC is hereby amended to read as follows:

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.7 Energy efficiency inspections is deleted in its entirety.

109.3.9 Special inspections is deleted in its entirety.

4-117. SECTION 113 of the 2006 IBC is hereby amended to read as follows:

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, convert, occupy, equip, use, or maintain any building or structure in Park City, Kansas or cause or permit the same to be done, contrary to or in violation of the Building Code.

113.2 Notice of violation and order to comply. Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm or corporation is committing or has committed a violation of any provision of the Building Code, the building official or such code enforcement officer may first cause a notice of violation and order to comply to be served upon said person, firm or corporation responsible therefore. Such notice shall:

1. Be in writing;

2. Include a description of the real estate and/or the street address sufficient for identification;

3. Specify the violation(s), which exists, and the correction(s) ordered;
4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with a copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place on or about the building or structure affected by the notice.

113.3 Prosecution of violation. In case any notice of violation and order to comply authorized herein is not complied with, the building official or such code enforcement officer may request the city attorney to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such building or structure or part thereof;

3. To require the removal of work in violation;

4. To prevent the maintenance, occupation or use of the building, structure, or part thereof which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, demolished, converted, equipped, used or maintained in violation of the Building Code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or code enforcement officer may proceed with the penalties provision set forth in Section 113.4.

113.4 Violation penalties.

113.4.1 Issuance of uniform complaint and notice to appear. Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Building Code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the code for the enforcement of city codes and ordinances. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the municipal court under the code for the enforcement of city codes and ordinances as provided by
K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The city shall provide all necessary supplies, forms and records at its own expense.

113.4.2 Procedures. Procedures for prosecution of violations of the Building Code and this article shall be pursuant to Park City, Kansas Code.

113.4.3 Classification of violations and schedule of fines. An accused person who shall be convicted in the municipal court for violation of any provision of the Building Code or this article shall be deemed guilty of a misdemeanor and shall be subject to a fine which shall be fixed by the Court at a sum not to exceed $500.00; provided further, the minimum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines of the Park City, Kansas Code and subject to the enhancements contained therein, and each and every violation of this article shall be a class G violation, except that a violation of Section 116.1, Fail to obtain required license, shall be a class I violation.

113.4.4 Separate Offense. Each day that any violation of the Building Code or of this article occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) and Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.

113.4.5 Effect of Permit. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Building Code or of this article. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on when in violation of the Building Code or of this article or of any other city code or ordinance or from revoking any certificate of approval issued in error.

4-118. SECTION 305 of the 2006 IBC is hereby amended to read as follows:

305.2 Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a group E occupancy.

EXCEPTION: Family day care homes with ten, (10), or less children shall be classified as a Group I.4.
SECTIONS 406.3.4 and 406.6.2 of the 2006 IBC is hereby amended to read as follows:

**406.3.4 Uses.** Mixed uses shall be allowed in the same building as an open parking garage subject to the provisions of Sections 402.7.1, 406.3.13, 508.3, 509.3, 509.4 and 509.7.

EXCEPTION: The grade-level tier may contain an office, waiting and toilet rooms having a total combined area of not more than 1,000 square feet (93 m2). Such area need not be separated from the open parking garage.

**406.6.2 Mixed occupancy.** A repair garage shall not be located within, or attached to, a building occupied for any other purpose, unless separated from the other occupancies as prescribed in Section 508.3. Such separation shall be continuous and unpierced, except for openings leading to salesrooms, storage areas, or offices, operated in connection with such garages, and provided such openings are equipped with fire assemblies conforming to the requirements of Chapter 7.

EXCEPTION: Storage areas, administrative and clerical offices, waiting rooms and similar rooms that do not exceed 25 percent (25%) of the floor area of the repair facility.

SECTION 407.2.4 of the 2006 IBC is hereby amended to read as follows:

**407.2.4 Gift Shops.** Gift shops shall not be open to the corridor except where such spaces are less than 500 square feet (46 m2) in area, and shall be constructed in accordance with the requirements for corridors.

SECTION 507.12 of the 2006 IBC is hereby created as follows:

**507.12 Assembly and Educational use groups.** Groups A-2, A-3 and E occupancies shall be permitted in unlimited area buildings having occupancies in Use Groups B, F, M and S, in accordance with the following criteria:

1. The area of the occupancies shall not occupy more than ten percent (10%) of any floor area of the building.

2. In Type VB construction, shall be located on the first floor.

SECTION 1013 of the 2006 IBC is hereby amended to read as follows:

**Section 1013 Guards.** Guards shall be located along open-sided walking surfaces mezzanines, industrial equipment platforms, stairways, window wells, ramps and landing which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Guards shall also be located along glazed sides of stairways, ramps, and landings that are located more than 30 inches (762 mm) above the floor or grade.
below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7. Guards shall also comply with 2407.

EXCEPTION: Guards are not required for the following locations:

1. On the loading side of loading docks or piers.

2. On the audience side of stages and raised platforms, including steps leading up to stages and raised platforms.

3. On raised stage and platform floor areas such as runways, ramps, and side stages used for entertainment or presentation.

4. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.

5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.

6. Along vehicle service pits not accessible to the public.

7. In assembly seating where the guards in accordance with Section 1008.12 are permitted and provided.

8. At window wells a protective cover designed to a minimum of 20 pounds per square foot (.96KN m2) uniformly distributed live load may be substituted for guards. The window well covers shall be provided with an emergency egress hatch located above the ladder or stairway, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N). Window well covers and grates shall be constructed of materials approved for exterior use.

4-123. SECTION 1018.1.4 of the 2006 IBC is hereby amended to read as follows:

Floor Elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except exterior landings. Which are permitted to have a slope not to exceed .25 unit vertical 12 units horizontal (2 percent slope).

EXCEPTIONS:

1. Group R-3 more than three stories high and individual units of Group R-2 where the following apply:

   1.1 A door is permitted to open at the top step of an interior flight of stairs, provided the door not swing over the step.
1.2 Screen doors and storm doors are permitted to swing over stairs or landings.

1.3 A door is permitted to open at the top step of a flight of interior stairs in an attached garage, provided the door does not swing over the top step.

1.4 A door is permitted to open at the top step of a flight of exterior stairs from a patio, provided there are no more than four risers.

2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1018.2, entrance door, which are not an accessible route.

3. Variations in elevation due to differences in finish materials, but not more than 0.5 inch (12.7 mm).

4. Exterior decks, patios, or balconies that are part of Type B dwelling units and have impervious surfaces, and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space or dwelling unit.

5. Doors serving building equipment rooms that are not normally occupied.

4-126. Section 1009.2 of the 2006 IBC is hereby amended to read as follows:

**Section 1009.2 Headroom.** Stairways shall have a minimum headroom clearance of 80 inches (2032 mm) measured vertically from a line connecting the edge of the nosings. Such headroom shall be continuous above the stairway to the point where the line intersects the landing below, one tread depth beyond the bottom riser. The minimum clearance shall be maintained the full width of the stairway and landing.

EXCEPTIONS:

1. Spiral stairways complying with Section 1009.8 are permitted a 78-inch (1981 mm) headroom clearance.

2. Stairways within an individual dwelling unit of Group R-2 and R-3 are permitted a 78-inch (1981 mm) headroom clearance.

4-124. **SECTION 1017** of the 2006 IBC is hereby amended to read as follows:

**Corridors.** Corridors shall be fire-resistance rated in accordance with Table 1017.1 The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions. Electrical panels are prohibited on the corridor side of the fire partition.
EXCEPTIONS:

3. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has at least one door directly to the exterior and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.

4. A fire-resistance rating is not required for corridors contained within a dwelling unit or a guestroom in an occupancy in Group R.

5. A fire-resistance rating is not required for corridors in open parking garages.

6. A fire-resistance rating is not required for corridors in an occupancy in Group B which is a space requiring only a single means of egress complying with Section 1015.1

7. A fire-resistance rating is not required for corridors not exceeding 20 feet (6096 mm) in length, when they provide direct, obvious and unobstructed means of travel to an exit or until egress is provided from the building, provided all openings, except the entrance to the corridor, are protected with self-closing doors of non-combustible construction or solid wood core, not less than 1 3/8 inches (35 mm) in thickness or fixed glazing. Use of rolling or sliding doors shall not be permitted, unless equipped with a closing device. Which operates with the actuation of an approved listed smoke detector.

4-125. SECTION 1208.2 of the 2006 IBC is hereby amended to read as follows:

Section 1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (914 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

EXCEPTIONS:

1. Beams or girders spaced not less than 4 feet (1219) mm) on center and projecting not more than 6 inches (1520 mm) below the required ceiling height.

2. Basement rooms having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1922 mm) clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one half the area thereof. Any portion of the room measuring less than 5 feet (1254 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.
4. Mezzanines constructed in accordance with Section 505.1.

4-126. SECTION 1607.11.2.1 of the 2006 IBC is hereby amended to read as follows:

*Flat, pitched and curved roofs.* Ordinary flat, pitched and curved roofs shall be designed for minimum live loads of 20 pounds per square foot or other controlling combinations of loads in Section 1605, whichever produces the greater load. In structures, where special scaffolding is used as a work surface for workers and materials during maintenance and repair operations, a lower roof load than specified in the following formula shall not be used unless approved by the building official. Greenhouses shall be designed for a minimum roof live load of 10 pounds per square foot (0.479 kN/m²).

4-127. SECTION 1608.2 of the 2006 IBC is hereby amended to read as follows:

*Section 1608.2 Ground Snow Loads.* The ground snow load for Park City, KS has been determined by the Building Official to be 15 pounds per square foot.

4-128. SECTION 1609.3 of the 2006 IBC is hereby amended to read as follows:

*B basic wind speed.* The basic wind speed for Park City, KS has been determined by the Building Official to be 90 miles per hour (40 m/s).

*Section 1609.3.1 Wind Speed Conversion.* The fastest mile wind speed for Park City, KS has been determined by the Building Official to be 75 miles per hour (33 m/s).

4-129. SECTION 1613.5.2 of the 2006 IBC is hereby amended to read as follows:

*Site class definitions.* Based on the site soil properties, the site shall be classified as either Site Class A, B, C, D, E or F in accordance with Table 1613.5.2. When the soil properties are not known in sufficient detail to determine the site class, Site Class D shall be used unless the building official or geotechnical data determines that Site Class E or F soil is likely to be present at the site.

The earthquake spectral response acceleration at short periods Ss, and at 1-second period, S1, for Sedgwick County has been determined by the Building Official to be 0.14 and 0.056 respectively.

4-130. CHAPTER 17 of the 2006 IBC is deleted in its entirety.

4-131. SECTION 1805.2.1 of the 2006 IBC is amended to read as follows:

*Section 1805.2.1 Frost Protection.* Except where erected on solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures larger than 400 square feet (37 m²) in area or 10 feet (3048 mm) in height shall extend below the frost line of the locality, and spread footings of adequate size shall be provided where necessary to properly distribute the load within
the allowable load-bearing value of the soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless such frozen condition is of a permanent character. The frost line for Park City shall be 24 inches (610 mm) below the finish grade.

EXCEPTION: For other than Group R-2 and R-3 as applicable in Section 101.2 occupancies, one-story prefabricated building not over 150 square feet (1.94 m²) in floor area and supported in an approved manner may be attached to a building having a permanent foundation extending below the frost line. The roof and exterior walls of the prefabricated building shall be flashed in an approved manner to form a weather-tight seal between structures.

4-133.   CHAPTER 29 of the 2006 IBC is deleted in its entirety.

4-134.   AMENDMENT OF SECTIONS 903.2.3 AND 903.2.8.

(a) Section 903.2.3 of the 2003 IFC is hereby amended to read as follows:

903.2.3 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exist:

1. Where a Group F-1 fire area exceeds 16,000 square feet (1486 square meters);

2. Where a Group F-1 fire area is located more than three stories above grade; or

3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 square meters)."

(b) Section 903.2.8 of the 2003 IFC is hereby amended to read as follows:

903.2.8 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exist:

1. Where a Group S-1 fire area exceeds 16,000 square feet (1486 square meters);

2. Where a Group S-1 fire area is located more than three stories above grade; or

3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 square meters)."

(Section 4-134 created and added to Muni Code on 9-21-17)
ARTICLE 2. ELECTRICAL CODE

4-201. NATIONAL ELECTRICAL CODE ADOPTED.

The NFPA 70 National Electrical Code, 2008 Edition (hereinafter the “standard code”), as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, as amended herein, including Annex C (Conduit and Tubing Fill Tables) and Annex H (Administration and Enforcement), is hereby adopted and incorporated herein by reference, as if fully set out in this section, subject to such amendments thereto as are set forth hereinbelow, and shall be referred to herein as the "standard code." The standard code is hereby adopted as the electrical code for the City of Park City, Kansas.

4-202. SECTION 80.2 of the standard code is hereby amended by the addition of the following terms "Building Official":

Building Official. The official or other designated authority charged with the administration and enforcement of the standard code, including that official's designee(s) is the authority having jurisdiction for the standard code. The terms "building official", "code official", "authority having jurisdiction" and "department director of the department of code enforcement", are synonymous. The building official, code official, and any code enforcement officer (as code enforcement officer is defined in K.S.A. 19-101d(b)(2)), shall have the power to sign, issue and execute uniform complaints and notices to appear.

4-203. SECTION 80.11(B) EXISTING BUILDINGS of the standard code is amended by the addition of the following subsection (3):

(3) When interior wall coverings are removed down to the framing members, such walls shall be brought up to current code.

4-204. SECTION 80.15 of the 2005 NEC is deleted in its entirety.

4-205. SECTION 80.19 Permits and Approvals of the standard code is hereby amended to read as follows:

Permits and Approvals. Permits and approvals shall conform to 80.19(A) through (H).

(A) Application. Activity authorized by a permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the building official, as evidenced by the issuance of a new or amended permit.
(B) **Content.** Permits shall be issued by the building official and shall bear the name and signature of the authority having jurisdiction or that of the building official's designated representative. In addition, the permit shall indicate the following:

1. Operation or activities for which the permit is issued;

2. Address or location where the operation or activity is to be conducted;

3. Name and address of the permittee;

4. Permit number and date of issuance;

5. Period of validity of the permit; and

6. Inspection requirements.

(C) **Issuance of Permits.** The building official shall be authorized to establish and issue permits, certificates, notices and approvals, or orders pertaining to electrical safety hazards pursuant to 80.23.

1. **Work exempt from permit.** The following work shall be exempt from the requirement for a permit:

   a. Listed cord and plug connected for temporary decorative lighting.

   b. Reinstallation of attachment plug receptacles, but not the outlets.

   c. Repair or replacement of branch circuit over current devices of the required capacity in the same location.

   d. Temporary wiring for experimental purposes in suitable experimental laboratories.

   e. Electrical wiring devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

2. **Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days of permit issuance.
(3) Extensions. The building official is authorized to grant one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(4) Effect of Permit. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and/or specifications; from preventing electrical construction being carried on there under when in violation of the standard code or of this article or of any other article; or from revoking any certificate of approval when issued in error.

(D) Permit fees.

(1) Payment of fees. A permit shall not be valid until the fees prescribed by law hereunder have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(2) Schedule of permit fees. The fee for each permit shall be as set forth in Section 4-2016 and shall accompany each application made for such a permit.

(3) Work commencing before permit issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any other penalty prescribed by law.

(4) Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in accordance with or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(E) Inspection and Approvals.

(1) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the electrical inspector having jurisdiction, who shall inspect the work within a reasonable time.

(2) Where the electrical inspector finds the installation to be in conformity with all applicable local ordinances and all rules and regulations, the inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to the supply of electricity and shall send written notice of such
authorization to the supplier of electric services. When a certificate of temporary approval is issued authorizing the connection of an installation, such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for cause.

(3) When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been approved by the electrical inspector. On large installations where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the electrical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(F) Revocation of permits. Revocation of permits shall conform to the following:

(1) The building official shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(2) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this code shall be a violation of this code. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates or permits issued by the building official. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

(3) Revocation shall be constituted when the permittee is duly notified by the building official.

(4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be a violation of this code.

(5) A permit shall be predicated upon compliance with the requirements of this code and shall constitute written authority issued by the building official to install electrical equipment. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.
(6) The building official shall be permitted to require an inspection prior to the issuance of a permit.

(7) A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

4-206. TABLE 80.19(D)(2) is hereby created to read as follows:

Table No. 80.19(D)(2) ELECTRICAL PERMIT FEES

The fee for each electrical permit shall be as set forth and shall accompany each application made for such permit.

EXCEPTION: Installations for new one- and two-family dwellings shall not be required to obtain an individual electrical permit or to pay an electrical permit fee, since the applicable Building Permit Fee which shall have been issued and paid are inclusive of the electrical installation.

TABLE INSET:
Any person who performs any electrical installation work for which a permit and inspection are required, and who fails to report the same as ready for inspection when such work is completed for not longer than one business day, or fails to obtain a permit prior to performing the work, shall pay a Special Permit Fee of twice the amount of the scheduled fee charges shown above for said permit, which shall be no less than Twenty-Five Dollars ($25.00), in addition to payment of the Regular Permit Fee.

** In circumstances where re-inspections are made because of faulty construction or failure to make necessary repairs, a Re-inspection Fee of Thirty Dollars ($30.00) shall be paid."

(As amended on 11/15/2016 with Ordinance #1008-2016 and published 11/17/16)
SECTION 80.23 of the standard code is amended to read as follows:

80.23 Violations, Enforcement, and Penalties.

A. Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical system or equipment, or cause or permit the same to be done in Park City, Kansas, in violation of the standard code; or to engage in any act contrary to or in violation of the provisions of the standard code.

1. Service of Notice of Violation(s). Whenever the building official or any code enforcement officer authorized hereunder has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or code enforcement officer may first cause a notice of violation(s) to be served upon such person, firm, or corporation responsible therefor. Such notice shall:

   a. be in writing;

   b. include a description of the real estate and/or street address sufficient for identification;

   c. specify the violation(s) which exist(s) and the correction(s) ordered; and

   d. allow a reasonable time for the performance of any act it requires.

2. Notice Properly Served. Such notice shall be deemed to be properly served upon an alleged violator if a copy thereof is delivered to such alleged violator personally, or if a copy thereof is left at such alleged violator's place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the notice is returned showing it has not been delivered, notice shall be deemed to be properly served upon the alleged violator if a copy thereof is posted in a conspicuous place in, on, or about the building or structure affected by the notice.

3. Enforcement. If any Notice of Violation(s) authorized herein is/are not complied with, the building official or code enforcement officer may request the City Attorney to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation(s):

   a. to restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;
(b) to restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such electrical system or equipment;

(c) to require the removal of work in violation; or

(d) to prevent the use of the electrical system or equipment or any part thereof, which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of the standard code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or a code enforcement officer may proceed with the penalties provision contained below.

(B) Penalties.

(1) Issuance of Uniform Complaint and Notice to Appear. Whenever the building official or a code enforcement officer authorized under this ordinance has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued.

(2) Classification of Violations and Schedule of Fines. Any person who shall be convicted of a violation of any provision of the standard code shall be deemed guilty of a misdemeanor and shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed $500.00.

(3) Separate Offense. Each day that any violation of the standard code or this ordinance occurs shall constitute a separate offense and shall be punishable as a separate violation.

(4) Authority to Permit. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or approval of, any violation of any of the provisions of the standard code or of this ordinance. No permit presuming to give authority to violate or cancel the provisions thereof shall be valid, except insofar as the work or use which it authorized is lawful.

(5) Effect of Permit. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on there under when in violation of the standard code or
of this ordinance or of any other ordinance, or from revoking any certificate of approval when issued in error."

4-208. SECTION 80.25 Connection to Electricity Supply. of the standard code is amended to read as follows:

Connections to the electric supply shall conform to the following:

(A) Authorization. It shall be unlawful for any person, firm or corporation to make connections to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected.

(B) Special consideration. By special permission of the building official temporary power shall be permitted to be supplied to the premises for specific needs of the construction project. The Board shall determine what needs are permitted under this provision.

(C) Disconnection. Where a connection is made to an installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the building official. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of Article 80, the building official shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (15) business days or a longer period as may be specified by the Board, the Board will have the authority to cause the disconnection of that portion of the installation that is not in conformity."

4-209. SECTION 80.27 of the standard code is amended to read as follows:

Inspector's Qualifications.

(A) Electrical Inspector: Qualifications; Appointment. There is hereby created the position of electrical inspector. More than one electrical inspector may be appointed at the discretion of the building official. Electrical inspector(s) shall be appointed by the building official. Person(s) chosen to fill the position(s) of electrical inspector(s) shall possess executive ability as is requisite for the performance of assigned duties, have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment, be well-versed in approved methods of construction for safety to persons and property, the statutes of the State of Kansas relating to electrical work and any orders, rules, and regulations issued by authority thereof, and the standard code, have at least five (5) years experience as a certified master and/or journeyman electrician in the installation of electrical equipment, and hold a current master electricians certificate, or, in lieu of such experience and certification, shall hold a current and valid electrical inspector certificate issued by the International Conference of Building Officials and have two (2) years experience in electrical inspection.
(B) Any person who is in the employ of the City and who holds a current and valid combination inspector certificate or an electrical inspector certificate issued by the International Conference of Building Officials shall also be qualified as an electrical inspector for the inspection of installations in one and/or two-family dwelling units.

(C) Recertification. Electrical inspectors shall be recertified as established by provisions of the applicable certification program.

(D) Revocation and Suspension of Authority. The Board shall have the authority to revoke an inspector's authority to conduct inspections within a jurisdiction."

4-210. SECTION 80.33 Repeal of Conflicting Act, of the standard code is deleted in its entirety."

4-211. SECTION 80.35 Effective Date, of the standard code is deleted in its entirety.

4-212. The Definitions section of the standard code is hereby amended to read as follows:

Clothes Closet. A non-habitable room or space intended primarily for storage of garments and apparel, which shall contain a rod and shelf.

Kitchen. An area with a sink and permanent facilities for food preparation and cooking. Cooking facilities shall be fixed in place.

4-213. SECTION 110.16 Flash Protection is deleted in its entirety.

4-214. SECTION 200.6 (D) Grounded Conductors of Different Sizes is deleted in its entirety.

4-215. SECTION 210.4 (B) Disconnecting Means is deleted in its entirety.

4-216. SECTION 210.4 (D) Grouping is deleted in its entirety.

4-217. SECTION 210.5 (C) Ungrounded Conductors is deleted in its entirety.

4-218. SECTION 210.8 (A) (5), Exception (5) (2) is amended to read as follows:

Exception (5) (2). Sewage Ejector Pumps and Sump Pumps. In a dwelling, ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected and installed on a dedicated circuit run to a single receptacle."

4-219. SECTION 210.8 (A) Dwelling Units, is amended to add the following:

(9) Within six feet of the edge of any sink.
4-220. **SECTION 210.52(C)(1) Wall Counter Spaces**, of the standard code is amended as follows:

*EXCEPTION*: Receptacle outlets shall not be required on a wall directly behind a range or sink.

Figure 210.52 (C) (1) is deleted in its entirety.

4-221. **SECTION 210.52(D) of the standard code is amended as follows**:

*Bathrooms*. In dwelling units, at least one wall receptacle outlet shall be installed in bathrooms within 36 inches (914 mm) of the outside edge of each basin. The receptacle outlet shall be located on a wall that is adjacent to the basin location. In other than dwelling units, a minimum of one wall receptacle outlet shall be installed in bathrooms and located within 36 inches (914 mm) of the outside edge of one basin. (Basin means the same as lavatory.)

Receptacle outlets shall not be installed in a face-up position in the work surfaces or countertops in a bathroom basin location.

4-222. **SECTION 210.70 of the standard code is amended by adding the following section**:

(4) Unfinished Basements. Each storage area and all future habitable rooms that are in the framed-in stage shall have a lighting outlet with a wall mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch."

4-223. **SECTION 215.12(C) Identification For Feeders**, of the standard code is deleted in its entirety."

4-224. **SECTION 230.40 Number of Service-Entrance Conductor Sets**, of the standard code is amended to read as follows:

Each building shall be supplied by only one (1) service drop or lateral. Each service drop or lateral shall supply only one (1) set (or sets when connected in parallel) of service entrance conductors. All service entrance conductors shall terminate at the same location.

Exception # 1: Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service entrance conductors shall be permitted to supply each such service equipment enclosure.

Exception # 2: A two family dwelling unit without an approved area separation wall as defined by the current adopted Park City Building Code, and served from one service drop or lateral, shall be permitted to have one set of service entrance conductors run to each dwelling unit without the mains from both units located together."
SECTION 230.70(A)(1) of the standard code is amended as follows:

(1) Readily Accessible Location. The service disconnecting means shall be installed either inside or outside of a building or other structure at a readily accessible location. Except by special permission prior to the installation, unfused service entrance conductors shall not be extended more than 15 feet inside any building.

SECTION 230.70(A)(1) Ceiling Grid Support Wires, of the standard code is hereby amended to read as follows:

Exception #2: MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all of the following conditions apply:

(1) Only a single MC cable or flexible metal conduit may attach per ceiling grid wire.

(2) Only clips or devices approved for the purpose may be used to attach the MC cable or flexible metal conduit to the support wires.

SECTION 310.2(B) of the standard code is amended as follows:

(B) Conductor Material. Conductors in this article shall be of aluminum, copper-clad aluminum, or copper unless otherwise specified. All 15 and 20 ampere branch circuits shall have copper conductors.

TABLE 310.15(B)(6) of the standard code is amended as follows:

Conductor Types and Sizes for 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and feeders.

Conductor (AWG or kcmil)

TABLE INSET:
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<thead>
<tr>
<th>Copper</th>
<th>Aluminum or Copper-Clad Aluminum</th>
<th>Service or Feeder Rating (Ampers)</th>
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</thead>
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<td>100</td>
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</tbody>
</table>

Includes all accessory structures to one- and two-family dwellings that are Types III, IV and V construction (See 334.10 FPN No. 1).

(Amended by ORD #864-2009 on 12/17/2009)

4-229. SECTION 314.27 of the standard code is amended by adding the following section 314.27(F):

(F) In Attics. Pull, junction, switch, and receptacle boxes located in attics, above hard finished ceilings, shall be located a minimum of 30 inches above attic walking surfaces except when accessible from the finished side.

4-230. SECTION 314.28 Pull and Junction Boxes and Conduit Bodies, of the standard code is hereby amended to read as follows:
Conduit Bodies. Boxes and conduit bodies trade size over two (2) inches used as pull or junction boxes shall comply with section 314.28 (A) through (D).

4-231. SECTION 334.10 of the standard code is amended as follows:

Uses Permitted. Type NM, Type NMC and Type NMS cable shall be permitted to be used in one- and two-family dwellings, multi-family apartment dwellings not exceeding three floors above grade and accessory structures to the same if of Types III, IV and V construction. These structures shall be served only by single phase services.

4-232. SECTION 334.12 Uses Not Permitted, of the standard code is hereby amended to read as follows:

(A) Exception, shall be deleted in its entirety.

4-233. SECTION 334.30 (B) Unsupported Cables, of the standard code shall be deleted in its entirety.

4-234. SECTION 334.80 Ampacity, of the standard code shall be deleted in its entirety.

4-235. SECTION 406.4 (E) of the standard code is hereby amended to read as follows:

(E) Receptacles in Countertops and Similar Work Surfaces. Receptacles shall not be installed in a face up position in countertops or similar work surfaces.

4-236. SECTION 406.8(B) of the standard code is amended as follows:

(B) Wet Locations. All 15- and 20-ampere, 125- and 250- volt non-locking receptacles shall be listed weather-resistant type. All receptacles installed in a wet location shall comply with either of the following:

(1) A receptacle installed in a wet location, where the product intended to be plugged into it is not attended while in use, shall have an enclosure that is weather proof with the attachment plug cap inserted or removed.

(2) A receptacle installed in a wet location, where the product intended to be plugged into it will be attended while in use (e.g., portable tools), shall have an enclosure that is weatherproof when the attachment plug is removed.

4-237. SECTION 408.54 of the standard code is amended as follows:
**Maximum Number of Over Current Devices** A panel board shall be provided with physical means to prevent the installation of additional over current devices than that number for which the panel board was designed, rated, and approved.

For the purposes of this article, a two-pole circuit breaker or fusible switch shall be considered two over current devices; a three-pole circuit breaker shall be considered three over current devices.

At final inspection of all new construction (100 amps & larger), and all final inspections of panel changes, a minimum of two large or four small breaker spaces shall remain unused.

**EXCEPTION:** Services with only one circuit.

4-238. SECTION 590.6(B) (2) of the standard code is amended as follows:

Assured Equipment Grounding Conductor Program, is deleted in its entirety.

4-239. SECTION 680.8(A) of the standard code is amended as follows:

**Power.** The following parts of pools shall not be placed under existing service drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

(1) Pools and the area extending 10 feet horizontally from the inside of the walls of the pool;

(2) Diving Structures; or

(3) Observation stands, towers or platforms.

4-240. **COPIES ON FILE; TO BE FURNISHED.**

Not less than three (3) copies of the standard code shall be filed with the City Clerk. Said copies shall be marked or stamped "Official Copy" with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Said copies shall have attached a copy of this ordinance and shall be open to inspection and available to the public at all reasonable business hours. Copies in numbers as needed shall also be furnished without charge by the department of code enforcement of the city to the courts and all administrative departments charged with enforcement of the standard code.

4-241. **ADOPTION OF RULES AND REGULATIONS.**
The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the standard code and such rules and regulations shall be effective upon approval by the Governing Body."

(Created by ORD #864-2009 on 12/17/2010)
ARTICLE 3. STRUCTURE CODE

4-301. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this article:

(a) Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” or “premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

(b) Accessory structure means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

(c) Basement means that portion of a dwelling between floor and ceiling which is partly or completely below grade.

(d) Building means any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land exclusive of fences. Interconnected structures shall be considered as one (1) building.

(e) Building Code means the City Building Code.

(f) City means the City of Park City, Kansas.

(g) City Council means the Governing Body of the City.

(h) Code Enforcement Officer means the duly assigned officer of the City whose job it is to enforce the Code.

(i) Deterioration means the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

(j) Director of Code Enforcement means the person in charge of the Department of the City or his/her authorized representative.

(k) Dwelling means any building, mobile home or manufactured home which is wholly or partly used or intended to be used for living in or as sleeping quarters for human occupants.

(l) Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating and part of which is exclusively or occasionally used for cooking.
(m) **Efficiency dwelling Unit** is a dwelling unit containing only one (1) habitable room and meeting the requirements of Section 7(1)(a) of this ordinance.

(n) **Electrical Code** means the City Electrical Code as adopted by the City.

(o) **Electrical Inspector** means a person employed by the City of Park City for the purpose of inspecting electrical installations.

(p) **Extermination** means the control and elimination of insects, rodents or other pests and termites by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and approved pest elimination method.

(q) **Fire Chief** means the Director of the Fire Department of the Sedgwick County Fire District or his/her authorized representative.

(r) **Good state of repair** means sound, stable, free of deterioration, and performing the function for which intended.

(s) **Good working condition** means the item is fully operable for the use for which it was intended.

(t) **Guardrail** means a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level.

(u) **Habitable room** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces and basement rooms used only for storage or utility purposes.

(v) **Handrail** means a railing provided for grasping with the hand for support.

(w) **Hotel**. see “rooming house.”

(x) **Hot water** means the water supply to plumbing fixtures heated to a temperature of not less than 110°F.

(y) **Human habitation** means the act of occupancy of a building or structure as a dwelling unit, or as a commercial or industrial business.

(z) **Infestation** means the presence, within a structure, of any insects, rodents or other pests which may be harmful to the health or safety of the occupants or the soundness of the structure.

(aa) **Manufactured home** means a structure consisting of one (1) or more mobile components manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards Act generally known as the...
HUD Code established pursuant to 42 U.S.C.§ 5403. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.

(bb) **Mechanical Code** means the City Mechanical Code as adopted by the City.

(cc) **Mechanical Equipment** means fuel-burning equipment, ventilation systems, and appliances.

(dd) **Mobile Home** for purposes of this ordinance, means a moveable detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance with the National Manufactured Home Construction and Safety Standards Act, or HUD Code.

(ee) **Motel** see “rooming house.”

(ff) **Occupant** means any person, with or without the knowledge or consent of the owner, who has actual possession of a dwelling unit or rooming unit and who is living, sleeping, cooking or eating within the dwelling unit or rooming unit.

(gg) **Operator** means any person who has charge, care or control of a building, or part thereof, with or without the knowledge or consent of the owner, in which dwelling units or rooming units are let.

(hh) **Owner** means any person who is a holder of any legal or equitable interest in the premises, and alone or jointly or severally with others,

1. has record legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or

2. has charge, care or control of any dwelling or dwelling unit and if the case permits, may include all persons who have an interest in a structure and any who are in possession or control thereof as owner or agent of the owner, contract purchaser, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner; or

3. collects rent for a dwelling unit on behalf of or in place of the owner.

4. Any such person representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he/she were the owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out.

(ii) **Person** as used in this ordinance, means any individual, firm, association, Joint Stock Company, syndicate, partnership, or other legal entity, or a natural person for the purposes of the occupancy standards hereof.
(jj) **Plumbing** means and includes all of the following supplied facilities and equipment: gas pipes, water heaters, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar Supplied fixtures, together with all connections to water, sewer or fuel lines, including water pipes and lines utilized in connection with air-conditioning equipment.

(kk) **Plumbing Code** means the City Plumbing Code as adopted by the City.

(ll) **Premises** shall mean a lot, plot or parcel of land including the dwellings and structures located thereon.

(mm) **Remodel** shall mean to alter the structure of or to reconstruct.

(nn) **Rooming house** means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is available and used, or intended to be used, by five or more persons, none of whom are the legal spouse, offspring, parent, or sibling of the owner or operator.

(oo) **Rooming unit** means any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but no part of which is exclusively or occasionally used for cooking.

(pp) **Safe and sanitary** for purposes of this ordinance, shall mean free from conditions that are dangerous or could cause injury and free from elements such as filth or bacteria that endanger health.

(qq) **Sewer Code** means the City Sewer, Sewage Disposal and Drains Code as adopted by the City.

(rr) **Structurally sound** means free of imperfections and/or deterioration which affect the intended use of a structure or the integrity of the footing, foundation, wall, roof, chimney, arch, window, door or porch/deck support systems.

(ss) **Structure** means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including hard-surfaced walks and terraces or public items such as utility poles, street light fixtures and street signs.

(tt) **Supplied** means paid for, furnished or provided by or under the control of the owner or operator.

(uu) **Temporary housing** means any tent, trailer or motor home used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system for more than thirty (30) consecutive days.
(ww) Workmanlike manner means installation or repair which meets the minimum recommended installation and maintenance requirements of the product manufacturer and meets all applicable code requirements.

4-302. ENFORCEMENT OF CHAPTER – APPLICABILITY OF CHAPTER.

The Director of Code Enforcement is designated to administer and enforce this ordinance. This ordinance shall be applicable to all dwellings, buildings and structures either now in existence or hereinafter constructed in the City, and to all dwellings, buildings and structures which become incorporated into the City. In the event of conflict of ordinances applicable to such construction or remodeling and applicable to existing dwellings, the provision of the City ordinance that establishes the higher standard for the promotion and protection of the welfare and safety of the people shall prevail. Dwellings, buildings and structures lawfully in existence at the time of the adoption of this code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health or property has been created. Dwellings, buildings and structures that have been moved or have undergone a change in occupancy classification shall comply with all applicable City of Park City Codes as if the dwelling, building or structure were new. The intent of this ordinance shall also be to assist and further the restoration and preservation of those sites, dwellings, buildings, structures and objects which have been entered or may be eligible for entry on the National Register of Historic Places, pursuant to Title 16, United States Code, Section 470(a), or other appropriate legislation, or as designated by the Park City Council or the Kansas Historical Society, and those sites, buildings and structures which contribute to the integrity of location, design, setting, feeling and association of any such designated or eligible historic place, it being recognized that such dwellings, buildings or structures cannot and will not be restored and preserved if they are required to conform to Building Codes and other regulations promulgated subsequent to their construction, and it is further intended that this ordinance be liberally construed to serve the purposes as stated above and to further such restoration and preservation.

4-303. PROCEDURE MANUAL.

(a) The City Administrator or designee shall create, and from time to time review and update, a housing code enforcement policy and procedure manual. The manual shall include policies and procedures which provide for:

(1) Equal enforcement of the housing code regardless of whether the unit is tenant-occupied or owner-occupied;

(2) Courteous treatment of citizens by inspectors;

(3) Search and seizure methods which follow Fourth Amendment principles;

(4) In-service training of inspectors on the requirements of the manual;
(5) Definitions of the terms "vacant," "emergency" and "abandoned," and a process for differentiating between such terms;

(6) Prosecution of interior and exterior housing code violations visible from either private or public property;

(7) Requesting and receiving permission to inspect for code violations;

(8) Written notice to the property owner of violations and the process for obtaining additional information about or appealing such notice of violations;

(9) Inspections of dangerous, abandoned dwellings, buildings or structures;

(10) Obtaining search warrants when inspection is refused;

(11) Use of placarding guidelines;

(12) Guidelines for declaration of a dwelling as unfit for habitation; and

(13) A detailed extension policy.

(b) No changes may be made to the policy and procedure manual without the prior review of such changes by the City Attorney and approval by the Board of Housing Standards and Appeals. The City Administrator or designee may appeal the denial of approval to the City Council for the final decision on changes to the policy and procedure manual.

4-304. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No Person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit shall contain a kitchen sink;

(b) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin. Such lavatory basin may be located outside the room containing the flush water closet provided it is convenient to such room, and such location is approved by the Code Enforcement Officer or designee.

(c) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person within such room and is equipped with a bathtub or shower;

(d) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of paragraphs (1), (2) and (3) of this section shall be properly connected
to both hot and cold water lines. The hot water lines shall be properly connected with supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of heating water to such a temperature as to permit an adequate amount of hot water to be drawn at every required kitchen sink, lavatory basin and bathtub or shower.

(e) All plumbing fixtures required by this section, or otherwise provided, shall be in good working condition and properly connected to a water system and to a sewerage system approved by the City of Park City.

(f) Every dwelling unit shall be provided with adequate trash service and storage facilities whose type and location are approved by the City of Park City.

(g) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, whose type and location are approved by the City of Park City.

(h) Every dwelling unit shall have approved, safe, unobstructed direct means of egress leading to safe and open space at ground level, which is accessible to a public street or alley;

(i) Every dwelling unit shall have cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and for food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table of sound construction furnished with surfaces that are easily cleanable and that will not import any toxic or deleterious effect to food, with a minimum countertop area of eleven (11) square feet, provided that vinyl-type floor coverings shall not be allowed to be used as a countertop surface.

(j) Every dwelling unit shall have a stove, or similar device, for cooking food and a refrigerator, or similar device, for safe storage of food at temperatures less than forty-five degrees Fahrenheit (45°F.) but more than thirty-two degrees Fahrenheit (32°F.) under ordinary maximum summer conditions, which are properly installed with all necessary conditions for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided;

(k) Every dwelling unit shall have a suitable cabinet for storage of drugs, and a suitable facility for the safe storage of household poisons and other hazardous products;

(l) Every dwelling unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front;
(m) Every dwelling or dwelling unit shall be equipped with safe, functioning locking devices on all exterior doors and ground floor windows of the dwelling or dwelling unit;

(n) All existing installations and/or repairs made to conform to this and all other applicable City Codes must be installed in a "workmanlike manner."

(o) Every dwelling unit and every guest room in a hotel, rooming house, apartment building, and mobile home used for sleeping purposes shall be provided with smoke detectors conforming to current Uniform Building Code as adopted and amended by City ordinance. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. In addition there shall be at least one detector provided on every floor level with interconnected wiring designed to sound all audible alarms simultaneously. In an efficiency dwelling unit, hotel sleeping room and in hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be located in accordance with approved manufacturer's instructions. When activated, the detector shall provide an alarm in the dwelling unit or guest room. Required detectors shall receive their primary power from the building wiring, that portion of which is served by a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. A smoke detector shall be installed in the basement of dwelling units.

The provisions of this subsection shall apply to all existing buildings except as follows:

(1) In existing owner occupied single family dwellings constructed prior to 1976, battery powered smoke detectors may be installed, and shall be deemed to be in compliance with this ordinance provided that such detectors are maintained in operable condition. (This exception does not apply to rental homes or units, or guest rooms in a hotel, or lodging house, apartment buildings or other dwellings not occupied by the owner.)

(2) In no case shall code enforcement inspections be conducted in owner occupied one- and two-family dwellings to ascertain compliance with this ordinance. However any owner occupied one and two family dwelling unit that is undergoing a remodel where the value of the remodel exceeds 30% of the value of the structure than hard wired interconnected battery backup smoke detectors will be required.

4-305. MINIMUM STANDARDS FOR LIGHT, VENTILATION, ELECTRICITY AND HEATING.

No person shall occupy as owner-occupant or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
(a) Every habitable room shall be provided with natural light by means of exterior glazed opening of not less than 8 percent of the floor area of such room or shall be provided with artificial light adequate to provide illumination of 10 foot-candles over the area of the room at a height of 30 inches above the floor. Every stairway within a dwelling, building or structure, and exterior stairways serving a dwelling, building or structure shall have an illumination level on the tread runs of not less than 1 foot-candle.

(b) Every habitable room shall have at least one window which can easily be opened and such easily opened window space shall equal at least forty-five percent (45%) of the minimum window area required in paragraph (1) of this section; or, provided that positive mechanical ventilation or such other device as will adequately ventilate the room may be approved by the Director of Code Enforcement in lieu of such easily opened window;

(c) Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms contained in paragraphs (1) and (2) of this section, except that no window shall be required in bathrooms and water closet rooms equipped with a ventilation system which is installed in accordance with the Building and Mechanical Codes. A skylight that is capable of being opened, approved by the Director of Code Enforcement, may be used in lieu of a window in bathrooms and water closet rooms;

(d) Every dwelling shall be connected to an electrical supply provided by an electrical utility company. Every habitable room of any existing dwelling shall contain at least three (3) separate wall-type electric convenience duplex outlets or two (2) such convenience duplex outlets and one (1) ceiling electric light fixture, which is continuing in compliance with the electrical code standards, that was in force at the time of its construction or remodel.

   EXCEPTION: This requirement may be reduced to at least two (2) separate wall-type electric convenience duplex outlets or one (1) such convenience duplex outlet and one (1) ceiling light fixture if the Director of Code Enforcement or designee determines that the existing occupant load of the dwelling unit and/or the use or load of electric appliances, equipment, lights, and/or fixtures in any habitable room does not pose a safety problem or hazardous condition, and as long as such room was constructed during a time period when electrical codes allowed such construction.

(e) Every toilet room, bathroom, laundry room, furnace room, private and public hall shall contain at least one (1) ceiling electric light fixture or wall-type electric light fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(f) The minimum capacity of the electrical service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the City Electrical Code.
(g) Where the determination is made by the Electrical Inspector, upon examination of the existing electrical service supply, that the electrical service supply is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, such as but not limited to, overloading of circuits, unsafe wiring or inadequate wiring, then such conditions shall be corrected by a Licensed Electrical Contractor in conformance to the City Electrical Code.

EXCEPTION: If the owner-occupant of a detached single-family dwelling desires to install any electrical installations on the load side of the service panel board in the main structure or in the usual accessory buildings thereto, the owner occupant shall obtain an electrical permit as required by the City Electrical Code, upon fulfillment of exam and plan review requirements as administered by the Electrical Section of the City of Park City Department of Code Enforcement. The owner obtaining said permit shall personally purchase all materials and shall personally perform all labor in connection with the permitted project. The owner shall call for all inspections and otherwise be responsible to comply with all the applicable provisions of the City Electrical Code.

(h) Extension cords or other temporary or unapproved methods shall not be used as a substitute for the fixed wiring of a structure if such cord runs through holes in walls, ceilings, floors, doorways, windows, or similar openings, is attached to building surfaces, or is concealed behind building walls, ceilings, or floors, it shall be deemed as a violation and shall be removed.

(i) Every dwelling and dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet rooms located therein to a temperature of at least seventy degrees Fahrenheit (70°F.) at a point three (3) feet above the floor;

(j) On all dwelling and dwelling units not equipped with central or portable air-conditioning equipment every door opening directly from a dwelling to outdoor space, used for ventilation, shall have a supplied screen door and a self-closing device; and every window or other direct opening to outdoor space from the dwelling, used for ventilation, shall likewise be supplied with screens; provided that screens shall not be required in windows or other openings above the third floor of any dwelling. All screens shall be adequate to exclude insects and of a type approved by Director of Code Enforcement or designee;

(k) Every basement window used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or other such device as may be determined by the Director of Code Enforcement or the health officer to effectively prevent their entrance;

(l) Every public hall and means of egress leading into a multiple dwelling unit shall be adequately lighted at all times so as to provide in all parts thereof at least one
(1) foot candle of light at the tread or floor level by artificial means, and shall be provided with emergency illumination supplied by a backup power source independent of the primary electrical system. Every exit door in structures containing not more than two (2) dwelling units shall be supplied with conveniently located light switches controlling an adequate exterior lighting system which may be turned on when needed, or automatic lighting system designed to provide the required exit door lighting.

(m) There shall not be any improperly vented space and/or room heaters in any dwelling unit. Space and/or room heaters shall be of a type listed for their intended use. If such space and/or room heaters are equipped with a pilot light, it shall be an approved automatic safety type device. Vented freestanding space and/or room heaters shall be installed with provisions for supplying sufficient combustion air and with clearance from combustible material as listed on the appliance, and in compliance with the Mechanical Code;

(n) Every residential structure shall contain ceiling insulation material that meets the requirements of Federal Specification HH-I-515C including a flame spread factor of fifty (50) or less and that achieves a minimum rating factor of R-19 as approved by the Director of Code Enforcement. Any ceiling insulation material that is installed hereafter in an existing residential structure shall meet the requirements of Federal Specification HH-I-515C including a flame spread factor of fifty (50) or less as approved by the Director of Code Enforcement, and shall, in addition, contain an R rating factor label. The ceiling insulation material shall be installed in accordance with the manufacturer’s specifications and in a manner that achieves a minimum rating factor of R-19. R shall be defined for purposes of this section as that term is defined by the American Society of Heating, Refrigeration and Air Conditioning;

(o) All existing installations and/or repairs made to conform to this and all other applicable codes must be installed in a workmanlike manner.

4-306. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF BUILDINGS AND STRUCTURES.

No person shall occupy as owner-occupant or let to another for occupancy any dwellings, buildings or structures which do not comply with the following requirements:

(a) Every footing, foundation, foundation wall and foundation support shall be substantially weather tight, watertight, and rodent proof, and shall be maintained in structurally sound condition and good repair, free of cracks, and/or loose or missing mortar.

(b) Structural supporting members - Supporting structural members are to be maintained in a structurally sound condition and in good repair, free of deterioration and rot, capable of bearing imposed live and dead loads in a safe manner.

(c) All chimneys shall be maintained in structurally sound condition and good repair, free of cracks and loose and/or missing mortar.
(d) All exterior walls and wall coverings shall be maintained in sound condition and good repair, free of deterioration and rot, substantially weather tight, watertight and rodent proof, and free of missing and/or loose mortar. New wall coverings shall be installed in a workmanlike manner using building materials recognized for that purpose in compliance with the Building Code. Surface coat shall be a consistent color matching existing coat or shall be resurfaced with the same color.

(e) Roofs shall have a covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability, shall be substantially weather tight and watertight, and shall conform to the requirements of the Building Code. Metal roofs showing signs of corrosion shall be painted with an approved product applied in accordance with the manufacturer's specifications or protected using materials recognized for that purpose. Gutters and downspouts, where in existence, shall be maintained in a good state of repair.

(f) All soffits, fascias and exterior trim shall be maintained in sound condition and good repair, substantially free of deterioration and rot. New soffits, fascias and exterior trim shall be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code.

(g) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in structurally sound condition and good repair; substantially free of deterioration and/or rot. Each stairway shall have uniform risers and treads, the greatest riser height, and run width, within any flight of stairs shall not exceed the smallest by more than three-eighths (3/8") inch. No stair riser serving a dwelling unit shall exceed nine (8") inches and no stair tread shall be less than eight (9") inches. Further on non residential occupancies each stairway shall have uniform risers and treads, the greatest riser height and run width within any flight of stairs shall not exceed the smallest by more than three-eights (3/8") inch. No stair riser serving a non residential occupancy shall have a riser height of more than seven (7") inches and no stair tread shall be less than eleven (11") inches, provided that any new stair construction shall meet the requirements of the Building Code.

(h) Structurally sound handrails shall be provided, on at least one side, of any stairway having five (4) or more risers. Handrails shall be installed a minimum of thirty-two (32") inches and a maximum of thirty-eight (38") inches above a tangent line measured above the top edge of the nosing of the stair treads. Stairways, porches, balconies, decks, and other raised areas with open sides having any surface (30") inches or higher above adjacent grade shall have guardrails that will not allow passage of an object (4.5") inches or more in diameter. New stairs, porches and appurtenances shall be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code.
(i) Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight and rodent and insect proof, and shall be maintained in sound working condition, maintained without cracks or holes and in a good state of repair. All windows intended for ventilation must be equipped with fully operable hardware.

(j) Every floor, interior wall and ceiling shall be maintained in sound condition and good repair, free of holes and cracks, and constructed of a building material recognized for that purpose.

(k) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.

(l) Every supplied facility, piece of equipment, or utility shall be so constructed and installed that it will function safely and effectively and shall be maintained in satisfactory working condition, or it shall be removed, replaced and/or repaired in accordance with the applicable Codes.

(m) Every kitchen floor surface and every water closet room floor surface and bathroom floor surface, except where constructed of materials impervious to moisture, shall be covered with asphalt, vinyl-plastic, rubber tile, ceramic tile, terrazzo or linoleum or other durable waterproof, non-absorptive material and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Existing carpet will be allowed provided that it has been maintained in a clean and sanitary manner.

(n) The exterior of all structures, including accessory structures and fences, shall be protected from the elements by the application of paint or other approved protective material and shall be maintained in a good state of repair. All paint and other approved protective materials shall be applied in accordance with the manufacturer's specifications; provided, however, wood of natural decay resistance, recognized as not needing finish, does not require surface coating provided one has never been applied. Surface coating shall match existing color or be resurfaced with consistent color.

(o) All structures, accessory structures, appurtenances and fences shall be free of deterioration and maintained in a good state of repair such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property.

(p) Mobile Homes shall be properly blocked and anchored as provided by City ordinance and shall be solid-skirted with an approved fire-resistant material.

(q) No Person, owner or operator shall occupy or let to any other occupant any vacant building or structure, dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy and unless it complies with all provisions of this ordinance.

(r) All existing installations and/or repairs made to conform to this and all other applicable City Codes must be installed in a workmanlike manner.
(s) Approaches, driveways, parking areas, patios, sidewalks, porches, outdoor steps, ramps, porte-cocheres and appurtenances shall be constructed of hard surface materials and sloped at a rate that will not allow ponding or pooling of water to occur. Approaches, driveways, parking areas, patios, sidewalks, porches, outdoor steps, ramps, porte-cocheres and appurtenances shall be maintained in a safe and serviceable condition without offsets, potholes, or cracks that would create hazardous conditions.

EXCEPTIONS:

1. Accessible routes of travel shall comply with State of Kansas accessibility guidelines when applicable.

2. Patios, sidewalks, porches, outdoor steps, ramps and similar items may be constructed of other materials that are not subject to rot or deterioration due to exposure to the elements and are maintained in good repair.

Existing approaches, driveways, and parking areas that are constructed out of porous materials may have their use continued if they are maintained free of potholes, are of materials not conducive to the production of dust, do not allow the tracking of materials onto the public ways, and are not incorporated as part of any required means of accessibility routes of travel.

(t) Yards, lots, easements, and right of ways shall all drain away from structures and shall be graded to minimize any ponding or pooling of water on said yards, lots, easements, and right of ways.

4-307. MINIMUM SPACE; USE; REQUIREMENTS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Except as set forth below, every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area;

(b) Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

(1) The unit shall have a living room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).
(2) The unit shall be provided with a separate closet.

(3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this ordinance shall be provided.

(4) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(c) Every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, one hundred (100) square feet for two occupants, and at least fifty (50) square feet of floor space for each additional occupant thereof. Every egress or rescue window from a sleeping room must have a minimum net clear opening of three and three-tenths (3.3) square feet with minimum net clear opening dimensions of seventeen (17) inches by twenty-four (24) inches, and a minimum overall breakout area (including frame) of five (5) square feet.

(d) No basement space shall be used as a habitable room or dwelling unit unless it complies with the following requirements:

1. The floor and walls are impervious to leakage of underground and runoff water and are free from dampness and mold.

2. The minimum standard for light, ventilation, heating and electricity in each room is equal to the minimum required in 4-305 herein. Where the required light and ventilation is provided by an exterior window the window shall be located entirely above the grade of the adjoining ground or such window shall open into a window well that meets the minimum area requirements.

3. The window area in each room is equal to the minimum window area required in 4-305 (b) herein and such required window area is located entirely above the grade of the ground adjoining such window area; provided, that window area below grade may be acceptable when the window well is so designed that a plane of forty-five degrees (45º) with the horizontal will not obstruct the window area; provided, further, that every basement room used for continual sleeping purposes which was constructed and designed for such continual sleeping purposes after January 1, 1964, must have at least one (1) window or door which can be used for egress or rescue. Every egress or rescue window from a sleeping room must have a minimum net clear opening of three and three-tenths (3.3) square feet with minimum net clear opening dimensions of seventeen (17) inches by twenty-four (24) inches, and a minimum overall breakout area (including frame) of five (5) square feet. Where windows are provided as a means of egress or rescue, they shall have a sill height of not more than forty-four (44) inches above either the floor or the highest
tread of no more than two (2) permanently installed steps or a step and platform where the rise of each step does not exceed eight (8) inches, with each step or platform having a minimum depth of nine (9) inches from the interior edge of the step or platform to the wall surface under the egress or rescue window, and a minimum width of twenty-four (24) inches. The above requirements must be determined to be readily achievable by the Director of Code Enforcement or his designee. Alternative egress window installations with respect to the minimum sill height requirement may also be requested in writing and approved in writing by the Director of Code Enforcement or designee. Existing window wells that are not designed with horizontal dimensions that allow the window to be fully opened will have to be re-constructed to comply with requirements of the Building Code.

(4) The facilities for ventilation in each room are equal to at least the minimum as required under Section 5(2) herein;

(e) Every Dwelling Unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant.

(f) All existing installations and/or repairs made to conform to this and all other applicable City Codes must be installed in a “workmanlike manner.”

4-309. RESPONSIBILITY OF OWNERS AND OCCUPANTS GENERALLY.

(a) Every owner of a building or structure containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) Every occupant of a building or structure shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises that he/she occupies or controls.

(c) Every occupant of a building or structure shall dispose of all his/her trash in a clean and sanitary manner by placing it in the trash containers required by Section 4(6) herein.

(d) Every occupant of a building, dwelling or structure shall dispose of all his/her garbage and any other organic waste in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 4(7) herein. If garbage disposal facilities are not provided, it shall be the responsibility of the owner to supply proper garbage storage containers for all dwelling units in a dwelling containing two (2) or more dwelling units which are located on one (1) premises. In all other cases, it shall be the responsibility of the occupant to furnish such containers.

(e) Every owner of a building, dwelling or structure shall be responsible for maintaining all accessory or minor structures on the premises in sound condition and
The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the application of paint or other approved preservatives. They shall be maintained in a clean and sanitary manner so as not to constitute a health or fire hazard. It shall be the responsibility of the owner to correct or remove such accessory structures, if they constitute a nuisance because of one of the aforesaid conditions.

(f) Every owner of a dwelling or dwelling unit shall be responsible for supplying screens as required under the provisions of this ordinance or of any rule or regulation adopted pursuant thereto, unless such structure has an operating central air conditioning unit. Maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant.

(g) Every occupant of a building, dwelling or structure shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(h) Every owner of a building, dwelling or structure located on property where fencing has been constructed, whether for purpose of utility to provide a physical barrier or of decorative screening for visual separation, shall be responsible for maintaining such fence or screen in sound condition. Fencing and screening shall include, but not be limited to, constructions of metal, wood, masonry or wire. Retaining walls, twelve (12) inches or more in height, shall be maintained in sound condition.

(i) The occupant of a single family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, extermination thereof shall be the responsibility of the owner.

(j) It shall be the responsibility of the owner to effectively correct any conditions of termite infestation. In cases of extreme visible damage to structural members of the dwelling, treatment must be done by a licensed and certified exterminator.

(k) Every occupant of a dwelling unit shall be responsible for maintaining existing supplied smoke detectors in working condition, provided that if the smoke detector is hard-wired, the electrical wiring shall remain the responsibility of the owner.

(l) All existing installations and/or repairs made to conform to this and all other applicable City Codes must be installed in a “workmanlike manner.”

4-310. ROOMING HOUSES.

No Person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with all the applicable provisions of this ordinance and the following provisions:
(a) There shall be supplied at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water system and a sewerage system approved by the health officer and in a good working condition for each six (6) persons residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets. All such facilities shall be located within the dwelling so as to be reasonably accessible from a common hall or passageway to all Persons sharing such facilities. Every lavatory basin or bathtub or shower shall be supplied with hot water at all times.

(b) The operator of every rooming house shall supply and change bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(c) Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each additional occupant thereof.

(d) Every rooming unit shall have approved, safe, unobstructed, direct means of egress leading to safe and open space at ground level which is accessible to a public street or alley.

(e) The operator of every rooming house shall be responsible for the maintenance of all parts of the rooming house and the premises thereof in a clean and sanitary condition.

(f) Every provision of this ordinance which applies to rooming houses shall also apply to hotels and motels; provided that motel units containing cooking facilities or kitchens shall be deemed to be dwelling units and shall comply with the applicable provisions of this chapter.

4-311. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

The Director of Code Enforcement or Code Enforcement Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and all other accessory structures or premises located within the City, in order that he may perform his duty of safeguarding the welfare and safety of the occupants of dwellings and of the general public and in order that he may ascertain that the standards for buildings and structures as set forth in this ordinance are properly maintained. For the purpose of making such inspection the Director of Code Enforcement is hereby authorized to enter, examine, and survey at any reasonable time all dwellings, dwelling units, rooming units and all other accessory structures and premises. The owner, operator, and occupant of every dwelling, dwelling
unit and rooming unit shall give the Director of Code Enforcement or Code Enforcement
Officer free access to such dwelling, dwelling unit, rooming unit, and all other accessory
structures and premises at all reasonable times for the purpose of such inspection,
examination and survey. The failure to give such access to the Director of Code
Enforcement shall not be a violation of this ordinance, and shall not be subject to the
penalties set in Section 21. Every occupant of a dwelling or dwelling unit shall give the
owner thereof, or his agent or employee, access to any part of such dwelling unit and all
accessory structures or premises at all reasonable times for the purpose of making such
repairs or alterations that are necessary to effect compliance with the provisions of this
chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant
to the provisions of this ordinance. Notwithstanding anything to the contrary herein, the
Director of Code Enforcement, at all times in making such inspection, shall comply with
federal and state laws, rules and regulations regarding going upon private property to
make inspections, and the Director of Code Enforcement shall make application to
procure right of entry and inspection to a court of competent jurisdiction when such is
required in order to comply with federal and state laws, rules and regulations.

4-312. SERVICE OF NOTICE OF VIOLATIONS UPON PERSONS
RESPONSIBLE THEREFORE; WHEN NOTICE BECOMES AN ORDER.

Whenever the Director of Code Enforcement or Code Enforcement Officer
determines that there has been a violation of any provision of this ordinance, except
Section 18 hereof, or of any use or regulation adopted pursuant thereto, he/she shall
give notice of such alleged violation to the person or persons responsible therefore as
hereinafter provided. Such notice shall:

(a) be in writing;

(b) particularize the violations alleged to exist or to have been committed;

(c) provide a reasonable time for the correction of the violation particularized;

(d) be addressed to and served upon the owner of the property and the
operator of the dwelling, or the occupant of the dwelling unit or rooming unit concerned
if the occupant is or may be responsible for the violations; provided that such notice
shall be deemed to be properly served upon such owner, operator or occupant if a copy
thereof is served upon him personally or if a copy thereof is sent by certified mail to his
last known address. If the notice cannot be conveniently served by the aforesaid,
service of the notice may be made upon such person or persons by posting the notice in
a conspicuous place in or about the dwelling affected by the notice, in which event the
Director of Code Enforcement shall make a statement for inclusion in the record as to
why such posting was necessary. Such notice may contain an outline of remedial action
which, if taken, will effect correction of the particularized alleged violations.

Any notice served pursuant to this section, shall become an order if a written
petition for a hearing is not filed in the office of the Director of Code Enforcement within
ten (10) days after such notice is served.
4-313. PLACARDING DWELLINGS, DWELLING UNITS, ETC., IN VIOLATION OF ORDINANCE.

In addition to giving notice of alleged violations as provided for in Sections 10 and 18 of this ordinance, the Director of Code Enforcement may appropriately placard any dwellings, dwelling units, rooming units, commercial or industrial buildings that have been determined to be in violation of any provisions of this ordinance. The placard shall include but not be limited to a statement that the building or structure is in violation of provisions of the Housing Structure Code of the City and shall not be occupied until the specified violations have been corrected or until further order of the Director of Code Enforcement. Such placard shall be prominently attached to the entrance area of the dwelling, dwelling unit, rooming unit, or commercial or industrial building.

It shall be unlawful for any person other than the Director of Code Enforcement or his authorized representative to remove the placard from a dwelling, dwelling unit or rooming house, rooming unit or Commercial, Industrial Building or Structure.

4-314. HEARINGS – RIGHT OF PERSON AGGRIEVED BY SERVICE OF NOTICES, ETC.; FILING OF PETITION; SETTING TIME AND PLACE; POSTPONEMENT.

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this ordinance, except Section 18 hereof, or of any rule or regulation adopted pursuant thereto, who is aggrieved thereby, and who believes the same to be contrary to the policies or regulations of the City, may request and shall be granted an informal hearing on the matter before the Director of Code Enforcement or his designated representative; provided that such Person shall file in the office of the Director of Code Enforcement a written petition requesting such informal hearing and setting forth a brief statement of the grounds therefore, within ten (10) days after the day notice was served. Upon receipt of such petition, the Director of Code Enforcement shall set a time and place for such informal hearing and shall give the petitioner written notice thereof. At such informal hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The informal hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Director of Code Enforcement may postpone the date of the informal hearing for a reasonable time beyond such ten (10) day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

4-315. SAME--SUSTAINING, MODIFYING OR WITHDRAWING NOTICES.

After such informal hearing as provided for in Section 13, the Director of Code Enforcement or his designated representative may sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the Director of Code Enforcement or his designated representative sustains or modifies such notice, it shall be deemed to be an order.
4-316. RECORDS TO BE KEPT – APPEALS TO BOARD OF HOUSING STANDARDS AND APPEALS.

The proceedings at informal hearings, as provided for in Section 13, including the findings and decision of the Director of Code Enforcement or his designated representative, shall be reduced to writing, and entered as a matter of public record in the office of the Director of Code Enforcement. The record shall also include a copy of every notice or order issued in connection with the matter. Appeals from the decision of the Director of Code Enforcement or his designated representative may be made to the Board of Housing Standards and Appeals by requesting in writing to the Director of Code Enforcement, within ten (10) days after receiving such decision, a hearing before the Board. The appeal shall be heard, with three (3) days written notification as to time and place given such appellant, within fifteen (15) days after receipt of written request.

4-317. BOARD OF HOUSING STANDARDS AND APPEALS.

The Board of Housing Standards and Appeals is constituted to act in an advisory capacity to the City Council in the amending and revision of this ordinance, to act as a board of appeals from the hearings conducted by the Director of Code Enforcement in hearings as provided in Section 18 of this ordinance.

The Board shall consist of three (3) members who shall be appointed by the Mayor with the approval of the City Council. The appointments to this Board shall reflect the following membership: the Mayor and two (2) council members.

The Board shall adopt reasonable procedures for conducting its meetings and investigations and shall render all decisions and findings in writing to the Director of Code Enforcement with a duplicate copy to the appellant and as otherwise provided in Section 18 of this ordinance. The Board of Housing Standards and Appeals, conducting hearings as provided in this ordinance:

(1) shall have the authority to administer oaths, affirmations, examine witnesses and receive evidence;

(2) shall, in addition to receiving evidence from the Director of Compliance or his authorized representative, receive evidence from the health officer as to the health-related violations and the fire inspector as to fire safety-related violations;

(3) shall consider the findings of the Director of Code Enforcement, health officer and fire inspector as to facts, if supported by evidence, conclusive.

The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Board.

In a hearing on an appeal from the Director of Code Enforcement's hearings, the Board may sustain, modify or withdraw the Director of Code Enforcement's order,
depending upon its finding as to whether the standards of this ordinance have been complied with.

A variance to the standards of this ordinance shall not be made by the Board, except for a variance of the literal interpretation of a standard; provided, that such variance would result in compliance with the intent of the standard.

Provided, further, that the Board may make a variance to the standards of this ordinance, based on a request and recommendation by the staff advisors from Sedgwick County Code Enforcement and the fire department for a specific situation and for a specified time, which may be extended.

The Director of Code Enforcement, the Code Enforcement Officer, the Fire Chief, and the City attorney of the City, or their designated representatives, may attend all Board meetings and advise and consult with the Board in matters pertaining to the enforcement of the Housing code.

4-318. EMERGENCY ORDERS; HEARINGS.

Whenever the Director of Code Enforcement or designated representative finds that an emergency exists which requires immediate action to protect the public, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Director of Code Enforcement, shall be afforded an informal hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Director of Code Enforcement shall continue such order in effect, or modify it, or revoke it.

4-319. DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES AND PROCEDURE FOR CORRECTION.

The designation of buildings or structures as unfit for human habitation and the procedure for correction of such unfit dwellings shall be carried out in compliance with the following requirements:

(1) The City Building Official may determine that a building or structure is unfit for human habitation and is unsafe or dangerous (“Unfit for Human Habitation”), if he/she finds that conditions exist in such building or structure which are dangerous or injurious to the health, welfare, safety, or morals of the occupants of such dwelling; the occupants of neighboring dwellings or other residents of the City; or which have a blighting influence on properties in the area. Such conditions may include the following without limitation: defects therein increasing the hazard of fire, accidents or other calamities; lack of adequate ventilation; air pollution; lack of sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; overcrowding; inadequate ingress and egress; dead and
dying trees, limbs or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining properties, the neighborhood, or the City; walls, siding or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks, or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations; or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements. The determination that a building is unfit for human habitation shall be predicated on the fact that such effects as aforestated are a serious hazard to the health, welfare, safety of the occupants or of the public, or that such defects constitute violations of four (4) or more of the standards in the other sections of this ordinance; or are continued violations of such standards. The Code Enforcement Officer and Fire Chief shall cooperate with the City Building Official in determining that a dwelling is unfit for human habitation where health or fire regulations are applicable.

(2) Whenever a petition is filed with the City Building Official signed by at least five (5) residents of the City, charging that any dwelling is unfit for human habitation, or whenever the Code Enforcement Officer or the Fire Chief allege in writing to the City Building Official that a dwelling is unfit for human habitation, or whenever it appears to the City Building Official (on his/her own motion) that any building or structure is unfit for human habitation, he/she shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the Board of Housing Standards and Appeals at a place therein fixed not less than fifteen (15) days nor more than thirty (30) days after the serving of such complaint; that the owner, mortgagee, and parties in interest shall be given the right to file an answer to the complaint and to appeal in person or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Board of Housing Standards and Appeals.

(3) If, after such notice and hearing, the Board of Housing Standards and Appeals determines that the building or structure under consideration is unfit for human habitation, such Board shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which:

(a) if the repair, alteration or improvement of the building or structure can be made at a cost of less than two hundred percent (200%) of the assessed value of the building or structure as recorded in the county assessor’s office of Sedgwick County, Kansas, requires the owner within the time specified in the order to repair, alter or improve such building or structure to render it fit for
human habitation; or to vacate and close the building or structure until conformance with the standards of this ordinance; or

(b) if the repair, alteration or improvement of the building or structure cannot be made at a cost of less than two hundred percent (200%) of the assessed value of the building or structure as recorded in the county assessor's office at Sedgwick County, Kansas, requires the owner within the time specified in the order to remove or demolish such dwelling.

(4) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close a building or structure, the City Building Official may cause such building or structure to be repaired, altered or improved or to be vacated or closed; or if the owner fails to comply with an order to remove or demolish the building or structure, the City Building Official may cause such building or structure to be removed or demolished.

(5) The amount of cost of such repairs, alterations or improvements, or vacating and closing or removal or demolition by the City Building Official shall be a lien against the real property upon which such cost was incurred and such lien, including as a part thereof allowance of his costs and the necessary attorneys' fees, may be foreclosed in judicial proceedings in a manner provided or authorized by law for loans secured by liens on real property. If the building or structure is removed or demolished by the City Building Official, he shall sell the materials of such building or structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there by any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings, including his necessary attorneys' fees incurred therein, as determined by the court.

(6) Complaints and orders issued pursuant to this section shall be served upon all persons entitled thereto, either personally or by certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit shall be made to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in the official city newspaper. A copy of such complaint and order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the district court of Sedgwick County, Kansas and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(7) Appeals from the decision of the Board of Housing Standards and Appeals may be made to the City Council by requesting in writing to the City Clerk, within ten (10) days after receiving such decision, a hearing before such City Council. Such appeal shall be heard, with three (3) days written notification
as to time and place given such appellant, within fifteen (15) days after receipt of
the written request.

4-320. ADOPTION OF RULES AND REGULATIONS.

The City Building Official is hereby authorized to make and adopt such rules and
written regulations as may be necessary for the proper enforcement of the provisions of
this chapter; provided that such rules and regulations shall not be in conflict with the
provisions of this chapter. All such rules as the City Building Official may deem
necessary for the proper and effective enforcement of the provisions of this ordinance
shall be subject to the approval of the City Council and shall be binding and effective
when filed in the office of the City Clerk.

4-321. PENALTY.

Any person who shall violate any provision of this ordinance, or any provision of
any rule or regulation adopted by the City Building Official pursuant to authority granted
by this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be
punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment
in the county jail for a period not exceeding one (1) year, or by both such fine and
imprisonment. Each day that any violation of this ordinance continues shall constitute a
separate offense and be punishable hereunder as a separate violation.

(4-319, 4-320, 4-321 Amended by ORD #971-2015 adopted on 10/27/2015 published
on 11/5/15)
ARTICLE 4. MECHANICAL CODE

4-401. STANDARD CODE ADOPTED.

The "standard code" as referred to herein shall be the Uniform Mechanical Code, 2006 Edition, as published by the International Association of Plumbing & Mechanical Official, 5001 E Philadelphia St, Ontario CA, 91761-2816, and as amended herein. The standard code shall include all appendices and codified supplements to the Uniform Mechanical Code, 2006 Edition, with the exception of Table 1-A. The standard code is hereby adopted as the mechanical code for Park City, Kansas, and is incorporated by reference herein as if fully set out in this section.

4-402. SECTION 111 AMENDED. Section 111 of the standard code is amended to read as follows:

111.1 General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any mechanical system or equipment, or cause or permit the same to be done in the City of Park City in violation of the standard code.

111.2 Service of Notice of Violation and Order to Comply. Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may first cause a notice of violation and order to comply to be served upon said person, firm, or corporation responsible therefor. Such notice shall:

1. Be in writing;
2. Include a description of the real estate and/or street address sufficient for identification;
3. Specify the violation, which exists, and the correction ordered;
4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with the copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place in, on, or about the building or structure affected by the notice.

111.3 Enforcement. In case any notice of violation and order to comply authorized herein is not complied with, the building official or such code enforcement

officer may request the city attorney to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such mechanical system or equipment;

3. To require the removal of work in violation;

4. To prevent the use of the mechanical system or equipment or any part thereof, which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of the standard code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or a code enforcement officer may proceed with the penalties provision.

111.4 Penalties.

111.4.1 Issuance of Uniform Complaint and Notice to Appear. Whenever the building official or the code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear.

111.4.2 Classification of Violations and Schedule of Fines. An accused person who shall be convicted in municipal court for violation of any provision of the standard code or this article shall be deemed guilty of a misdemeanor and shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed $500.00.

111.4.3 Separate Offense. Each day that any violation of the standard code or this article occurs after the passage of the reasonable time for performance of any act required by a notice of violation and order to comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation.

111.4.4 Authority to Permit. The issuance or granting of a permit or approval of plans shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the standard code or of this article. No permit presuming to give authority to violate or cancel the provisions of the standard code or of this article shall be valid.
111.4.5 Effect of Permit. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the standard code or of this article.

4-403. SECTION 115.2 AMENDED. Section 115.2 of the standard code is amended as follows:

115.2 Permit Fees. The fee for each mechanical permit shall be as set forth in Table No. 1-A below, and shall accompany each application made for such a permit.

EXCEPTION: Installations for new one and two family dwellings shall not be required to obtain an individual mechanical permit or to pay a mechanical permit fee because the applicable building permit and fee which have been issued and paid are inclusive of the mechanical installation. Refer to the adopting article of the Park City Building Code for building permit requirements and for the table of building permit fees for one- and two-family dwelling construction.

4-404. TABLE 1-A AMENDED.

Table 1-A of the standard code is amended as follows:

Table No. 1-A - MECHANICAL PERMIT FEES

The fee for each Mechanical permit shall be as set forth in Table 1-A and shall accompany each application made for such a permit.
<table>
<thead>
<tr>
<th>HEATING APPLIANCES</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Forced Air Furnace (2,000 cfm or less)</td>
<td>$14.00</td>
</tr>
<tr>
<td>2 Forced Air Furnace (over 2,000 cfm or less)</td>
<td>$19.00</td>
</tr>
<tr>
<td>3 Air Handler (2,000 cfm or less)</td>
<td>$14.00</td>
</tr>
<tr>
<td>4 Air Handler (over 2,000 cfm or less)</td>
<td>$19.00</td>
</tr>
<tr>
<td>5 Floor Furnace</td>
<td>$14.00</td>
</tr>
<tr>
<td>6 Heaters - wall, room, infrared, unit, tube</td>
<td>$14.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AIR CONDITIONING/CIRCLE ONE</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 5 ton or less (without coil)</td>
<td>$11.00</td>
</tr>
<tr>
<td>8 5 ton or less (with coil)</td>
<td>$11.00</td>
</tr>
<tr>
<td>9 Over 5 Tons (without coil)</td>
<td>$17.00</td>
</tr>
<tr>
<td>10 Over 5 Tons (with coil)</td>
<td>$17.00</td>
</tr>
<tr>
<td>11 Cooling coil (only)</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFRIGERATION</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Refrigeration (50 hp or less)</td>
<td>$14.00</td>
</tr>
<tr>
<td>13 Refrigeration (greater than 50 hp)</td>
<td>$19.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ROOF TOPS</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Combination (2,000 cfm or less)</td>
<td>$26.00</td>
</tr>
<tr>
<td>15 Heating (2,000 cfm or less)</td>
<td>$14.00</td>
</tr>
<tr>
<td>16 Cooling only (2,000 cfm or less)</td>
<td>$14.00</td>
</tr>
<tr>
<td>17 Combination (over 2,000 cfm)</td>
<td>$36.00</td>
</tr>
<tr>
<td>18 Heating (over 2,000 cfm)</td>
<td>$19.00</td>
</tr>
<tr>
<td>19 Cooling only (over 2,000 cfm)</td>
<td>$17.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS EQUIPMENT</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Chiller/Water Tower</td>
<td>$33.00</td>
</tr>
<tr>
<td>21 Boiler (Residential Only)</td>
<td>$19.00</td>
</tr>
<tr>
<td>22 VAV Boxes/FTU's/FCU's</td>
<td>$7.00</td>
</tr>
<tr>
<td>23 Heat Recover Unit</td>
<td>$33.00</td>
</tr>
<tr>
<td>24 Incinerator/Crematory</td>
<td>$33.00</td>
</tr>
<tr>
<td>25 Any equipment/appliance not listed</td>
<td>$7.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIREPLACES</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Fireplace - Type</td>
<td>$14.00</td>
</tr>
<tr>
<td>27 Chimney Liners</td>
<td>$9.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOOD SYSTEMS</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 Type one hood system</td>
<td>$38.00</td>
</tr>
<tr>
<td>29 All other - Type</td>
<td>$19.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXHAUST/DRYERS/VENTILATION</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Exhaust fan @duct (under 500 cfm)</td>
<td>$8.00</td>
</tr>
<tr>
<td>31 Exhaust fan @duct (over 500 cfm)</td>
<td>$15.00</td>
</tr>
<tr>
<td>32 Exhaust systems</td>
<td>$33.00</td>
</tr>
<tr>
<td>33 Ventilation systems</td>
<td>$33.00</td>
</tr>
<tr>
<td>34 Residential dryer vent</td>
<td>$14.00</td>
</tr>
<tr>
<td>35 Commercial dryer vent</td>
<td>$28.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER</th>
<th>UNIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Repairs/Alterations</td>
<td>$18.00</td>
</tr>
<tr>
<td>37 Permit Issuance</td>
<td>$25.00</td>
</tr>
<tr>
<td>38 Re-inspection Fee</td>
<td>$25.00</td>
</tr>
</tbody>
</table>
4-405. SECTION 118 PROVIDING FOR MECHANICAL INSPECTOR CREATED. Section 118 is created to read as follows:

118.1 Mechanical Inspector Position Created. There is hereby created the position of mechanical inspector, which shall be appointed by the building official. More than one mechanical inspector may be appointed at the discretion of the building official.

118.2 Qualifications. Person(s) chosen to fill the position of mechanical inspector shall be possessed of such executive ability as is requisite for the performance of assigned duties, have a thorough knowledge of the standard materials and methods used in the installation of mechanical equipment, be well-versed in approved methods of construction for safety to persons and property, the statutes of the state relating to mechanical work and any orders, rules, and regulations issued by authority thereof, and the standard code, have at least five (5) years experience as a certified master or journeyman mechanic in the installation of mechanical equipment, and hold a current master mechanic's certificate, or, in lieu of such experience and certification, shall hold a current and valid mechanical inspector certificate issued by the International Code Council and have two (2) years experience in mechanical inspection.

118.3 Appointment. Any person who is in the employ of the city and who holds a current and valid residential combination inspector certificate or a residential mechanical inspector certificate issued by the International Code Council shall also be qualified as a mechanical inspector for the inspection of installations in one and/or two-family dwelling units.

4-406. SECTION 204-B AMENDED. Section 204-B of the standard code is amended to read as follows:

"Building official" is the official or other designated authority charged with the administration and enforcement of the standard code, and that official's designee. The terms "building official" and "Department director of the department of code enforcement" are synonymous. The building official and "code enforcement officer," as defined in K.S.A. 19-101d (b)(2), shall have the power to sign, issue and execute uniform complaints and notices to appear as set out in K.S.A. 19-101d.

4-407. SECTION 504.3.2 AMENDED. Section 504.3.2.2 of the standard code is amended to read as follows:

504.3.2.2 Length limitation. Unless otherwise permitted or required by the dryer manufacturer's installation instruction and approved by the building official, domestic dryer moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of twenty-five (25) feet (7625 mm), including four (4) 90 degree elbows for rigid metal ducts. Two (2) feet shall be deducted for each 90 degree elbow in excess of four (4). Metal dryer exhaust ducts shall be installed with the male end down-stream in the direction of flow.
4-408. SECTION 508.1 AMENDED. Section 508.1 of the standard code is amended to read as follows:

508.1 Where Hoods Are Required. Hoods shall be installed at or above all commercial-type deep fat fryers, broilers, fry grills, steam-jacketed kettles, hot-top ranges, ovens, barbecues, rotisseries, dish washing machines and similar equipment which produce comparable amounts of steam, smoke, grease or heat in a food-processing establishment. For the purpose of this section, a food-processing establishment shall include any building or portion thereof used for the processing of food, but shall not include a dwelling unit.

EXCEPTIONS: Domestic Cooking Appliances. Domestic cooking appliances used for commercial purposes shall be provided with a commercial Type I exhaust hood.

Type I hood need not be provided in the following occupancies or homes:

1. Group R Division 3 occupancies and family daycare homes (registered and licensed daycare homes).

2. Boardinghouse where table board is provided for 10 or less boarders. A boarder is a person not employed by the owner or not related to the owner by birth or marriage.

3. Adult care centers, correctional placement residences, group boarding homes for children, halfway houses, group homes and homes for the aged where meals and sleeping accommodations are provided to 10 or less clients. A client is a person not employed by the owner or not related to the owner by birth or marriage.

4. The authority having jurisdiction may grant an exception to the Type I grease hood requirement in places of assembly, provided the use is limited to two days a week or less, and used in reheating of food or occasional food preparation on residential-type ranges, and no indication of a hazardous condition exists.

4-409. SECTION 602.3 AMENDED. Section 602.3 of the standard code is amended to read as follows:

602.3 Factory-Made Air Ducts. Factory-made air ducts shall be approved for the use intended or shall conform to the requirements of the referenced standard for air ducts in Chapter 17. Each portion of a factory-made air duct system shall be identified by the manufacturer with a label or other suitable identification indicating compliance with the referenced standard for air ducts in Chapter 17 and its class designation. These ducts shall be listed and shall be installed in accordance with the terms of their listing and the requirements of UMC Standard No. 6-5.

4-410. SECTION 605 AMENDED. Section 605 of the standard code is amended by deleting Exceptions (D) and (E) in their entirety.
TABLE 6-6A AMENDED. Table 6-6A of the standard code is amended to read as follows:

*Minimum Duct Insulation R Value Cooling and Heating Only, Supply and Return Ducts*

The Director of Code Enforcement has established the following minimum design criteria to be used in reference to this table.

2. Cooling-Only Ducts Envelope Criteria 5-12, 14, 17, 19, 21.

TABLE 6-6B AMENDED. Table 6-6B of the standard code is amended to read as follows:

*Minimum Duct Insulation R Value Combined Heating and Cooling Ducts*

The Director of Code Enforcement has established the following minimum design criteria to be used in reference to this table.


SECTION 904.12 AMENDED. Section 904.12 of the standard code is amended to read as follows:

904.12 Appliances in under-floor spaces.

904.12.1 A crawl space in which an appliance is installed shall be accessible through an opening and passageway at least as large as the largest component of the appliance, and not less than twenty-two (22) inches X thirty (30) inches. (560 mm x 760 mm)

904.12.2 Where the height of the passageway is less than six (6) feet (1.8 mm), the distance from the passageway access to the appliance shall not exceed twenty (20) feet (6.1 m) measured along the center-line of the passageway.

904.12.3 The passageway shall be unobstructed and shall be not less than twenty-four (24) inches wide from the entrance opening to the appliance.

904.12.4 A level working space not less than thirty (30) inches (760 mm) by thirty (30) inches (760 mm) with a minimum height of thirty (30) inches (760 mm) shall be provided in front of the service side of the appliance.

904.12.5 A permanent 120-volt receptacle outlet and a lighting fixture shall be installed near the appliance. The switch controlling the lighting fixture shall be located at the entrance to the passageway.
4-414. SECTION 1107.3 AMENDED. Section 1107.3 of the standard code is amended to read as follows:

    1107.3 Exits shall comply with section 1015.4 of the 2006 International Building Code.

4-415. SECTION 1107.5 AMENDED. Section 1107.5 of the standard code is amended to read as follows:

    1107.5 Refrigeration machinery rooms shall be separated from other portions of the building, as required in the Incidental Use Table # 508.2 in the 2006 International Building Code.

4-416. COPIES ON FILE; TO BE FURNISHED.

    Not less than three (3) copies of the standard code as adopted herein shall be filed with the city clerk. Such copies shall be marked or stamped "official copy as adopted by Ordinance No.811-2007," with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Such copies shall have attached a copy of this article and shall be open to inspection and available to the public at all reasonable business hours. Copies in numbers as needed shall also be furnished without charge by the Park City Department of Code Enforcement to the courts and all administrative departments charged with enforcement of the standard code.

4-417. ADOPTION OF RULES AND REGULATIONS.

    The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the standard code.
ARTICLE 5. RESIDENTIAL CODE

4-501. INTERNATIONAL RESIDENTIAL CODE ADOPTED.

The International Residential Code, for One- and Two- Family Dwellings, 2012 Edition, as published by the International Code Council, Inc., 4051 West Flossmoor Rd, Country Club Hills, IL, 60478-5795, including Appendix Chapter G and no other appendices, and excluding chapters 11 through 42 inclusive, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth, and shall be referred to herein as the "residential code." The residential code is hereby adopted as the one- and two-family dwelling code for Park City, Kansas. Any reference therein to the International Building Code shall be construed as a reference to the current Park City commercial building code.

4-502. AMENDMENTS TO THE RESIDENTIAL CODE.

Changes, additions, and deletions to the residential code and the appendices thereto are adopted only as set forth hereinafter:

4-503. SECTION R102.7 AMENDED. Section R102.7 of the International Residential Code is hereby amended to read as follows:

R102.7 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered is this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

4-504. SECTION R108 CREATED. Section R108, Referenced Codes, is hereby created to read as follows:

Section 102.8. Referenced codes, is added.

102.8.1 Electrical. The provisions of the current Park City, KS Electrical Code shall apply to the installation of electrical systems, including, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Whenever used in the International Residential Code, the term "ICC Electrical Code" shall be construed to mean the current Park City, KS Electrical Code.

102.8.2 Gas. The provisions of the current Park City, KS Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connection of appliances and the installation and operation of residential and commercial gas appliances and related accessories. Whenever used in the International Residential Code, the term "International Fuel Gas Code" shall be construed to mean the current Park City, KS Plumbing Code.
102.8.3 Mechanical. The provisions of the current Park City, KS Mechanical Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems. Whenever used in the International Residential Code, the term "International Mechanical Code" shall be construed to mean the current Park City, KS Mechanical Code.

102.8.4 Plumbing. The provisions of the current Park City, KS Plumbing Code shall apply to the installation, alterations repairs, replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of medical gas system. Whenever used in the International Residential Code, the term "International Plumbing Code" shall be construed to mean the current Park City, KS Plumbing Code.

101.8.5 Fire Prevention. The provisions of the current Park City, KS Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. Whenever used in the International Residential Code, the term "International Fire Code" shall be construed to mean the current Park City, KS Fire Code.

4-505. SECTION R105.1 AMENDED. Section R105.1 of the International Residential Code is hereby amended to read as follows:

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

4-506. SECTION R105.2 AMENDED. Section R105.2 of the International Residential Code is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements in this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provision of this code or any other laws or ordinances of this jurisdiction.
Building:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet.

2. Playhouses or tree houses having single or multi-level floors with or without roofs.

3. Fences not over 6 feet (1829 mm) high. Concrete or masonry fences not over 4 feet (1219 mm) high.

4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallon (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

7. Decks, stoops, and porches not more than 30 inches (762 mm) above grade without overhead structures and not over any basement or story below.

8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

9. Prefabricated swimming pools that are less than 24 inches (610 mm) deep and the capacity does not exceed 5,000 gallons (18,927 L) in which the pool walls are entirely above the adjacent grade.

10. Swings and other playground equipment accessory to one- or two-family dwelling.

11. Emergency board-up, securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or this agent may cause such work to be done provided that the Department of Code Enforcement is notified the following business day.

12. Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m2) within any one (1) month period.

13. Repair or replacement of interior gypsum board on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m2)
within any twelve (12) month period, and providing that no framing, electrical, mechanical or plumbing changes are made.

4-507. SECTION R105.5 AMENDED. Section R105.5 of the International Residential Code is hereby amended to read as follows:

R105.5 Expiration. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work has commenced. Work shall be considered to have been suspended or abandoned if there has been 180 days since the last required inspection. Before work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such period of suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a full permit fee.

The building official is authorized to grant, one or more extensions of time, for periods not to exceed 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

4-508. SECTION R106.3.3.3 DELETED. Section R106.3.3 Phased Approval of the International Residential Code is deleted in its entirety.

4-509. SECTION R106.5 DELETED. Section R106.5, Retention of Construction Documents, of the International Residential Code is deleted in its entirety.

4-510. SECTION R107.3 AMENDED. Section R107.3 of the International Residential Code is hereby amended to read as follows:

R107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the current Park City Electrical Code.

4-511. SECTION R108 AMENDED. Section R108 of the International Residential Code is hereby amended to read as follows:

R108.1 Payment of Fees. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

R108.2 Schedule of Permit fees. The fee for each permit shall be as set forth below.
R108.2.1 Commercial permits. The fee for each commercial permit shall be as set forth in the current Park City, Kansas commercial building code.

R108.2.2 Residential permits. The fee for each residential permit shall be as follows:

R108.2.2.1 New construction. For each permit issued for construction of new one and two family dwellings or accessory building thereto, there shall be charged and collected from the applicant a permit fee in accordance with the following defined classifications, defined chargeable floor area, and table of building permit fees:

(a) Classification I means all buildings and structures except those defined hereafter as classification II. The chargeable square feet shall be defined as the total square feet of finished area enclosed by the exterior dimension for each floor thereof. The permit fee charged shall be based on the value of twenty-eight cents (28¢) per chargeable square foot.

(b) Classification II means garages, manufactured homes, unfinished basements, carports, breezeways, covered walkways, porches, canopies, unfinished areas, and accessory structures to one and two family dwellings. The chargeable square feet shall be defined as the total square feet area enclosed by the exterior dimensions thereof. The permit fee charged shall be based on the value of twenty-two cents (22¢) per chargeable square foot.

R108.2.2.2 All other residential permits. For each permit issued for repairing, altering, remodeling or additions to existing buildings, re roofing, siding, swimming pools, hot tubs, and all other residential construction projects, a permit fee shall be charged based on the value of the work to be performed in accordance with Table R108.2.

R108.2.3 Value. The determination of value or valuation under any of the provisions of this code shall be made by the building official. For the purpose of this section, the value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, mechanical, elevators, fire-extinguishing systems and any other permanent equipment. The building official shall, when deemed necessary, require reasonable substantiation of value stated in any application for permit or other form that may be prescribed.

R108.2.4 Issuance fee. A permit issuance fee of fifteen dollars, ($15.00), shall be charged for each permit which is issued under the provisions of this code, and shall be in addition to the other permit fees set forth herein.
Table R108.2 - BUILDING PERMIT FEES (excluding issuance fee)

TABLE INSET:

<table>
<thead>
<tr>
<th>TOTAL VALUATION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500.00</td>
<td>$32.00</td>
</tr>
<tr>
<td>$501.00 to $2,000.00</td>
<td>$32.00 for the first $1000.00 plus $2.50 for each additional $100.00 or fraction thereof, to and including $2,000.00</td>
</tr>
<tr>
<td>$2,001.00 to $25,000.00</td>
<td>$57.00 for the first $2,000.00 plus $9.50 for each additional $1,000.00 or fraction thereof, to and including $25,000.00</td>
</tr>
<tr>
<td>$25,001.00 to $50,000.00</td>
<td>$275.00 for the first $25,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $50,000.00</td>
</tr>
<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$449.00 for the first $50,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00</td>
</tr>
<tr>
<td>$100,001.00 to $500,000.00</td>
<td>$699.00 for the first $100,000.00 plus $4.00 for each additional $1,000.00 or fraction thereof, to and including $500,000.00</td>
</tr>
<tr>
<td>$500,001.00 to $1,000,000.00</td>
<td>$2,299.00 for the first $500,000.00 plus $3.50 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00</td>
</tr>
<tr>
<td>$1,000,001.00 and up</td>
<td>$4,049.50 for the first $1,000,000.00 plus $2.50 for each additional $1,000.00 or fraction thereof.</td>
</tr>
</tbody>
</table>

OTHER INSPECTIONS AND FEES:

1. Inspections outside of normal business hours (minimum charge--two hours) $30.00 per hr*

2. Re-inspection fees assessed under provisions of Section 305(g) $30.00 per hr*

3. Inspections for which no fee is specifically indicated (minimum charge--one-half hour) $30.00 per hr*

4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half hour) $30.00 per hr*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
R108.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

R108.4.2 Fee. An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee set forth in Table R108.2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any other penalty prescribed by law.

R108.5 Fee Refunds. The building official may authorize refunding of any fee paid here under which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(4-511 ended by ORD #980-2016 adopted on 1/12/2016 published on 1/21/2016)

4-512. SECTION R112 DELETED. Section R112, Board of Appeals, of the International Residential Code is deleted in its entirety.

4-513. SECTION R113 AMENDED. Section R113 of the International Residential Code is hereby amended to read as follows:

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, convert, occupy, equip, use, or maintain any building or structure in Park City, or cause or permit the same to be done, contrary to or in violation of the Residential Code.

R113.2 Notice of violation. Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm or corporation is committing or has committed a violation of any provision of the Residential Code, the building official or such code enforcement officer may first issue a notice of violation and order to comply to be served upon said person, firm or corporation responsible therefore. Such notice shall:

1. Be in writing;
2. Include a description of the real estate and/or the street address sufficient for identification;
3. Specify the violation(s) that exists and the correction(s) ordered;

4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with a copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place on or about the building or structure affected by the notice.

R113.3 Prosecution of violation. In case any notice of violation and order to comply authorized herein is not complied with, the building official or such code enforcement officer may request the city counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such building or structure or part thereof;

3. To require the removal of work in violation;

4. To prevent the maintenance, occupation or use of the building, structure, or part thereof which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, demolished, converted, equipped, used or maintained in violation of the Residential Code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or code enforcement officer may proceed with the penalties provision set forth in Section 113.4.

R113.4 Violation penalties.

R113.4.1 Issuance of uniform complaint and notice to appear. Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Residential Code, the building official or such code enforcement officer may serve upon such accused person a
uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued. The prosecution for any such violation shall be conducted in the manner provided by law in the municipal court of the City of Park City.

R113.4.2 Classification of violations and schedule of fines. An accused person who shall be convicted in the municipal court for violation of any provision of the Residential Code or this article shall be deemed guilty of a misdemeanor and shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed $500.00.

R113.4.3 Separate Offense. Each day that any violation of the Residential Code or of this article occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) and Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.

R113.4.4 Effect of Permit. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Residential Code or of this article. No permit presuming to give authority to violate or cancel the provisions hereof shall be valid, except insofar as the work or use that it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on there under when in violation of the Residential Code or of this article or of any other city code or resolution or from revoking any certificate of approval when issued in error.

4-514. SECTION R301.5 AMENDED. Section R301.5 of the International Residential Code is hereby amended to read as follows:

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.
TABLE R301.5

MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

(In pounds per square foot)

TABLE INSET:

<table>
<thead>
<tr>
<th>USE</th>
<th>LIVE LOADS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior balconies</td>
<td>60</td>
</tr>
<tr>
<td>Decks f</td>
<td>40</td>
</tr>
<tr>
<td>Fire Escapes</td>
<td>40</td>
</tr>
<tr>
<td>Passenger vehicle garages a</td>
<td>50 a</td>
</tr>
<tr>
<td>Attics without storage b, e</td>
<td>10</td>
</tr>
<tr>
<td>Attics with storage b, e</td>
<td>20</td>
</tr>
<tr>
<td>Rooms other than sleeping rooms</td>
<td>40</td>
</tr>
<tr>
<td>Sleeping rooms</td>
<td>40</td>
</tr>
<tr>
<td>Stairs</td>
<td>40 c</td>
</tr>
<tr>
<td>Guardrails and handrails d</td>
<td>200</td>
</tr>
</tbody>
</table>

For SI: 1 pound per square foot = 0.0479 kN/m², 1 square inch = 645 mm², 1 pound = 4.45 N.

(a) Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

(b) No storage with roof slope not over 3 units in 12 units.

(c) Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square-inches, whichever produces the greater stresses.

(d) A single concentrated load applied in any direction at any point along the top.

(e) Attics constructed with wood trusses shall be designed in accordance with Section R802.10.1.

(f) See Section R502.2.1 for decks attached to exterior walls.
4-515. SECTION R302.1 AMENDED. Section R302.1 of the International Residential Code is hereby amended to read as follows:

*R302.1 Exterior walls.* Exterior walls with a fire separation distance less than 3 feet (914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projections:

1. A point one-third the distance to the property line from an assumed vertical plane located where protected openings are required.

2. More than 12 inches (305 mm) into areas where openings are prohibited. Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

**EXCEPTIONS:**

1. Tool and storage sheds, playhouses and similar structures exempted from permits by Section R105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

2. Exterior walls of buildings constructed adjacent to a zero lot line (as defined in the zoning ordinance) may be of non-rated construction, provided the wall contains no openings unless the sill height is located a minimum of 6 feet (1829 mm) above both the finished floor elevation and exterior grade or is constructed of translucent materials so as to not allow visibility into the adjacent property.

4-516. SECTION R303.3 AMENDED. Section R303.3 of the International Residential Code is hereby amended to read as follows:

*R303.3 Bathrooms.* Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m²), one-half of which must be operable.

**EXCEPTION:** The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 2 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or a minimum of 36 inches (914.4 mm) above the top of the ceiling joist in a ventilated attic space.
4-517. SECTION R309.5 FIRE SPRINKLERS. Section R309.5 Fire Sprinklers, of the International Residential Code is deleted in its entirety.

4-518. SECTION R310.1 AMENDED. Section R310.1 of the International Residential Code is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimension required by this Section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

EXCEPTION: Basements of 250 square feet or less used for storage, mechanical rooms and similar uses.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4.5 square feet with the window in a full open position, with a total break-out area of 5.7 square feet (0.530 m²).

R310.1.2 Minimum opening height. The minimum net clear opening height shall be:

1. 19 3/4 inches (501.65 mm) for single, double hung and awning style windows.

2. For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of 4.5 square feet with a total break-out area of 5.7 square feet (0.530 m²).

R310.1.3 Minimum opening width. The minimum net clear opening width shall be:

1. 17 inches (431.8 mm) in the full open position for casement and slider windows.

2. 30 1/4 inches (768.35 mm) for single and double hung units.
4-519. SECTION R311.3 AMENDED. Section R311.3 of the International Residential Code is hereby amended to read as follows:

*R311.3.1 amended Floor elevations at the required egress doors*

EXCEPTION: The landing or floor on the exterior side shall not be more than 8 inches (203 mm) below the top of the threshold provided the door does not swing over the landing or floor.

*R311.3.2 amended Floor elevations for other exterior doors*

Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (203 mm) below the top of the threshold.

EXCEPTION: A landing is not required where a stairway of four or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

4-520. SECTION R311.7.5 AMENDED. Section R311.7.5 of the International Residential Code is hereby amended to read as follows:

*R311.7.5 Stair treads and risers.*

*R311.7.5.1 Risers.* The maximum riser height shall be 8 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

*R311.7.5.2 Tread.* The minimum tread depth shall be 9 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

4-521. SECTION R312.1.3 AMENDED. Section R312.1.3 of the International Residential Code is hereby amended to read as follows:

*R312.1.3 Guard opening limitations.* Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures that do not allow passage of a sphere 4.5 inches (114.3 mm) in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.
EXCEPTION: The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.

4-522. SECTION R313 of the International Residential Code is hereby amended as follows:

Sections 313.1, 313.1.1, 313.2 are deleted from the 2012 IRC Code.

4-523. SECTION R314.3 AMENDED. Section R314.3 of the International Residential Code is hereby amended to read as follows:

R314.3 Location. Single- and multiple-station smoke alarms shall be installed in the following locations:

1. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

2. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

4-524. SECTION R315.3. DELETED. Where Required in Existing Buildings, of the International Residential Code is deleted in its entirety.

4-525. SECTION R318.1.1DELETED. Section R318.1.1, Quality Mark, of the International Residential Code is hereby deleted in its entirety.

4-526. SECTION R318.1.2. DELETED. Section R318.1.2, Field Treatment, of the International Residential Code is hereby deleted in its entirety.

4-527. SECTION R405.1 DELETED. Section R405.1 of the International Residential Code is hereby deleted in its entirety.
4-528. SECTION R807.1 AMENDED. Section R807.1 of the International Residential Code is hereby amended to read as follows:

*R807.1 Attic access. In buildings with combustible ceiling or roof construction, an attic access opening shall be provided to attic areas that exceed 120 square feet (11.148 m²) and have a vertical height of 30 inches (762 mm) or greater from the top of the ceiling joist to the bottom of the roof rafter.*

The rough-framed opening shall not be less than 22 inches by 30 inches (559 mm by 762 mm) and shall be located in a readily accessible location or in an area that maintains a clear unobstructed area 22 inches by 30 inches (559 mm by 762 mm) from the attic access opening to the floor below. A 30-inch (762 mm) minimum unobstructed headroom in the attic space shall be provided at some point above the access opening.

4-529. SECTION R907.7 HIGHLY REFLECTIVE MATERIALS PROHIBITED.

Materials that otherwise comply with the requirements of chapter 9 shall not be permitted if they are highly reflective when installed.

4-530. APPENDIX G, SECTION AG105.5 AMENDED.

Appendix G, Section AG105.5 of the International Residential Code is hereby amended to read as follows:

*AG105.5 Barrier Exceptions. Outdoor swimming pools, spas, or hot tubs with a safety cover that complies with ASTM F 1346, shall be exempt from the provisions of this appendix.*

4-531. COPIES ON FILE.

One, (1), copy of the residential code incorporated by reference shall be filed with the city clerk. Such copies shall be marked or stamped "Official Copy as Incorporated By Ordinance No. 987-2016" with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Such copies shall have attached a copy of this article, and shall be open to inspection and available to the public during all reasonable business hours.

4-532. RULES AND REGULATIONS.

The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the residential code as adopted herein.

4-533. ENCLOSING STRUCTURAL AND FRAMING ELEMENTS.

(a) Notwithstanding anything to the contrary contained in this Article, it shall be a requirement of all building permits issued for residential construction that any and all structural and/or framing elements incorporated or to be incorporated in such
construction shall be enclosed and protected from the effects of weather and the elements within 60 days of their placement on the site of such construction or as otherwise required by their condition of listing, whichever period of time is shorter.

(b) Failure to comply with subsection (a) above shall constitute a violation of the Residential Code.

(4-530 Created by ORD #897-2011 on 7/14/2011)

(4-501 to 4-530 Amended by ORD #987-2016 adopted 05/24/2016 published 05/26/2016)

(4-530 to 4-533 Adopted by ORD #987-2016 adopted 05/24/2016 published 05/26/2016)
ARTICLE 6. PLUMBING CODE

4-601. STANDARD CODE ADOPTED.

The "standard code" as referred to herein shall be the Uniform Plumbing Code, 2006 Edition, as published by the International Association of Plumbing & Mechanical Official, 5001 E Philadelphia St, Ontario CA, 91761-2816, and as amended herein. The standard code shall include all appendices and codified supplements to the Uniform Plumbing Code, 2006 Edition, with the exception of Table 1-1, Chapter 7, Part II Building Sewers, Section 414.5, Table 4-1, Section 609.4, Section 908.0, Section 1014.0, Section 1015.0, Section 1209.5.2.3, Section 1209.5.2.4, Section 1209.5.3.2, Section 1209.5.3.3, Appendix F, Appendix K, Appendix L 6.0, Appendix L 7.0. The standard code is hereby adopted as the plumbing code for Park City, Kansas, and is incorporated by reference herein as if fully set out in this section.

4-602. SECTION 102.1 AMENDED. Section 102.1 of the standard code is amended to read as follows:

Section 102.1 Authority Having Jurisdiction. The administrative authority duly appointed to enforce the standard code shall be the director of the department of code enforcement and that official's designee(s). The terms "administrative authority," "building official," and "department director of the department of code enforcement" are synonymous. The administrative authority and the "code enforcement officers" as defined in K.S.A. 19-101d(b)(2), shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d. The administrative authority shall make decisions as are necessary to administer and enforce the standard code. The administrative authority shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the standard code and such rules and regulations shall be effective upon approval by the City Council. The administrative authority shall have the authority to refer to the board of examiners and appeals any matter that relates to the approval of plumbing material and methods as the same relate to the standard code.

4-603. SECTION 102.3 AMENDED. Section 102.3 of the standard code is amended to read as follows:

Section 102.3 Violations, Enforcement and Penalties.

102.3.1 Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing system or equipment, or cause or permit the same to be done in violation of the standard code.

102.3.1. Service of Notice of Violation(s) and Order(s) to Comply. Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may first cause a notice of violation(s) and order(s) to comply
to be served upon any person, firm, corporation, or other entity, responsible therefore. Such notice shall:

1. Be in writing;

2. Include a description of the real estate and/or street address sufficient for identification;

3. Specify the violation(s) which exists and the correction(s) ordered; and

4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with the copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place in, on, or about the building or structure affected by the notice.

4-604. SECTION 102.3.2 AMENDED. Section 102.3.2 of the standard code is amended to read as follows:

Section 102.3.2.1 Issuance of Uniform Complaint and Notice to Appear. Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear.

Section 102.3.2.2 Classification of Violations and Schedule of Fines. An accused person who shall be convicted for violation of any provision of the standard code or this article shall be deemed guilty of a misdemeanor and shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five hundred dollars ($500.00).

Section 102.3.2.3 Separate Offense. Each day that any violation of the standard code or of this article occurs after the passage of the reasonable time for performance of any act required by a notice of violation(s) and order(s) to comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation.

Section 102.3.2.4 Authority to Permit. The issuance of granting of a permit or approval of plans shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the standard code or of this article. No permit presuming to give authority to violate or cancel the provisions hereof shall be valid.
Section 102.3.2.5 Effect of Permit. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans or from preventing construction operations being carried on thereunder when in violation of the standard code or of this article.

4-605. SECTION 102.3.3 AMENDED. Section 102.3.3 of the standard code is amended to read as follows:

Section 102.3.3 Enforcement. In case any notice of violation(s) and order(s) authorized herein is not complied with, the building official or such code enforcement officer may request the city attorney to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation(s):

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such plumbing system or equipment;

3. To require the removal of work in violation;

4. To prevent the use of the plumbing system or equipment or any part thereof, which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of the standard code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or a code enforcement officer may proceed with the penalties provision.

4-606. SECTION 103.4 AMENDED. Section 103.4 of the standard code is amended to read as follows:

Section 103.4.1 Permit fees. The fee for each plumbing permit shall be as set forth in Table No. 1-1 below and shall accompany each application made for such a permit.

EXCEPTION: Installations for new one- and two-family dwellings shall not be required to obtain an individual plumbing permit or fee because the applicable Building Permit and Fee are inclusive of the plumbing installation.
4-607. **TABLE 1-1 AMENDED.** Table 1-1 of the standard code is amended to read as follows:

*Table No. 1-1 -- PLUMBING PERMIT FEES*

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For issuing each permit</td>
<td>$25.00</td>
</tr>
<tr>
<td>For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefore)</td>
<td>$3.50</td>
</tr>
<tr>
<td>For each water heater and/or vent</td>
<td>$10.00</td>
</tr>
<tr>
<td>For each gas piping system of one (1) to four (4) outlets</td>
<td>$10.00</td>
</tr>
<tr>
<td>For each gas piping system of five (5) or more, per outlet</td>
<td>$1.00</td>
</tr>
<tr>
<td>For each industrial waste pre-treatment interceptor, including its traps and vent, excepting kitchen type grease interceptors functioning as fixture traps</td>
<td>$10.00</td>
</tr>
<tr>
<td>For installation, alteration or repair of water piping and/or water treating equipment</td>
<td>$10.00</td>
</tr>
<tr>
<td>For repair or alteration of drainage or vent piping</td>
<td>$10.00</td>
</tr>
<tr>
<td>For each lawn sprinkler system or any one (1) meter, including backflow protection devices therefore</td>
<td>$10.00</td>
</tr>
<tr>
<td>For vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping, one (1) to four (4)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Five (5) or more, each</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

4-608. **SECTION 104 PROVIDING FOR CREATION OF PLUMBING INSPECTION POSITION CREATED.** Section 104 is hereby created to read as follows:

*Section 104.1 Plumbing Inspector: Qualifications; Appointment.* There is hereby created the position of plumbing inspector. More than one plumbing inspector may be appointed at the discretion of the building official. Plumbing inspector(s) shall be appointed by the building official. Person(s) chosen to fill the position(s) of plumbing inspector(s) shall be possessed of such executive ability as is requisite for the performance of assigned duties, have a thorough knowledge of the standard materials and methods used in the installation of plumbing equipment, be well-versed in approved methods of construction for safety to persons and property, the statutes of the state of Kansas relating to plumbing work and any orders, rules, and regulations issued by authority thereof, and the standard code, have at least five (5) years experience as a certified master and/or journeyman plumber in the installation of plumbing equipment, and hold a current master plumber's certificate, or, in lieu of such experience and
certification, shall hold a current and valid plumbing inspector certificate issued by the international conference of building officials and have two (2) years experience in plumbing inspection.

**Section 104.2 Current City Employees Holding Certificates.** Any person who is in the employ of the City and who holds a current and valid combination inspector certificate or a plumbing inspector certificate issued by the International Conference of building officials shall also be qualified as a plumbing inspector for the inspection of installations in one and/or two-family dwelling units.

4-609. **SECTION 313.10.1 AMENDED.** Section 313.10.1 of the standard code is amended to read as follows:

**Section 313.10.1 Exception:** Sleeves shall not be required where openings are drilled or bored, or on plumbing fixture risers and outlets that are embedded in the concrete slab of the floor that serves the fixture outlet.

4-610. **SECTION 316.1.6 AMENDED.** Section 316.1.6 of the standard code is amended to read as follows:

**Section 316.1.6 Solvent Cement Plastic Pipe Joints.** Plastic pipe and fittings designed to be joined by solvent cementing shall comply with appropriate IAPMO Installation Standards.

- ABS pipe and fittings shall be cleaned and then joined with solvent cement(s).
- CPVC pipe and fittings shall be cleaned and then joined with listed primer(s) and solvent cements(s).
- EXCEPTION: Listed solvent cements that do not require the use of primer shall be permitted for use with CPVC pipe and fittings, manufactured in accordance with ASTM D2846, ½ inch through 2 inches in diameter.
- PVC pipe and fittings shall be cleaned and joined with primer(s) and solvent cement(s). PVC primers must conform to ASTM F656 and may be clear or purple in color.
- Non-pressure PVC pipe and fittings may be joined without primer by using a medium body cement that meets the requirements of ASTM D2564-96a, including section 5.3.2, and is blue in color. Such one-step cements must be approved by the cement manufacturer for use without primer and so stated on the label.
4-611. SECTION 319 AMENDED. Section 319 of the standard code is amended to read as follows:

Section 319. Test Gauges. In performing the prescribed piping tests as required elsewhere in this code, a spring type gauge may be used provided: the maximum capacity of the gauge used for the ten (10) psi for fifteen (15) minutes test shall be thirty (30) psi and the maximum capacity of the gauge used for the sixty (60) psi for thirty (30) minutes test shall be one hundred (100) psi.

4-612. SECTION 413 AMENDED. Section 413 of the standard code is amended to read as follows:

Section 413 ADA Standards. Plumbing fixtures and fixture fittings for persons with disabilities shall conform to the appropriate State of Kansas ADA standards.

4-613. SECTION 505.1 AMENDED. Section 505.1 of the standard code is amended to read as follows:

Section 505.1 Location. Water heater installations in bedrooms and bathrooms shall comply with one of the following:

(a) Fuel-burning water heaters may be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 505.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 505.1.2. All combustion air for such installations shall be obtained from the outdoors in accordance with Section 507.4. The closet shall be for the exclusive use of the mechanical equipment.

(b) Water heater shall be of the direct vent type.

(c) Water heater shall be of electric type.

4-614. SECTION 603.4.6.1 AMENDED. Section 603.4.6.1 of the standard code is amended to read as follows:

Section 603.4.6.1 Backflow Device. Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

(1) Pressure vacuum breaker
(2) Spill-resistant pressure vacuum breaker
(3) Reduced-pressure backflow preventer
4-615. SECTION 603.4.6.3 AMENDED. Section 603.4.6.3 of the standard code is amended to read as follows:

Section 603.4.6.3 Downstream Backflow Device. Where systems have a backflow device installed downstream from a potable water supply pump or a potable water supply pump connection, the device shall be one of the following:

(1) Pressure vacuum breaker
(2) Spill-resistant pressure vacuum breaker
(3) Reduced-pressure backflow preventer

4-616. SECTION 603.4.16.3 AMENDED. Section 603.4.16.3 of the standard code is amended to read as follows:

Section 603.4.16.3 Fire Supply Contaminant Chemicals. Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following:

1. Reduced pressure backflow preventer
2. Reduced pressure detector assembly

Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation. Devices approved for low hazard potable water system protection include the following:

1. Double check backflow preventer
2. Double check detector assembly

4-617. SECTION 604.1 AMENDED. Section 604.1 of the standard code is amended to read as follows:

Section 604.1 All pipe, tube and fittings carrying water used in potable water systems intended to supply drinking water shall meet the requirements of NSF 61 as found in Table 14-1. All materials used in the water supply system, except valves and similar devices, shall be of a like material, except where otherwise approved by the Authority Having Jurisdiction.

Materials for building water piping and building supply piping shall be in accordance with Table 6-4 and the standards in Table 14.1.

EXCEPTION: All listed building water supply piping may be extended inside the building to the point of the building master shut off valve provided there are no branches
taken off ahead of the building master shut off valve and the master shut off valve is within 5’ of the point of entrance of the structure.

4-618. SECTION 701.1.6 REGARDING VITRIFIED CLAY PIPE RESTRICTIONS CREATED. Section 701.1.6 is hereby created to read as follows:

Section 701.1.6 Restrictions on Use of Vitrified Clay Pipe. No vitrified clay pipe or fitting shall be allowed inside a building or structure. Vitrified clay pipe and fittings may be used for repairs to existing clay pipe building sewers.

4-619. SECTION 703.3 BATTERY DRAINAGE SYSTEMS CREATED. Section 703.3 is hereby created to read as follows:

Section 703.3 Battery Drainage System. A horizontal branch, soil or waste pipe, to which two or more water closets (except blow-out type), pedestal urinals, shower stalls or floor drains are connected in a battery, may be vented by a circuit or loop vent. When lavatories or similar fixtures discharge above such branches, each vertical branch shall be provided with a continuous vent which may be connected to the circuit or loop vent of the battery. The circuit or loop vent of a battery drainage system shall be installed vertically in front of the last upstream fixture. In addition, lower floor branches serving more than three water closets shall be provided with a relief vent taken off vertically in front of the first fixture connection. No more than eight water closets may be connected to a battery drainage system. The fixture unit value for all fixtures shall be as listed in Tables 7-3 and 7-4 of the Uniform Plumbing Code. The horizontal branch for its full length to the furthest fixture shall be uniformly sized as listed in Table 7-5 of the Uniform Plumbing Code, based on the total number of fixtures. The vent of a battery drainage system shall be sized for a fixture unit demand of the battery system according to Table 7-5 of the Uniform Plumbing Code based on the total number of fixtures. The relief vent may be wet vented with a fixture drained vertically in the battery drainage system. Such vent shall be the same size as the circuit vent it intersects. All vents shall rise vertically to six inches (152.4 mm) above the flood level of the highest fixture on the system.

4-620. SECTION 707.8 INTERCEPTORS CLEAN OUT CREATED. Section 707.8 is hereby created to read as follows:

Section 707.8 Interceptors Clean Out. Each clean-out for an interceptor shall be outside of such interceptor. There shall be an approved clean-out installed in the inlet pipe and outlet pipe, within two (2) feet of the interceptor, and each shall be of the twin or two-way pattern design. The clean-out opening shall be extended to finish grade.

4-621. SECTION 712.1 AMENDED. Section 712.1 of the standard code is amended to read as follows:

Section 712.1 Media. The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The Authority Having Jurisdiction may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. When the temperature within the building wherein the drainage system is
located is above twenty degrees (20º) Fahrenheit, a water test as set forth in Section 712.2 may be made. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

4-622. SECTION 804.1 AMENDED. Section 804.1 of the standard code is amended to read as follows:

Section 804.1 Indirect Waste Pipe Requirements. All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed and shall be of such shape and capacity as to prevent splashing or flooding and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom. Not in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers is installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty inches above the floor. In any structure where drains are to be installed in or flush with the floor, thy may be floor sinks, or floor drains and be readily accessible, provide, floor drains used as indirect waste receptors shall meet the following requirements:

(1) Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep.

(2) Have a perforated cover equal in area to the diameter of the drain.

(3) Have a minimum trap and waste line size of two (2) inches in diameter.

4-623. SECTION 908 AMENDED. Section 908 of the standard code is amended to read as follows:

Section 908. Wet Venting. Groups of fixtures on the same floor may be wet or stack vented; provided that the maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 10-1.

A fixture may be wet vented when not more than one fixture unit wastes into a one and one-half (1 ½) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper revent. The limit of a horizontal wet vent shall be to (10) feet developed length.
4-624. **TABLE 10-1 AMENDED.** Table 10-1 is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Trap Arm</th>
<th>Distance Trap to Vent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ¼</td>
<td>2 6</td>
</tr>
<tr>
<td>1 ½</td>
<td>3 6</td>
</tr>
<tr>
<td>2</td>
<td>6 0</td>
</tr>
<tr>
<td>3</td>
<td>6 0</td>
</tr>
<tr>
<td>4 and larger</td>
<td>10 0</td>
</tr>
</tbody>
</table>

Provided that the distance for floor drains shall be within fifteen (15) feet of a ventilated line and the distance for bathtubs with one and one-half (1 ½) inch waste shall be within five (5) feet of a vent.

For trap arms three (3) inches in diameter and larger, the change of direction shall not exceed one hundred and thirty-five (135) degrees without the use of a cleanout.

* The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (flange) to inner edge of vent) and its vent shall not exceed six (6) feet.

4-625. **SECTION 1204.3.1 AMENDED.**

Section 1204.3.1 of the standard code is amended to read as follows:

*Section 1204.3.1 Gas Piping Inspection.* This inspection shall be made after all gas piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material and installation meet the requirements of this code.

When installing any gas opening for a future gas burning appliance in residential gas piping systems, it shall be sized and located according to the following requirements:

1. The future appliance shall be assigned a minimum fifty-five thousand BTU value for sizing the gas distribution piping system;

2. For future solid fuel burning fireplaces, the gas opening shall be run to within four feet of the fire box and be controlled by an accessible approved shut-off valve outside the hearth and be properly capped or plugged;
3. For future gas fired appliances, the gas opening shall be run to within three feet of the appliance and be controlled by a readily accessible approved shut-off valve outside the hearth and be properly capped or plugged;

4. The approved required shut-off valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance;

5. When creating a new opening all gas piping must be tested;

6. When extending an existing gas opening, only that branch must be tested; when making gas opening at meter loop, only that branch must be tested. Exception: When approved by the administrative authority, above procedures may be waived and a soap test administered.

4-626. SECTION 1211.1.2(A) AMENDED. Section 1211.1.2(A) of the standard code is amended to read as follows:

Section 1211.1.2(A) Cover Requirements. Underground piping systems shall be installed with a minimum of 18 inches (460 mm) of cover. Where external damage to the pipe is not likely to result, the minimum cover shall be 12 inches (300 mm). Where a minimum of 12 inches (300 mm) of cover cannot be provided, the pipe shall be installed in conduit or bridged (shielded). [NFPA 54:7.1.5]

EXCEPTION: Service pipe shall be laid at a depth of not less than twelve (12) inches except plastic gas lines shall be laid at a depth of eighteen (18) inches, and shall be laid in a ditch separated from the ditches of water, sewer or other underground pipes or conduits by not less than eighteen (18) inches of solid undisturbed earth. A gas service line laid parallel to a foundation wall shall be laid on a line not less than two (2) feet from such foundation wall and on solid undisturbed earth. In no case shall a service line be laid parallel to the building in the backfill along the foundation wall. Where a service or supply line passes through a foundation wall, except where such wall is on a property line, the same shall enter the building above grade.

4-627. SECTION 1211.1.5 AMENDED. Section 1211.1.5 of the standard code is amended to read as follows:

Section 1211.1.5 Piping Through Foundation Wall. Underground piping, where installed through the outer foundation or basement wall of a building, shall be encased in a protective pipe. The space between the gas piping and the building shall be sealed to prevent entry of gas or water. [NFPA 54:7.1.5]

No gas piping shall be installed in or on the ground under any building or structure, and all exposed gas piping shall be kept at least six (6) inches above grade and enter or exit the structure above the exterior finish grade. Concealed unprotected gas piping may be installed above grade in approved recesses or channels.
4-628. SECTION 1214.1.8 RELATING TO LEAK TESTING DORMANT SYSTEMS CREATED. Section 1214.1.8 is hereby created to read as follows:

Section 1214.1.8 Leak Testing Required for Dormant Systems. All liquefied petroleum gas and or natural gas piping systems that have been out of service for a period of six months shall be required to have the system pressure tested to check for leaks prior to the installation of gas into the system. This testing is to be conducted by a city licensed plumber. The test is to be conducted at a minimum pressure of 10 p.s.i. for a time period of at least 15 minutes.

4-629. COPIES ON FILE.

Not less than three (3) copies of the standard code incorporated by reference shall be filed with the city clerk. Said copies shall be marked or stamped "Official Copy as Incorporated by Reference in Ordinance No. 812-2007" with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Said copies shall have attached a copy of this resolution and shall be open to inspection and available to the public at all reasonable business hours. Copies in numbers as needed shall also be furnished without charge by the department of code enforcement of the county to the courts and all administrative departments charged with enforcement of the standard code.

4-630. ADOPTION OF RULES AND REGULATIONS.

The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the plumbing code as adopted hereinabove.
ARTICLE 7. MANUFACTURED HOUSING CODE

4-701 DEFINITIONS.

(a) **Accessory building** means any building or structure, or portion thereof, located on the same property as a manufactured home which building or structure does not qualify as a manufactured home as defined herein.

(b) **Building official** means the director of the City of Park City Department of Code Enforcement.

(c) **Camp** means a recreational vehicle campground.

(d) **Code enforcement officer** means the official or other authorized representative charged with the administration and enforcement of this ordinance. The terms “building official,” “inspector,” and “department director” of the City of Park City Department of Code Enforcement are synonymous. The code enforcement officer as defined in K.S.A. 19-101d(b)(2), shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d.

(e) **Design professional** means a registered and licensed professional engineer or architect of the State of Kansas.

(f) **Ground anchor** means any device designed to secure a manufactured home or mobile home to the ground.

(g) **Dwelling** means any building or portion thereof, which is designed or used exclusively for residential purposes.

(h) **Manufactured home** means a dwelling unit built on or after June 15, 1976, which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards generally known as the HUD code established pursuant to 42 U.S.C. 5403. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means. A manufactured home shall be transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” does not include a recreational vehicle.

(i) **Manufactured home community (MH-2)** means a parcel of land which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent
foundations. The term manufactured home community does not include sales lots on which unoccupied mobile or manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale, nor does it include a tract of land on which a manufactured home as a second dwelling unit has been permitted on a temporary basis as a conditional use in accordance with the zoning code.

(j) Manufactured home installation contractor means a contractor who has been licensed as required by the State of Kansas to obtain required permits to perform blocking, anchorage, tie-down installation, and skirting installation as required by this article.

(k) Manufactured home space means a plot of ground within a manufactured home community or nonconforming or nonstandard mobile home community which is to accommodate one manufactured home or mobile home and which provides service facilities for water, sewage and electricity.

(l) Manufactured home subdivision (MH-2) means a subdivision within the “MH-2” manufactured housing zoning district which is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and/or site-built single-family dwellings, to be placed on permanent foundations as required for permanent structures.

(m) Mobile home means a movable, detached single-family dwelling unit that was manufactured prior to June 15, 1976 and is not in conformance with the National Manufactured Home Construction and Safety Standards Act, or HUD code, as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to utilities in conformance with all applicable regulations. The term “mobile home” does not include a recreational vehicle.

(n) Modular home means a structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the City of Park City and related technical codes and moved to the construction site for final assembly as a dwelling unit, and placed on permanent foundations as required for permanent structures.

(o) Occupy, Occupancy, or Occupied means the use of any mobile home, manufactured home or recreational vehicle by any person for living, sleeping, cooking or eating purposes.

(p) Operator means the person or business that has charge, care or control of a licensed or unlicensed manufactured home community, nonconforming or nonstandard manufactured or mobile home community, park, or camp or portion thereof, and/or the person or business that holds the license for a manufactured home community, a nonconforming or nonstandard mobile home park, or camp.

(q) Park means manufactured home community or nonconforming or nonstandard mobile home park or court.
(r) **Person** means any individual, Firm, Trust, Partnership, Association, or Corporation.

(s) **Pier** means one of the structural supports, required by the uniform standard code for mobile homes, recreational vehicles, and manufactured homes which are not secured to the ground on a permanent foundation.

(t) **Recreational vehicle** means a unit designed as a temporary living quarters for recreational camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Director of Code Enforcement.

(u) **Recreational vehicle campground or park** means a lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

(v) **Residential-design manufactured home** means a manufactured home on a permanent foundation which has minimum dimensions of twenty-two (22) body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and complies with the architectural and aesthetic standards specified in the City of Park City building codes. A residential-design manufactured home shall be considered a single-family dwelling and shall not be subject to the provisions of this ordinance.

(w) **Roadway** means any private street having a minimum width of thirty (30) feet located within a park or court and provided for the general vehicular and pedestrian circulation within the court or park.

(x) **Service building** means a building housing all of the following: separate toilet facilities for men and women; laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the camp or park.

(y) **Tie down** means any device designed for the purpose of anchoring a manufactured home to ground anchors.

(z) **Trailer** means any portable structure or vehicle designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes, which does not have individual toilet and bath.

(4-701 Amended by ORD #865-2009 on 12/31/2009)

4-702. **EXISTING OCCUPANCIES.**

(a) Manufactured homes that are in existence at the time of the adoption of this article may have their use or occupancy continued if such use or occupancy was legal at the time of the adoption of this ordinance, provided that such continued use is not dangerous to life, health and safety.
(b) The use or occupancy of any existing manufactured home shall not be changed unless evidence satisfactory to the code enforcement officer is provided to show compliance with all applicable provisions of the codes adopted by the City of Park City.

(c) Upon any change in use or occupancy, the manufactured home shall cease to be classified as such within the intent of this article.

Nothing hereunder shall pertain to “job trailers,” “construction trailers,” “portable classrooms,” or “portable offices.”

4-703. APPROVED LOCATIONS FOR MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

It is unlawful for any person to occupy a manufactured home or mobile home in the City of Park City unless such manufactured home or mobile home is located in a manufactured home community or a nonconforming or nonstandard mobile home park or other authorized location in conformance with all regulations and the zoning laws of the City of Park City. It is also unlawful for any person to occupy a recreational vehicle in the city unless such recreational vehicle is located in a camp. Any such manufactured home or mobile home shall further be subject to being in compliance with the Park City Existing Structure Code.

EXCEPTIONS:

(a) A manufactured home may be occupied at a construction site by a night watchman or construction project workmen when approved by the Director of Code Enforcement as necessary for security and/or construction purposes. This approval may be withdrawn by the Director of Code Enforcement upon three days written notice, when, in his opinion, the intent of this section is being violated.

(b) A recreational vehicle may occupy a manufactured home space or mobile home space in a community for a period not to exceed thirty days, provided a service building as required for a camp is within two hundred feet of the space so occupied. Under no circumstances shall the number of manufactured home spaces and/or mobile home spaces within a park be occupied by recreational vehicles in excess of five percent of the total number of manufactured home spaces and/or mobile home spaces provided, or a total of three, whichever is larger.

EXCEPTION: A recreational vehicle that is fully self-contained may occupy a space in a manufactured/mobile home community for a period of not to exceed 30 days without a service building being provided.

(c) A manufactured home may be occupied on a lot in a manufactured home subdivision “MH-1” provided it is placed on a permanent foundation and a building permit is obtained for construction and conversion to a permanent structure.

(d) A manufactured home may be occupied as a single-family dwelling when used as a residence for a watchman, caretaker or guard for an industrial property used
in the “I-1” or “I-2” industrial zoning districts, provided such home is placed on a permanent foundation.

4-704. COMMUNITY OR PARK LICENSE

(a) After the effective date of this ordinance, it shall be unlawful for any person to construct, maintain and operate any mobile home park, manufactured home subdivision, manufactured home community, recreational vehicle park, or camp within the City of Park City, Kansas, unless such person is licensed by the City to operate the same, with such license not being transferable, except with the consent of the City of Park City, Kansas.

(b) That there shall be assessed against each manufactured home or recreational vehicle space located within the corporate city limits of the City of Park City, Kansas, an annual, impact fee assessed and paid as follows:

(1) The fee shall be based upon the number of lots in the manufactured home community or manufactured home subdivision than existing as of January 1 of each calendar year. Said fee shall be in the amount of Twenty Dollars ($20.00) for each manufactured home and/or recreational vehicle space and shall be paid to the City not later than February 15 of the following year; except that for any newly added manufactured home and/or recreational vehicle space the impact fee shall be Fifty Dollars ($50.00) for the year in which the space is added which shall be paid immediately. Said assessment shall be against and be owed by the registered owner of the land on which the manufactured home and/or recreational vehicle spaces are situated.

(2) The failure to pay the assessed impact fee when due shall result in there being a further assessment of a five percent (5%) penalty of the total assessment for every thirty (30) days after the due date that the said assessment remains unpaid. That said assessment shall, sixty (60) days after the date due, constitute a lien against the lands on which the manufactured/mobile home and/or recreational vehicle park is located and shall be certified to Sedgwick County to be spread as a special tax against such lands.

(c) Three (3) copies of the application for a new or addition to a manufactured home community or park license and all accompanying plans and specifications for building and other structures, along with three (3) copies of the plot plan as built (Items 1 - 4, Section (d) below) shall be filed through the Director of Planning. Such application shall include the following information:

(1) The name and address of the applicant;

(2) The location and legal description of the manufactured home community or park;
(3) A complete plan for the manufactured home community and/or recreational vehicle park, showing compliance with all applicable provisions of this Ordinance;

(d) A complete plan, for the purpose of obtaining a license to be issued by the Clerk upon approval of the Director of Planning, shall include:

(1) The area and dimensions of the tract of land to be used for the manufactured home community and/or recreational vehicle park;

(2) The number, location, and size of all mobile home, camp or recreational vehicles spaces;

(3) The location and width of roadways, walkways, and easements;

(4) A plot plan of existing and/or all proposed buildings and other structures; and existing or proposed utilities;

(5) Plans and specifications of all buildings, water and sewerage facilities, and other improvements to be constructed within the community or park;

(6) The topography and drainage and grading plan on new construction or additions to the community or park.

(e) Applications for renewal of a manufactured home park or community license shall be filed with the Director of Planning, but the attachments specified above are not required unless there are changes to the plot. The City Clerk will issue the license after the application is reviewed and approved by the Director of Planning.

(f) If the community or park is in compliance with provisions of this Ordinance, the Clerk of the City of Park City, Kansas, shall issue the license upon the approval of the Director of Planning.

(g) Any license granted hereunder shall be subject to suspension by the Director of Planning if the person holding such license fails to comply with all the provisions of this ordinance after 30 days notice by the Director of Planning. Suspension of such license shall remain in effect until such time as all requirements of this section shall be met. If remedial action has not been instituted by the community or park operator within 30 days after the date of suspension, suspension shall become revocation with right of appeal as herein after defined.

(h) The license certificate shall be conspicuously posted in the office or in the premises of the community or park at all times.
4-705. PERMITS REQUIRED FOR INSTALLATION OF MANUFACTURED HOMES.

(a) A manufactured home installation permit shall be obtained from the City of Park City for every manufactured home, which is installed or relocated within the City of Park City, Kansas. The purpose of such manufactured home installation permit is to assure that manufactured homes are anchored and placed on footings and foundations and skirted as required by the City of Park City. Manufactured home installation permits shall be obtained at least twenty-four hours prior to installation of any manufactured home within the City of Park City, Kansas.

(b) Manufactured home installation permits must be obtained for every manufactured home installed in the City of Park City, Kansas. Inspections associated with the above captioned permit shall include setbacks, blocking, tie down anchors, pad footings, permanent skirting, electrical, plumbing, and gas connections, steps, landings, handrails and guardrails. It shall be unlawful to attach any load imposing structure such as but not limited to steps, decks, patio covers, and room additions, or to connected two or more mobile/manufactured homes together, without the approval of the Department of Code Enforcement.

(c) Permits and inspections for any building, electrical, plumbing, mechanical, or construction work other than manufactured home anchorage, footings and foundations, or skirting, as outlined below, shall be obtained as required by the building, electrical, plumbing, mechanical and health codes as currently adopted by the City of Park City, Kansas.

(d) A copy of the third party inspection report shall be presented when purchasing all residentially designed manufactured housing permits. No permit shall be issued without a third party inspection report.

(e) Manufactured home installation permits shall only be obtained by a licensed manufactured home installation contractor as defined herein or by a homeowner if they are installing a personal residence. No manufactured home installation permit shall be issued to any manufactured home installation contractor who has not first obtained a license through the State of Kansas or whose license has been suspended or revoked by the State of Kansas. No manufactured home installation permit will be issued to any manufactured home installation contractor without the contractor first providing the City the following documents:

1. A copy of the contractor's current manufactured home installation license issued by the State of Kansas.

2. Proof of Worker's Compensation insurance covering all employees to be engaged in work on the site of the manufactured home installation and in such amounts as are required by the laws of the State of Kansas.
(3) Proof that the manufactured home installation contractor has current, comprehensive, general liability insurance coverage for the contractor's operations in an amount of not less than three hundred thousand ($300,000) for each occurrence and aggregate for bodily injury and property damage combined.

(f) Permit fees.

(1) There is hereby established a fee in the amount of one hundred dollars ($100.00) for a permit for the installation of each manufactured home installed in a manufactured home community or park in the City of Park City.

(2) There is hereby established a fee in the amount of nineteen cents ($0.19) per square foot of above ground area for all other permits issued pursuant to this section. For manufactured homes with an unfinished basement an additional fee of fifteen cents ($.15) per square foot of basement area shall be charged. For manufactured homes with a finished basement, an additional fee of nineteen cents ($0.19) per square foot of basement area shall be charged.

(4-705 Amended by ORD #865-2009 on 12/31/2009)

4-706. INSPECTIONS.

(a) The City of Park City, Kansas, through its Department of Code Enforcement and/or designated representative, is hereby authorized and directed to make inspections to determine the condition of communities and parks located within the City of Park City, Kansas, in order to safeguard the health and safety of occupants of communities and parks and of the general public. The City of Park City, Kansas, through its designated agent, shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance. Nothing in this Ordinance shall be construed as authorizing the City of Park City, Kansas, to enter a privately owned trailer, recreational vehicle, mobile home, or manufactured home except in accordance with the law.

(b) All construction or work for which a manufactured home installation permit is required shall be subject to inspection by Department of Code Enforcement personal. A survey of the lot may be required by the Department of Code Enforcement to verify that the structure is located in accordance with the approved plans.

(c) It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Department of Code Enforcement nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(d) It shall be the duty of the person doing the work authorized by a manufactured home installation permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection
be filed at least one (1) working day prior to when such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

(e) The manufactured home shall not be occupied prior to obtaining a temporary final inspection approval by the Department of Code Enforcement of the following items:

(1) Footings and setbacks, if required, before concrete is placed.
(2) Stem wall, if required, before concrete is placed.
(3) Blocking, pursuant to K.S.A. 75-1231 and drawings available for inspection at the Department of Code Enforcement, 6110 North Hydraulic, Park City, Kansas.
(4) Tie down, pursuant to K.S.A. 75-1227 through 75-1230 inclusive and the standards on file in the Department of Code Enforcement and incorporated herein by reference.
(5) Electrical service connection as set forth herein.
(6) Fuel gas connection as set forth herein.
(7) Handrails and outside stairs, at each exit, as set forth herein.
(8) Electric or gas meters shall not be released to the utility company until the home is blocked and tied down as set forth herein and in K.S.A. 75-1227 through 75-1230.

(f) When the inspections set forth above have been approved by the Department of Code Enforcement, a temporary occupancy certificate will be issued. The manufactured home shall not be skirted before the temporary final inspection.

(g) It shall be a violation of this article to occupy a manufactured home until a temporary occupancy certificate has been issued.

(h) It shall be the duty of the person doing the work authorized by a manufactured home installation permit that such work shall not be commenced until the permit holder or the permit holder's agent shall have posted an inspection record card on the front door in the upper portion as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been issued by the building official.

4-707. LOCATION, SPACE, AND GENERAL LAYOUT.

(a) Communities and parks may be located only in accordance with the provisions of the zoning ordinance.
(b) Site of the community or park shall be properly graded to ensure adequate drainage and freedom from stagnant pools of water.

(c) Each manufactured/mobile-home or trailer space shall contain a minimum of fifteen hundred (1,500) square feet with the boundaries properly marked. Manufactured/mobile homes and trailers shall be so situated on each space so that there shall be no less than twenty (20) feet of clearance between such homes and trailers and that clearance between rears of homes or trailers shall be no less than twelve (12) feet.

(d) All manufactured/mobile homes or trailers shall be so situated on the manufactured/mobile home or trailer space as to maintain a side yard of no less than five (5) feet from any side space line.

(e) All manufactured/mobile homes or trailers shall be so situated on the manufactured/mobile home or trailer space as to maintain a front setback of no less than twenty (20) feet from the centerline of the roadway; and in no instance shall such setback be less than five (5) feet from the edge of the roadway. All manufactured/mobile homes or trailers shall be as to maintain a front setback of no less than twenty-five (25) feet from the street right-of-way line of any public street or highway.

4-708. SERVICE BUILDINGS. Service buildings for camps and recreational vehicle parks shall be required and constructed as specified herein below.

(a) Be located no nearer than fifteen (15) feet from any vehicle or trailer space;

(b) Be so located that the trailer or vehicle it is serving shall not be parked more than two hundred (200) feet from it.

(c) Be of permanent type construction, and be adequately lighted;

(d) Be of moisture resistant material, to permit frequent washing and cleaning;

(e) Have sufficient laundry facilities and, in order to afford privacy to each sex, one flush type toilet, one lavatory, and one shower for each sex for all parks or camp having nine (9) or fewer trailer or vehicle spaces; and one additional flush type toilet, one additional lavatory, and one additional shower for each sex for each ten (10) additional trailer or vehicle spaces or major fraction thereof. All laundry facilities, lavatories and showers shall be connected with both hot and cold water.

(f) Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit in the building and provide hot (140 degrees F) water at a minimum rate of eight (8) gallons per hour per trailer or vehicle space, and not less than eighty (80) gallons per hour. Additional water heating capacity shall be provided for laundry facilities.

(g) Have an accessible, adequate, safe and potable supply of cold water
(h) Have all rooms ventilated as required by the currently adopted mechanical code. Have at least one mop sink supplied with hot and cold water, in a room separate from toilet facilities.

(j) Comply with all applicable ordinances, resolutions and statutes regulating buildings, ADA requirements, electrical, mechanical, and plumbing installations and sanitation sewer systems.

(k) Be maintained in a clean, sightly condition and kept free of any condition that will menace the health and safety of any occupant or the public, or constitute a nuisance.

4-709. WATER SUPPLY.

(a) An accessible, safe and potable supply of water shall be provided in each community or park and shall be piped to each trailer or manufactured home space.

(b) Each manufactured/mobile home community and trailer park shall provide an adequate water system having the following minimum flow rates:

1. Communities or parks having less than five (5) trailer or manufactured homes spaces shall provide a minimum of four (4) gallons per minute per space.

2. Communities or parks having six (6) to fifteen (15) trailer or manufactured/mobile home spaces shall provide a minimum of twenty (20) gallons per minute plus two (2) gallons per minute for each space more than five (5).

3. Communities or parks having sixteen (16) to forty (40) trailer or manufactured/mobile home spaces shall provide a minimum of forty (40) gallons per minute plus one and one-half (1-1/2) gallons per minute for each space more than fifteen (15).

4. Communities or parks having forty-one (41) or more trailer or manufactured/mobile home spaces shall provide a minimum of seventy-eight (78) gallons per minute plus one (1) gallon per minute for each space more than forty (40).

(c) Piping and pumping facilities shall be sized to provide a minimum of twenty (20) pounds per square inch of pressure at all manufactured/mobile home or trailer connections and shall comply with all applicable ordinances and statutes.

4-710. SEWAGE DISPOSAL.

(a) All plumbing in the community or park shall comply with all applicable ordinances and statutes.
Each trailer or manufactured/mobile home space shall be provided with no less than a four (4) inch sewer connection. Such individual connections shall be so constructed that they can be closed when not linked to a trailer or manufactured/mobile home, and shall be trapped in such a manner as to maintain them in an odor-free condition.

Individual trailer or manufactured/mobile home sewer connections shall be made to sub-mains of sufficient size to service the park at its ultimate maximum capacity.

When the sewer lines of the park are not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the State Board of Health shall be provided. The design of such facilities shall be based on the ultimate maximum capacity of the park. The approval of the State Board of Health shall be obtained on the type of treatment proposed and on the design of the facility prior to construction.

4-711. REFUSE COLLECTION.

Provision for refuse storage and collection shall comply with standards as determined by the City of Park City, Kansas.

4-712. INSECT AND RODENT CONTROL.

Insect and rodent control measures to safeguard public health, as determined by the City of Park City, Kansas, shall be applied in the communities or parks.

4-713. ELECTRICITY.

Homes placed in manufactured home communities shall have a main disconnect and shall be a main breaker type only. Homes placed in areas other than manufactured home communities shall have a main breaker and room for a minimum of two single pole breakers. The minimum size electrical service shall be one hundred (100) amps, but not less than that required by the main breaker within the manufactured home. Disconnect means shall be within thirty (30) feet of the home. Fusible disconnects are not acceptable. The size of the electrical service shall be determined by the nameplate on the home or in compliance with the current City of Park City electrical code. All homes shall be hard-wired. No cord and plug connected homes shall be permitted. All electrical wiring shall comply with applicable provisions of the current City of Park City electrical code. No power lines shall be permitted to lay on the ground or to be suspended less than fifteen (15) feet above the ground over any roadway, parking or service area. All electrical work shall be completed by a licensed manufactured home electrician or licensed electrical contractor.

Manufactured home service equipment. The manufactured home service equipment shall not be permitted to be installed in or on a manufactured home.
4-714. FUEL

(a) Liquefied petroleum gas shall not be used at trailer or manufactured/mobile home sites, except:

(1) ICC cylinders of twenty-five (25) pound capacity or less shall be permitted to be attached to the pulling hitch of the manufactured/mobile home or trailer, provided that it shall be securely fastened in an upright position to the pulling hitch and properly connected in accordance with rules and regulations issued by the office of the State Fire Marshall.

(2) In the event that a single one hundred (100) pound ICC cylinder is used, it shall be attached firmly in an upright position to the front 18" of the trailer hitch upon a fire proof base and provided with a suitable cap or cover for the valve fittings; provided that this location meets all State Fire Marshall Requirements concerning minimum distance from window and door openings.

(3) In the event that two one hundred (100) pound ICC cylinders are used they shall be located in the upright position at the front 18" of the trailer hitch on a fire proof base, with standard hood of a type approved by the office of State Fire Marshall Department.

(4) Recreational barbecue grills or smokers not exceeding twenty-five (25) pounds capacity.

(b) Liquefied petroleum containers larger than one hundred (100) pound ICC cylinders are not permitted on trailer or manufactured/mobile home spaces.

(c) Gas piping shall not be installed underground beneath buildings or that portion of the manufactured or mobile home or recreational vehicle lot reserved for the location of manufactured or mobile homes or recreational vehicles, manufactured or mobile home or recreational vehicle accessory buildings or structures, concrete slabs or automobile parking, unless installed in a gas tight conduit.

(d) For each individual manufactured home there shall be a gas cock and an American Gas Association approved flexible outdoor connector. Maximum length of flexible connector shall be three (3) feet.

(e) Approved gas piping shall extend laterally out from under the home a minimum of six (6) inches. No flex connectors or shutoff valves shall be allowed under the home. Permanent foundations shall be sleeved.

(f) All gas piping work shall be completed by a certified manufactured home plumber, a licensed plumbing contractor, or a licensed LP installer.
4-715. MANUFACTURED HOME GROUND ANCHORS

(a) Every new or relocated manufactured home installed after the effective date of this article shall be anchored in accordance with the manufacturer's printed instructions complying with the National Manufactured Home Construction and Safety Standards Act and any regulations promulgated hereunder. It shall be the responsibility of the manufactured home owner or licensed manufactured home installer to demonstrate compliance with this anchoring requirement, and in the event the owner or licensed manufactured home installer is unable to do so, the manufactured home shall be anchored in the following manner:

(1) Ground anchors shall be attached both to the frame and to straps or cables that pass from one (1) side over the top and down the opposite side.

(2) Ground anchors shall be clearly marked with identification as required by K.S.A. 75-1228, and as noted on approved certificates issued by the director of the architectural services division of the state department of administration.

(3) Each ground anchor shall be capable of withstanding a vertical pull force of four thousand seven hundred fifty (4,750) pounds in place.

(4) The number of anchors required shall be: Three on each lengthwise side for manufactured homes not less than thirty-six (36) feet nor more than fifty (50) feet in length; four (4) on each lengthwise side for manufactured homes more than fifty (50) feet but not more than seventy (70) feet in length; and five (5) on each lengthwise side for manufactured homes more than seventy (70) feet in length. Anchors shall be spaced such that each anchor will resist approximately the same force as the others.

(5) Strap or cable tie-downs used to connect the manufactured home to its anchors shall be of a type that is marked with identification as required by K.S.A. 75-1228, and as noted on an approved certificate issued by the director of architectural services division of the state department of administration.

(6) Corner roof protectors shall be used with over-the top cables or straps, which are not factory-installed with the manufactured home.
4-716. MANUFACTURED HOME BLOCKING

(a) Every new or relocated manufactured home installed after the effective date of this article shall have a support system in accordance with the manufacturer's printed instructions complying with the National Manufactured Home Construction and Safety Standards Act and any regulations promulgated hereunder. It shall be the responsibility of the manufactured home owner or licensed manufactured home installer to demonstrate compliance with this requirement and in the event the owner or licensed manufactured home installer is unable to do so, the manufactured home shall be mounted on masonry piers in the following manner:

(1) Blocking footings for piers shall be installed directly under the mainframe or chassis of the manufactured home. Blocking footings shall be placed on stable, undisturbed soil from which grass or organic material has been removed, or in controlled fill free of organic materials compacted to a minimum load-bearing capacity of one thousand (1,000) pounds per square foot. Prior to installation, homes placed on fill shall have a soil analysis to determine whether fill will carry the minimum load-bearing capacity. A state licensed soil engineer or person of equal qualification shall do soil analysis. A copy of the soil analysis shall be filed with the Department of Code Enforcement and attached to the permit. Blocking footings shall consist of no less than two (2) four-inch thick by eight-inch wide by sixteen-inch long solid concrete blocks with the long dimensions of each block parallel with the steel I-Beam frame. Blocking footings shall have a minimum load-bearing capacity of two thousand (2,000) pounds per square foot. The Director of Code Enforcement may authorize alternate footing materials or designs, which have been engineered and tested by an approved testing agency.

(2) Piers less than thirty (30) inches in height, measured from the top of the blocking footing to the bottom of the I-beam, shall be constructed of either open cell or solid concrete blocks each of which shall be eight (8) inches wide, eight (8) inches high, and sixteen (16) inches long. Open cell masonry blocks shall be installed with the open cells aligned vertically. A two (2) inch concrete cap or wood of at least one (1) inch nominal thickness and not greater than four (4) inches nominal thickness, eight (8) inches nominal width and sixteen (16) inches long shall be placed on the top of each pier, with weather proof shims when needed, fitted and driven tightly between the wood or concrete cap plate and the main frame I-beam. Such shims shall not exceed one (1) inch in nominal thickness and shall be at least four (4) inches nominal width and six (6) inches long. Piers shall be installed perpendicular to the I-beam. Piers shall not be spaced further apart than ten (10) feet on centers. The main frame shall not extend further than one (1) foot beyond the centerline of the end of the piers. Piers shall be spaced so as to not be located directly under the axle mounting(s).

(3) For any pier over thirty (30) inches in height, measured from the top of the blocking footing to the bottom of the I-beam, the pier shall be double-tiered with blocks interlocked and capped with solid concrete block. The cap plate shall
consist of one (1) four-inch thick by sixteen-inch wide by sixteen (16)-inch long solid concrete block or two (2) four-inch thick by eight (8)-inch wide by sixteen-inch long solid concrete blocks. The gap between the cap plate and the main frame may be filled with a piece of solid wood at least one (1) inch in nominal thickness but not greater than two (2) inches nominal thickness, eight (8) inches nominal width and sixteen (16) inches long, centered under the I-beam. The solid concrete cap or solid wood piece shall be installed with shims, as needed, fitted and driven tightly between the wood or concrete cap plate and the main frame I-beam. Such shims shall not exceed one (1) inch in nominal thickness and shall be at least four (4) inches nominal width and six (6) inches in length.

(4) Piers shall not exceed forty-eight (48) inches in height, unless designed and sealed by a design professional.

(5) Substitute footing and pier blocking materials may be approved by the Director of Code Enforcement if approved by and installed as required by K.S.A. 75-1231.

4-717. ZONING; SKIRTING; STAIRS AND LANDINGS

(a) All manufactured homes installed in the incorporated area of the City of Park City shall be placed only in accordance with the provisions of the Park City Zoning Regulations. After August 29, 1997, no mobile home, as defined in this Code, shall be moved, relocated or otherwise placed on any property, including within any manufactured home community, manufactured home subdivision, or on an individual lot, whether platted or un-platted without the approval of the Director of Planning.

(b) All manufactured homes installed in the incorporated area of the City of Park City shall conform to the following standards:

(1) The manufactured home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within forty-five (45) days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as manufactured home skirting that does not have a flame spread rating in excess of twenty-five (25). Vinyl skirting shall be a minimum of thirty (30) mil thickness and metal skirting shall have vertical metal supports of at least twenty (20) gauge thickness spaced not more than five (5) feet on centers. All skirting over twenty-six (26) inches in height shall be supported with vertical supports spaced not more than three (3) feet on centers, and a horizontal support centered between the ground and the bottom of the manufactured home of at least twenty (20) gage metal. Metal and vinyl skirting shall be fastened with screws, or by other means, to manufacturers’ specifications.

(2) The manufactured home shall be provided with handrails on all outside stairs that have four (4) or more risers from grade to finished floor.
elevation. Outside stairs shall be constructed to the standards of the current one-
and two-family dwelling code of City of Park City, Kansas.

(3) The manufactured home shall have stairs, porches and handrails and guardrails constructed so as to be structurally sound and which shall comply with the standards of the current one- and two-family dwelling code of the City of Park City. Wooden stairs, porches and handrails that are subject to weather shall be constructed with either wood of natural resistance to decay and/or termites or with treated wood. Field treatment of lumber is not acceptable.

(4) A manufactured home shall be limited to use as a single family dwelling unit.

(5) Accessory buildings shall be classified as to occupancy by the building official as set forth in the current one- and two-family dwelling code of the City of Park City.

(6) Manufacturers' installation instructions are the minimum standards for the installation of the manufactured home.

(7) The manufactured home shall meet the appropriate section of currently adopted codes of the City of Park City, i.e., commercial building, one- and two-family dwelling, plumbing, mechanical, electrical and zoning codes.

4-718. RESIDENTIAL-DESIGN MANUFACTURED HOMES STANDARDS

(a) Roof. The roof must be predominantly double-pitched and have a minimum vertical rise of two and two-tenths (2.2) inches for every twelve (12) inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including approved wood, asphalt composition shingles, or fiberglass, but excluding aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum eave projection and roof overhang of ten (10) inches, which may include a gutter.

(b) Siding. Exterior siding shall be of a material customarily used on site-built dwellings, which does not have a high gloss finish, such as wood, composition, simulated wood, clapboards, convention vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with the current one- and two-family dwelling code of the City of Park City, Kansas.

(c) Installation. A continuous, permanent concrete or masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, which may include walkout basements and garages, shall be installed under the perimeter of the home.
(d) Entrance landing area. At the main entrance door there shall be a landing that is a minimum of three (3) feet by three (3) feet that is constructed to meet the requirements of the current one- and two-family dwelling code of the City of Park City, Kansas.

(e) Transport equipment. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.

(f) Finished floor elevation. The finished floor of the residential-design manufactured home shall be a maximum of twenty-four (24) inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.

(g) Attached additions. Any attached addition shall comply with the current one- and two-family dwelling code of the City of Park City, Kansas. The architectural and aesthetic standards, as specified above, shall be applicable to all additions. All additions shall have a drawing sealed by a design professional.

(h) Basements and foundations. Plans and specifications for foundations and basements under manufactured homes are on file in the Department of Code Enforcement and are incorporated herein by reference and made a part of this article as though fully set out herein. Copies of these plans and specifications are available upon request. A design professional must seal plans submitted by homeowners that vary from the plans on file at the code enforcement office.

4-719. REGISTER OF OCCUPANTS

(a) It shall be the duty of the operator to keep a register containing a record of all manufactured/mobile home and trailer owners and tenants located within the park or community. The register shall contain the following information:

   (1) Name and address of each occupant.

   (2) The make, model, year of manufacture and serial number of manufactured/mobile homes and trailers.

   (3) The dates of arrival and departure of each manufactured/mobile home or trailer.

(b) The operator shall keep the register available for inspection at all times, by law enforcement officers, assessor, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The individual records of the register shall not be destroyed for a period of three (3) years following the date of registration.
4-720.  PROVISION OF IMPROVEMENTS.

All improvements of trailer parks or manufactured/mobile home communities required under the terms of this ordinance shall be provided by the developer of the community or park. No license shall be granted for the maintenance or operation of a trailer park or manufactured/mobile home community until all such improvements have been installed and approved by the City of Park City, Kansas, or until a performance bond in an amount equal to the estimated cost of such improvements and approved by the city attorney shall have been filed with the City of Park City, Kansas. All improvements shall conform to the requirements of applicable local and state regulations and to design standards specified by Park City Planning Commission.

4-721.  ALTERATIONS AND ADDITIONS

(a) Alterations and additions which are affected by provisions herein, within or to a trailer park or manufactured/mobile home community and facilities shall be made only after application to the Code Enforcement Officer and in conformity with all of the regulations of this Ordinance.

(b) No additions of any kind shall be built on to or become a part of any manufactured/mobile home or trailer except with a City of Park City building permit. Skirting of recreational vehicles is permissible but such skirting shall not permanently attach the recreational vehicle to the ground, provide a harborage for rodents, or create a fire hazard.

(c) Alterations and additions to manufactured homes or mobile homes which are affected by provisions contained in this chapter, within or to a park and facilities, shall be made only after application to the code enforcement officer and then only in conformity with all of the sections of this code.

(d) No permanent additions shall be made to a manufactured home or mobile home, including any non-conforming units, unless the manufactured home or mobile home is on a permanent foundation and all applicable building permits have been obtained. Such additions shall comply with the current one- and two-family dwelling code of the City of Park City. No singlewide or doublewide manufactured home or mobile home shall be combined with or attached to another manufactured home or mobile home unless such manufactured home or mobile home units are specifically constructed to HUD codes to be so combined.

(e) Accessory buildings, decks, landings, patio covers, steps and stairs and similar appurtenances shall not be structurally supported by or attached to a manufactured home or mobile home unless engineering calculations are submitted to substantiate any proposed structural connections.

(f) Such additions may themselves be a certified manufactured home unit or they may be site built. When additions are site built, they must be structurally separated from the existing manufactured home or mobile home unless engineering calculations
are provided to show that the existing manufactured home can safely sustain additional vertical and horizontal loads.

4-722. PROVISION OF STORM SHELTERS

(a) All manufactured/mobile home communities, trailer parks, and the owner of any manufactured/mobile home not located within such a community or park and which is leased to another person for occupancy as a dwelling shall provide storm shelter space as provided below.

(b) The storm shelter space shall be provided according to the following formula:

(1) Each park or community shall provide ten (10) square feet of shelter space times the maximum number of lots for the park or community.

(1.a.) A manufactured/mobile home within the corporate city limits of the City of Park City, Kansas, shall not be required to have a shelter if it is not located within a manufactured/mobile home community and/or trailer park, and if it is owned by its occupant. If the manufactured/mobile home is non-owner-occupied, then the owner of that manufactured/mobile home shall be required to provide shelter space of not less than twenty-five (25) square feet per home.

(1.b.) Shelters and shelter plans shall be submitted to the City of Park City, Kansas, for review and approval by the City Planning Commission. Shelters shall either be sub-surface or above-surface, and depending on which type of shelter is proposed, shall be compliant with the requirements, construction standards, and conditions as promulgated by the Kansas Department of Health and Environment and the Building Code as adopted by the City of Park City. The plan for each park in terms of providing storm shelter space for its occupants shall be submitted to the City Planning Commission not later than September 15 of each year.

(c) Shelters shall be inspected not less than semi-annually, and sooner if requested by the City of Park City, Kansas, and/or its duly authorized agent.

(d) All newly constructed shelters built pursuant to this ordinance shall be handicapped-accessible and meet the requirements of the Americans with Disabilities Act.

(e) Shelters provided and/or constructed as required herein shall not have an accumulation of water within them and shall be lighted, but it shall be at the option of the owner of the manufactured/mobile home community and/or trailer park whether or not such lighting shall be hard-wired to an outside electrical source, or served by battery power. Shelters of eighty (80) square feet and smaller shall not be required to have lighting.
(f) Occupants of manufactured/mobile home communities and rented individual manufactured/mobile homes shall be given notice in writing, within five (5) days of February 1, May 1, and August 1 of each year advising as to the location of all shelters in the community, or trailer park, the means of gaining access to said shelter, and a point of contact regarding questions about the shelter(s), and notice of the city ordinance that requires the same.

(g) New manufactured/mobile home communities and/or trailer parks, defined as those manufactured/mobile home communities and/or trailer parks not operating as of the date of the enactment of this ordinance, shall be required to have shelters located so that no home is more than six hundred (600) feet from an accessible shelter. The term “operating” as used in this subsection is defined as meaning, “a manufactured/mobile home community and/or trailer park that has been issued a community or park license and which has twenty percent (20%) or more of its available lots leased and manufactured/mobile homes and/or trailers located on that percentage of its available lots or spaces.

4-724. NON-STANDARD PARKS.

All communities or parks that do not meet the requirements of this article on its effective date shall be designated non-standard communities or parks. The owner or operator of such non-standard community or park shall have one hundred eighty (180) days to make such improvements as are needed to meet fully the health, safety and sanitary requirements of this ordinance. Under no circumstances shall any such non-standard community or park be granted a conditional use permit by the City of Park City.

4-725. USE OF NATURAL GAS.

Manufactured homes, trailers, or recreational vehicles shall not be allowed to utilize bottled or compressed natural gas to heat, operate, cool, and/or otherwise provide power to any individual unit, trailer, or otherwise. Said power shall be provided through the hook-ups available through the park, camp, or recreational vehicle park.

4-726. APPEAL AND REVIEW.

Any person aggrieved by any action of the City of Park City, Kansas, taken under the provisions of this article may appeal the ruling of the City of Park City, Kansas, to the Park City City Council by filing with such council a written request for a hearing within fifteen (15) days after the issuance of a ruling by an agent of the City. The City Council shall set the matter for hearing within a reasonable time and shall give written notice thereof to all interested parties. At such hearing the council shall give all interested parties an opportunity to be heard. Thereafter the council shall determine whether the actions of the City’s agent were reasonable and proper and enter an order accordingly.

4-727. SEVERABILITY OF PROVISIONS.

Should any section or provision of this article be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.
4-728. PENALTY.

Any person violating any of the provisions of this ordinance shall, upon conviction, be fined not less than Fifty Dollars ($50.00) for each offense, and not more than One Thousand Dollars ($1,000.00). Each day that a violation is permitted to exist shall constitute a separate offense. Payment of fine alone will not constitute compliance with this ordinance.
ARTICLE 8. CONTRACTOR’S LICENSE

4-801. LICENSES AND CERTIFICATE REQUIRED.

A license shall be required for Builders, Electricians, Plumbers, Drain Layers, Gas Fitters, or Heating/Air Conditioning Contractors performing work within the City Limits of the City of Park City, Sedgwick County, Kansas. This Ordinance shall provide requirements and penalties for violations thereof; create a classification plan and fees; and provide for the process of suspension or revocation thereof.

A. CONTRACTORS LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of contracting to perform, provide, broker or sub-contract for any construction, installation, alteration, repair or replacement of: building, wiring, plumbing, drain laying, gas fitting or heating and air conditioning without first securing the applicable Contractors License except as permitted herein.

BUILDING LICENSES EXCEPTION: No building contractors license shall be required of a person, firm, corporation or government entity not engaged in the business of building construction who performs building construction only for such person, firm, corporation or government entity and only on existing buildings and/or existing premises that are owned, leased, operated or managed by such person, firm, corporation or government entity. Building construction by said person, firm, corporation or government entity upon new buildings and new additions to existing buildings is prohibited. The person, firm, corporation or government entity for which such building construction is permitted by this exception shall be required to obtain all permits and inspections otherwise required by the Uniform Building Code.

(4-801 Amended by ORD #865-2009 on 12/31/2009)

4-802. CLASSIFICATIONS.

The classification and privileges assigned by the City shall be the same as the person, firm or corporation possesses under their valid Sedgwick County/City of Wichita license.

Building Contractors:

(a) Class A - Unlimited Commercial or Residential. A Class A license shall entitle the licensee to build unlimited commercial buildings and structures and shall entitle the licensee of those privileges held by holders of Class B, and C licenses.

(b) Class B - Three Story or Less. A Class B license shall entitle the licensee to contract to build structures of three stories or less in height, whether commercial or residential, and to contract to perform non-structural remodels of buildings exceeding three stories in height, and shall entitle the licensee to those privileges held by holders of Class C and S licenses.

(c) Class C - 1 & 2 Family Residential and Accessory Structure. Class C licenses shall entitle the licensee to contract to build 1 & 2 family residential structures and accessory buildings to such residential structures, and to perform residential remodeling, and shall entitle the licensee to those privileges held by the holders of Class S licenses.
(d) Class L. Limited. A Class L license shall entitle the licensee to contract and build based upon limitations placed on the license by the Building Official. The Class L license may be issued for any other class of license and the fee for the Class L license shall be the same as the classification provided to the licensee.

(e) Class S - Specialty. Class S license shall entitle the licensee to contract to install any one of the following according the sub-class of Specialty license obtained:

- S-1. Roofing/Siding
- S-2. Swimming Pool
- S-3. Fire Sprinkler System
- S-4. Wrecking
- S-5. Agricultural Buildings

A separate Class S license shall be required for each and every sub-class and a separate license fee shall be collected thereof.

(f) Class I. Inactive. A class I license shall entitle the licensee to retain the license status most recently held prior to becoming inactive upon payment of the license fee which shall be the same as that required for the most recently held active license. An inactive license shall be renewed at each renewal rotation, and if such inactive license is not renewed, it shall be deemed expired, and the provisions relating to obtaining a new license shall apply. An inactive licensee shall comply with all licensing provisions when the licensee engages in any work which requires an active license. Once an inactive license becomes active it may not be returned to inactive status until the next renewal rotation.

(4-802 Amended by ORD #865-2009 on 12/31/2009)

4-803. QUALIFICATIONS AND APPLICATION:

Any person, firm or corporation who currently holds a valid Sedgwick County/City of Wichita License or a Block License is recognized as duly qualified to apply for a comparable Park City License.

Application forms are available at the Office of Planning and Code Enforcement, City of Park City, 6110 N. Hydraulic, Park City, Kansas during regular business hours. The application shall be accompanied by:

(a) Proof of valid Sedgwick County/City of Wichita or Block License;

(b) Proof of Comprehensive General Liability Insurance in an amount not less than Three Hundred Thousand Dollars ($300,000) each occurrence and aggregate for bodily injury and property damage combined;

(c) Proof of Workman's Compensation Insurance for all employees to be engaged in the performance of the work on any site within Park City's jurisdiction.
4-804. FEES.

An annual non-refundable license fee of one hundred dollars ($100.00) shall be due and payable to the City Clerk of the City of Park City, Kansas. Licenses may be purchased throughout the year but shall not be prorated. Unless renewed, all licenses expire on December 31st of each and every year.

4-805. VIOLATIONS.

A Contractor possessing a Park City License may lose the privileges contained therewith if any of the following is determined to be true:

4-805.1. A license was obtained by fraudulent means; or
4-805.2. Information contained in the application was willfully inaccurate, relating to the Contractor's abilities and skill to perform such work as stated in the Application; or
4-805.3. If a violation of the licensing requirements exist; or
4-805.4. If the Contractor has lost his privileges to his Sedgwick County/City of Wichita license or Block license.

The Director of Code Enforcement is Chief Building Official of the City and he and/or his assigns shall be charged with enforcement of this Ordinance. Should the Building Official suspect that a violation of this Ordinance or the applicable code has occurred, the licensee shall be promptly notified by certified mail to his/her last known address of the ordinance and/or code violation and shall be allowed thirty (30) days to correct the code violation to the satisfaction of the Park City Building Official. Extensions of time shall be solely at the discretion of the Park City Building Official.

Failure to comply with said notice shall result in the revocation of privileges and license suspension.

4-806. TRADE LICENSING.

4-806.1 MECHANICAL, ELECTRICAL, PLUMBING, DRAIN LAYER OR GAS FITTERS CONTRACTOR LICENSE.

This section of the standard code is added, establishing a license for mechanical, electrical, plumbing, drain layer or gas fitters contractors, requirements and penalties for violations thereof; establishing a certificate for master and journeyman artisans, requirements and penalties for violations thereof; exceptions thereto; and for the process of suspension and revocation thereof.

4-806.2 LICENSES AND CERTIFICATES REQUIRED; PENALTIES FOR VIOLATION; SUSPENSION; REVOCATION.

There is hereby established requirements for licensure of mechanical, electrical, plumbing, drain layer and gas fitters contractors; there are also hereby established requirements for certification of master and journeyman artisans.
4-806.3 MECHANICAL, ELECTRICAL, PLUMBING, DRAIN LAYER OR GAS FITTERS CONTRACTOR LICENSE REQUIRED.

It shall be unlawful for any person, firm, corporation, or other entity, to engage in the business of contracting to perform, provide, broker or sub-contract for mechanical, electrical, plumbing, drain layer or gas fitters construction without first having secured a contractor's license.

EXCEPTION: No contractor license is required of a person, firm, corporation or governmental entity not engaged in the business of construction who has in their regular and permanent employ a currently certified master artisan who performs mechanical, electrical, plumbing, drain layer or gas fitters construction only for such employer and only on existing buildings and/or on existing premises that are owned, leased, operated or managed by the employer. Construction by said employee upon new buildings and new additions to existing buildings is prohibited. The person, firm, corporation or governmental entity for which such construction is permitted by this exception shall be required to obtain all permits and inspections otherwise required by the standard code.

4-806.4 OBTAIN MECHANICAL, ELECTRICAL, PLUMBING, DRAIN LAYERS OR GAS FITTERS CONTRACTORS LICENSE.

To obtain a contractor's license a person, firm, or corporation shall:

1. File a completed application with the Board of Examiners and Appeals on forms provided by the Department of Code Enforcement.

2. Pay an application fee of $25.00.

3. Submit proof of a satisfactory score on one of the following standard examinations to determine the qualification of persons seeking licensure, received by the person signing the master responsibility form:

   (a) At least 75% on the "Block Test" for a master certificate, now administered by Prometric, 1260 Energy Ln., St. Paul, Minnesota 55108;

   (b) At least 75% on the International Code Council test for a master certificate, administered by International Code Council, 900 Montclair Road, Birmingham, Alabama 35213;

   (c) At least 75% on the International Association of Plumbing and Mechanical Officials test for a master certificate, administered by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, CA 91761-2816; or

   (d) A satisfactory score on any other standard examination to determine the qualification of a master artisan that is approved and adopted by the State of Kansas following the effective date of this code.
Those persons who were licensed as of December 31, 1991, as required by this article, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of examiners and appeals of experience commensurate to that required by this article may thereupon be issued a license.

4. Pay the appropriate annual license fee as provided below in this section.

5. Submit proof of insurance as follows:
   - (a) Worker's Compensation Insurance for all employees to be engaged in work on any site regulated by the standard code.
   - (b) Comprehensive General Liability Insurance in an amount not less than Three Hundred Thousand Dollars ($300,000) each occurrence and aggregate for bodily injury and property damage combined.
   - (c) Automobile Liability Insurance in an amount not less than required per K.S.A. 40-3107. Said coverage shall cover all owned, non-owned or hired vehicles of the contractor.

6. Agree to obtain all required permits.

7. Submit a signed master responsibility form. The person signing the master responsibility form shall:
   - (a) Have a current Master; Mechanical, Electrical, Plumbing, Drain Layer or Gas Fitters Certificate; or
   - (b) Be an active member or officer of the firm or corporation which is so licensed.
   - (c) Agree to obtain all required permits.

8. Have at least one person qualified and certified as a master artisan in the employ of the licensee. Failure to do so will result in a citation being issued to the master who is responsible for the company.

9. Have a certified master or journeyman artisan at the job site at all times work is being conducted. Failure to do so will result in a citation being issued to the master who is responsible for the company.

4-806.5 ANNUAL LICENSE FEE.

Mechanical, Electrical, Plumbing, Drain Layer or Gas Fitters contractor licenses are valid for the calendar year issued. A license is renewable up to March 1st after expiration of any annual license period. The annual license fee will be $100.00.
License fees are subject to change with the Park City City Council approval, and the official current license fee schedule shall be maintained by the building official.

4-806.6 RENEWAL OF LICENSE.

To renew a contractor license, the licensee shall file a new application, and pay the required license fee.

4-806.7 VIOLATIONS OF CONTRACTOR LICENSE REQUIREMENTS; HEARING; PENALTIES.

1. At the request of the building official, a hearing before the Board of Examiners and Appeals shall be held to determine whether there has been any violation of any of the licensing requirements contained herein and whether the contractor license should be suspended or revoked. Cause for suspension or revocation shall be any one or a combination of the following:

   (a) The certificate holder demonstrates incompetency or lack of knowledge in matters relating to the certificate issued.

   (b) The license holder obtained the license by fraud or misrepresentation.

   (c) The license holder transferred, loaned or otherwise allowed another person to use said license for the other person's purpose.

   (d) The license holder used the license to obtain permits for another person, firm, or corporation.

   (e) The license holder demonstrated carelessness or negligence in providing reasonable safety measures for the protection of the public.

   (f) The license holder refused to or failed to comply with any lawful and reasonable order(s) of the building official, building inspector, or other authorized representative of the Department of Code Enforcement.

   (g) The license holder committed an act in violation of any provision of the standard code or of any other ordinances of Park City.

2. If any violation is found, the Board may order any or all of the following:

   (a) No further permits will be issued to the licensee until such time as the violation is abated.

   (b) All inspections of further work performed by the licensee will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.
(c) A license review, subjecting the licensee to possible suspension or revocation of the contractor license and/or the master artisan certificate, or any or all of them.

If a contractor license is revoked as provided herein, the violating licensee shall be barred from obtaining another contractor license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a contractor's license shall follow the application procedure set forth in this section and shall be required to pass the examination described above.

4-806.8 LAPSE OF LICENSE.

A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of an annual license period, shall be deemed to have lapsed. Renewal of a lapsed license shall be allowed upon the person's request, filing of a completed application, payment of an application fee, and compliance with the requirements as established in this ordinance.

(4-806 Amended by ORD #865-2009 on 12/31/2009)

4-807. CERTIFICATION OF TRADES

4-807.1 MASTER AND JOURNEYMAN CERTIFICATE, REQUIRED.

It shall be unlawful for any person to engage in the business of contracting mechanical, electrical, plumbing, drain layer, or gas fitters construction without first having secured a master certificate. It shall further be unlawful for any person to engage in the trade or otherwise perform the acts of installation within or on any building or premises without first having secured a master or journeyman certificate.

4-807.2 TO OBTAIN A CERTIFICATE.

A master or journeyman certificate shall be obtained as follows:

1. File a completed application with the board of examiners and appeals on forms provided by the department of code enforcement identifying the classification of certificate sought.

2. Pay the annual certificate fee to the building official at the time the application for a certificate is made.

3. Submit proof of a satisfactory score on one of the following standard examinations to determine the qualification of persons seeking a particular certificate:
(a) At least 75% on the "Block Test" for a master or journeyman certificate, now administered by Prometric, 1260 Energy Ln., St. Paul, Minnesota 55108;

(b) At least 75% on the International Code Council test for a master or journeyman certificate, administered by International Code Council, 900 Montclair Road, Birmingham, Alabama 35213;

(c) At least 75% on the International Association of Plumbing and Mechanical Officials test for a master or journeyman certificate, administered by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, CA 91761-2816; or

(d) A satisfactory score on any other standard examination to determine the qualification of a master or journeyman artisan that is approved and adopted by the State of Kansas following the effective date of this code.

(e) Before sitting for the standard examinations identified above, an applicant for a journeyman certificate shall demonstrate documented proof of a minimum of two years field experience. “Field experience” means working under the direct supervision of a person having a valid journeyman certificate, residential certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

(f) Before sitting for the standard examinations identified above, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years or four years as an apprentice artisan.

(g) Those persons who were certified as of December 31, 1991, as required by this article and whose certificate has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of examiners and appeals of experience commensurate to that required by this article may thereupon be issued a certificate limited to one particular project.

(h) Agree to obtain not less than 6 hours annually of continuing education, in accordance with K.S.A. 2006 Supp. 12-1526, as amended. Such continuing education shall be approved by the Director of Code Enforcement, and may be provided by the Department of Code Enforcement, a nationally recognized trade organization, community college, technical school or technical college. At least 3 hours of such continuing education shall consist of code update training on the standard code and shall be applicable to the certificate being renewed.
4-807.3 ANNUAL CERTIFICATE FEE.

Master or journeyman artisan certificates shall be issued on a calendar year basis and are renewable up to March 1st after expiration of any annual certificate period. The annual certificate fee is twelve and 50/100 dollars ($12.50).

Certificate fees are subject to change with the City Council’s approval, and the official current certificate fee schedule shall be maintained by the building official.

(4-807.3 Amended by ORD #918-2012 on 12/13/2012)

4-807.4 RENEWAL OF CERTIFICATE.

1. To renew a master or journeyman certificate, the certificate holder shall make application for a new certificate, and pay the required annual certificate fee.

2. Starting January 1, 2008 show documented proof of at least 6 hours of continuing education credits within the last calendar year, in accordance with K.S.A. 2066 Supp. 12-1526, as amended. Such continuing education shall be approved by the Director of Code Enforcement and may be provided by the Department of Code Enforcement, a nationally recognized trade organization, community college, technical school, or technical college. All six hours of continuing education may consist of code update training on the standard code, but in no case shall renewal be allowed without having obtained at least three hours of code based continuing education within the last calendar year. Code based and other continuing education classes shall be applicable to the trade certificate being renewed as determined by the Director of Code Enforcement. For individuals that have obtained their first ever journeyman or master certificate within the last calendar year continuing education credits will be required at the following rate; Certificates obtained on or after July 1 shall require three hours of continuing education training with at least one half being applicable code based all other certificates shall require six hours with at least three hours being code based.

4-807.5 VIOLATIONS OF MASTER AND JOURNEYMAN CERTIFICATE REQUIREMENTS, HEARING, PENALTIES.

1. At the request of the building official, a hearing before the board of examiners and appeals shall be held to determine whether there has been any violation of any of the master or journeyman certificate requirements contained herein, and whether the master or journeyman certificate, should be suspended or revoked. Cause for suspension or revocation shall be any one or a combination of the following:
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(a) The certificate holder demonstrates incompetency or lack of knowledge in matters relating to the certificate issued.

(b) The certificate holder obtained the certificate by fraud or misrepresentation.

(c) The certificate holder transferred, loaned or otherwise allowed another person to use said certificate for the other person’s purpose.

(d) The certificate holder used the certificate to obtain permits for another person, firm, or corporation.

(e) The certificate holder demonstrated carelessness or negligence in providing reasonable safety measures for the protection of the public.

(f) The certificate holder refused to or failed to comply with any lawful and reasonable order(s) of the building official, inspector, or other authorized representative of the Department of Code Enforcement.

(g) The certificate holder committed an act in violation of any provision of the standard code or of any other ordinance of Park City.

2. Certificates revoked shall cause the holder thereof to be barred from obtaining a certificate for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a certificate holder who wishes to obtain a new certificate shall follow the procedure set forth herein.

4-807.6 LAPSE OF CERTIFICATE.

A certificate that has not been suspended or revoked, but for which the request for renewal and the renewal fee have not been submitted on or before March 1 of the renewal year shall be deemed to have lapsed. Renewal of a lapsed certificate shall be allowed upon the certificate holder’s request, making application for a new certificate, paying the required certificate fee, and passing a written examination for the appropriate certificate.

4-807.7 EXCEPTIONS TO REQUIREMENT OF MASTER AND JOURNEYMAN CERTIFICATE.

1. Apprentices shall be permitted to work under the on-site supervision of a certified master or journeyman artisan, provided the apprentice is performing said apprenticeship in the same trade as the certified master or journeyman.
2. Owners of one-family dwellings being built for their residence or
who reside in the residence where the work is taking place shall be permitted to
work on the construction in that residence and/or out-buildings thereof, provided
all other requirements of the standard code are met, and all of the following are
complied with:

   (a) The person who will be doing the work has taken and
       passed within the past calendar year a self-help examination as approved
       by the board of examiners and appeals. The examination fee is fifty dollars
       ($50.00) per test.

   (b) Said person must pass the examination with a score of 75%
       or more correct. If the person receives a score of less than 75%, he/she
       may retake test after waiting 60 days.

   (c) Said person may only perform work that meets or exceeds
       current code standards.

   (d) No individual may perform construction in more than one
       residence in any three-year period beginning with the date the self-help
       examination is passed. Special cases are subject to appeal to the board of
       examiners and appeals.

(4-807 Amended by ORD #865-2009 on 12/31/2009)

4-808. MANUFACTURED HOME INSTALLATION CONTRACTOR'S LICENSE
        REQUIRED.

        It shall be unlawful for any person, firm, corporation, or other entity to engage in
        the business of contracting to perform, provide, broker or sub-contract for manufactured
        home installation, or to perform any work as a manufactured home installation
        contractor, without first having secured a manufactured home installation contractor's
        license as provided for in K.S.A. 58-4216 as it may be amended from time to time.

(4-808 Amended by ORD #865-2009 on 12/31/2009)
ARTICLE 9. BOARD OF APPEALS

4-901. THERE IS HEREBY ESTABLISHED THE PARK CITY BOARD OF BUILDING EXAMINERS AND APPEALS,

which is composed of five (5) regular members and two (2) alternate members who are qualified by experience and training to pass upon matters pertaining to building construction. The Board of Building Examiners and Appeals shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Code, Residential Code, Mechanical Code, Plumbing Code, Electrical Code, and Manufactured Housing Code of Park City, Kansas and relative to the suitability of alternate materials and types of construction.

4-902. MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.

The members of the Board of Building Examiners and Appeals shall be appointed by the Mayor with the consent of the City Council at the first regular meeting of the Council in April of each year and take office at the next regular meeting of the Board. Members shall be appointed for staggered terms of three years each. Members of the first seated Board shall be appointed in the following manner three members for one-year terms, two members for two-year terms and two members for three-year terms. In case of death, incapacity, resignation or disqualification of any member, the Mayor, with the consent of the City Council, shall make an appointment for the unexpired term of such member. Should any member have a conflict of interest in any matter coming before the Board, he or she shall be disqualified from participating in the discussion of or the vote on the matter. The Governing Body may adopt rules and regulations providing for removal of members of the Board. Members of the Board shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed appropriate by the Governing Body.

4-903. MEETINGS, OFFICERS AND RECORDS.

The members of the Board of Building Examiners and Appeals shall meet at such time and place as may be fixed by the Board’s bylaws. The Board shall elect one member as chairperson and one member as vice-chairperson each of whom shall serve one year and until their successors have been elected. The building official shall act as secretary of the board, but the building official shall not have a vote upon any matter before the Board. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The Board shall adopt bylaws for the transaction of business and hearing procedures. All actions by the Board shall be taken by a majority vote of the members of the Board present and voting. Whenever it is not possible to achieve a quorum from the five regular members of the Board, an alternate Board member may be seated who shall have full authority as a regular member. A proper record of all the proceedings of the Board shall be kept. The Board, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the Board. The building official shall be an ex-officio member of the board and provide technical information to the board.
4-904. APPEALS AND BOARD POWERS.

Appeals from decisions of the building official shall be made in writing and shall be filed with the chairperson or secretary of the Board. No such appeal shall be considered by the Board unless filed in writing within ten (10) working days of the order, decision or determination appealed from. The Board shall have no authority relative to the interpretation of the administrative provisions of the adopted codes nor shall the Board be empowered to waive requirements of the adopted codes.

4-905. ADOPTION OF BYLAWS AND PROCEDURES.

The Board shall adopt rules in the form of bylaws for its operation, which shall include hearing procedures. Such bylaws shall be subject to the approval of the Governing Body. Public records shall be kept of all official actions of the board. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the Board present and voting at the hearing shall be required to decide any appeal. Any order of the Board of Building Examiners and Appeals may be appealed to the Park City, City Council.

4-906. BUDGET.

The Governing Body may approve a budget for the Board and make such allowances to the Board as it deems proper, including funds for the employment of such employees or consultants as the Governing Body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the Governing Body may appropriate moneys for such purposes from the general fund. The Governing Body may enter into such contract, as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other source for such purposes. Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the Board.
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CHAPTER 5. BUSINESS REGULATIONS

Article 1. General Regulations and Licenses
Article 2. Solicitors, Canvassers, Peddlers
Article 3. Miscellaneous Sales
Article 4. Adult Entertainment
Article 5. Massage Businesses
Article 6. Tattoo Parlors
Article 7. Restaurants
Article 8. Private Security Services
Article 9. Amusement Park Regulations
Article 10. Parade Permits

ARTICLE 1. GENERAL PROVISIONS

5-101. LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city for which the procuring of a license is required by the provisions of this code without first paying the license fee prescribed and procuring such a license from the city clerk.

5-102. APPLICATION FOR LICENSE.

Every person, firm or corporation desiring to engage in a calling, trade, profession or occupation in the city that requires the procuring of a license shall make application for such a license to the city clerk.

5-103. NOT ASSIGNABLE OR TRANSFERABLE.

No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act thereunder except for the person named therein, nor at any location other than the one licensed. There shall be no refunds except as specifically provided herein.

5-104. LICENSE PERIOD; DURATION.

Unless otherwise provided, licenses shall be valid from January 1 and through December 31 of the same year, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30th day of June or the 31st day of December, next following the date of their issuance.
5-105. **EXEMPTIONS.**

(a) Farmers – No producer or grower, or his or her agents or employees, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or obtain any license required under this Chapter.

(b) Any non-profit, charitable organization shall be exempt from the licensing requirements of this Chapter. In the event there is a question whether an organization is entitled to exemption hereunder, the governing body shall make such determination.

5-106. **LICENSE FEES; WHEN PAYABLE; TIME PERIOD.**

(a) All license fees shall be due and payable before the commencement of a trade, occupation, business or profession for which license fees are required.

(b) No license shall be issued until the fee is paid.

(c) Licenses shall be renewed on or before the expiration date of the current licenses.

(d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.

(e) The license for a day shall expire at midnight.

5-108. **PAYMENT OF FEES; RECEIPT.**

The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business.

5-109. **CONTENTS OF LICENSE.**

Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named.

5-110. **RECORD BOOK.**

The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefore, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed.
5-111. DISPLAY OF LICENSE.

All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city.

ARTICLE 2. SOLICITORS, CANVASSERS, PEDELLERS

5-201. DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting shall mean and include any one or more of the following activities:

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

   (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

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

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

(c) Canvasser or Solicitor shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

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

(e) Transient merchant, itinerant merchant or itinerant vendor are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local business, dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local business, dealer, trader, merchant or auctioneer unless the local business, dealer, trader, merchant or auctioneer obtains a license hereunder that lists such person, firm or corporation and the goods, wares or merchandise that it will be exhibiting and selling.

(f) Street salesman - shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city.

5-202. LICENSE REQUIRED.

(a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an current, valid license therefor in his or her possession and issued by the city clerk.

(b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-206(d).

5-203. LICENSE REQUIRED; APPLICATION REQUIRED.

Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

(a) Name and description of applicant;

(b) Permanent home address and full local address of applicant;
(c) Identification of applicant including drivers license number, date of birth, expiration date of license and description of applicant;

(d) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;

(e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;

(f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;

(g) The length of time which business is proposed to be carried on;

(h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(i) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors, or canvassers, or itinerant or transient merchants and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(k) The applicant's Kansas Sales Tax number.

5-204. LICENSE REQUIRED; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT.

(Repealed by ORD # 1025-2017 on 5-23-17)

5-205. LICENSE REQUIRED; INVESTIGATION FEE.

(Repealed by ORD # 1025-2017 on 5-23-17)
5-206. LICENSE FEE; TIME LIMITS; EXEMPTIONS.

(a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-202 shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individual Licensee</strong></td>
<td></td>
</tr>
<tr>
<td>Per day</td>
<td>$10.00</td>
</tr>
<tr>
<td>Per month</td>
<td>$50.00</td>
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<tr>
<td>Per six months</td>
<td>$150.00</td>
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<tr>
<td>Per year</td>
<td>$250.00</td>
</tr>
<tr>
<td><strong>Non-Individual Licensee</strong></td>
<td></td>
</tr>
<tr>
<td>Per day</td>
<td>$50.00</td>
</tr>
<tr>
<td>Per month</td>
<td>$250.00</td>
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<tr>
<td>Per six months</td>
<td>$400.00</td>
</tr>
<tr>
<td>Per year</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

(b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.

(c) Persons and firms not having a permanently established place of business in the city, but having a permanently established house-to-house or wholesale business shall receive a license as required by section 5-202 upon the payment of $250.00 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and 9:00 p.m., or upon invitation at any hour.

(d) No license fee shall be required of:

(1) any person selling products of the farm or orchard actually produced by the seller;

(2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and

(3) any not-for-profit or charitable organization as determined by the governing body.
5-207. RENEWAL.

All licenses issued shall be eligible for renewal upon a showing of compliance with sections 5-202 and 5-203 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.”

5-208. DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE.

(a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the business.

(3) Any violation of this article.

(4) Conducting a business as defined in section 5-201 in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.

(5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date.

5-209. APPEAL TO GOVERNING BODY.

(a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

(b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.

(c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
(d) The decision and order of the governing body on such appeal shall be final and conclusive.

5-210. REGULATIONS.

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

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

5-211. USE OF STREETS AND SIDEWALKS.

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

5-212. DISTURBING THE PEACE.

Except when authorized in writing by the city clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
ARTICLE 3. MISCELLANEOUS SALES

5-301. MISCELLANEOUS SALES; DEFINED.

For the purpose of this ordinance, the term “miscellaneous sale” shall mean any garage, basement, yard, rummage, or other similar sale of three or more miscellaneous items that were originally purchased by the miscellaneous sales applicant for his/her ultimate use or consumption.

5-302. LICENSE FEE.

No person shall conduct or carry on in the city a miscellaneous sale without having first obtained a license therefor and paid the license collector the required fee of one dollar ($1.00) per day.

5-303. LICENSE ISSUANCE.

All licenses shall be signed by the City Clerk or his/her designee, and the City Clerk or his/her designee shall affix the corporate seal of the City thereto. Such licenses shall be issued by the City Clerk or his/her designee upon payment by applicant of the fees required herein and shall be dated on the date of issue.

Such licenses shall state:

(a) The name of licensee;
(b) The place of sale;
(c) The amount of the fee therefor; and
(d) The date of expiration.

No license shall be transferable or assignable and no refund shall be made of any fees paid therefor.

5-304. GENERAL REGULATIONS. All miscellaneous sales shall conform to the following regulations:

(a) An Application for the miscellaneous sale shall be submitted to the City Clerk and such application shall contain a statement that all items comply with the definition outlined herein.

(b) Sale Limits. - No person or persons of the immediate family residing with the applicant shall have more than six sales in a twelve month period and such sales shall be limited to three consecutive days. However, schools, churches, and nonprofit organization only, with no restriction on the number of days, when such sale is conducted on school, church, or commercial property and provided such organization pays the fee as required herein.
(c) Signs advertising the sale shall not exceed six (6) signs of 300 square inches each and shall be displayed only on the day or days of such sale. Failure of the licensee to remove any such signs within three (3) days from the last day of the sale shall be a violation of this ordinance.

5-305. PENALTY.

Any person who shall conduct, pursue or carry on a miscellaneous sale within the corporate limits of the City of Park City without a license as required by this ordinance; assist directly or indirectly in so doing in any manner or extent either as owner, agent, employee or servant of any person, after a license is required to conduct a miscellaneous sale; fail to timely remove signs as provided herein; or violate any of the regulations of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined a sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). Each days violation shall be a separate offense.
ARTICLE 4. ADULT ENTERTAINMENT

5-401. DEFINITIONS.

For the purposes of this Article, the following terms, phrases and words shall have the meanings ascribed to them in this Section:

(a) Adult Bookstore or Adult Video Store means an establishment which as one of its principal business purposes, offers for sale or rental for any form of Consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

(2) Instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as Adult Bookstore or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for Consideration the specified materials which depict or describe Specified Sexual Activities or Specified Anatomical Areas.

(b) Adult Entertainment Establishment means any commercial establishment that is an Adult Bookstore, Adult Motion Picture Theater, Adult Hotel, or Adult Motion Picture Arcade as defined herein.

(c) Adult Hotel means a hotel or motel wherein a substantial or significant portion of the material presented over image-producing devices within individual rooms, which are occupied by guests, are distinguished or characterized by an emphasis on matter depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

(d) Adult Motion Picture Arcade means any place at which slug or coin operated, electronically or mechanically controlled, still or motion picture machines, projector or other image producing devices are maintained to show images to five or fewer Persons per machine at any time, and which presents material which is distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas for observation by Patrons therein. The term does not include an Adult Hotel.

(e) Adult Motion Picture Theater means an enclosed building designed for five or more Patrons used for presenting any material distinguished or characterized by an emphasis on matters depicting, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation of Patrons therein. The term does not include an Adult Hotel.
(f) City means the City of Park City.

(g) City Clerk means the City of Park City Clerk or his/her designee.

(h) Church means a premises or site used primarily or exclusively for religious worship and related religious services.

(i) Consideration means money or money's worth.

(j) Diversion or Diversion Agreement means any formal referral of a defendant in a criminal case to a supervised performance program which upon successful completion results in the dismissal of the charges or complaint which is authorized pursuant to the laws of any city, state, or of the United States.

(k) Employee means any and all Persons including independent contractors who work in, at, or render any services to, the customers of an Adult Entertainment Establishment or Escort Service, or who render any services directly related to the operation of an Adult Entertainment Establishment or Escort Service but shall not include independent contractors indirectly related to such operation such as janitorial services, construction, maintenance, pest control, and trash removal.

(l) Escort means any Person who is held out to the public as available for hire and who, for monetary Consideration in the form of a fee, commission or salary, consorts with or accompanies, or who offers for monetary Consideration, to consort with or accompany another or others to or about social affairs, places of entertainment or amusement within any place of public resort or within any private quarters.

(m) Escort Service means any Person, as defined herein, which for a fee, commission, profit, reward, payment or other monetary Consideration furnishes, refers, or offers to furnish or refer Escorts, provides or offers to introduce Patrons to Escorts, or arranges for Escorts to accompany Patrons to or at social affairs, places of entertainment or amusement within any place of public resort or within any private quarters.

(n) Escort Service Runner means any Person, not an Escort, who for a salary, fee, hire, reward, profit or other Consideration, acts as an agent either of an Escort, Escort Service or a Patron wishing to hire an Escort, in arranging for services of an Escort.

(o) Licensed Premises means the place or location described in an Adult Entertainment license or an Escort Service license where an Adult Entertainment Establishment or Escort Service is licensed to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or locations shall be included within the Licensed Premises.

(p) Licensee means a Person who is the holder of a valid license under this Ordinance. A Licensee includes an agent, servant, Employee or other Person while
acting on behalf of that Licensee whenever such Licensee is or would be prohibited from doing or performing an act or acts under this title.

(q) **Morals Charge** includes charges of prostitution, patronizing a prostitute, promoting prostitution, indecent exposure, lewd and lascivious behavior, sodomy, promoting sodomy for hire, patronizing a Person offering sodomy for hire, sexual battery, loitering for the purposes of solicitation, indecent liberties with a child, incest, adultery, promoting obscenity, promoting obscenity to minors, displaying material harmful to minors, and possession, sale or distribution of any illegal drug.

(r) **Open Office** means an office at the licensed Escort Service address from which Escort business is transacted. To qualify as an Open Office it is required that:

1. Business hours be established and posted, that the office be open to the public and Patrons or prospective Patrons during such business hours, and that the office be accessible to business invitees, license officials and law enforcement officers through a security system during all other hours that Escorts are working;

2. The office be managed by the owner or management Employee of the owner having authority to bind the service to Escort and Patron contracts, and adjust Patron and consumer complaints;

3. All telephone lines and numbers listed to the Escort Service be advertised as Escort Service numbers terminate at the Open Office and at no other location;

4. An index of all Employees and Escorts be kept in the Open Office, along with copies of the licenses of those employed to work as Escorts or Escort Service Runners, and said index shall be open to inspection at the request of any law enforcement officer who is on official duty;

5. All business records be kept in the Open Office, including records of Escort calls and referrals, stating the name and driver's license number (or other form of picture identification) of the Patron, as well as the state of issuance of the driver's license (or other picture identification). Such records shall also include the date and time of referral, name of the Escort who accompanied the Patron, whether the referral resulted in a contract, and the total fee received from the Patron, if any. The business records described in this section shall be subject to inspection at the request of any law enforcement officer who is making said request for inspection pursuant to said officer's lawful duties as a law enforcement officer. The refusal of a Licensee to allow such an inspection shall not be a criminal violation of this Ordinance nor shall it be considered grounds for suspending, revoking, or otherwise taking punitive measures or action against the Licensee or the Escort Service's License. However, in the event of such a refusal, such an inspection may be conducted upon the issuance of a valid
search warrant, issued under the authority of K.S.A. 22-2501, and amendments thereto;

(6) All of the business records required to be kept and maintained by an Escort Service licensed under this Article shall be retained by the Escort Service for a minimum period of one (1) year, and shall be subject to verification on a quarterly basis by the Chief of Police or the Chief’s duly authorized representative upon request. This quarterly examination of the records shall be permitted solely for the purpose of verifying that such records are being kept, and shall not be for the purpose of gathering information. Refusal by the Licensee to allow examination of such records for the sole purpose of verifying that the Licensee is in compliance with the record keeping requirements of this Article shall not be deemed to be a criminal violation; however, if the refusal is unreasonable it may result in revocation or suspension of the Escort Service's license.

(s) Operator means any person operating, maintaining or conducting the business of an Adult Entertainment Establishment or Escort Service.

(t) Patron means a customer or any Person who contracts with an Escort Service for the purpose of hiring an Escort, or for monetary Consideration contracts with, or hires an Escort.

(u) Person means any individual, firm, corporation, partnership, limited partnership, joint venture or association of any kind.

(v) Residential Dwelling means a dwelling which provides a complete independent living facility for one (1) or more individuals including permanent provisions for living, sleeping, eating, cooking and sanitation.

(w) School means any building or grounds used as a place of formal education for students in grade levels kindergarten through twelfth grade.

(x) Sexually Oriented Escort means an Escort who provides, or offers, proposes or solicits to provide, acts involving Specified Sexual Activity. Such offer, proposal or solicitation shall include all conversations, statements, advertisements, acts and gestures which would lead a reasonable, prudent Person to conclude that Specified Sexual Activity is or was to be provided.

(y) Sexually Oriented Escort Service means an Escort Service which provides, or offers, proposes or solicits to provide, acts involving Specified Sexual Activities. Such offer, proposal or solicitation shall include all conversations, statements, advertisements, acts and gestures which would lead a reasonable, prudent Person to conclude that Specified Sexual Activity is or was to be provided.

(z) Specified Sexual Activities means the following:
(1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.

(3) Masturbation, actual or simulated.

(4) Human genitals in a state of sexual stimulation, arousal or tumescence.

(5) Excretory functions as part of or in connection with any of the activities set forth in paragraphs (a), (b), (c), or (d) of this definition.

(aa) Specified Anatomical Areas means the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola. This shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

5-402. ESCORT SERVICES; LICENSE REQUIRED.

It is unlawful within the city limits of the City of Park City for any Person, whether as principal, officer, agent, servant or Employee to conduct, manage, operate, maintain or perform for any Person services as an Escort Service without having first obtained a license to do so as required by this Article.

5-403. SEXUALLY ORIENTED UNLAWFUL ESCORT SERVICES; UNLAWFUL.

It is unlawful within the city limits of the City of Park City for any Person, whether as principal, officer, agent, servant or Employee to conduct, manage, operate, maintain or perform for any Person services as a Sexually Oriented Escort Service regardless of license.

5-404. LICENSE EXCLUSIVE TO PERSON AND PREMISES ISSUED.

(a) The license required pursuant to this Article shall be issued for one premises or one Person. The address of the premises for which the license is requested and the name of the Person who will be the Licensee shall be clearly stated in all applications and renewal requests.
(b) Licenses issued hereunder may not be transferred from one premises to another or from one Person to another, and shall be renewable only if the renewal license is to be issued to the same Person. Within thirty (30) days after the sale or transfer of any interest in an Escort Service, any license heretofore issued shall be null and void. A new application shall be made by any Person desiring to own or operate the Escort Service.

(c) No Escort Service shall be operated under any name or conducted under any designation not specified in the license for that business.

5-405. LICENSE EXCLUSIVE TO PERSON AND PREMISES ISSUED; LICENSE FEES.

(a) For every Escort Service there shall be an annual license fee of one thousand dollars ($1,000.00). This fee shall accompany all initial license applications and all renewal requests, and a license shall not be issued until the fee is paid in full.

(b) Should an applicant choose to withdraw its application prior to a license under being issued, the City shall refund fifty percent (50%) of the license fee upon the applicant's request to the City Clerk within ten (10) business days from the filing of an application and accompanying documentation, and prior to a license being issued. No refund shall be issued after issuance of a license.

(c) Upon a denial of a properly filed application, the City shall refund fifty percent (50%) of the license fee upon the applicant's request to the City Clerk within twenty (20) business days, but not sooner than ten (10) business days, of the notice of said denial, unless the applicant appeals the denial, in which case the refund shall not occur until after the appeal process has been completed and the denial has been upheld. At the conclusion of the appeal, provided the denial is upheld, the applicant shall have ten (10) business days from the date of final judgment to request the refund.

5-406. LICENSE RENEWAL.

(a) Every license issued pursuant to this Article shall terminate at the expiration of one (1) year from the date of issuance, unless sooner suspended or revoked, and must be renewed before operation is allowed in the following year. Any Operator desiring to renew a license shall make application for renewal to the City Clerk's office. The application for renewal shall be filed in duplicate and dated by the City Clerk. An application for renewal license filed after the expiration date of the license shall not be accepted if the premises the renewal license is being sought for does not comply with the distance requirements set forth in this Article. A renewal application shall in all other respects be treated as an application for an initial license.

(b) Application for a license renewal must be made not later than thirty (30) days prior to the date of expiration of the license.
5-407. APPLICABILITY OF REGULATIONS TO EXISTING BUSINESS.

The licensing provisions of this Article shall be applicable to all businesses participating in the activities described in this Article, regardless of when established. Nothing herein shall be construed to prohibit the City’s right to refuse to grant a license to an existing Escort Service that, upon application, is not eligible for a license.

5-408. DISPLAY OF LICENSE REQUIRED.

The license issued pursuant to this Article shall be displayed conspicuously at the entrance of the premises licensed as an Escort Service.

5-409. APPLICATION FOR ESCORT SERVICE LICENSE.

(a) Any Person desiring to obtain a license to operate an Escort Service shall make written application in duplicate to the City Clerk's office. The application shall be verified and accompanied by the license fee. Both copies of the application shall be filed with the City Clerk's office.

(b) The application shall be on a form provided by the City. All applicants shall provide the following information under oath:

(1) The applicant’s legal name, all of the applicant’s aliases, the applicant's residential and business addresses, the applicant’s residential and business telephone numbers, the applicant’s social security number, the applicant’s driver’s license or state issued identification card number, written proof that the applicant is at least eighteen (18) years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of his or her naturalization;

(2) The proposed address and name or names of the Escort Service for which a license is sought, and the hours that the Escort Service will be open to the public;

(3) The name of the owner of the premises upon which the Escort Service is to be located;

(4) Whether the applicant has been, within the last five (5) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any Morals Charge or felony. As to each conviction, nolo contendere plea or diversion, the applicant shall provide the conviction date, the case number, the nature of the violation(s) or offense(s), and the name and location of the court;

(5) Whether the applicant has been, within the last three (3) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any violation of a provision of this Article or similar provisions of previously enacted City Ordinances;
(6) A list of all pending cases involving: (1) alleged violations of Morals Charges, including the nature of the alleged violation, date of alleged offense, and the name and location of the jurisdiction in which said violation is alleged to have occurred; and (2) alleged violations of this Article, including the nature of the alleged violation(s) and the date of the alleged offense(s);

(7) Two photographs of the applicant two inches by two inches in size, taken within thirty (30) days immediately preceding the date of application. One photograph will be sent to the Chief of Police and one photograph shall be affixed to the license;

(8) Information as to whether the applicant has ever been refused any similar license or permit, or has had any similar license or permit issued to such applicant in the City of Park City or elsewhere revoked or suspended, and the reason or reasons therefor; and

(9) A statement by the applicant that he or she is familiar with the provisions of this Article and is complying and will comply with them.

(c) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation, the names, residential addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock in the corporation. The corporation applicant shall designate one of its officers to act as its responsible managing officer. Such designated Person shall complete and sign all application forms and provide all information required in subsection (b) of this section, but only one application fee shall be charged.

(d) If the applicant is a partnership, the application shall set forth the names, residential addresses, and dates of birth of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership. If one or more of the partners is a corporation, the provisions of subsection (c) of this section pertaining to corporations shall apply. The partnership or limited partnership applicant shall designate one of its partners to act as its responsible managing partner. Such designated Person shall complete and sign all application forms and provide all information required in subsection (b) of this section, but only one application fee shall be charged.

5-410. LICENSE ELIGIBILITY REQUIREMENTS. To receive a license to operate an Escort Service, applicants must meet the following standards:

(a) If the applicant is an individual:

(1) The required fees must have been paid;

(2) The application must conform in all respects to the provisions of this Article;
(3) The applicant must not have knowingly made a false or misleading statement of material fact in the application;

(4) The applicant must be at least eighteen years of age;

(5) The applicant shall not have been convicted of, pleaded nolo contendere to or participated in a diversion agreement after having been charged with a felony or any Morals Charge as defined herein in any jurisdiction within the last five (5) years immediately preceding the date of the application;

(6) The applicant must not have had a similar type of license in any jurisdiction previously suspended or revoked for good cause within five (5) years immediately preceding the date of the filing of the application;

(7) The operation of the business as proposed, if permitted, must comply with all applicable building, fire, health and zoning laws.

(b) If the applicant is a partnership, joint venture, corporation or any other type of organization where two or more Persons have a financial interest:

(1) All Persons having a financial interest in the partnership, joint venture or any other type of organization shall be at least eighteen years of age. Financial interest in a corporation includes any officer or director of the corporation and any stockholder holding more than five percent (5%) of the stock of a corporation or any individual, partnership, and/or corporation which has outstanding or pending loan(s) with the applicant in the amount of $5,000.00 or greater.

(2) No Person having a financial interest in the partnership, joint venture, corporation or any other type of organization shall, in any jurisdiction, have been convicted of, pled nolo contendere to, or participate in a diversion program, after having been charged with a felony or any Morals Charge as defined herein within the immediate five (5) years preceding the date of the application.

5-411. EXAMINATION OF APPLICATION.

If an application for a license is in proper form and accompanied by the license fee as provided for in Section 5-405, the City Council shall examine the application, after review and a recommendation is made by the City Application Review Board, composed of the City Clerk or his/her designee, the Zoning Administrator or his/her designee, and the Chief of Police or his/her designee. If the applicant is fully qualified pursuant to the guidelines set forth in Section 5-410, the City Council shall issue a license to the applicant within thirty (30) days from the date of the filing of the application. If the City Council fails to act on the application within thirty (30) days after it is filed, the application shall be deemed granted. If the City Council denies the application within thirty (30) days of the filing of the application, the application is deemed finally denied and the same application may not be made within one (1) year
unless there are changed circumstances. If the City Council denies the application, the applicant may appeal the denial pursuant to the provisions of K.S.A. 60-2101(d) and amendments thereto. If the City Council takes action to deny an application, and that action occurs over thirty (30) days after it is filed, the denial shall be of no effect, except that this provision is not intended to limit the ability of the City Council to revoke the license for any of the reasons stated in this Article. If the applicant is not present in Person or by an attorney during the City Council session in which action is taken, written notice of the action shall be mailed to the applicant or attorney forthwith. All enforcement of the prohibitions of this Article relating to operating without a license shall be stayed during the greater of the expiration of the appeal period or pending decision on judicial review in the district court of the City Council’s action. This stay shall apply to both initial and renewal licenses.

5-412. COMPLIANCE WITH OTHER REGULATIONS.

No license shall be granted for an Escort Service until the health code, building code, zoning ordinance, fire prevention and safety regulations of the City are fully complied with, and it is unlawful and a violation of this Article to maintain or conduct an Escort Service without being in compliance, at all times, with all health code, building code, zoning ordinance, fire prevention and safety regulations of the City.

5-413. ESCORT SERVICE DUTIES.

(a) The Escort Service shall provide to each Patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the Patron, and any special terms or conditions relating to the services to be performed.

(b) The Escort Service shall maintain an Open Office at the Licensed Premises. The address of that office shall be included in all Patron contracts and published advertisements. Private rooms or booths where the Patron may meet with the Escort shall not be provided at the Open Office or at any other location by the Escort Service.

(c) The Escort Service, in terms of licensing consequences, is responsible and liable for the acts of all its Employees and subcontractors including, but not limited to, telephone receptionists and Escorts who are referred by that service while the Escort is with the Patron.

(d) The Escort Service shall commence business from an Open Office within thirty (30) days after issuance of the license. In the event an Escort Service Licensee shall not commence business in an Open Office within thirty (30) days after issuance of a license, or shall discontinue business or close the Open Office for a period of thirty (30) days, such license shall terminate and be revoked automatically without action by the Chief of Police or City Council.
(e) Every owner, Operator, responsible managing Employee, manager, or anyone in control of an Escort Service shall maintain a daily register, approved as to form by the City of Park City Police Department, containing the following information:

(1) The identification of all Employees employed by such establishment, together with a copy of the Escort license for those Employees working as Escorts;

(2) The hours of employment of each Employee for each day; and

(3) The names of all Patrons, including their true full names, driver's license number and state of issuance (or some other form of picture identification), hours of employment of the Escort Service, name of the Escort or other Employees providing services to this particular Patron, the location where Escort Services were rendered, and the fee charged for such services. The daily register described in this section shall be subject to inspection at the request of any law enforcement officer who is making said request for inspection pursuant to said officer's lawful duties as a law enforcement officer. The refusal of a Licensee to allow such an inspection shall not be a criminal violation of this Article nor shall it be considered grounds for suspending, revoking or otherwise taking punitive measures of action against the Licensee or the Escort Service's license. However, in the event of such a refusal, an inspection may be conducted upon the issuance of a valid search warrant, issued under the authority of K.S.A. 22-201, and amendments thereto. The daily register described in this section shall be kept and maintained at the Open Office or Licensed Premises for a period of one year.

(f) Any changes in information required to be submitted by this Article must be given to the City Clerk's office in writing within ten (10) days of any such change.

(g) An Escort Service shall establish business hours during which Escorts are available and shall post such business hours at the entrance to the Escort Service premises, where the Open Office is maintained. No Escort Service shall be open at any time between the hours of 1:00 a.m. and 6:00 a.m.

5-414. PROHIBITED ACTIVITIES.

(a) It is unlawful for a Licensee to provide Escort Services as described in this Article to individuals under eighteen years of age unless written authorization by a parent or legal guardian is issued to the Escort when acting as such.

(b) It is unlawful within the city limits of the City of Park City for an Escort to advertise or hold out to the public the availability of an Escort or Escort Service without obtaining a license therefor as provided in this Article. Whether the actual business of the Escorts or the Escort Service is performed, the Escort Service license number must be prominently displayed in such advertisements.
5-415. LICENSE REQUIRED; ESCORT / ESCORT SERVICE RUNNER.

(a) It is unlawful for any Person within the city limits of the City of Park City to:

(1) Work, perform services, or act as an Escort or Escort Service Runner as defined in Article without a license issued pursuant to the provisions of this Article;

(2) Work, perform services, or act as an Escort or Escort Service Runner unless employed by a licensed Escort Service;

(3) Work, perform services, or act as a Sexually Oriented Escort, or work as an Escort Service Runner for a Sexually Oriented Escort Service, regardless of license.

(b) Such Person, when providing services or working as an Escort or Escort Service Runner, shall carry the license required by this Article upon their Person and display the license upon request of any law enforcement official. Failure to display such license upon demand is a violation of this ordinance punishable as set forth in this Article.

5-416. LICENSE APPLICATION; RENEWAL; ESCORT / ESCORT SERVICE RUNNER.

(a) Any Person desiring an Escort or Escort Service Runner's license shall make written application in duplicate to the City Clerk's office on a form provided by the City. The application shall be verified and accompanied by the license fee. Both copies of the application shall be filed with the City Clerk's office and shall provide the following information under oath:

(1) The applicant's legal name, all of the applicant's aliases, the applicant's residential address and telephone numbers, the applicant's social security number, the applicant's driver's license or state issued identification card number, written proof that the applicant is at least eighteen (18) years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of his or her naturalization;

(2) Whether the applicant has been, within the last five (5) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any Morals Charge or felony. As to each conviction, nolo contendere plea or diversion, the applicant shall provide the conviction date, the case number, the nature of the violation(s) or offense(s), and the name and location of the court;

(3) Whether the applicant has been, within the last three (3) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any violation of a provision of this Article or similar provisions of previously enacted City Ordinances;
(4) A list of all pending cases involving: (1) alleged violations of Morals Charges, including the nature of the alleged violation, date of alleged offense, and the name and location of the jurisdiction in which said violation is alleged to have occurred; and (2) alleged violation of this Article, including the nature of the alleged violation and the date of the alleged offense;

(5) Two photographs of the applicant two inches by two inches in size, taken within thirty (30) days immediately preceding the date of application. One photograph will be sent to the Chief of Police and one photograph shall be affixed to the license;

(6) A statement by the applicant that he or she is familiar with the provisions of this Article and is complying and will comply with them.

(b) Every Escort or Escort Service Runner's license issued pursuant to this Ordinance will expire one (1) year from the date of issuance and must be renewed before working or performing services as an Escort or Escort Service Runner in the following year. Application for renewal must be made to the City Clerk no later than thirty (30) days prior to the date of expiration for the Escort or Escort Service Runner's license, and must be accompanied by the license fee provided in this Article.

(c) A license to act as an Escort or Escort Service Runner does not authorize the operation of an Escort Service. Any Person obtaining a license to act as an Escort or Escort Service Runner who desires to operate an Escort Service must separately apply for a permit therefore. A Person who applies for a permit to operate an Escort Service and who desires to act as an Escort or Escort Service Runner within said business, who pays the fee required by this 5-405, shall not be required to pay the fee required in 5-417.

5-417. LICENSE FEES; ESCORT / ESCORT SERVICE RUNNER.

There shall be an annual fee of one hundred ($100.00) dollars for an Escort or Escort Service Runner's license and such fee shall accompany each application submitted and all renewal requests, and a license shall not be issued until the fee is paid in full.

5-418. LICENSE ELIGIBILITY. ESCORT / ESCORT SERVICE RUNNER.

(a) If the application contains the proper information pursuant to Section 5-416, a copy of each application for an Escort or Escort Service Runner's license shall be forwarded to the Chief of Police for investigation. It shall be the duty of the Chief of Police to investigate such applicant to determine whether he or she is qualified under the provisions of this Article. The Chief of Police shall report to the City Clerk not later than ten (10) working days after receipt of the application. The City Clerk shall issue a license if the applicant is fully qualified pursuant to the guidelines set forth in this provision. Any applicant who has been denied the issuance of an Escort or Escort Service Runner's license shall have a right of appeal as set forth in K.S.A. 60-2101(d), and any amendments thereto.
(b) No license to work or perform services as an Escort or an Escort Service Runner shall be issued to:

(1) Any person who has not paid the fee under Section 5-417;

(2) Any Person who has not attained eighteen years of age;

(3) Any Person who has failed to file an application that conforms in all respects to the provisions of Section 5-416;

(4) Any Person who has been convicted of or pleaded nolo contendere to or participated in a Diversion Agreement after having been charged with a felony or any Morals Charge as defined herein in any jurisdiction within the last five (5) years immediately preceding the date of the application.

(5) Any Person who has knowingly made a false or misleading statement of a material fact or omission of material fact in their application for an Escort or Escort Service Runner's license.

5-419. SUSPENSION OR REVOCATION OF AN ESCORT / ESCORT SERVICE RUNNER'S LICENSE.

(a) Pursuant to the procedures set forth in this Article, the Chief of Police may suspend for not more than thirty (30) days any Escort or Escort Service Runner's license if the Chief of Police, based on credible and reasonably reliable information and evidence, determines that the Escort or Escort Service Runner has violated any provisions of this Article.

(b) Pursuant to the procedures set forth in this Article, the Chief of Police may revoke any Escort or Escort Service Runner license, regardless of whether such license has previously been suspended, if the Chief of Police, based on credible and reasonably reliable information and evidence, determines that any one (1) or more of the following has occurred:

(1) The Escort or Escort Service Runner:

   (i) Knowingly, recklessly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the City for the issuance or renewal of any Escort or Escort Service Runner license; or

   (ii) Knowingly, recklessly or negligently caused or suffered any other Person to furnish or withhold any such information on the Licensee's behalf.

(2) The Escort or Escort Service Runner failed to pay the required fee under Section 5-417.
(3) The Escort or Escort Service Runner has, on three (3) or more occasions within a twelve (12) month period of time engaged in conduct in violation of any of the provisions of this Article.

(4) The Escort or Escort Service Runner has become ineligible to obtain a license pursuant to this Article.

(5) Subsequent to obtaining an Escort or Escort Service Runner's license, the Licensee has been convicted of, pleaded nolo contendere to or participated in a diversion agreement after having been charged with a felony or any Morals Charge as defined herein in any jurisdiction.

(c) The Licensee may appeal such order of suspension or revocation pursuant to the terms in this Article.

5-420. ADULT ENTERTAINMENT ESTABLISHMENTS AND ADULT HOTELS; LICENSE REQUIRED.

(a) Except as provided in subsection (e) below, no Adult Entertainment Establishment shall be operated or maintained within the city limits of the City of Park City without first obtaining a license to operate issued pursuant to this Article.

(b) A license may be issued only for one Adult Entertainment Establishment located at a fixed certain place. Any Person who desires to operate more than one Adult Entertainment Establishment must have a license for each.

(c) No license or interest in a license may be transferred to any other Person.

(d) It is unlawful for any Employee or Operator to knowingly work in or about, or to knowingly perform any service directly related to the operating of any unlicensed Adult Entertainment Establishment.

(e) The licensing provisions of this Article shall be applicable to all businesses participating in the activities described in this Article, regardless of when established. All existing Adult Entertainment Establishments at the time of passage of this Article must submit an application for a license. Nothing herein shall be construed to prohibit the City's right to refuse to grant a license to an Adult Entertainment Establishments service that, upon application, is not eligible for a license under this Article.

5-421. APPLICATION FOR ADULT ENTERTAINMENT ESTABLISHMENT LICENSE.

(a) Any Person desiring to obtain a license to operate or maintain an Adult Entertainment Establishment shall make written application in duplicate to the City Clerk's office. The application shall be verified and accompanied by the license fee. Both copies of the application shall be filed with the City Clerk's office.
(b) The application shall be on a form provided by the City of Park City. All applicants shall provide the following information under oath:

(1) The applicant’s legal name, all of the applicant’s aliases, the applicant’s residential and business addresses, the applicant’s residential and business telephone numbers, the applicant’s social security number, the applicant’s driver’s license or state issued identification card number, written proof that the applicant is at least eighteen (18) years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of his or her naturalization;

(2) The proposed address and name or names of the Adult Entertainment Establishments for which a license is sought, and the hours that the Adult Entertainment Establishment will be open to the public;

(3) The name of the owner of the premises upon which the Adult Entertainment Establishment is to be located;

(4) Whether the applicant has been, within the last five (5) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any Morals Charge or felony. As to each conviction, nolo contendere plea or diversion, the applicant shall provide the conviction date, the case number, the nature of the violation(s) or offense(s), and the name and location of the court;

(5) Whether the applicant has been, within the last three (3) years immediately preceding the date of the application, convicted of, pleaded nolo contendere to, or participated in a diversion for any violation of a provision of this Article or similar provisions of previously enacted City Ordinances;

(6) A list of all pending cases involving: (1) alleged violations of Morals Charges, including the nature of the alleged violation, date of alleged offense, and the name and location of the jurisdiction in which said violation is alleged to have occurred; and (2) alleged violations of this Article, including the nature of the alleged violation(s) and the date of the alleged offense(s);

(7) Two photographs of the applicant two inches by two inches in size, taken within thirty (30) days immediately preceding the date of application. One photograph will be sent to the Chief of Police and one photograph shall be affixed to the license;

(8) Information as to whether the applicant has ever been refused any similar license or permit, or has had any similar license or permit issued to such applicant in the City of Park City or elsewhere revoked or suspended, and the reason or reasons therefore; and

(9) A statement by the applicant that he or she is familiar with the provisions of this Article and is complying and will comply with them.
(10) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation, the names, residential addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock in the corporation. The corporation applicant shall designate one of its officers to act as its responsible managing officer. Such designated Person shall complete and sign all application forms and provide all information required in subsection (b) of this section, but only one application fee shall be charged.

(11) If the applicant is a partnership, the application shall set forth the names, residential addresses, and dates of birth of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership. If one or more of the partners is a corporation, the provisions of subsection (c) of this section pertaining to corporations shall apply. The partnership or limited partnership applicant shall designate one of its partners to act as its responsible managing partner. Such designated Person shall complete and sign all application forms and provide all information required in subsection (b) of this section, but only one application fee shall be charged.

5-422. LICENSE FEES.

(a) For any Adult Entertainment Establishment there shall be an annual license fee of one thousand dollars ($1,000.00). This fee shall accompany all initial license applications and all renewal requests, and a license shall not be issued until the fee is paid in full.

(b) Should an applicant choose to withdraw its application prior to a license being issued, the City shall refund fifty percent (50%) of the license fee upon the applicant’s request to the City Clerk within ten (10) business days from the filing of an application and accompanying documentation, and prior to a license being issued. No refund shall be issued after issuance of a license.

(c) Upon a denial of a properly filed application, the City shall refund fifty percent (50%) of the license fee upon the applicant’s request to the City Clerk within twenty (20) business days, but not sooner than ten (10) business days, of the notice of said denial, unless the applicant appeals the denial, in which case the refund shall not occur until after the appeal process has been completed and the denial has been upheld. At the conclusion of the appeal, provided the denial is upheld, the applicant shall have ten (10) business days from the date of final judgment to request the refund.

5-423. LICENSE ELIGIBILITY REQUIREMENTS. To receive a license to operate an Adult Entertainment Establishment, applicants must meet the following standards:

(a) If the applicant is an individual:
(1) The required fees must have been paid;

(2) The application must conform in all respects to the provisions of this Article;

(3) The applicant must not have knowingly made a false or misleading statement of a material fact in the application;

(4) The applicant must be at least eighteen years of age;

(5) The applicant shall not have been convicted of, pleaded nolo contendere to or participated in a diversion agreement after having been charged with a felony or any Morals Charge as defined herein in any jurisdiction within the last five (5) years immediately preceding the date of the application.

(6) The applicant must not have had a similar type of license in any jurisdiction previously suspended or revoked for good cause within five (5) years immediately preceding the date of the filing of the application;

(7) The operation of the business as proposed, if permitted, must comply with all applicable building, fire, health and zoning laws.

(b) If the applicant is a partnership, joint venture, corporation or any other type of organization where two or more Persons have a financial interest:

(1) All Persons having a financial interest in the partnership, joint venture or any other type of organization shall be at least eighteen years of age. Financial interest in a corporation includes any officer or director of the corporation and any stockholder holding more than five percent (5%) of the stock of a corporation or any individual, partnership, and/or corporation which has outstanding or pending loan(s) with the applicant in the amount of $5,000.00 or greater.

(2) No Person having a financial interest in the partnership, joint venture, corporation or any other type of organization shall, in any jurisdiction, have been convicted of, pled nolo contendere to, or participate in a diversion program, after having been charged with a felony or any Morals Charge as defined herein within the immediate five (5) years preceding the date of the application.

5-424. EXAMINATION OF APPLICATION.

If an application for a license is in proper form and accompanied by the license fee as provided for in Section 5-422, the City Council shall examine the application, after review and a recommendation is made by the City Application Review Board, composed of the City Clerk or his/her designee, the Zoning Administrator or his/her designee, and the Chief of Police or his/her designee. If the applicant is fully qualified pursuant to the guidelines set forth in Section 5-423, the City Council shall issue a
license to the applicant within thirty (30) days from the date of the filing of the application. If the City Council fails to act on the application within thirty (30) days after it is filed, the application shall be deemed granted. If the City Council denies the application within thirty (30) days of the filing of the application, the application is deemed finally denied and the same application may not be made within one year unless there are changed circumstances. If the City Council denies the application, the applicant may appeal the denial pursuant to the provisions of K.S.A. 60-2101(d) and amendments thereto. If the City Council takes action to deny an application, and that action occurs over thirty days after it is filed, the denial shall be of no effect, except that this provision is not intended to limit the ability of the City Council to revoke the license for any of the reasons in this Article. If the applicant is not present in Person or by an attorney during the City Council session in which action is taken, written notice of the action shall be mailed to the applicant or attorney forthwith. All enforcement of the prohibitions in this Article relating to operating without a license shall be stayed during the greater of the expiration of the appeal period or pending decision on judicial review in the district court of the City Council’s action. This stay shall apply to both initial and renewal licenses.

5-425. DISPLAY OF LICENSE REQUIRED.

The license issued pursuant to this Article shall be displayed conspicuously at the entrance of the premises licensed as an Adult Entertainment Establishment.

5-426. RENEWAL OF LICENSES.

(a) Every license issued pursuant to this Article shall terminate at the expiration of one (1) year from the date of issuance, unless sooner suspended or revoked, and must be renewed before operation is allowed in the following year. Any Operator desiring to renew a license shall make application for renewal to the City Clerk’s office. The application for renewal shall be filed in duplicate and dated by the City Clerk. An application for renewal license filed after the expiration date of the license shall not be accepted if the premises the renewal license is being sought for does not comply with the distance requirements set forth in this Article. A renewal application shall in all other respects be treated as an application for an initial license.

(b) Application for a license renewal must be made not later than thirty (30) days prior to the date of expiration of the license.

5-427. GENERAL REGULATIONS AND PROHIBITED CONDUCT.

Every Operator or Employee of an Adult Entertainment Establishment shall comply with the following regulations and the failure to comply with the regulations shall be unlawful:

(a) No Person under the age of eighteen shall be employed in or around an Adult Entertainment Establishment;
(b) No Person under the age of eighteen shall be permitted to enter or remain in an Adult Entertainment Establishment.

(c) No Persons shall be knowingly employed in or around an Adult Entertainment Establishment who within two (2) years prior to when employee was released from probation from a conviction for a crime of, or participated in a diversion agreement after being charged with a Morals Charge or a felony.

(d) Every Adult Entertainment Establishment must maintain for inspection a list of all Employees providing services directly related to the operation of the establishment including their date of birth, race, sex, and social security number.

(e) Every Adult Entertainment Establishment shall establish operating business hours and shall post such business hours at the entrance to the Adult Entertainment Establishment premises. No Adult Entertainment Establishment shall be open at any time between the hours of 1:00 a.m. and 6:00 a.m.

5-428. ALCOHOLIC BEVERAGES.

No alcohol, liquor or cereal malt beverage shall be sold or consumed on the premises of an Adult Entertainment Establishment except this provision shall not apply to rooms rented and occupied by persons in an Adult Hotel.

5-429. PRIVATE ROOMS AND CLOSED BOOTHS PROHIBITED.

(a) Every Adult Motion Picture Arcade shall be physically arranged in such a manner that the interior portion of all viewing areas are visible from a common area of the premises and shall not be obscured by any curtains, drapes, doors or other enclosure except under the following conditions:

(1) The booth is designed for a single occupant;

(2) The booth has a door or curtains which cannot be locked; which may extend downward not closer than fifteen inches from the floor, and which has an open space at the top so that the top of the door or curtain does not extend upward more than six feet from the floor;

(3) Conspicuous signs state, "only one occupant per booth";  

(4) There are no openings between booths; and

(5) It can readily be determined from outside the booth that there is no more than one occupant inside the booth.

(b) No Licensee, manager, Employee or agent shall permit or allow two or more occupants to occupy any booth which has been designated as a booth designed for a single occupant.
(c) No Person shall enter into or remain in a booth which has been designated with a sign stating "only one occupant per booth" while another occupant is in the booth.

5-430. COMPLIANCE WITH OTHER REGULATIONS REQUIRED.

No license shall be granted for an Adult Entertainment Establishment unless the Licensee fully complies with the health regulations, building codes, zoning ordinances, fire prevention and safety regulations of the City of Park City as applicable.

5-431. GROUNDS FOR SUSPENSION OF LICENSE.

Pursuant to the procedures set forth in Section 5-433, the Chief of Police may suspend for not more than thirty (30) days any Adult Entertainment Establishment license or any Escort Service license if the Chief of Police, based on credible and reasonably reliable information and evidence, determines that the Licensee, its Manager, its Employee or agent has violated any provisions of this Chapter.

5-432. GROUNDS FOR REVOCATION.

Pursuant to the procedures set forth in Section 5-433, the Chief of Police may revoke any Adult Entertainment Establishment license or any Escort Service license, regardless of whether such license has previously been suspended, if the Chief of Police, based on credible and reasonably reliable information and evidence, determines that any one (1) or more of the following has occurred:

(a) The Licensee: (i) knowingly, recklessly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the City of Park City for the issuance or renewal of any Adult Entertainment Establishment license or any Escort Service license; or (ii) knowingly, recklessly or negligently caused or suffered any other Person to furnish or withhold any such information on the Licensee’s behalf.

(b) The Licensee, its Manager or any Person otherwise connected or associated with the Licensee as a partner, director, officer or stockholder has violated any of the provisions of this Chapter.

(c) One or more Adult Entertainment Establishment or Escort Service Employees have, on three (3) or more occasions within a twelve (12) month period of time, (i) engaged in conduct in violation of any of the provisions of this Chapter, or (ii) engaged in activity constituting a common or public nuisance pursuant to state law, including without limitation any activity specified in K.S.A. 22-3901 or amendments thereto;

(d) The Licensee, or any Person identified pursuant to Section 409 and Section 410 has become ineligible to obtain an Adult Entertainment Establishment license or an Escort Service license at any time during the term of the license at issue;
(e) The nonpayment of any fee required herein;

(f) For knowingly employing a Person who has been, within five (5) years prior to the date of employment, or who during the period of employment is adjudged guilty of, or has participated in a Diversion Agreement after being charged with, a felony or a Morals Charge.

(g) For knowingly employing a Person who has been, within six (6) months prior to the date of employment, or who during the period of employment is adjudged guilty of, any violation of this Chapter.

(h) The Licensee has been convicted, subsequent to the issuance of an Adult Entertainment Establishment license or an Escort Service license, of a crime involving a Morals Charge;

(i) The Licensee is a corporation which is not, or is no longer, qualified to transact business in the State of Kansas.

(j) The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment/Escort Service, allows an Adult Entertainment Establishment/Escort Service Employee, an Adult Entertainment Establishment/Escort Service customer, or any other Person to: (i) engage in conduct in violation of any of the provisions or requirements of this Chapter or of the provisions or requirements of the Adult Entertainment Establishment license or Escort Service license issued pursuant thereto; or (ii) commit any Morals Charge on the premises licensed as an Adult Entertainment Establishment or Escort Service.

(k) The premises licensed as an Adult Entertainment Establishment or Escort Service is used as a place where activity constituting a public or common nuisance pursuant to state law, including without limitation any activity specified in K.S.A. 22-3901 or amendments thereto, is carried on or permitted to be carried on.

5-433. GROUNDS FOR REVOCATION; PROCEDURE.

An Adult Entertainment Establishment license or Escort Service license may be suspended for not more than thirty (30) days or revoked pursuant to the terms and conditions set forth herein.

(a) NOTICE. Upon determining that one (1) or more of the grounds for suspension or revocation exists, the Chief of Police shall serve a written notice on the Licensee in Person or by certified United States mail, postage prepaid, addressed to the Licensee’s address as set forth in the Licensee’s application. The written notice shall, at a minimum:

(i) state that the Chief of Police has determined that the Adult Entertainment Establishment license or Escort Service license may be subject to suspension or revocation hereunder;
(ii) Identify the specific grounds for the Chief of Police's determination; and

(iii) Specify the date such suspension or revocation shall be effective unless said determination of suspension or revocation is appealed to the City Council. Such date shall be not less than ten (10) days after the notice of suspension or revocation is deposited in the United States mail or personally served upon the Licensee.

(b) APPEAL. A Licensee may appeal an order of suspension or revocation to the City Council by filing a notice of appeal with the City Clerk by the date specified on the notice of suspension or revocation. The City Council may stay the order of suspension or revocation upon hearing and a showing by the Licensee and a finding that a substantial likelihood exists that the Licensee will eventually prevail on the merits and that said Licensee will suffer irreparable injury unless the stay is granted. If there is no stay by the City Council, then the order of suspension or revocation shall not be stayed during the pendency of any such appeal.

(c) HEARING. The hearing shall be held within ten (10) days of the filing of the notice of appeal, unless the Licensee consents to a continuance, and shall be conducted by the City Council. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Chief of Police for suspending or revoking the license and the City and any other Persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment or Escort Service shall be made part of the hearing record. Within three (3) business days after the close of the hearing, the City Council shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. Such written decision shall be served upon the Licensee and the Chief of Police in Person or by certified United States mail, postage prepaid, addressed to the Licensee's address as set forth in the Licensee's application and to the Chief of Police at the City Building. The action taken by the City Council shall be final and shall be subject to immediate and expedited judicial review pursuant to K.S.A. 60-2101(d). It is the intent of the City of Park City that such review proceed on a priority basis and a hearing thereon be set as soon as practicable and without delay.

(d) SURRENDER OF LICENSE. Upon the suspension or revocation of an Adult Entertainment Establishment license or any Escort Service license, the Chief of Police shall take custody of the suspended or revoked license. In case of the revocation of a license of any Licensee, no new license shall be issued to such Person or to any Person acting for or on his or her behalf, for a period of two (2) years after the revocation becomes effective.

5-434. ADMINISTRATIVE RECORD.

The City Clerk shall cause to be kept in the Office of the City Clerk an accurate record of every Adult Entertainment Establishment license, Escort Service license and Escort/Escort Service Runner license and application received and acted on, together
with all relevant information and material pertaining to such application and any license issued pursuant to this Ordinance. The City Clerk shall further maintain any information it receives from any reliable sources relating to any Adult Entertainment Establishment, Escort Service and Escort/Escort Service Runner.

5-435. INSPECTIONS BY THE CITY OF PARK CITY; AUTHORITY.

(a) The City of Park City Police Department and other City of Park City representatives and law enforcement departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments and Escort Services as shall be necessary to determine compliance with the provisions of this Ordinance and all other applicable law.

(b) This provision does not apply to rooms occupied by customers of an Adult Hotel during periods of such occupancy.

5-436. INSPECTIONS BY THE CITY OF PARK CITY; LICENSEE COOPERATION.

A Licensee, Manager or any Adult Establishment/Escort Service Employee shall grant immediate entry to representatives of the City of Park City Police Department and other City representatives to inspect the premises licensed as an Adult Entertainment Establishment or Escort Service for the purpose of determining compliance with the provisions of this Ordinance and all other applicable laws or regulations at any time during which the premises is occupied or the Adult Entertainment Establishment or Escort Service is open for business.

5-437. INSPECTIONS BY THE CITY OF PARK CITY; INTERFERENCE OR REFUSAL.

It shall be unlawful for the Licensee, Manager, any Adult Entertainment Establishment/Escort Service Employee, or any other Person to prohibit, delay, interfere with, or refuse to allow, any lawful inspection conducted by the City pursuant to this Chapter or any other authority.

5-438. INSPECTIONS BY THE CITY OF PARK CITY; REFUSAL OF IMMEDIATE ENTRY.

It shall be unlawful for the Licensee, Manager, any Adult Entertainment Establishment/Escort Service Employee, or any other Person to refuse immediate entry to a representative of the City of Park City Police Department and other City representatives at any time during which the premises is occupied or the Adult Entertainment Establishment or Escort Service is open for business.
5-439. INSPECTIONS BY THE CITY OF PARK CITY; REVOCATION.

Any such prohibition, delay, interference, or refusal shall be grounds for suspension or revocation of the Adult Entertainment Establishment license or Escort Service license.

5-440. DISTANCE REQUIREMENTS.

No Adult Entertainment Establishment or Escort Service shall be located less than seven hundred fifty feet (750) feet from a Church; less than seven hundred fifty feet (750) feet from a School; less than seven hundred fifty feet (750) feet from a public park; less than seven hundred fifty feet (750) feet from a Residential Dwelling; or less than seven hundred fifty feet (750) feet from any other Adult Entertainment Establishment or Escort Service, regardless of licensure. This distance is to be measured from the nearest property line of the Church, School, public park, Residential Dwelling, or other Adult Entertainment Establishment/Escort Service, to the nearest property line of the premises on which the Adult Establishment or Escort Service is located or of any parking lot designated to be used by the customers of such an establishment.

5-441. VIOLATION; PENALTY.

Any Person who violates any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

5-442. NUISANCE DECLARED.

Any violation of the provisions of this Chapter shall be and the same is declared to be an unlawful and public nuisance. The City of Park City may in addition to or in lieu of any other remedies set forth herein, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance and restrain and enjoin any Person from establishing, operating or maintaining an Adult Establishment or Escort Service contrary to the provisions of this Chapter.

5-443. SEVERABILITY.

Should any court declare any section, clause or provision of this Chapter to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other remaining section, clause or provision of this Chapter.
ARTICLE 5. MASSAGE BUSINESSES

5-501. DEFINITIONS.

The following terms shall, for the purposes of this ordinance, have the meanings indicated in this section:

(a) City means the City of Park City, Kansas.

(b) City Administrator means the City Administrator of the City.

(c) City Clerk means the City Clerk of the City.

(d) City Council means the governing body of the City.

(e) Massage Business means the business of offering or providing for consideration Massage Therapy or any service of massage or body manipulation, including exercise; heat or light treatments; all forms and methods of physiotherapy; and manual or other forms of contact massage or manipulation of any part of the human body.

(f) Massage School means a school or program which meets the NCBTMB minimum class instruction requirements at the time of an application for a Massage Therapist Permit and is certified by the NCBTMB.

(g) Massage Therapist means any person who is over eighteen (18) years of age and has successfully completed a minimum of five hundred (500) instructor-taught, classroom hours within a Massage Therapist School or university course, which is certified by and recognized as being in conformance with the standards of the NCBTMB at the time of an application for a Massage Therapist Permit.

(h) Massage Therapist Permit means the Permit issued by the City to a Massage Therapist.

(i) Massage Therapy means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, or the rubbing, stroking, kneading, pounding, or tapping of the human body by any physical or mechanical means for any form of consideration. Massage Therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor shall it include licensed cosmetologists who, when performing pedicures and manicures, exert or apply pressure or friction or rub, stroke, knead, pound or tap the hands and/or feet of a customer in the normal course of providing manicure and pedicure services.

(j) NCBTMB means the National Certification Board for Therapeutic Massage and Bodywork.

(k) Offer indicates any form of communication, by any medium.
(l) Person means any person, firm, partnership, association, company, or organization of any kind.

(m) Sexual or Genital Parts means the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

(5-501 amended by ORD#927-2013 on 6/25/2013)

5-502. APPLICATION FOR MASSAGE THERAPIST PERMIT.

Each application for a Massage Therapist Permit shall be upon a form provided by the City Clerk and shall be submitted to the City Clerk. Each application shall contain the following information:

(a) The applicant’s full name, date of birth, current residence address, and telephone number;

(b) Proof of qualification as a Massage Therapist in a form approved by the City Clerk;

(c) The name of the Massage Business that the Massage Therapist will be employed with;

(d) Whether any license or permit to perform as a Massage Therapist has previously been denied or revoked, and if so, the reasons, dates, and places of such denial or revocation;

(e) A copy of current liability insurance certificate, proving a minimum general liability insurance coverage of one million dollars ($1,000,000.00) aggregate coverage per year, with up to five hundred thousand dollars ($500,000.00) per single occurrence that covers the applicant.

(5-502 amended by ORD #923-2013 on 2/28/2013)

5-503. STANDARDS FOR ISSUANCE OF MASSAGE THERAPIST PERMIT.

(a) To receive a Massage Therapist Permit, an applicant must:

(1) Be at least eighteen (18) years of age;

(2) Have been a resident of Sedgwick County continuously for at least thirty (30) days immediately preceding the date of application for a Massage Therapist Permit;

(3) Be a person of good moral character;

(4) Meets standards for and be qualified as a Massage Therapist;
(5) Not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within the last five (5) years;

(6) Show proof of insurance by providing a copy of a commitment or a certificate of insurance that meets the requirements set forth in Section 5-502(e) herein;

(7) Obtain a health certificate issued by a licensed medical doctor certifying that the applicant is free of communicable diseases and infections and in suitable health to perform such an occupation and such certificate shall be furnished to the City within five days after the application for a Massage Therapist Permit is submitted;

(8) Submit to such physical examinations and laboratory tests by licensed medical doctors and recognized laboratories as the City deems necessary and the costs of such examinations and tests shall be paid by the applicant and the results thereof shall be filed with the City.

(9) Submit to fingerprinting administered by the police department for the purpose of positive identification of the applicant and a subsequent background investigation of the applicant by the City.

(5-503 amended by ORD #923-2013 on 2/28/2013) (5-503 Amended by ORD #939-2014 on 1/28/2014)

(5-503 9 amended (removed) by ORD #1047-2018 on 9/27/2018)

5-504. PERMIT DISPLAY.

Each Massage Therapist Permit shall be placed at the point of entry into each Massage Business at all times the Massage Therapist holding the Massage Therapist Permit is on duty. A Massage Therapist conducting a Massage at a location other than the licensed Massage Business premises, as allowed in Section 5-505(3) hereinbelow, shall carry their Massage Therapist Permit with them to such location. The Massage Therapist Permit, among other items, shall bear a photograph of the Massage Therapist Permit holder.

5-505. PROHIBITED ACTS. It shall be a violation of this Article for a person to:

(1) Operate a Massage Business within the City without a zoning permit;

(2) Perform or Offer to perform Massage Therapy without a Massage Therapist Permit;
(3) Perform a Massage at a location that has not been issued a zoning permit; provided, however, it shall not be a violation when a person holding a Massage Therapist Permit provides a Massage at a licensed nursing home or residence of the person receiving the Massage;

(4) Perform or Offer to perform with any customer any sexual act prohibited by state statute or city ordinance, including prostitution and oral and anal copulation; perform manual or other contact stimulation of the genitalia of a customer; or perform or Offer to perform on any customer any Massage Therapy or service of a Massage Business with the intent to arouse or gratify the sexual desires of the Massage Therapist, customer or any other person present during such services.

(5) Expose while administering Massage Therapy for compensation his/her Sexual or Genital Parts, or any portion thereof, to any person;

(6) While in the presence of any person, while receiving Massage Therapy, fail to cover with a fully opaque covering the Sexual or Genital Parts of his/her body;

(7) For a person who owns, rents, leases, operates, or manages a Massage Business to cause, allow, or permit in or about said Massage Business, any person to engage in acts prohibited in this Article.

(8) For a person who owns, rents, leases, operates, manages or is employed by a Massage Business to fail or refuse to submit to an inspection of such business during business hours by law enforcement officers, code enforcement officers and/or health officers of the city, county and state.

(9) For a person who owns, rents, leases, operates, manages or is employed by a Massage Business to fail or refuse to at all times have a front and rear exit unlocked when open for business.

(5-505 amended by ORD #923-2013 on 2/28/2013) (5-505 amended by ORD #939-2014 on 1/28/2014)

5-506. FEE.

A Massage Therapist Permit fee of One Hundred and Fifty Dollars ($150.00) shall be submitted with the application for a Permit. The application fee shall not be refundable and the permit shall be valid for one (1) year from the date issued.

(5-506 amended by ORD #923-2013 on 2/28/2013)

5-507. RENEWAL OF MASSAGE THERAPIST PERMIT.

Any Massage Therapist desiring to renew a Massage Therapist Permit shall make application to the City. The application for renewal must be filed not later than
thirty (30) days before the Massage Therapist Permit expires. The application for renewal shall be filed the City Clerk’s office. The fee for renewal shall be One Hundred Dollars ($100.00) and shall not be refundable. The permit shall be valid for one (1) year from the date issued.

(5-507 amended by ORD #923-2013 on 2/28/2013)

5-508. DENIAL AND REVOCATION.

(a) The City Clerk shall not issue a Massage Therapist Permit if, based upon the investigation, it is found that the applicant does not meet the requirements set forth in this Article.

(b) The City Clerk may revoke a Massage Therapist Permit if a Massage Therapist violates this Article.

(c) The City Clerk shall give notice of a denial of issuance or revocation of a Massage Therapist Permit by providing a written notice addressed to the person the denial or revocation applies to that sets forth the reasons for the denial or revocation. The written notice shall be deemed to be served if it is hand-delivered to the person or if it is mailed, postage prepaid, through the United States Postal Service to the address set forth in the person’s application.

5-509. DENIAL AND REVOCATION; APPEAL.

(a) An appeal of a denial of an application or a revocation of a Massage Therapist Permit may be made to the City Administrator. Such an appeal, including the basis for the appeal, shall be filed in writing with the City Administrator within ten (10) calendar days of the date an applicant receives written notice of a denial from the City Clerk.

(b) The City Administrator shall conduct a hearing within twenty (20) calendar days of receiving a request for such a hearing.

(1) At the hearing, all concerned parties shall be given an opportunity to present relevant evidence and witnesses as determined by the City Administrator. All parties shall have the right of cross-examination.

(2) All parties shall have the right to have legal representation at the hearing of the appeal.

(3) The City Administrator shall render a decision in writing within ten (10) business days of the hearing’s conclusion.

(4) The decision of the City Administrator shall be a final decision. An aggrieved party may file an appeal with the Sedgwick County District Court within thirty (30) days of the date the City Administrator issues his/her written decision.
5-510. PENALTY.

Any person violating any of the provisions of this Article shall, upon conviction, be fined not less than One Hundred Dollars ($100.00) for each offense, and not more than One Thousand Dollars ($1,000.00) and/or not more than thirty (30) days in jail, or both said fine and imprisonment. Each day a violation occurs shall constitute a separate offense.

5-511. INJUNCTIVE RELIEF.

In addition to any other legal remedy provided in this ordinance, the operation of a Massage Business without a zoning permit, the providing of Massage Therapy without a Permit, or the violation of this article is deemed a public nuisance and may be enjoined by the City.

5-512. EXEMPTIONS.

The following persons are exempted from the requirements to obtain a Massage Therapist Permit:

(1) Medical doctors, chiropractors, osteopaths, physical therapists, barbers, and cosmetologists as to massage of the scalp, who are licensed to practice their respective professions in Kansas or who are permitted to practice temporarily under the auspices of an associate or establishment duly licensed in Kansas, while in the course of their licensed business or profession.

(2) Nurses and hospital employees who are registered under the laws of Kansas while in the normal course of their duties.

(3) A trainer of any duly constituted athletic team while in the normal course of his duties.

(4) Any student of a Massage Therapy School, and the Massage Therapy is conducted under the supervision of a Massage Therapist who holds a valid Massage Therapist Permit.

5-513. REASONS FOR REVOCATION OF PERMIT.

The following circumstances shall constitute legitimate and reasonable basis for revocation of a Massage Therapist Permit:

(1) Providing false or misleading information related to any material facts in an application for a Massage Therapist Permit;

(2) A permit holder becomes ineligible to obtain a Massage Therapist Permit;
(3) Failure to pay any cost or fee required to be paid by the provisions of this Article;

(4) Refuses or neglects to submit to physical examination or laboratory test within five days after being requested to do so in writing by the City; or

(5) Engaging in any actions in violation of the prohibitions set forth in Section 5-505 herein.

(5-513 amended by ORD #923-2013 on 2/28/2013)

5-514. INVALIDITY OF CODE PROVISIONS.

Should any court declare any section, clause, or provision of this ordinance to be invalid for any reason, such decision shall affect only such section, clause or provision so declared invalid, and shall not affect any other section, clause, or provision.

(5-514 amended by ORD #923-2013 on 2/28/2013)
ARTICLE 6. TATTOO PARLORS

5-601. TATTOOING PROHIBITED.

Tattooing is prohibited within the corporate limits of the City of Park City, Kansas, except as provided for herein.

5-602. TATTOOING DEFINED.

For the purposes of this article, tattooing shall be defined as the intentional marking or coloring of the human skin with an indelible mark or figure through the use of instruments that insert pigment under the skin or that produce permanent scars.

5-603. TATTOOING PERMIT.

A person may perform tattooing within the corporate limits of the City of Park City, Kansas, if he or she has obtained a permit from the City. In order to obtain a permit to perform tattooing, a person must submit an application to the City Clerk together with the appropriate permit fee and a copy of the person’s current, valid license from the State of Kansas permitting such person to perform tattooing within the State of Kansas or a current, valid license from any other state permitting such person to perform tattooing. A copy of the licensee’s current license from the State of Kansas or such other state shall be prominently displayed in the work area where the licensee performs tattooing.

5-604. PERMIT FEE.

The annual permit fee for a tattooing permit shall be $25.00.

5-605. REVOCATION OF PERMIT.

A tattooing permit may be revoked by the City at any time upon proof that the holder of the permit no longer has a valid tattooing license from the State of Kansas or that the holder of the permit has made a false statement in the application for such permit or in the application for a license from the State of Kansas.

5-606. PENALTY FOR VIOLATION.

Any person who performs tattooing in the City of Park City, Kansas, when such person does not hold a valid, tattooing permit from the City, shall be guilty of a misdemeanor and upon being convicted of the same, shall be subject to a fine of not less than $200.00 and not more than $1,000.00, or not less than five (5) days imprisonment in the County jail nor more than one hundred eighty (180) days imprisonment in the County jail, or by both such fine and imprisonment.
ARTICLE 7. RESTAURANTS

5-701. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this section.

(a) **Employee** means any individual who handles food or drink during preparation, transportation, or serving; or who comes in contact with any eating or cooking utensils.

(b) **Health Officer** means the director of the Wichita-Sedgwick County department of community health, or his or her authorized representative.

(c) **Person** means every person, firm or corporation in charge of, or in control of, or in authority over any restaurant.

(d) **Restaurant** means any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, delicatessen, sandwich shop, soda fountain, tavern, private club, drinking establishment, roadside stand, industrial feeding establishment, catering kitchen, commissary, and any other private, public, or nonprofit organization or institution routinely serving food or beverage and any other eating or drinking establishment or operation where food or beverage is served or prepared for the public with or without charge and which is licensed as a food service establishment by the Kansas Department of Health and Environment.

5-702. FOOD HANDLER'S CARD.

No person operating a restaurant shall allow any employee to engage in any food handling whatsoever unless the employee has attended a food handlers' instructional class that is provided or approved by the health officer or has passed a written examination approved by the health officer. Each employee shall maintain in his or her possession a food handler's card issued by the health officer certifying that the employee has received such instruction or has passed such examination.

5-703. DISPLAY OF GRADE OF ESTABLISHMENT.

Any person who operates a restaurant shall display at all times, in a place designated by the health officer, a notice approved by the health officer stating the grade of the restaurant.

5-704. GRADING CLASSIFICATIONS.

(a) Grade A shall be awarded to those restaurants which receive a rating score of eighty-five or higher as reported on the food service establishment inspection report issued as a result of most recent inspection.
(b) Grade B shall be awarded to those restaurants which receive a rating score of seventy-five to eighty-four as reported on the food service establishment inspection report issued as a result of the most recent inspection.

(c) Grade C shall be awarded to those restaurants which receive a rating score of seventy to seventy-four as reported on the food service establishment inspection report issued as a result of the most recent inspection.

5-705. VIOLATION; PENALTY.

Any person, firm or corporation violating any provision of this article is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than six months or both such fine and imprisonment.
ARTICLE 8. PRIVATE SECURITY SERVICES

5-801. DEFINITIONS.

The following words and phrases shall have the meanings respectively ascribed to them in this section:

(1) **Private security service** means any person, firm or corporation who engages in a business for hire to provide a protective service for the property of others, and whose duties and activities in that connection include patrolling, guarding or watching the property of a subscriber, purchaser or client under a contract or agreement to provide a protective service.

(2) **Client** means any person who engages the services of a private security service.

(3) **Firearm**, for the purpose of this ordinance, means any pistol or revolver commonly referred to as a handgun, capable of being concealed on the person, constructed or arranged so as to be capable of being loaded with gunpowder or other explosive substances, cartridges, shots, slugs or balls, and being exploded, fired or discharged. Shotguns carried by armored car private security officers shall also be included in this definition.

(4) **Firearm permit** means a permit for the limited authority to carry a firearm by a person not a law enforcement officer, within the city limits, when the carrying of such firearm would be in violation the ordinances of the City of Park City, Kansas.

(5) **Private security officer** means any person regularly employed by a person, firm or corporation, and whose duties, in addition to patrolling, guarding and watching the property of the employer or any client of the employer, include conducting investigations concerning the reputation or character of employees or prospective employees, and investigations concerning the location of property of the employer that becomes lost or stolen. For the purposes of this chapter, "private security officer" shall also include persons licensed as armored car private security officers.

(6) **Armored car private security officer** means any person regularly employed by a licensed armored car carrier whose duties include providing secured transportation, protecting and safeguarding valuable cargo from one place to another and providing cash services for automated teller machines, all by means of bullet-resistant armored vehicles.

(7) **Basic private security officer permit** means the permit issued to a person having completed the basic private security officer course, including a defensive driving course given by either the City of Park City or a private certified driving instructor approved by the chief of police, and meeting the qualifications required of a private security officer. This permit shall allow the person to perform
the basic duties of a private security officer including vehicle patrol. This permit shall not allow the person to carry any weapons (including handcuffs).

(8) **Advanced private security officer permit** means the permit issued to a person who has completed both the basic and advanced private security officer courses and meets the qualifications required of a private security officer. This permit shall allow the individual to perform the basic duties of a private security officer to include vehicle patrol and the carrying of weapons which are not capable of inflicting serious bodily harm or death such as a baton, mace or pepper spray and handcuffs.

(9) **Advanced private security officer permit with firearm** means the permit issued to a person who has completed the basic and advanced private security officer courses and the firearms training course. This permit shall allow the person to perform the basic duties of a private security officer to include vehicle patrol and, in addition to carrying weapons which are not capable of inflicting serious bodily harm or death, allows the person to carry a firearm while performing the duties of a private security officer.

(10) **Armored car private security officer permit** means the permit issued to a person who has completed an armored car private security officer training course and meets the qualifications required of a private security officer. This permit shall allow the person to provide secured transportation, protect and safeguard valuable cargo from one place to another, and provide cash services for automated teller machines by means of a bullet-resistant armored vehicle. This permit shall allow the person to carry a firearm while performing these duties.

5-802. **QUALIFICATIONS FOR PRIVATE SECURITY PERMIT.**

The prerequisites for qualifying for a permit to act as a private security officer shall be as follows:

1. Be at least eighteen years of age;
2. Be able to read and write the English language;
3. Have no felony convictions; not be currently under indictment, charge or information or on diversion or deferred judgment for a felony offense; and not have been adjudged to be a juvenile offender as a result of the commission of an act that would constitute a felony if done by an adult;
4. Have no conviction nor have been adjudged to be a juvenile offender within the preceding ten years, or be currently under indictment, charge or information for, or on diversion or deferred judgment, for a crime or an act involving a morals charge or the illegal use, carrying or possession of a dangerous weapon;
(5) Have no past or present history of any mental or emotional impairment, unless, in the opinion of a licensed psychiatrist and psychologist, such impairment would not adversely affect the applicant’s ability to carry out the duties of a private security officer;

(6) Have no convictions of a crime of violence or the use of physical force or threat thereof; not be currently under indictment, charge or information for or, on diversion or deferred judgment for such an offense; and not have been adjudged to be a juvenile offender as a result of the commission of such an act.

For the purpose of this section, "morals charge" includes those charges or acts involving dishonesty, theft, false impersonation, identification theft, prostitution, promoting prostitution, patronizing a prostitute, soliciting for immoral purposes, lewd and lascivious behavior, illegal use, possession or sale of narcotics or non-narcotic drugs, sodomy, sodomy for hire, promoting sodomy for hire, patronizing a person offering sodomy for hire, loitering for the purpose of soliciting, incest, gambling, promoting obscenity, promoting obscenity to minors, displaying material harmful to minors, sexual battery, adultery, and bigamy.

5-803. APPLICATION REQUIREMENTS.

The application for a private security officer permit shall contain:

(1) A full set of the applicant's fingerprints;

(2) Two black and white or colored photographs of the applicant taken within the past thirty days;

(3) Proof of age if required;

(4) A letter from the firm, company, or corporation stating that the applicant is being considered for employment as a private security officer;

(5) A drug screening test performed by a licensed laboratory, certified to conduct such testing, indicating the applicant is free from the use of amphetamines, barbiturates, benzodiazepines, cannabinoid, cocaine metabolites, opiates or phencyclidine.

All questions on the application form shall be answered truthfully and fully in the applicant's own handwriting. Falsifying or omitting any information requested on the application may be a basis for denying a permit.

All new applicants that appear and request a permit shall be required to deposit at that time a processing fee of twenty-five dollars. The processing fee is not refundable.

The private security officer permit holder shall not carry a firearm unless a firearm permit has been issued.
5-804. PERMIT FEE.

The permit fee for a private security permit shall be twenty-five dollars. No permit shall be issued for less than the full amount of such fee, and such permit shall be valid only for one year from the date of issuance and upon expiration must be surrendered as herein provided or renewed.

5-805. TEMPORARY PERMIT.

An individual meeting the requirements of Section 5-802 may be issued a temporary permit to perform the duties of a basic private security officer for a period not to exceed ninety days; provided, however, that the chief of police may, upon written request and for good cause shown, extend the ninety-day duration of a temporary permit. No such temporary permit may be renewed and no individual shall be eligible for more than one temporary permit within a two-year period.

5-806. PERMIT NON-TRANSFERABLE.

No permit granted under the provisions of this ordinance shall be transferable from one individual to another or by an individual from employment by one private security firm to employment with another private security firm.

5-807. IDENTIFICATION CARD REQUIRED.

Every person engaged in the business of or operating as a private security officer, under the provisions of this ordinance, shall have an identification card that includes a photograph, thumbprint and signature of the holder. This identification card will be in the form approved by the chief of police. It is unlawful for any permit holder to engage in any activities within the purview of this ordinance without having such identification card in his or her possession. Upon suspension, revocation or expiration of this permit, the identification card shall be surrendered to the chief of police.

5-808. SUSPENSION OR REVOCATION.

The permit for private security officer issued by the chief of police may be suspended or revoked for cause by the latter without notice; provided, that the holder of the permit shall immediately be given notice of the cause of such suspension or revocation and an opportunity to be heard. The chief of police, after the hearing, may make an order affirming the suspension or revocation or reversing the prior order of suspension or revocation. The holder of a permit aggrieved by any such order of the chief of police shall have the right to an immediate appeal to the city council.

5-809. SURRENDER OF PERMIT.

(1) It is unlawful for any private security officer regulated by the provisions of this ordinance to fail to immediately surrender his or her permit to the chief of police upon termination of his or her employment as a private security officer.
(2) It is unlawful for any firm, corporation or company that originally pays for the private security officer permit of an employee to fail to collect such permit upon termination of the employee and surrender it to the chief of police unless the firm, corporation or company provides the chief of police, in writing within ten days of the termination of the employee, an explanation of why it was unable to obtain the permit.

5-810. OPERATING AS PRIVATE SECURITY OFFICER WITHOUT PERMIT.

It is unlawful for any person to act or hold oneself out as a private security officer within the city until such person has obtained from the chief of police a private security officer permit. These permits shall be issued in the following categories: temporary private security officer, basic private security officer, advanced private security officer, advanced private security officer with firearm, and armored car private security officer.

It is also unlawful for a manager or owner of any firm, company or corporation within the city to hire a person as a private security officer unless such person has obtained from the chief of police a private security officer permit.

5-811. REVOCATION OF FIREARM PERMIT.

(1) The chief of police may suspend or revoke any firearm permit for cause without notice; provided that the holder of the permit shall immediately be given notice of the cause of such suspension or revocation and an opportunity to be heard. The chief of police, after a hearing, may make an order affirming the suspension or revocation or reversing the suspension or revocation. The holder of a permit aggrieved by any such order shall have the right to an immediate appeal to the city council.

(2) The chief of police may recall any firearm permit when, in the chief's opinion, the holder thereof no longer requires such permit, or when the holder thereof no longer meets all of the requirements for issuance of such a permit.

5-812. REPORTING CHANGE IN STATUS.

(1) Every individual possessing a valid firearm permit shall be required to report to the chief of police, or the chief's designee, any removal or transfer from the status of advanced private security officer with firearm or armored car private security officer.

(2) It shall also be the duty of every firm, company or corporation to notify the chief of police, or the chief's designee, of any employee's removal or transfer from the status of advanced private security officer with firearm or armored car private security officer.
5-813. FIREARM PERMIT.

The chief of police shall issue to all applicants qualifying under the provisions of this chapter a firearm permit. This will be noted on the individual's private security officer permit. The holder of a firearm permit shall have such permit in his or her possession when carrying a firearm.

Issuance of firearm permits will be at the discretion of the chief of police after the investigation for the private security officer permit is completed satisfactorily and the applicant has completed the required training.

5-814. UNIFORM RESTRICTIONS.

(1) It is unlawful for any private security officer to wear a uniform or insignia or make a statement with the intent to give the impression that he or she is in any way connected with the federal, state or any political subdivision of government, and such uniforms and insignias shall be distinctively different from those worn by officers of the Park City police department, the Sedgwick County sheriff's office, the Kansas Highway Patrol, or any reserve component of the foregoing agencies.

(2) It is also unlawful for any person to wear a uniform, badge or insignia unless the chief of police has issued such person a private security officer permit.

(3) It is further unlawful for any private security officer to wear any distinctive uniform, including an identifying private police badge, except as follows:

   (a) Directly from his or her residence to his or her place of employment;

   (b) During his or her tour of duty while actively engaged as a private security officer; and

   (c) Directly from his or her place of employment to his or her residence.

(4) The wearing of any distinctive uniform into any tavern or private club is prohibited except when the establishment has employed the private security officer to work in the capacity of a private security officer.

(5) The wearing of any distinctive uniform, including a badge, at any time other than that which has been specified above will be a misdemeanor and grounds for revocation or suspension of the private security officer permit.
5-815. FIREARM PERMIT; SHOWING OF NEED; AGE RESTRICTION.

A firearm permit may be issued to a private security officer provided that the individual, firm, company or corporation provides satisfactory proof that the individual or employee needs to carry a firearm for his protection and has completed an approved course of training. This individual must possess an advanced private security officer permit or an armored car private security officer permit prior to the firearm permit being issued; provided, however, that no firearm permit shall be issued to any person younger than the age of twenty-one years.

5-816. FIREARM PERMIT; ANNUAL TRAINING.

All persons requesting a firearm permit will be required annually to complete and satisfactorily pass a course of instruction on firearm training approved by the chief of police prior to the permit being issued or renewed.

5-817. FIREARM PERMIT FEE.

(1) A fee of twenty-five dollars shall be charged for each firearm permit and no permit shall be issued for less than the full amount of such fee and such permit shall be valid only for one year from the date of issue.

(2) The firearm(s) that may be carried by the holder of a firearm permit shall be only those approved by the chief of police. The chief may require that a firearm be inspected and approved by a certified armorer before approving the same.

5-818. REPORTING DISCHARGE OF FIREARM BY PERMIT HOLDER.

Any person possessing a valid permit who discharges his firearm within the city limits for any reason other than test firing on an approved range shall immediately report the same to the police department, and within twenty-four hours submit the same in a written report to the chief of police, or his designee, giving full particulars and the reasons for such discharge.

5-819. FIREARM PERMIT; LIMITATIONS.

(1) The holder of a firearm permit shall be limited to the carrying of such firearm as follows:

(a) Directly from his or her residence to his or her place of employment;

(b) During his or her tour of duty while actively engaged as a private security officer; and

(c) Directly from his or her place of employment to his or her residence.
(2) The carrying of a firearm into any tavern or private club is prohibited.

(3) The carrying of a firearm at any time other than that which has been specified above will be a misdemeanor and grounds for revocation or suspension of the firearm permit.

5-820. SECURITY SERVICES FOR WHICH PERMIT NOT REQUIRED.

The provisions of this Article do not include, and are not applicable to:

(1) any person employed in any capacity if such employee is not armed and his duties are carried out exclusively on private property of his employer; provided, however, that it is unlawful for such employees to wear a distinctive uniform, including a badge, except as follows:

   (a) Directly from his or her residence to his or her place of employment,

   (b) During his or her tour of duty while actively engaged as a private security officer, and

   (c) Directly from his or her place of employment to his or her residence.

(2) any officer or employee of the United States of America or of this state or a political subdivision thereof while engaged in the performance of their official duties;

(3) a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons;

(4) a licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for collection of claims owed or due or asserted to be owed or due or the equivalent thereof;

(5) admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(6) any bank subject to the State Bank Commissioner of the state of Kansas;

(7) a person engaged solely in the business of securing information about persons or property from public records;

(8) an insurance adjustor;
(9) a commissioned law enforcement officer; or
(10) any person working within the confines of facilities regulated by the State of Kansas under the Kansas expanded lottery act.

5-821. UNLICENSED OPERATION UNLAWFUL.

(1) It is unlawful for any person to engage in the private security business in the City of Park City, Kansas unless such person is licensed as a private security firm under this Article.

(2) It is unlawful for any person to engage in business in the City of Park City, Kansas as a private security agency unless such person is licensed therefor.

5-822. PRIVATE SECURITY FIRM LICENSE.

Every firm desiring to be licensed in the City of Park City, Kansas, as a private security firm and/or agency shall make application therefor to the City of Park City. An application for a license under this Article shall be on a form prescribed by the chief of police and submitted, together with the required application fee, to the city clerk.

An application shall be verified and shall include:
(1) The name and address under which the applicant intends to do business;
(2) The full name and residence address of the applicant and personal information;
(3) A statement as to the general nature of the private security business the applicant intends to engage in;
(4) The full name, date of birth and residence address of each of its partners, officers, directors or associates;
(5) Two black and white or color photographs taken during the past thirty days one and one-half inches by two inches, of each of the partners, officers, directors or associates of the firm, and two classifiable sets of their fingerprints that will be taken by the police department or may be taken by the police department in the city which the applicant resides if other than Park City;
(6) The names and addresses of three reputable citizens of the community in which such firm is headquartered or transacts business and who have known the person or persons who will be operating or managing the business for which a license is desired for at least one year prior to application;
(7) Before an application for a license may be granted, the applicant, or if the applicant is a firm, all of the officers, directors, partners, or associates shall:
(a) Be at least twenty-one years of age,

(b) Be of good moral character,

(c) Comply with such other qualifications as the chief of police may fix by rule or regulation;

(8) After a hearing, the chief of police or his designee may grant a license if the applicant makes a showing satisfactory to the chief of police that the applicant or, if the applicant is an agency, that each of its officers, directors, partners or associates has not:

(a) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter,

(b) Committed any act constituting dishonesty or fraud,

(c) A bad moral character or a bad reputation for truth, honesty and integrity,

(d) Been convicted of a felony or any crime involving moral turpitude, drug law violations, or illegally using, carrying or possessing a dangerous weapon within ten years immediately prior to the date of such person's application,

(e) Been refused a license under this chapter or had a license revoked in this state or in any other jurisdiction,

(f) Been an officer, director, partner, associate or manager of any person who has been refused a license under this chapter or whose license has been revoked in this state or in any other jurisdiction,

(g) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by this chapter, or nowingly made any false statement in his/her application.

5-823. LICENSE PROCESSING FEE.

Every applicant for a license shall be required to deposit at the time a processing fee of three hundred dollars for a new license and one hundred dollars for a license renewal. The processing fee is not refundable.

5-824 LICENSE FORM; REQUIREMENTS.
The license, when issued, shall be in such form as may be determined by the city clerk and shall include:

(1) The name of the licensee;

(2) The name under which the licensee is to operate;

(3) The number and date of the license.

The license at all times shall be posted in a conspicuous place in the principal place of business of the licensee. The principal place of business may be at a home or at a business address, but it shall be the place at which the licensee maintains a permanent office.

Any license issued shall be valid for a period of one year from the date of its issuance and shall not be assignable. The process for renewal of any such license shall be as prescribed for obtaining an original license, including payment of the appropriate fee required by this ordinance.

A licensee shall at all times be legally responsible for the good conduct of its employees while they are acting in the employment of or on behalf of the licensed business, and the licensee shall be legally responsible for any acts committed by its employees which are in violation of the provisions of this ordinance.

5-825. LICENSEE RECORD KEEPING REQUIREMENTS.

Each licensee shall maintain a record containing such information relative to his employees as may be prescribed by the chief of police. Each licensee shall file with the chief of police or his designee the complete address of its principal place of business, including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The chief of police may require the filing of other information for the purpose of identifying any such principal place of business.

5-826. LICENSEE SURETY BOND REQUIRED.

No license shall be issued under this Article unless the applicant files with the city clerk a surety bond executed by a company authorized to do business in this state in the sum of five thousand dollars, conditioned upon the faithful and honest conduct of its business in accordance with the requirements of this ordinance. The city attorney shall approve each such bond as to its form, execution and sufficiency of the sureties. Such bond shall be taken in the name of the people of this city, and every person injured by any unlawful act of the principal or its employees or agents, whether licensed or not, may bring an action on the bond in his or her own name to recover damages suffered by reason of such unlawful act.

Every licensee at all times shall maintain on file the surety bond required herein in full force and effect, and upon failure to do so, the license of such licensee shall be
suspended forthwith and shall not be reinstated until an application for reinstatement, in
the form prescribed by the city clerk, is filed together with a proper bond. Bonds
executed and filed with the city clerk's office pursuant to this chapter shall remain in
force and effect until the surety has provided a thirty (30) day, advance written notice to
the city clerk of its intent to terminate future liability.

5-827. SUSPENSION OR REVOCATION OF LICENSE.

The chief of police may suspend or revoke a license under this chapter if he
determines that the licensee or, if the licensee is an organization, any of its officers,
directors, partners or associates has:

(1) Made any false statement or given any false information in
connection with an application for a license or a renewal or reinstatement thereof;

(2) Violated any provisions of this Article;

(3) Violated any rule of the chief of police adopted pursuant to the
authority contained in this Article;

(4) Been convicted of, or under indictment, charge, or information for, a
felony, a morals charge or illegally using, carrying or possessing a dangerous
weapon, subsequent to or within ten years prior to the issuance of the license;

(5) Impersonated, or permitted or aided and abetted an employee to
impersonate, a law enforcement officer employee of the United States of
America, or of any state or political subdivision thereof;

(6) Committed or permitted any employee to commit any act, while the
license was expired, which would be cause for suspension or revocation of a
license, or grounds for the denial of an application for a license;

(7) Willfully failed or refused to render to a client services or a report as
agreed between the parties, and for such compensation has been paid or
tendered in accordance with the agreement of the parties;

(8) Committed assault, battery, or kidnapping, or used force or violence
on any person without proper justification;

(9) Knowingly violated, or advised, encouraged or assisted the
violation of, any court order or injunction in the course of business as a licensee;

(10) Committed any act which is a ground for denial of application for a
license under this Article.

(11) The record of conviction, or a certified copy thereof, shall be
conclusive evidence of such conviction as that term is used in this section and a
plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning thereof.

5-828. LICENSEE; INSURANCE REQUIREMENT.

All private security licensees shall carry insurance for the purpose of indemnifying third persons for bodily injury, in amounts not less than five hundred thousand dollars for each bodily injury and five hundred thousand dollars aggregate limit; and further, to indemnify third persons for any damage to property as the result of the actions of such private security officer or employee, in the amount of not less than five hundred thousand dollars per claimant and five hundred thousand dollars aggregate limit. The insured shall cause to be filed a certificate of insurance with the city clerk approved as to form by the city attorney. It shall be the licensee’s responsibility to determine that its insurance carrier has notified the city clerk of any lapse or cancellation in coverage within ten days of notification to the insured.

Such insurance policy shall also provide coverage in the amounts of not less than five hundred thousand dollars per claimant and five hundred thousand dollars aggregate limit for false arrest, slander and malicious prosecution.

5-829. LICENSEE VEHICLE COLOR AND EQUIPMENT.

The vehicles used in the conduct of private security business within the City of Park City by any licensee shall be of a color different from that of the vehicles of the City of Park City police department. In addition, such vehicles shall only be equipped with lighting devices as required or authorized by state law and city ordinance. No insignias may be painted on the sides of such vehicles that are similar to, or which could be confused with, that painted on the sides of the vehicles of the City of Park City police department.

5-830. SECURITY STAFFING REQUIREMENTS.

(a) For events within the City of Park City where crowds in excess of 500 persons are expected, either indoors or outdoors, the person or persons holding such an event shall contact the Park City Police Department at least one (1) week in advance of the event and provide specific information about the expected crowd; the number of security personnel that will be working the event; and any request for use of off-duty, Park City Police Department personnel for security staffing at the event; and the plan for traffic movement and parking in and around the event site.

(b) The City of Park City may, from time to time, adopt regulations and requirements for security staffing for such events and such regulations and requirements, when adopted, shall be included herein by reference.

5-831. PENALTIES.
(1) Violation of any of the provisions of this Article shall constitute a misdemeanor.

(2) Any person who is not duly authorized hereunder to exercise the duties of a private security officer, who shall wear a private security officer uniform, badge, or otherwise represent himself or herself to be a private security officer within the corporate limits of the city shall be deemed guilty of a misdemeanor.
ARTICLE 9. AMUSEMENT PARK REGULATIONS

5-901. DEFINITIONS.

For the purposes of this Article, the following terms shall have the meanings ascribed below:

(a) Amusement Park shall be construed to include and mean a permanent installation of riding and amusement devices of the type commonly employed in the operation of carnivals such as merry-go-rounds, Ferris wheels, miniature trains, pony rides, carousels, parachute towers, bungee jumping, reverse bungee jumping, roller coasters, cranes or other lifting devices when used as a part of an amusement ride, inflatable equipment or other devices that do not have rigid structures or frames and which are inflated or otherwise supported by air pressure and other similar devices.

(b) City shall mean the City of Park City, Kansas.

5-902. LICENSE REQUIRED.

It shall be unlawful for any person, firm, partnership or corporation to engage in the business and occupation of operating an amusement park without having first obtained a license therefore from the City Clerk and paying a license fee of $25.00, which shall not be prorated and which shall be paid on May first of each year.

5-903. REGULATIONS AND REQUIREMENTS.

All amusement parks installed and operated within the City shall conform to the following regulations and requirements:

(a) FENCES. Unless other screening is required by the zoning regulations, the entire area within which an amusement park is installed and operated shall be enclosed by a woven wire fence or a stockade fence of a minimum height of six feet; provided however, if permanent structures and other physical barriers exist that, together with fencing, provide a continuous border around the amusement park that prevents unauthorized entry, no fencing shall be required around such structures and physical barriers.

(b) HEALTH AND SANITATION. Such amusement park shall be operated in full compliance with all regulations and requirements relating to health and sanitation as set forth by the ordinances of the City and the laws of the State of Kansas.

(c) BUILDING AND ELECTRICAL CODES. All improvements, riding devices or construction installed, erected or operated in connection with an amusement park shall meet and comply with all requirements and regulations provided in and by the City’s building and electrical code ordinances.
5-904. INSURANCE REQUIRED.

No person, firm, partnership or corporation shall be licensed to engage in the business or occupation of operating an amusement park within the corporate limits of the City until a certificate of commercial general liability insurance covering the operation of such amusement park and with policy limits of not less than $1,000,000 per occurrence is deposited and filed with the City Clerk. The licensee shall notify the City Clerk, within ten business days, of any change in the insurance policy limits; change in insurer or termination of any coverage related to the liability insurance evidenced in said certificate.

5-905. APPLICATION REQUIREMENTS.

As part of the license application or the renewal of any license, the applicant shall provide the City Clerk with a Certificate of Inspection for the operation of an amusement park. Such a certificate shall:

(a) State the date of the inspection and the items inspected including, but not limited to, any and all rides, attractions, structures, related utilities and support equipment and supplies;

(b) Specifically state any and all known defects or dangerous condition, including defects or conditions which could be reasonably discovered pursuant to an inspection relating to any and all rides, attractions, structures, related utilities and support equipment and supplies.

Such inspections shall be performed by a level 1 certified NAARSO, Level 1 certified AIMS or an amusement ride inspector certified by the State of Kansas or any other state.

5-906. SUSPENSION OF LICENSE; APPEAL.

Any license issued hereunder may be suspended by order of the Chief of Police as to any specific riding or amusement device for which it is determined that

(a) the Certificate of Inspection with respect to such device has lapsed without being renewed;

(b) such device has been excluded from the general liability insurance policy covering the operation of the licensed amusement park; or

(c) because of a violation of any provision of this ordinance such device, in the opinion of a qualified inspector, presents an immediate danger to human health and safety. Such suspension order shall be in writing and shall be provided to the licensee at least five (5) days prior to the effective date of such suspension. Such notice shall set forth the specific basis for the suspension and the suspension shall remain in effect until such time as the cause for the suspension is cured or such suspension is reversed on appeal.
The licensee may appeal such order of suspension in writing to the City Council, which shall determine the same at its next regular meeting. As part of the curing of the cause for suspension ordered under subsection (c), the licensee shall be obligated to reimburse the City for any and all costs associated with the City’s retention of a qualified inspector.

The City Council, after a hearing upon at least thirty (30) days’ written notice to the licensee, may revoke or suspend any license if (a) the licensee has failed to pay the annual license fee prior to the hearing; (b) the licensee at the time of the hearing has become ineligible for a license; (c) the licensee has intentionally made a false statement as to a material fact during the application process for a license; or (d) the licensee has a persistent pattern of safety related suspensions as to a riding or amusement device that the licensee has not voluntarily removed from the amusement park.

Within thirty (30) days after the denial of any license or any order revoking or suspending any license, in whole or in part, the applicant or licensee may appeal from such denial or order to the district court of Sedgwick County as provided by law.

5-907. VIOLATIONS; PENALTIES.

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.
ARTICLE 10. PARADE PERMITS

5-1001. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Applicant means any person who has filed a written application for a parade that is responsible for conducting the parade and the responsible organization, corporation or other group on whose behalf the individual is requesting the permit.

(b) Chief of Police shall mean the Chief of Police of the City of Park City, Kansas.

(c) City means the City of Park City, Kansas.

(d) City personnel and equipment fee is an amount of money that the city requires a parade permit holder to pay to cover the actual costs of providing traffic control and clean-up associated with providing city personnel and equipment in connection with the parade activity.

(e) Closure of streets means the restriction of vehicular traffic to a street or roadway or portion thereof, and includes the manual control of traffic at intersections by police.

(f) March means a parade of persons on foot, in wheelchairs or strollers, and does not include the use of motorized vehicles, bicycles, floats or animals. The march is facilitated by mobile police officers on motorcycles, bicycles, on foot or in vehicles who create and maintain a zone of protection around marchers and provide traffic control as they move along the route.

(g) Motor vehicle means every self-powered vehicle other than a motorized wheelchair.

(h) Motor vehicle event means motorcades, automobile cruises, motorcycle runs, motorcycle rallies or parades in which more than 80% of the entries are motor vehicles.

(i) Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(j) Parade means an organized procession of persons, motor vehicles, bicycles, floats, animals or large objects, or any combination thereof traveling in unison along or upon a street or roadway which requires the closure of streets and/or intersections or the regulation of vehicular traffic by police to prevent a conflict with the normal or regular flow of traffic upon the street or roadway.
(k) **Parade permit** is a permit as required by this Article.

(l) **Permit holder** means the person who has been issued a parade permit by the City of Park City.

(m) **Person** is any person, firm partnership, association, corporation, company or organization of any kind.

(n) **Roadway** means that portion of a street improved, designed or ordinarily used for vehicular traffic exclusive of the berm or shoulder.

(o) **Sidewalk** means that portion of a street between the curb line or the lateral lines of a roadway and the adjacent property lines intended for use by pedestrians.

(p) **Street** means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word 'street' is used in this chapter, it means street, avenue, boulevard, thoroughfare, trafficway, alley and any other public way for vehicular traffic by whatever name unless the context clearly indicates otherwise.

(q) **Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a street, highway or roadway.

5-1002. PERMIT REQUIRED; UNLAWFUL ACTS; EXCEPTIONS.

(a) It shall be unlawful for any person to stage, present or conduct any parade without first having obtained a parade permit.

(b) It shall be unlawful for any person to participate in a parade or motor vehicle event for which the person knows a parade permit has not been granted.

(c) It shall be unlawful for any person in charge of, or responsible for the conduct of, a parade to knowingly fail to comply with any condition of the parade permit.

(d) This chapter shall not apply to:

(1) Funeral processions;

(2) A governmental agency acting within the scope of its functions;

(3) Sidewalk processions or marches conducted entirely on sidewalks which observe and comply with traffic regulations and traffic control devices

5-1003. APPLICATION.

A person seeking issuance of a parade permit shall file an application with the City Clerk on forms provided by the City.
(a) APPLICATION FILING PERIOD. An application for a parade permit shall be filed with the City Clerk not less than seven business days before the date on which it is proposed to conduct the parade. The applications shall be signed by the applicant.

(b) LATE APPLICATIONS. The Chief of Police, or his or her designee, shall consider applications that are received after the seven day filing period. The Chief of Police, or his or her designee, shall approve a late application if he or she finds that there is adequate time to review the application, there are City personnel and equipment available to support the parade activity, and the standards for permit issuance set forth in Section 5-1005 are met. The speech content of the parade shall not be a consideration in whether or not approval of a late application is granted.

(c) APPROVAL/DISAPPROVAL OF APPLICATION. The Chief of Police, or his or her designee, shall be responsible for the processing and review of the application. The Chief of Police, or his or her designee, shall act upon the application for a parade permit within four business days after the filing thereof. The applicant will be notified by the City Clerk if the application has been approved or disapproved. If, due to the nature or scope of the parade, the application cannot be reviewed within four business days, the Chief of Police, or his or her designee, shall notify the applicant within four business days after the filing of the application that additional time is required. The length of any additional time necessary to consider the application shall be no greater than is reasonably necessary, considering the nature and scope of the parade. However, in no event shall the Chief of Police approve or disapprove an application less than forty-eight hours prior to the parade. If the Chief of Police, or his or her designee, disapproves the application, the City Clerk shall mail to the applicant, within five business days after the date on which the application was filed, a written notice of disapproval, which shall set forth the reasons for disapproval of the permit and the applicant’s right of appeal. The Chief of Police, or his or her designee, is empowered to consider alternative dates, times and locations presented by the applicant provided these alternatives meet the standards for issuance set forth in Section 5-1005. No additional processing fee will be charged for consideration of alternative dates, times and locations, provided the alternatives are presented by the applicant contemporaneously with the notice of disapproval.

(d) APPLICATION CONTENTS. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person or entity seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(3) The name, address and telephone number of the person who will be responsible for the conduct of the parade;
(4) The date when the parade is to be conducted;

(5) A map or diagram of the route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles which will constitute the parade; including the type of animals and description of any vehicles;

(7) The time when such parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(9) The time and location by streets of any assembly areas for such parade.

5-1004. FEES

(a) Processing fee. At the time of filing of an application for a parade permit, there shall be paid a processing fee of $50.00 for the administrative costs associated with processing the application.

(b) City personnel and equipment fee. In addition to the processing fees, parade permit applicants, shall pay, upon issuance of the permit, a percentage or portion of the actual City Personnel and Equipment Fees necessitated by the parade.

The percentage or portion of City Personnel and Equipment Fees subject to recovery shall be established by the City Administrator. Such schedule of recoverable fees shall be approved by a resolution of the City Council.

(c) The Chief of Police shall establish a formula for determining the minimum number of law enforcement officers necessary to provide traffic enforcement and rerouting of traffic for the proposed parade. All traffic enforcement, street closures and redirection of traffic necessitated by a parade must be provided by certified law enforcement officers. The criteria set forth by the Chief shall be the sole criteria utilized in determining the City personnel necessary for the parade. In establishing the formula, the following criteria shall be utilized by the Chief of Police:

(1) Number of entries or participants;

(2) Whether the parade includes motor vehicles or all participants are walking;

(3) Duration of parade;

(4) Time and day of the week of the event;
(5) The number and type of streets and intersections to be closed;
(6) The amount of traffic to be rerouted;
(7) Whether entire or partial roads are closed.

In determining the amount of officers needed to provide traffic control for the parade, the Chief shall not consider the speech content of the parade activity. No costs shall be assessed for the security required for the parade.

(d) All marches, as defined herein, shall not be required to pay city personnel or equipment fees. Such marches shall only pay the application fee of fifty dollars ($50.00).

(e) If any person or organization disagrees with the determination of the amount of the City Personnel and Equipment Fee, that person or organization may request reconsideration in accordance with the appeal procedures set forth in Section 5-1008. This reconsideration procedure shall be exclusive means for fee reconsideration, and no elected or appointed official may otherwise waive or fail to assess processing fees and personnel and equipment fees.

(f) If the permit holder is unable to hold or conduct the approved parade due to inclement weather or some other cause not within the permit holder's control, the permit holder may submit a written request for the refund of City Personnel and Equipment Fees to the City Clerk within ten days after the date on which the parade was to be held. The City Clerk shall reduce the City Personnel and Equipment Fee to ensure that the permittee is charged only for the actual costs of City personnel and equipment provided in support of the parade activity. The City Treasurer shall refund any excess City Personnel and Equipment Fees paid, except for the fifty dollar ($50.00) processing fee.

(g) Any fees due under this section shall be waived for any parade or march that is sponsored by the City.

(5-1004 Amended by ORD #995-2016 adopted on 06/28/2016 published on 7/07/2016.)

5-1005. STANDARDS FOR ISSUANCE.

The Chief of Police or his or her designee shall approve issuance of a permit as provided for under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion of so great a number of police officers of the City as to prevent normal police protection to the City;
(c) The concentration of persons, animals and vehicles at assembly points of the parade will not interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(d) The conduct of such parade will not interfere with the movement of emergency equipment;

(e) The conduct of the parade is not reasonably likely to cause injury to persons, property, roadways or public property;

(f) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(g) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit. Provided, however, that this prohibition shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for any given parade;

(h) The course and/or time of the proposed parade does not interfere with the parade of any other person or organization who currently holds or has applied for a parade permit;

(i) The permit application is incomplete;

(j) The applicant has had a parade permit revoked within the preceding two years of the application;

(k) The applicant has failed to pay all necessary fees;

(l) The parade is scheduled to be conducted between the heavy traffic demand hours of seven a.m. and nine a.m. and four p.m. and six p.m.

(m) No parade permit shall be issued for a parade to be held on any portion of Highway I-135.

(n) The applicant shall designate the starting point of the parade and its termination point. No parade shall travel over any portion of a street on the same route more than once during one parade but shall move from point of origin to point of destination in a reasonably continuous manner.

In the event that the Chief of Police determines that one or more of the above listed findings cannot be met by the applicant, he or she may still issue a parade permit with conditions that the applicant must meet before the parade can be held.

The speech content of the parade shall not be a consideration in reviewing the standards for permit issuance.
5-1006. NOTICE TO OTHER CITY OFFICIALS.

Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:

(a) The City Administrator;
(b) The Chief of Police;
(c) The Mayor
(d) The Sedgwick County Director of Emergency Communications (911);
(e) The Director of Public Works;

5-1007. CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(a) Date and location of the parade;
(b) Starting time and termination time of the parade;
(c) The portions of the streets to be traversed that may be occupied by the parade;
(d) The maximum length of the parade in miles or fractions thereof;
(e) Such other information as the Chief of Police or his or her designee shall find necessary to the enforcement of this chapter.

5-1008. APPEAL PROCEDURE

(a) Any person aggrieved by the denial or revocation of a parade permit shall have the right to appeal the denial or revocation by filing an immediate request for a hearing which shall be conducted by the City Administrator. The hearing on appeal shall be scheduled and held by the City Administrator no later than three business days after the notice of appeal is filed with the City. The sole issue for determination by the City Administrator shall be whether the decision of the Chief of Police, or his or her designee, was within the scope of his or her authority, supported by substantial evidence and not arbitrary and capricious. The filing of a written appeal under this subsection shall not stay any fees assessed, denial of a parade permit or revocation of a parade permit by the Chief of Police or his or her designee.

(b) The City Administrator’s decision regarding an appeal for reconsideration of the determination of the amount of the City Personnel and Equipment Fees shall not be appealable to the City Council.
5-1009. APPEAL TO CITY COUNCIL

(a) In the event that an applicant or a permit holder desires to appeal the decision of the City Administrator regarding the denial or revocation of a permit to the City Council, written notice of such appeal shall be filed with the City Clerk within ten business days of the date upon the City Administrator's written decision. Any appeal taken from the decision of the City Administrator shall stay his or her order until the matter is heard and a decision rendered by the City Council.

(b) The City Clerk shall schedule a hearing before the City Council at its next regularly scheduled meeting, which shall occur no later than thirty days from the date of the filing of the Notice of Appeal with the City Clerk.

(c) The City Council may approve the denial or revocation, overrule the denial or revocation or modify the decision of the City Administrator.

5-1010. DUTIES OF THE PERMIT HOLDER

(a) A permit holder hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

(b) The person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade, and shall be responsible for moving the parade from its point of origin to its point of termination expeditiously and without unreasonable delays in route.

5-1011. PUBLIC CONDUCT DURING PARADES AND MOTOR VEHICLE EVENTS

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, motor vehicle event, or any person, vehicle or animal participating or used in a parade or motor vehicle event.

(b) No driver of any vehicle shall drive between the vehicles or persons comprising a parade or motor vehicle event when such vehicles or persons are in motion and are conspicuously designated as a parade or motor vehicle event. Provided, however, that this prohibition shall not apply to police, fire or ambulance vehicles when engaged in police, fire or ambulance functions.

(c) The Chief of Police and Director of Public Works shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of a parade or motor vehicle event, and to post signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on an un-posted street in violation of this chapter.

(d) It shall be unlawful for any person as a parade or motor vehicle event participant to discharge or fire any gun, pistol, air rifle, pellet gun, BB gun or any firearm,
as a part of, during, or along any parade route while a parade is in progress, provided, however, that firearms loaded with blank ammunition which when discharged does not produce any noise greater than that produced by .22 caliber blank ammunition may be used as a part of the parade. This prohibition shall not apply to law enforcement officers engaged in the performance of their duties.

5-1012. REVOCATION OF PERMIT.

If, after issuance of the parade permit and before the date of the parade, there is a violation of any term, condition, restriction or limitation of such permit, the Chief of Police, or his or her designee, shall conduct a review or investigation to determine whether the violation can be remedied prior to the date of the parade. If the violation can be remedied, the parade will proceed as set forth in the permit. If the violation cannot be remedied prior to the date of the parade, the parade permit will be revoked. If the violation occurs during the conduct of the parade, the Chief of Police, or his or her designee, may revoke the permit and immediately terminate all parade activity if he or she determines that the public safety is jeopardized by the violation of parade permit standards. The Chief of Police, or his or her designee, also has the authority to revoke the parade permit and terminate the parade activity when a public emergency arises where police resources required for that emergency are so great that deployment of police services for the parade would have an immediate and adverse effect upon the welfare and safety of persons or property. Appeal of the permit revocation may be taken in accordance with the appeal procedures set forth in Section 5-1008.

5-1013. INDEMNIFICATION

(a) Applicants or parade sponsors must execute a written indemnity agreement in the form required by the City, indemnifying and holding harmless, the City and its officers and employees against all claims, damages or causes of action arising from the parade resulting in injury, damage or death or damage to personal property.

(b) The applicant shall take all reasonable measures necessary to protect the parade participants or marchers.

5-1014. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(Chapter 5 Article 10 created by ORD #948-2014 adopted on 10/28/2014 published on 10/30/2014)
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CHAPTER 6. ELECTIONS

Article 1. City Elections
Article 2. Wards

ARTICLE 1. CITY ELECTIONS

6-101. CONDUCT OF ELECTION.

The election of city officials shall be conducted in all respects as provided by the laws of Kansas governing the holding of city elections.

6-102. HOURS OF VOTING.

At all city elections the polls shall be open at 7:00 a.m. and close at 7:00 p.m., unless different hours are set and publicly announced by the county election officer.

6-103. ELECTION DATES AND TERMS OF OFFICE.

City elections shall be held on the first Tuesday in April of odd-numbered years. The Mayor and City Council shall be elected for four (4) year terms or until the successors to such offices are qualified.

6-104. COMMENCEMENT OF TERMS OF OFFICE; OATH OF OFFICE.

(a) The term of office for newly elected city officials shall commence with and include the first regular meeting of the governing body following certification of the election by the county election officer.

(b) Every person elected or appointed to city office, before entering upon the duties of such office shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments there to, and every such oath or affirmation shall be filed with the city clerk.
ARTICLE 2. WARDS

6-201. AUTHORIZATION.

The City Council shall divide the City into four (4) wards, which shall be as equal in population as practicable, establish the boundaries thereof; and number the same, and the territory of each ward shall be contiguous and compact.

6-202. WARDS.

That pursuant to K.S.A. 14-103 the City of Park City, Kansas is, for the purpose of city council elections, divided into four (4) wards, numbered one (1) through four (4), with the boundaries of said wards as set forth and identified below.

WARD 1. All of the City of Park City lying north of the following described line:

Starting at a point located at the intersection of the north line of the NW ¼ Sec. 8, Twp 26 S, R 1 E and the east right of way line of the Wichita-Valley Center Flood Control; thence southeasterly along said east right of way line to the intersection with the north-south center of said NW ¼ Sec. 8; thence south to the south line of said NW ¼ Sec. 8; thence east along said south line to the centerline of I-135 Interstate, thence northeast along said centerline of I-135 to a point 1175.8 feet north of the south line of the NE ¼ Sec. 9, Twp 26 S, R1E; thence due east to the intersection of Hydraulic Avenue; thence north to the intersection of Hydraulic Avenue and Ravena centerlines; thence along said centerline to the intersection of Ravena and Fairchild centerlines; thence westerly along the centerline of Fairchild to intersection of Fairchild and Scottsville centerlines; thence southeast along centerline of Scottsville to the intersection with the centerline with Ventnor ; thence east along centerline of Ventnor to the intersection of the centerline of Ventnor and Tarrytown centerlines; thence south east along centerline of Tarrytown centerline to the south line of NW ¼ Sec. 10, Twp 26 S, R1E; thence along said south line of Sec. 10 to a intersection point with the centerline of Hillside; thence north along the centerline of Hillside to the intersection with the centerline of 69th Street North; thence east along said centerline of 69th Street North a distance of 1311.48 feet.

WARD 2. All of the City of Park City lying east of Hydraulic Avenue , north of 45th Street North and south of the centerline of Sec. 10, Twp 26 S, R1E, except Wyndham Creek Addition.

WARD 3. Starting at the centerline of Hydraulic Avenue and Beaumont St.; thence northwest to the centerline of Hartford St.; thence southwesterly along said centerline to the intersection with the centerline of Cloverdale St.; thence westerly along centerline of Cloverdale north to the centerline Independence St. to the intersection of Independence St. and Beaumont St.; thence west along centerline of Beaumont St. to the intersection of the centerline of Hattan Drive; thence north along centerline of Hattan Dr. to the intersection with the centerline of 61st Street North; thence west along the centerline of 61st Street North to the intersection with the centerline of I-135 Interstate; thence northeast along said centerline of I-135 to a point 1175.8 feet north of the south
line of the NE ¼ Sec. 9, Twp 26 S, R1E; thence due east to the intersection of Hydraulic Avenue and Ravena centerlines; thence along said centerline to the intersection of Ravena and Fairchild centerlines; thence westerly along the centerline of Fairchild to intersection of Fairchild and Scottsville centerlines; thence southeast along centerline of Scottsville to the intersection with the centerline with Ventnor; thence east along the centerline of Ventnor St. to the centerline of Tarrytown; thence south along Tarrytown to the intersection with the centerline of Sec. 10, T26S, R1E; thence west along said centerline of Sec 10 to the intersection with the centerline of Hydraulic Avenue; thence south on the centerline of Hydraulic Avenue to the point of beginning which is the intersection of Hydraulic Avenue and Beaumont St.

WARD 4. All of the City of Park City lying within the following described description: Starting at a point located at the intersection of the south line of the NW ¼ Sec. 8, Twp 26 S, R 1 E and the east right of way line of the Wichita-Valley Center Flood Control; thence east along said south line of Sec. 8 to the centerline of I-135 Interstate; thence southwest along centerline of said I-135 to the intersection of 61st Street North; thence east to the centerline of Hattan Drive; thence south along the centerline to the intersection of centerline of Hattan Drive and Beaumont St.; thence east along centerline of Beaumont St. to the centerline of Independence St.; thence south along Independence St. merge into Cloverdale St. east to the centerline of Hartford St.; thence northeast along the centerline of Hartford St. to the centerline of Beaumont St.; thence southeasterly along Beaumont St. to the centerline of Hydraulic Avenue; thence south along centerline of Hydraulic Avenue to the intersection with the centerline of Sec. 22, T26S, R1E; thence east to northeast corner of Wyndham Creek Addition; thence south along the west line of said addition 2,295.91 feet, said line being the east line of the west half of the SW ¼ of said Sec. 22; thence west 396 feet along a portion of the south line of said addition; thence south 357 feet along a portion of the east line of said addition to the intersection of the centerline of 45th Street North; thence west along the centerline of 45th Street North to the intersection of the east right of way of the AT & SF Railroad; thence northwesterly along said railroad right-of-way to a point approximately 158 feet south of the center line of Section 17, Township 26 South; to point located on the north line of Lot 17 Interurban Place Addition projected east; thence due west to the west right of way line of said Railroad; thence northwest along said west right of way line to the intersection of 61st Street North; thence east along the centerline of 61st Street North to the north right of way line of the Abandon Burlington Northern Railroad; thence southeast along the north right of way of the abandon Burlington Northern Railroad right of way to the east right of way of the Wichita -Valley Center Flood Control; thence north on the east right of way line of the Wichita-Valley Center Flood Control to the south right of way line of NW ¼ Sec. 8, Twp 26 S, R 1 E said point is the point of beginning.

(6-202 Amended by ORD #919-2012 on 1/3/2013)
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CHAPTER 7. RENTAL HOUSING LICENSING

(Chapter 7 repealed by Ordinance #1000-2016 adopted on 10/4/2016 published on 10/06/16)
CHAPTER 8. HEALTH AND WELFARE

Article 1. Board of Health
Article 2. Health Nuisances
Article 2A. Environmental Code
Article 3. Junked Motor Vehicles on Private Property
Article 4. Weeds
Article 5. Minimum Housing Code
Article 6. Rodent Control
Article 7. Propane Tanks
Article 8. Graffiti
Article 9. Insurance Proceeds Fund

ARTICLE 1. BOARD OF HEALTH

8-101. BOARD OF HEALTH CREATED.

There is hereby established a Board of Health of the City of Park City which shall be composed of the Mayor and two members of the City Council. The Mayor shall be chairman and the City Clerk shall act as secretary of the Board of Health. The City Council shall appoint such alternate members of the Board of Health as deemed necessary in order to assure that sufficient members are available to carry out the duties and responsibilities of the Board of Health. The members of the board shall serve without compensation.

(8-101 Amended by ORD #906-2012 on 3/27/2012)

8-102. RULES AND REGULATIONS.

The board may adopt suitable rules governing the calling and holding of its meetings and the transaction of its affairs. Meetings may be held at any time upon the call of the chairman or in his absence of the vice chairman or secretary and a quorum to do business shall consist of two (2) members. The board may adopt such other regulations as may be authorized and required for the performance of its duties and to safeguard the health of the inhabitants of the City.

8-103. BOARD OF HEALTH; DUTIES; NOTICES; ORDERS; PERMITS.

It shall be the duty of the Compliance officer to make, or cause to be made, inspections of all places and conditions within the jurisdiction of the board and deemed to be hazardous to the health of the inhabitants of the City and to serve such notices or orders as may be required or authorized by the Municipal Code of the City and the laws of Kansas to correct or remedy such conditions or to remove or abate any health nuisance in accordance with the order of the board. The Board shall issue all permits in
accordance with its regulations adopted for the purpose and authorized by the Municipal Code. All actions of the Board of Health shall be reported in writing at the next regular meeting of the governing body of the City together with its recommendations.

8-104. DEFINITIONS.

Unless otherwise specified, the following terms as used in this chapter means as follows:

(a) "The Board of Health" - means the Board as established in this Article or the duly authorized representative.

(b) "Calendar Year" - means that period of time beginning January 1 and ending December 31 of the same year.

(c) "City" - means the City of Park City, Kansas.

(d) "City Clerk" - means the duly appointed City clerk of the City of Park City or his authorized representative.

(e) "Inoperable" - means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally constructed.

(f) "Person" - means a natural person or a legal entity such as, but not limited to, an individual, firm, association, joint stock company, syndicate, partnership, or corporation.

(g) "Owner" - means any person who, alone or jointly or severally with other:

(1) shall have record legal title to any property or structure thereon with or without accompany actual possession thereof; or

(2) shall have charge, care or control of any property or structure thereon as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(h) "Premises" - means a lot, plot or parcel of land including structures located thereon.

(i) "Nuisance" - means any condition which is injurious to health, or is a potential health hazard, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a majority of persons subjected to the condition, such condition being no less a nuisance because the extent of the annoyance or damage is inflicted is unequal.
(j) "Salvage material" - means materials of some value that are obtained from the disassembly of various kinds of machinery, mechanical appliance, and/or demolition of buildings or structures.

(k) "Salvage yards" - means any premises used for:

1. Sale and resale of used merchandise; or
2. The disassembly of wrecked or used automobiles for the reuse and/or sale of automobile parts; or
3. The storage and/or resale of various kinds of metal and/or used building materials.

(l) "Rodents" - means the so-called domestic rats, Rattus norvegicus, and Rattus rattus, and domestic mice, Mus musculus and wild native rodents associated with the transmission of disease or causing nuisance to man or other animals.

(m) "Insects" - means the classes Insecta and Archnida of the Phylum Arthropoda including flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant bugs, mites, ticks, spiders, and scorpions.

(n) "Control measures" - means any chemical, structural, physical procedures or processes designed to eradicate, minimize; prevent or otherwise limit the reproduction and/or infestation of insects and rodents detrimental to public health.

(o) "Water impoundments" - are situations created by improper drainage or discharge obviously not existing for any benefit; not including a natural water course, artificial pond, or lake.

(p) "Waste water" - means any water that is used for any purpose and then discharged on or from the premises where used.

(q) "Offensive odors" - means any odor deemed annoying, nauseous, disagreeable, unwholesome or objectionable by a majority of individuals so exposed so as to interfere with the comfortable enjoyment of life or property, notwithstanding the fact that the degree of such annoyance, disagreeableness, nausea, unwholesomeness, or objectionableness may be unequal.

(r) "Refuse" - means all putrescible and non-putrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial wastes but shall not include human or animal excrements.

(s) "Manure" - means the body discharge of all animals except humans.

(t) "Human excreta" - means the body discharge (both feces and urine) of humans.
(u) "Sanitary sewage" - means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(v) "Excessive noise" - means any sound which, by nature if its intensity, duration or other characteristics, may be detrimental to the health of an individual, or may be deemed annoying or objectionable to a majority of individuals exposed to it so as to interfere with the comfortable enjoyment of life or property, notwithstanding the fact that the degree of such annoyance or objectionableness may be unequal.

(w) "Abandoned vehicle" - means any motor vehicle to which the last registered record of owner thereof has relinquished all further dominion and control. Any vehicle which is wrecked or partially wrecked or dismantled or inoperative for a period of ten days shall in such case constituted a prima facie presumption that the last registered owner thereof has abandoned such vehicle regardless of whether the physical possession of such vehicle remains in technical custody or control of such owner.

(x) "Property" - means any real property within the City which is not a street or highway.

(y) "Vehicle" - means a machine propelled by power other than human power designed to travel along the ground by use of wheels, threads, runners or slides and transports persons or property or pull machinery and shall include without limitation an automobile, truck, trailer, motorcycle, tractor, buggy or wagon.

8-105. RESPONSIBILITY OF BOARD OF HEALTH.

The City's Compliance officer(s) shall be responsible for the enforcement of this title and is hereby authorized to make such investigations, to issue notice, orders and directions as are necessary for the enforcement of the provisions of this title.

8-106. NOTICE OF VIOLATION.

Whenever the City's Compliance officer determines that there has been a violation of any provisions of this Title, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. The City's Compliance officer shall only be required to give notice to the responsible person or persons once each calendar year for a same or similar violation of any provisions of this title, with no written notice of violation being required to be given by said Compliance officer for a repeat violation of the same or similar type within the same calendar year. Such notices shall:

(a) Be in writing;

(b) Particularize the violations alleged to exist or to have been committed;

(c) Include a description of the real estate sufficient for identification;
(d) Provide a reasonable time for correction of the violation particularized;

(e) Be addressed to and served upon the owner and/or occupant of the premises.

(f) Notice requiring the removal of abandoned junk or dismantled vehicles from private property is to be made to the landowner or person in lawful possession upon which such vehicle is located, and the registered owner of any vehicle which is in violation of this title advising that the motor vehicle violates provisions of this title and directing that the vehicle be moved to a place of lawful storage within ten days or that within ten days the said vehicle be housed within a building.

In the event of a subsequent violation on the same private property, whether involving the same abandoned, junk, inoperative, or dismantled vehicle or one or more other similarly abandoned, junk, or dismantled vehicle(s) is located within any calendar year, and a prosecution for the violation of this section and of this title may proceed forthwith without further notice to the landowner or person in lawful possession of the private property upon which such vehicle is located, and the registered owner of any vehicle which is in violation of this title.

An attempt to serve written notice upon the registered owner at the last known address of record of the Department of Motor Vehicles is to be made as well as an attempt to serve written notice upon the landowner and/or occupant of record upon which such vehicle is located, provided that copies of such notice shall be conspicuously posted upon the premises.

8-107. METHOD OF SERVICE.

Such notice shall be deemed properly served upon such owner, operator, or occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address; provided further, if the notice cannot be conveniently served by the aforesaid, service of the notice is to be made upon such person or persons by at least one publication in the official newspaper of the City, such publication to contain the conditions and reasons of notice, and if notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the property affected by such notice.

8-108. NUISANCES.

It is unlawful for any person to maintain or to permit to exist any nuisance as herein described. The following conditions or materials are declared to be injurious to the health and well being of citizens of the City of Park City and are hereby declared to be nuisances.

(a) Waste water discharged or allowed to accumulate in such a manner that it does or may allow direct human contact with human or animal excreta, organic or inorganic pollution of ground or surface water, breeding, harboring or attraction of insects and rodents, or the emission of offensive odors.
(b) Dead animals except those at slaughterhouses and except those considered industrial refuse that are properly maintained for processing or disposal.

(c) The discharge into the atmosphere of any gaseous or particulate matter resulting from the combustion, reduction, processing or manufacturing of materials in industrial or commercial operations which cause or may cause injury to the health of individuals, damage to business or property, cause annoyance to a majority of persons so subjected, or be considered an objectionable odor, or particulate emissions from a single source for a period or periods aggregating more than three minutes in any one hour which is of such opacity as to obscure an observer's view to a degree equal to or greater than does a smoke as dark in shade as Ringlemann No. 2.

(d) Open basement structures, excavations, swimming pools, storm cellars, or other excavations that offer hazards to children or other persons, collect water, or produce mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the purpose and having openings not larger than two inches in the last dimension.

(e) Weeds: It shall be unlawful for any owner, agent, lessee, tenant or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, right-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. "Weeds" as used herein, mean any of the following:

1. Brush and woody vines shall be classified as weeds;

2. Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

3. Weeds which bear or may bear seeds of a downy or wingy nature;

4. Vegetation which is located in an area which harbors rats, insects, animals, reptiles or any other creature which either may or does constitute a menace to health, public safety or welfare.

5. Vegetation and grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such growth shall be presumed to be blighting if they exceed 8 inches in height.

6. Vegetation as used herein, means any growth or product of the soil except a vegetable garden, ornamental flowers or shrubs, trees, grain or food crops, if kept and maintained free of weeds and grass over 8 inches in height.

That the owner or agent in charge of the property is ordered to cut the weeds within ten (10) days of the receipt of notice, and that said owner or agent
in charge of the property may request a hearing before the governing body or its designated representative within five (5) days of the receipt of notice.

(f) Water impoundments, as defined in this Title capable of causing mosquito infestations.

(g) Refuse not stored or disposed of as provided for herein:

(1) Residential refuse: The occupant of each single family dwelling shall provide sufficient containers to store all residential refuse accumulated on such premises between weekly collections. The container shall be of such material and design as approved by the compliance officer and shall consist of thirty to thirty-five gallon plastic or metal containers with or without plastic bag liners or such other containers as approved by the compliance officer. Plastic bags may be used for yard wastes. Subject to the approval of the compliance officer, seventy (70) to one hundred eight (108) gallon containers on wheels with an attached lid which can be emptied mechanically into the solid waste collection vehicle may be used with the permission of the solid waste collector, and if used shall be placed by the occupant of the dwelling on the day of collection at a location designated by the solid waste collector.

All such residential trash produced on each single family dwelling premises shall be stored in the containers on the premises where produced and such thirty (30) to thirty-five (35) gallon containers located, on the day of collection for convenient access by the solid waste collector and limited to seventy-five pounds maximum weight per container. All such residential trash containers shall be water tight, rodent proof, fly proof, with lids or closures maintained in place.

(2) Multi-Family dwellings: The owner of each occupied multi-family dwelling shall provide, for the use of the occupants, containers as required for single family dwellings of sufficient quantity to contain all residential trash produced on the premises between collection or in lieu of such containers shall provide a containerized unit of sufficient size to contain all residential refuse produced on the premises between collection. The owner of each multi-family dwelling shall be responsible for the refuse being in the containers and the condition and maintenance of the containers.

(3) Apartments and mobile home parks: The owner of each apartment and mobile home park shall provide sufficient containers or containerized units to contain all of the residential refuse produced by the occupants of the premises between collection periods. Mobile home parks may provide individual thirty to thirty-five gallon containers for each mobile home and in such case shall provide weekly collection for each mobile home. The owner shall be responsible for the trash being in the containers and for the condition and maintenance of the containers.
(4) Commercial refuse: Commercial refuse which is not disposed of through garbage grinders or by incinerators constructed and operated in accordance with the laws of the State of Kansas shall be stored on the premises where produced in containers approved by the compliance officer and which is liquid tight, fly tight, and closed by a liquid tight, fly tight cover. The occupancy of each premise producing commercial refuse shall arrange for all such stored commercial refuse to be collected by a solid waste collector at least two times each week or at more frequent intervals so as to prevent nuisances as determined by the compliance officer and transported and disposed of at a sanitary land fill or licensed processing facility.

(5) Location of trash and/or trash carts: Except on the day before pickup until the day after pickup, trash, trash carts, trash containers, and/or other similarly describable containers shall not be in the front of the residence or business.

(h) Sanitary sewage or waste water not managed or properly disposed of.

(i) Salvage material, junk or other materials on residential and/or commercial lots and/or premises or vacant lots in residential areas except as provided for herein, except any business enterprise in compliance with existing zoning ordinance(s) allowing said materials.

(j) Animal excretion not managed or disposed of.

(k) Excessive noise resulting from industrial or commercial operations.

(l) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses and vacant houses and commercial structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children or be offensive to the senses.


8-108A. ABATEMENT OR SUPPRESSION OF NUISANCES.

In addition to the remedy of prosecution and enforcement as provided in this title, the Board of Health is hereby authorized, empowered, and directed on proper notice as herein provided to abate or suppress any nuisance and for the purpose of carrying out the provisions of this title, the Board of Health or its authorized representative is hereby authorized to enter into or upon any premises or establishment for the purpose of making a thorough examination and to determine whether a nuisance exists. If upon investigation the compliance officer determines that a nuisance exists, he shall after giving proper notice as herein provided to the owner or occupant of the premises on which the nuisance is located and proceed to cause the nuisance to be abated or suppressed by enlisting the services of the director of the department of public works or private contractor and tax the cost thereof against the lot or tract of ground upon which the nuisance is located and maintained as provided by law. The cost of such abatement
is to be certified to the City Clerk of the City after the nuisance has been abated or suppressed; provided further that the compliance officer shall charge the cost of removal of an abandoned vehicle as herein defined to the owner of the motor vehicle in violates of this ordinance or as a tax against the real property on which the nuisance occurred. The City may thereafter maintain an action in the appropriate court against any person or persons upon whom notice was served as required by herein to recover the cost of removing or disposing of such motor vehicle in the event the cost of abatement is not assessed against the real property. The abatement of a nuisance under the direction of the health board shall not be a defense or excuse to the owner of a vehicle or property for not conforming with the provisions of this title.

Note: Special circumstances relating to grass and weeds:

(a) Upon the expiration of ten (10) days after receipt or publication or other service of the notice required above, and in the event that the owner or agent in charge of the premises shall neglect or fail to comply with the requirements of this Article, the compliance officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.

(b) The compliance officer or an assistant shall give notice to the owner or agent in charge of such property by restricted mail of the costs of abatement of the nuisance. The notice shall state that payment of the cost is due and payable within thirty (30) days following receipt of the notice.

(c) If the costs of removal or abatement remain unpaid after thirty (30) days following receipt of the notice, a record of the costs of cutting and destruction and/or removal shall be certified to the city clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the County.

(Amended by ORD#909-2012 on 6/12/2012)

8-109. RIGHT OF ENTRY.

The compliance officer, and the compliance officer’s authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of determining the existence of a nuisance, and if such nuisance exists, for the purpose of abating, removing, and/or suppressing said nuisance.

8-110. UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the compliance officer or the compliance officer’s representative from entering upon any
such lot or piece of ground or from proceeding with such identifying and abating of nuisances. Such interference shall constitute a misdemeanor.

8-111. NOXIOUS WEEDS.

(a) Nothing in this code shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this section, the term noxious weeds shall mean kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian Knapweed (Centaurea Picris), hoary cress (Lepidium draba), Canada thistle (Cirsium arvense), quackgrass (Agropyron repens), leafy spurge (Euphorbia esula), burragweed (Franseria tomentosa and discolor), pignut (Hoffmannseggia densiflora), musk (nodding) thistle (Carduus nutans L.), and Johnson grass (Sorghum halepense).

(Ord. 513-2000, Sec. 13; Code 2006)

8-112. STORAGE OF SALVAGE AND JUNK MATERIALS.

No owner occupant of any dwelling shall store salvage materials or junk materials on any residential premises or on vacant lots in residential areas. The owner and/or occupant shall keep premises free of litter, refuse, salvage material and junk, provided that building materials to be used within ninety days for construction on the premises, if properly authorized by a current building permit, may be kept if stored at least eighteen inches off the ground and not closer than forty-eight inches to a wall or fence provided the Board of health may approve a lesser distance.

8-113. SALVAGE YARDS.

All salvage yards shall be located on premises as provided for in the City zoning regulations. All rackable salvage materials shall be stored on racks on in bins with at least eighteen inches of clearance between the bottom of the rack or bin and the ground and a width of forty-eight inches to a wall, fence of adjacent bin or rack. Non-rackable materials shall be stored with an exposed perimeter or in a manner specified by the Board of Health to prevent rodent harborage and breeding. All ground surface except lawn areas shall be kept free of all grasses and weeds using soil sterilants, herbicides and/or other effective methods. An effective, continuous rodent poisoning, using anticoagulant rodenticides or other effective methods, shall be maintained at all salvage yards. Any person not complying with the provisions of the title shall be ineligible to receive a City license to conduct or carry on his business.

8-114. EXTERMINATION OF INSECTS, RODENTS, AND OTHER VERMIN.

Every occupant of a single establishment shall be responsible for the extermination of any insects or rodents or other vermin therein or on the premises, wherever two or more occupants are in the same building, the owner or operator of the building shall be responsible for such extermination; notwithstanding the foregoing,
whenever infestation is caused mainly by improper housekeeping, it shall be a joint responsibility of the owner and occupants to effect such extermination.

8-115. CONTROL OF INSECTS.

All premises in the City shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the City. Exterior windows and doors of all buildings used for human habitation, or for the storage, preparation or serving of food, shall be screened in a manner prescribed by the Board of Health. Whenever the Board of Health finds that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, he shall institute measures on a community-wide basis for a practical program for control including chemical and other suppressive means.

8-116. PENALTIES.

Any person who shall be convicted in the Park City Municipal Court for violating any provision or provisions of this title of the Municipal Code of the City of Park City, Kansas, shall be deemed guilty of a misdemeanor. Each day that any such violation of this title occurs or continues to occur, the same shall constitute a separate offense and shall be separately punishable as hereinafter designated as a new and different violation. Any such violation shall be punishable by a sentence to be imposed at the discretion of the Court of not more than a $100.00 fine and/or 30 days in jail for each such separate violation of this title. Provided, however, that upon trial of any person charged with a violation of this title who is found guilty, it shall appear to the Court that a nuisance complained of as proscribed in this title continues, the Court shall further enter such orders as necessary to cause said nuisance to be to be abated.
ARTICLE 2. HEALTH NUISANCES

8-201. NUISANCES UNLAWFUL; DEFINED.

It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

(a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;

(b) All dead animals not removed within 24 hours after death;

(c) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;

(d) All stagnant ponds or pools of water;

(e) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;

(f) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;

(g) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;

(h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city.

8-202. PUBLIC OFFICER.

The Mayor, with the approval of the city council shall designate a public officer to be charged with the administration and enforcement of this article.

8-203. COMPLAINTS; INQUIRY AND INSPECTION.

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

8-204. RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

8-205. ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of section 8-201 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

8-206. ORDER OF VIOLATION; CONTENTS.

The order shall state the condition(s) which is (are) in violation of section 8-201. The order shall also inform the person, corporation, partnership or association that

(a) He, she or they shall have 10 days from the receipt of the order to abate the condition(s) in violation of section 8-201; provided, however, that the governing body [or its designee named in section 8-205] shall grant one or more extensions of the 10 day period if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions in violation of section 8-201; or,

(b) He, she or they have 10 days from the receipt of the order, plus any additional time granted under subsection (a), to request a hearing before the governing body or its designated representative of the matter as provided by section 8-209;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 8-207 and/or abatement of the condition(s) by the city as provided by section 8-208.
8-207. FAILURE TO COMPLY; PENALTY.

Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violation of provisions of section 8-201, be fined in an amount not to exceed $100.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

8-208. ABATEMENT.

In addition to, or as an alternative to prosecution as provided in section 8-207, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been served pursuant to section 8-205 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 8-206, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 8-210. A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Certified mail, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.
8-209. HEARING.

If a hearing is requested within the 10 day period as provided in section 8-206, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person’s right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in section 8-208.

8-210. COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to section 8-208, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.
ARTICLE 2A. ENVIRONMENTAL CODE

8-2A01. TITLE. This article shall be known as the "Environmental Code."

8-2A02 LEGISLATIVE FINDING OF FACT.

The governing body has found that there exist within the city unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanliness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof; and furniture and appliances designed, constructed and intended for interior use which are stored, maintained or used on porches, patios or other such extensions of dwellings which are open to the elements. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the city, or are injurious to the health and safety of the residents of the city. The governing body desires to promote the public health, safety and welfare by the repair, removal, abatement, and regulation of such conditions in the manner hereafter provided.

(8-2A02 Amended by ORD#942-2014 on 6/10/2014)

8-2A03. PURPOSE.

The purpose of this article is to protect, preserve, upgrade, and regulate the environmental quality of industrial, commercial and residential neighborhoods in this city, by prohibiting conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and providing for the administration and enforcement thereof.

(8-2A03 Amended by ORD#942-2014 on 6/10/2014)

8-2A04. RULES OF CONSTRUCTION.

For the purpose of this article, the following rules of construction shall apply:

(1) Any part thereof - Whenever the words premises, structure, building or yard are used they shall be construed as though they were followed by the words "or any part thereof."

(2) Gender - Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable.

(3) Number - Words of number shall be construed to mean singular or plural, as may be applicable.
(4) Tense - Words of tense shall be construed to mean present or future, as may be applicable.

(5) Shall - The word shall is mandatory and not permissive.

8-2A05. DEFINITIONS.

The words and phrases listed below when used in this article shall have the following meanings:

(a) Abandoned Motor Vehicle any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the ordinance; or incapable of moving under its own power; or in a junked or wrecked condition.

(b) Accessory Structure a secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns, or outbuildings.

(c) Commercial or Industrial used or intended to be used primarily for other than residential purposes.

(d) Dilapidation, Deterioration or Disrepair shall mean any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, cracking, peeling or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

(e) Exterior is those parts of a structure which are exposed to the weather or subject to contact with the elements; including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.

(f) Garbage without limitation any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage, or use of foodstuffs.

(g) Person any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

(h) Premises any lot, plot or parcel of land including the structures thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.
(i) **Refuse** garbage and trash.

(j) **Residential** used or intended to be used primarily for human habitation.

(k) **Structure** anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging thereto.

(l) **Trash** combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.

(m) **Weathered** deterioration caused by exposure to the elements.

(n) **Yard** the area of the premises not occupied by any structure.

8-2A06. PUBLIC OFFICER.

The mayor, with the approval of the city council shall designate a public officer to be charged with the administration and enforcement of this article.

8-2A07. ENFORCEMENT STANDARDS.

No person shall be found in violation of this article unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under section 8-2A08 but shall not include conditions which are not readily visible from any public place or from any surrounding private property.

8-2A08. UNLAWFUL ACTS.

It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
(1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;

(2) abandoned motor vehicles; or

(3) furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.

(4) nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.

(b) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:

(1) exteriors of any structure;

(2) exteriors of any accessory structure; or

(3) fences, walls, or retaining walls.

(c) Exterior conditions (porches, patios and other such extensions to dwelling structures) shall include, but not be limited to:

(1) furniture or appliances designed, constructed and intended for use on the interior of dwelling structures that is stored, maintained or used on a porch, patio or other such extension to a dwelling and which is open to the elements;

(2) any furniture or appliances that are stored, maintained or used on a porch, patio or other such extension to a dwelling and which is open to the elements and which is so dilapidated, deteriorated or damaged as to be an eyesore or which creates a potential accident hazard, a harborage for insects, rodents or vermin or which emits offensive odors;

(3) any junk, refuse or automobile parts that are stored, maintained or used on a porch, patio or such other extension to a dwelling and which is open to the elements.

(8-2A08 Amended by ORD$942-2014 on 6/10/2014)

8-2A09. ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the
public officer to be in violation of section 8-2A08 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

     (b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. The order shall state:

     (1) The condition which has caused the violation of this article; and

     (2) That the person in violation shall have:

         (A) 10 days from the receipt of the order to alleviate a violation of subsections (a) or (c) above;

         (B) 45 days from the receipt of the order to alleviate a violation of subsection (b) above; or in the alternative to subsections (1) and (2) above,

         (C) 10 days from the receipt of the order to request, as provided in section 8-2A12, a hearing before the governing body or its designated representative on the matter;

     (c) Provided, however, that the governing body [or its designee named herein] may grant one or more extensions to the time periods above, if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions which have caused the violation of this article; and,

     (d) That failure to alleviate the condition or to request a hearing may result in prosecution under section 8-2A10 and/or abatement of the condition by the city according to section 8-2A11 with the costs assessed against the property under section 8-2A14.

(8-2A09 Amended by ORD #942-2014 on 6/10/2014)
8-2A10. PENALTY.

The public officer may file a complaint in the municipal court against any person found to be in violation of section 8-2A08, provided however, that such person shall first have been sent a notice as provided in section 8-2A09 and that the person has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 8-2A09. Upon such complaint in the municipal court, any person found to be in violation of section 8-2A08 shall upon conviction be punished by a fine of not less than $50.00 nor more than $100.00, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this article, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

8-2A11. ABATEMENT.

In addition to, or as an alternative to prosecution as provided in section 8-2A10, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been served pursuant to section 8-2A09 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 8-2A09, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 8-2A14.

A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Certified mail, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is
unoccupied and the owner is a nonresident, notice provided by this section shall be
given by telephone communication or first class mail

8-2A12. HEARING.

If a hearing is requested within the 10 day period as provided in section 8-2A09
such request shall be made in writing to the governing body. Failure to make a timely
request for a hearing shall constitute a waiver of the person's right to contest the
findings of the public officer. The hearing shall be held by the governing body or its
designated representative as soon as possible after the filing of the request therefor,
and the person shall be advised by the city of the time and place of the hearing at least
five days in advance thereof. At any such hearing, the person may be represented by
counsel, and the person and the city may introduce such witnesses and evidence as is
deemed necessary and proper by the governing body or its designated representative.
The hearing need not be conducted according to the formal rules of evidence. Upon
conclusion of the hearing, the findings of the governing body or its designated
representative shall be prepared in resolution form, adopted by the governing body, and
the resolution shall be served upon the person in the manner provided in section 8-
2A11.

8-2A13. APPEALS.

Any person affected by any determination of the governing body under this
chapter may appeal such determination in the manner provided by K.S.A. 60-2101.

8-2A14. COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to section 8-2A11, the city
shall give notice to the owner or his or her agent by certified mail, return receipt
requested, of the total cost of the abatement or removal incurred by the city. The notice
shall also state that the payment is due within 30 days following receipt of the notice.
The city also may recover the cost of providing notice, including any postage, required
by this section. The notice shall also state that if the cost of the removal or abatement is
not paid within the 30-day period, the cost of the abatement or removal shall be
collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall
be assessed as special assessments and charged against the lot or parcel of land on
which the nuisance was located and the city clerk, at the time of certifying other city
taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the
same on the tax rolls of the county against such lot or parcel of land and it shall be
collected by the county treasurer and paid to the city as other city taxes are collected
and paid. The city may pursue collection both by levying a special assessment and in
the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full
cost and applicable interest has been paid in full.

8-2A15. CONSTRUCTION.

Nothing in this article shall be construed to abrogate or impair the powers of the
courts or of any department of the city to enforce any provisions of its laws nor to
prevent or punish violations thereof. The powers conferred by this article shall be in
addition to and supplemental to the powers conferred by the Kansas Constitution, by
any other law or by ordinance.
ARTICLE 3. JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

8-301. FINDINGS OF GOVERNING BODY.

The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:

(a) Serves as a breeding ground for flies, mosquitoes, rats and other insects and rodents;

(b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;

(c) Are a ready source of fire and explosion;

(d) Encourage pilfering and theft;

(e) Constitute a blighting influence upon the area in which they are located;

(f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

8-302. DEFINITIONS.

As used in this article, unless the context clearly indicates otherwise:

(a) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;

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

8-303. NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS.

It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

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

(1) Absence of a current registration plate upon the vehicle;
(2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;  

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

(4) Rusted, wrecked, junked, partially dismantled, inoperative, or abandoned vehicles permitted, parked, stored, or left on any private property within this City for a period in excess of ten (10) days.

(b) That the provisions of the Section shall not apply to:

(1) Any motor vehicle which is enclosed in a garage or other building; or  

(2) To any person conducting a business enterprise in compliance with existing zoning regulations, or places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to the stored vehicles by children, and upon such activity otherwise being consistent with the ordinances of this City and the laws of the State of Kansas; or  

(3) An inoperative vehicle for which; the owner  

a. Has a current and valid Kansas registration, and  

b. Is secured to prevent any entry by unauthorized persons, and  

c. Is covered with a fitted vehicle cover, and  

d. Has a Twenty-five Dollar ($25.00) annual Park City Permit allowing the vehicle to be maintained as an inoperable vehicle at a personal residence, and  

e. Has all wheels and tires properly mounted on the vehicle, and  

f. Has all tires mounted on said vehicle properly inflated, and  

g. Has the area in which the vehicle is parked is free of litter, and  

h. Is parked in compliance with applicable zoning regulations.

However nothing in this section shall be construed to authorize the maintenance of a public nuisance. The parking permit described hereinabove may be obtained from the City of Park City, and must identify the year, make, model, color, and serial number of the vehicle for which said parking permit is being secured.

(8-303 Amended by ORD#964-2015 Adopted on 8/25/2015 published on 9/17/2015)
8-304. PUBLIC OFFICER.

The mayor, with the approval of the city council shall designate a public officer to be charged with the administration and enforcement of this article.

8-305. COMPLAINTS; INQUIRY AND INSPECTION.

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

8-306. RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

8-307. ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of section 8-303 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

8-308. ORDER OF VIOLATION; CONTENTS.

The order shall state the condition(s) which is (are) in violation of section 8-303. The notice shall also inform the person, corporation, partnership or association that

(a) He, she or they shall have 10 days from receipt of the order to abate the condition(s) in violation of section 8-303; or
(b) He, she or they have 10 days from receipt of the order to request a hearing before the governing body or its designated representative of the matter as provided by section 8-312;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by section 8-309 and/or abatement of the condition(s) by the city as provided by section 8-310.

8-309. FAILURE TO COMPLY; PENALTY.

Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person and upon conviction of any violation of provisions of section 8-303, be fined in an amount not to exceed $100.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

8-310. ABATEMENT.

In addition to, or as an alternative to prosecution as provided in section 8-309, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been sent pursuant to section 8-307 has neither alleviated the conditions causing the alleged violation or requested a hearing before the governing body within the time period specified in section 8-308, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution.

The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in section 8-313. A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Service by certified mail, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance
from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

8-311. DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE.

(a) Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by K.S.A. Supp. 8-1102, as amended.

(b) Any person attempting to recover a motor vehicle impounded as provided in this article, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

8-312. HEARING.

If a hearing is requested within the 10 day period as provided in section 8-308, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the matter provided in section 8-310.

8-313. PENALTY. PENALTIES.

Any person who shall be convicted in the Park City Municipal Court for violating any provision or provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each day that any such violation of this Ordinance occurs or continues to occur, the same shall constitute a separate offense and shall be separately punishable as hereinafter designated as a new and different violation. Any such violation shall be punishable by a sentence to be imposed at the discretion of the Court of not more than a $100.00 fine and/or 30 days in jail for each such separate violation of this Ordinance. Provided, however, that upon trial of any person charged with a violation of this Ordinance who is found guilty, it shall appear to the Court that a nuisance complained of
as proscribed in this Ordinance continues, the Court shall further enter such orders as necessary to cause said nuisance to be to be abated.

8-314. COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to section 8-310, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.
ARTICLE 4. WEEDS

8-401. WEEDS TO BE REMOVED.

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

8-402. DEFINITIONS.

(a) Calendar Year as used herein, means that period of time beginning January 1 and ending December 31 of the same year.

(b) Weeds as used herein, means any of the following:

(1) Brush and woody vines shall be classified as weeds;

(2) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(3) Weeds which bear or may bear seeds of a downy or wingy nature.

(4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;

(5) Weeds and grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 8 inches in height.

(8-402 amended by ORD#930-2013 on 8/15/13)

8-403. PUBLIC OFFICER; NOTICE TO REMOVE.

(a) The mayor shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or authorized assistant shall give written notice to the owner, occupant or agent of such property by certified mail, return receipt requested, or by personal service to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified, return receipt requested, to the last known address of the owner. Such notice shall only be given once per calendar year.

(b) The notice to be given hereunder shall state:
(1) that the owner, occupant or agent in charge of the property is in violation of the city weed control law;

(2) that the owner, occupant or agent in control of the property is ordered to cut or destroy the weeds within 10 days of the receipt of the notice;

(3) that the owner, occupant or agent in control of the property may request a hearing before the governing body or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident, and there is no resident agent, 10 days after notice has been published by the city clerk in the official city newspaper;

(4) that if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time the city or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(5) that the owner, occupant or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment;

(6) that no further notice will be given during the current calendar year prior to the removal of weeds from the property; and,

(7) that the public officer should be contacted if there are questions regarding the order.

(c) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this article.

8-404. ABATEMENT; ASSESSMENT OF COSTS.

(a) If the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified section 8-403, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

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

8-405. RIGHT OF ENTRY.

The public officer, and the public officer’s authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article.

8-406. UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer’s authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an code violation.

8-407. NOXIOUS WEEDS.

(a) Nothing in this article shall affect or impair the rights of the city under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this article, the term noxious weeds shall mean kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea picris), hoary cress (Lepidium draba), Canada thistle (Cirsium arvense), quackgrass (Agropyron repens), leafy spurge (Euphorbia esula), burragweed (Franseria tomentosa and discolor), pignut (Hoffmannseggia densiflora), musk (nodding) thistle (Carduus nutans L.), and Johnson grass (Sorghum halepense).

8-408. VIOLATION; PENALTY.

Any person who is the owner, occupant or person in charge of any lots or pieces of land within the City who fails to destroy and remove all weeds and obnoxious growth of vegetation as provided in this article, or interferes with the compliance officer or the compliance officer’s authorized representative as provided in this article, shall, upon conviction be deemed guilty of a misdemeanor and may be fined a sum not to exceed Two Hundred Dollars ($200.00). Each day of failure to comply with the requirements of this article shall constitute a separate violation.
ARTICLE 5. (Reserved for future use)
ARTICLE 6. RODENT CONTROL

8-601. DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the following meanings:

(a) Building. Any structure, whether public or private, that is adapted for occupancy as a residence, the transaction of business, the rendering of professional services, amusement, the display, sale or storage of goods, wares or merchandise or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.

(b) Occupant. The person that has the use of, controls or occupies any business building or any portion thereof, whether owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.

(c) Owner. The owner of any building or structure, whether individual, firm, partnership or corporation.

(d) Rat harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a structure of any kind.

(e) Rat-stoppage. A form of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another, consisting essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material or equipment impervious to rat-gnawing.

8-602. BUILDING MAINTENANCE.

All buildings and structures located within the present or future boundaries of the city shall be rat-stopped, freed of rats and maintained in a rat-stopped and rat-free condition.

8-603. NOTICE TO RAT-STOP; WHEN CITY TO DO WORK.

Upon receipt of written notice from the governing body, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure. The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the governing body.
8-604. FAILURE TO COMPLY.

If the owner fails to comply with such written notice or extension, then the governing body is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the city clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the city clerk shall certify the amount due to the city treasurer and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for rat-stoppage.

8-605. REPLACE RAT-STOPPAGE.

It shall be unlawful for any occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats.

8-606. NOTICE TO ERADICATE RATS.

Whenever the governing body notifies in writing the owner of any building or structure theretofore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure, the owner shall immediately institute appropriate measures for freeing the premises so occupied of all rats. Unless suitable measures for freeing the building or structure of rats are instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the city is hereby authorized to free the building or structure of rats at the expense of the owner thereof and the city clerk shall submit bills for the expense thereof to the owner of the building or structure and if the same are not paid, the city clerk shall certify the amount due from the owner to the city treasurer, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for the eradication measures.

8-607. CONDITIONS CONDUCIVE TO HARBORAGE OF RATS.

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

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

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

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

8-608. INSPECTIONS.

The director of code enforcement or his/her designee is authorized to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this article.
ARTICLE 7. PROPANE TANKS

8-701. PROPANE TANK RESTRICTIONS.

All aboveground and underground propane tanks and the use thereof are prohibited within the corporate limits of the City of Park City, Kansas.

8-702. PROPANE TANK RESTRICTIONS; EXCEPTIONS.

The restrictions of this Article shall not apply to the following uses:

1. home or portable cooking grills with a tank capacity of thirty-five (35) lbs. or less, or other devices which utilize a tank of the same or smaller capacity;
2. recreational vehicles or propane-powered vehicles;
3. any propane storage tanks in active use prior to the effective date of ordinance 734-2006;
4. propane storage tanks in active use located on farmland of five (5) acres or more annexed into the corporate limits of the City after the effective date of ordinance 734-2006;
5. propane tanks of standard size placed on property for temporary use during construction by a construction company; such use must be approved by the fire chief in advance and shall not exceed forty-five (45) days without further approval; or
6. any business regularly engaged in the sale of propane to customers for uses described in this Article.

8-703. PROPANE TANK RESTRICTIONS; DEFINITIONS.

Liquefied petroleum gases and LP gases as used in this ordinance shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butane (normal butane or isobutanes) and butylenes.
ARTICLE 8. GRAFFITI

8-801. DEFINITIONS.

For the purposes of this Article, the following terms shall have the meaning ascribed to them in this section:

(a) **Graffiti** means any unauthorized writing, inscription, word, figure or design which is marked, etched, scratched, drawn or painted on any structural component of any building, structure, or other facility, regardless of the nature of the material used in its application or upon which it is applied.

(b) **Graffiti removal levy** means the charge made by the city and computed by the office of the city clerk for removing graffiti from property, plus all penalties for nonpayment of the charges which have accrued.

(c) **Owner** as used in this section means any person so designated in the current files of the real estate division of the county clerk's office, and also any person having or claiming to have any legal or equitable interest in the premises.

(d) **Property or premises** means any lot, parcel, tract, or piece of land, improved or unimproved, in the city and includes any building or other structure located thereon.

8-802. GRAFFITI; ENFORCEMENT; AUTHORIZED PERSONNEL.

In addition to all law enforcement officers, the following personnel employed by the city shall have the power to enforce the provisions of this Article.

(a) All compliance officers;

(b) All deputy compliance officers.

8-803. GRAFFITI; DEFACEMENT OF OR DAMAGE OF PROPERTY BY GRAFFITI.

Any person who writes, sprays, scratches or otherwise affixes graffiti upon any property, public or private, in which another has an interest and without the consent of such other person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars ($250.00) or more than one thousand dollars ($1,000.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. In addition to such penalty the court may order the defendant to perform the necessary labor to clean up, repair, or replace the property damaged by that person, or to pay any costs incurred by the owner related to the cleanup, repair or replacement of property damaged by that person.
8-804. GRAFFITI DECLARED PUBLIC NUISANCE; OWNER/OCCUPANT’S DUTY TO REMOVE.

The existence of graffiti upon any building, residence, or other structure or property within the city is expressly declared to be a public nuisance and it shall be the duty of the owner and/or occupant of any building, residence or other structure or property that has been defaced by graffiti to clean up or otherwise cover such graffiti, or such graffiti shall be subject to abatement by the city as hereinafter provided. However, no person shall clean up or otherwise cover graffiti without first notifying the police department and allowing the police an opportunity to photograph such graffiti.

8-805. IMMEDIATE REMOVAL OF GRAFFITI WITHOUT NOTICE AUTHORIZED.

Whenever any city employee authorized to enforce this ordinance finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee may forthwith, without notice to the owner, temporarily obliterate such graffiti, or cause the same to be temporarily obliterated, by the least destructive or damaging means then available. Such authorized employee shall then send notice to the owner to permanently remove the graffiti.

8-806. NOTICE; FORM.

Whenever any city employee authorized to enforce this ordinance finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee shall cause a notice to remove graffiti to be served upon the owner, as shown in the current files of the real estate division of the county clerk’s office.

The notice shall be in substantially the following form:
NOTICE TO REMOVE GRAFFITI
TO ________________________________, as owner.

Pursuant to the provisions of the ordinances of the City of Park City, Kansas, you are hereby notified to remove from _________________________________.

(Description of property)

AKA ________________________________

(Address)

all graffiti as defined in the graffiti ordinance of the City of Park City within seven (7) days from the date of this notice.

*(check if applicable) Action has already been taken by the City to temporarily obliterate this graffiti, but the same must be permanently removed within seven (7) days from the date of this notice.

If all graffiti is not permanently removed from the above described property within seven (7) days from the date of this notice, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.

If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.

If you object to the removal of the graffiti from your premises, you may appeal to the Park City City Council by filing a written notice of appeal upon the City Clerk, Park City City Building, 6110 N. Hydraulic, Park City, Kansas 67219. Such written notice must be filed within five (5) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the determination by the City’s authorized employee and any and all remedies provided by the ordinances of the City of Park City.

Dated: _________________________

__________________________________

City of Park City
8-807. NOTICE; SERVICE.

The notice to remove graffiti shall be served upon the person whose name appears as the owner of the premises involved in the files of the real estate records division of the county clerk's office. Such service may be made either by personal delivery or by depositing the notice in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing in the files of the real estate records division of the county clerk's office. If no address for the owner appears in the files of the real estate division of the county clerk's office or if no address appears upon the actual premises, then service of the notice to remove graffiti may be made by posting the notice in a conspicuous place upon the property. Proof of service of the notice shall be made by affidavit of the person affecting the service, and the affidavit shall be sufficient for all purposes.

8-808. APPEAL HEARING; SERVICE OF NOTICE.

If there is an appeal filed with the city clerk, a copy of the notice of hearing shall be served by certified mail upon the owner who has appealed. The notice of hearing shall be served at least ten days before the hearing, and proof of service shall be made by an affidavit filed with the office of the city clerk. Service shall be deemed completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage fully prepaid. The failure of any person to receive such notice of hearing shall not affect the validity of any proceedings under this Article.

8-809. APPEAL; HEARING; PROCEDURE.

(a) At the time stated in the notice, the city council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including city personnel, and interested persons relative to the alleged public nuisance and to the proposed removal of the graffiti. The hearing may be continued without further notice.

(b) Upon conclusion of the hearing, the city council shall determine whether the premises, as maintained, constitute a public nuisance as set forth in this ordinance. If the city council finds that such public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed seven days, within which removal shall take place; and in the event the owner fails to correct the nuisance within the time described, the city shall cause the nuisance to be abated and the cost incurred by the city shall become a personal obligation of the owner and tenant and a lien upon the property.

(c) A copy of the determination by the city council shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.
(d) No legal proceeding or action shall lie against the city or any officer, agent or employee of the city to enjoin the enforcement of its determination or orders made pursuant to this chapter, unless such legal action is commenced within thirty days after the decision of the city council.

8-810. OWNER REMOVAL NOTICE.

Every owner served with a notice or order to remove graffiti who upon his or her own account removes the graffiti from his or her property shall upon completion of the work immediately give written notice thereof to the city clerk. Such notice shall be either delivered or mailed to the city clerk. Upon receipt of such notice an authorized employee of the city shall cause the property to be inspected, and if no graffiti exists thereon, the owner shall be issued a certificate so stating. If graffiti still exists on the property, the authorized employee of the city shall cause it to be removed and the cost will be assessed against the owner and tenant and become a lien on the property as if no such notice of removal was received from the owner.

8-811. CITY REMOVAL; AUTHORIZED.

If any owner served with a notice fails to remove the graffiti from such owner's property within the time stated in the notice, or order of the city council after appeal, the owner shall be deemed to have consented to such removal by the city whose designated employee will thereupon be authorized to enter upon the property involved and remove the graffiti.

8-812. CITY REMOVAL- GRAFFITI ABATEMENT LEVY COMPUTATION.

The city shall, after completing the removal of graffiti from any property, compute all expenses so incurred by the city, including any applicable administrative fees as determined by the city clerk. All expenses shall be charged to and become an indebtedness of the owner of such premises. Provided, however, that no such charge or levy shall be made against any property or the owner of property where the city has received a written authorization signed by such owner, or his or her authorized representative, permitting the city, or any other volunteer group or organization engaging in graffiti clean up with the city's consent, to enter upon such owner's property for the purpose of removing any and all graffiti that from time to time might be located on such property. Such written authorization shall be effective until withdrawn in writing by such owner and shall prevent any charge or levy for graffiti cleanup expenses incurred after the date of such written authorization and for long as it remains effective.

8-813. CITY REMOVAL; GRAFFITI ABATEMENT LEVY PAYMENT NOTICE.

Upon computing the expenses, the city clerk shall serve the graffiti abatement levy upon the owner of the property where graffiti was removed, as the owner is determined from the current files of the real estate division of the county clerk's office. The notice to pay graffiti abatement levy shall be in substantially the following form:
NOTICE TO PAY GRAFFITI ABATEMENT LEVY

In accordance with the provision of the ordinances of Park City, Kansas, Park City has caused the graffiti upon ______________________________

(legal)

AKA __________________________________________________

(address)

to be removed at City expense.

You are hereby notified that the total cost of ____________________ is now due and payable to the City of Park City, Kansas.

Park City ordinances provide, in part, that the property owner, tenant or any other interested person may demand a hearing within fifteen (15) days of this notice before the Park City City Council on the reasonableness of the charges. Such demand shall be in writing, filed with the city clerk and shall describe the property involved, the reasons for objecting, and the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent within thirty (30) days from this notice and if the amount due is not otherwise collected, a lien for this amount, plus a fee for preparation of the lien and any civil penalty shall be attached on the affected property and thereafter bear interest at the rate of 12% per annum until paid.

8-814. HEARING ON CHARGES.

Within fifteen days from the date of the notice to pay, the property owner, tenant or any other interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Park City City Clerk. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Park City City Council shall thereupon set a date for a hearing of such protest. Such hearing shall be scheduled within a reasonable time. The city clerk shall send written notice of such hearing in the manner provided hereinafore. At the time set for such hearing, the city council shall hear all evidence pertinent to the reasonableness of the charges and shall then either confirm or modify the charges. The decision of the city council shall be final and the city clerk shall certify the costs of such removal. In the event the cost of graffiti removal is not assessed against the real property, the city may thereafter maintain an action in the appropriate court against the owner and/or occupant upon whom notice was served as required by this chapter to recover the cost of removing such graffiti.
ARTICLE 9. INSURANCE PROCEEDS FUND

8-901. SCOPE AND APPLICATION.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion, or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

8-902. LIEN CREATED.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion, or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained unpaid for at least one year prior to the filing of a proof of loss.

8-903. LIEN; ENCUMBRANCES.

Prior to final settlement on any claim covered by section 8-702, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.

8-904. LIEN; PRO RATA BASIS.

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

8-905. PROCEDURE.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall
execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

8-906. FUND CREATED; DEPOSIT OF MONEYS.

The city treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account.

8-907. BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.

(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within 30 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 30 days established by subsection (b) of this section, the chief building inspector shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or
insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the moneys from the insurance company or companies.

(8-907 Amended by ORD #996-2016 adopted on 06/28/2016 published on 07/07/2016.)

8-908. REMOVAL OF STRUCTURE; EXCESS MONEYS.

If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

8-909. REMOVAL OF EXCESS MONEYS; DISPOSITION OF FUNDS.

If the chief building inspector, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of 7-705(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under 8-705(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

8-910. EFFECT UPON INSURANCE POLICIES.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

8-911. INSURERS; LIABILITY.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.
CHAPTER 9. MUNICIPAL COURT

Article 2. Victim’s Notification

ARTICLE 1. GENERAL PROVISIONS

9-101. MUNICIPAL COURT, ESTABLISHED.

There is hereby established a municipal court for the City of Park City, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city.

9-102. MUNICIPAL COURT; PRACTICE AND PROCEDURE.

The Kansas code of procedure for municipal courts, as set forth in K.S.A. 12-4101 et seq. and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the municipal court.

9-103. TIME AND PLACE OF SESSIONS.

The Municipal Court shall be held at the City Hall of Park City, Kansas, 6110 N. Hydraulic, Park City, Kansas, at such time as designated by the Municipal Judge.

9-104. MUNICIPAL JUDGE; APPOINTMENT.

The municipal court shall be presided over by a municipal judge. The mayor, subject to the approval of the city council, shall appoint the judge of the municipal court.

9-105. ABSENCE; VACANCY; PRO TEM.

In the event the municipal judge is temporarily unable to preside due to absence, illness or disqualification, the municipal judge shall designate an attorney or other qualified person to act as judge pro tempore. In the event the municipal judge fails to appoint a judge pro tempore, the judge pro tempore shall be appointed in the same manner as the municipal judge is selected. The judge pro tempore shall receive compensation as shall be provided by ordinance, payable in the same manner as the compensation of the regular municipal judge. In the event a vacancy shall occur in the office of municipal judge, a successor shall be appointed to fill the unexpired term in the same manner as the municipal judge was appointed.
9-106. POWERS AND DUTIES.

The municipal judge shall have such powers and duties as set forth in the Kansas code of procedure for municipal courts (K.S.A. 12-4101 et seq.) and all acts amendatory or supplemental thereto.

9-107. FINE SCHEDULE; PLEADINGS.

The Municipal Judge may establish a schedule of fines that shall be imposed for the violation of certain ordinances upon a voluntary entry of appearance upon a plea of guilty or no contest to a complaint alleging such a violation. The following traffic violations are specifically excluded from such schedule:

(a) Driving under the influence of intoxicating liquor or drugs;
(b) Reckless driving;
(c) Driving without a valid license, or on a suspended or revoked license;
(d) Leaving the scene of an injury accident;
(e) Attempting to evade or allude a police officer;
(f) Operating a motor vehicle without proof of liability insurance.

The Municipal Judge may authorize the Clerk of the Municipal Court or some other person to accept such voluntary appearances and pleas of guilt or no contest and to accept the fines imposed by the Judge’s schedule. Whenever any person has been found guilty of a violation of a City Ordinance, based upon verdict or plea, the Court may suspend the imposition of sentence, but in no event shall the total period of suspension of sentence exceed the maximum time provided by Ordinance for the violation.

9-108. SALARY.

The municipal judge and prosecuting attorney shall receive a salary as shall be fixed by the Governing Body of Park City, Kansas.

9-109. COURT CLERK.

There is hereby established the office of the clerk of the municipal court of the City of Park City, Kansas, which office shall be filled by appointment by the mayor, subject to approval by the city council. The duties of the office shall be those prescribed by the Code for Municipal Courts set forth in Chapter 12, Article 41 of the Kansas Statutes, and shall include the following duties:

(a) The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform such further
acts as may be necessary to carry out the duties and responsibilities of the court. The clerk shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator and furnish the information when requested by him, her or a departmental justice on such forms furnished by the judicial administrator, and approved by the Supreme Court.

(b) The clerk of the municipal court shall within 10 days after selection and before entering upon the duties of office, execute to the city such bond as the governing body may require, which shall be approved by the governing body, and file in the office of the city clerk, conditioned for the faithful performance of the duties required of him or her by law, and for the faithful application and payment of all moneys that may come into his or her hands in the execution of the duties of the office. The city shall pay the cost of such bond.

9-110. PAYMENT OF FINE.

Where a municipal court judgment against any person results in a fine and/or court costs only, the same shall be satisfied by paying the amount of such fine and/or court costs to the municipal court immediately on the rendition of judgment, or at such time as the municipal judge shall determine.

9-111. PAYMENT OF FINE; FAILURE TO PAY SEPARATE VIOLATION.

It shall be unlawful for any person to willfully fail to pay any lawfully imposed fine for a violation of any law of the city within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due. Such conduct constitutes a violation of this article, regardless of the full payment of the fine after such time.

9-112. FAILURE TO APPEAR IN MUNICIPAL COURT.

(Repealed on 11/15/17 by ORD #1010-2016 and published 11/17/16)

9-113. SUBPOENAS; FEES.

(a) All parties shall be entitled to the use of subpoenas to compel attendance of witnesses with the State. The Municipal Judge or Clerk shall issue a subpoena that may be served by any law enforcement officer upon the named person. Disobedience may constitute contempt.

(b) Fees and mileage of subpoenaed witnesses shall be set by the City Council by separate Non-Charter Ordinance.

9-114. COSTS AND WITNESS FEES IN CASES BEFORE THE MUNICIPAL COURT.

Established is the following schedule of costs for all municipal court cases:
(a) The sum of Forty-four Dollars ($44.00) shall be assessed as court costs against each person charged with a violation of any of the ordinances of the City, unless found not guilty. The $44.00 court costs shall be in addition to any assessment levied by the State of Kansas to be collected by the Municipal Court. However, this subsection shall not apply to persons who are found guilty or who plead guilty who are charged with violating an ordinance that involves a parking violation. The funds collected from this assessment shall be paid to the general fund of Park City, Kansas. Every person charged with a violation of any of the ordinances of the City, unless found not guilty, shall pay a technology fee of Twelve Dollars ($12.00). The funds collected from the technology fee shall be paid to the general fund of Park City, Kansas.

(b) In addition to other costs provided for in this section, the following court costs shall be assessed when applicable against any person whose case is docketed for trial unless found not guilty:

- Witness fee (per person) $15.00
- For each trial setting that is attributable to the defendant $25.00
- For issuance of a fail to appear letter on traffic infractions $5.00
- For issuance of a warrant $50.00
- Fee for defendant making payments under installment agreement $15.00
- Mileage (per mile) less first ten miles, if witness
  * Amount allowed as mileage expense as set by the United States Internal Revenue Service
- Mileage (per mile) other than as a witness
  * Amount as specified by Municipal Court Judge of Park City, Kansas
- Miscellaneous costs for processing records, photocopies, certification, etc. †
  † Amount as specified by Municipal Court Judge of Park City, Kansas

(c) In addition to other costs provided for in this section, the sum of Nineteen and 50/100 Dollars ($19.50) shall be assessed against each defendant unless found not guilty, and said sum shall be paid into the Park City Law Enforcement, Court Personnel and Code Enforcement Training Fund. The funds shall be under the control of and monitored by the City Clerk of the City of Park City, Kansas, who shall report on a quarterly basis the credits and debits of the Fund to the City Council.

(d) In addition to other costs provided for in this section, the Municipal Court is further authorized to assess a fee for the evaluation of the defendant to assist the Court in determining an appropriate sentence to be imposed upon the defendant who is directed to undergo such an evaluation.

(e) In addition to other costs provided for in this section, the Municipal Court is further authorized to assess a fee of One Hundred Dollars ($100.00) for processing an expungement of a person’s record of a prior conviction.
(f) In addition to other costs provided for in this section, the sum of Ten Dollars ($10.00) shall be assessed against each defendant unless found not guilty who has been fingerprinted at the order of the Municipal Court Judge.

(g) All court costs assessed and imposed under this section shall be paid not later than sixty (60) days following imposition of such costs; provided, however, that the Court may extend the time for such payment to one hundred twenty (120) days for good cause shown. In no case shall the Court order the time for payment of court costs assessed pursuant to this section extended beyond one hundred twenty (120) days from the date of initial imposition.

(h) In lieu of payment of court costs assessed pursuant to this section, the Court may order the defendant to perform community service as specified by the Court, only after the defendant has filed an affidavit containing information showing that the Defendant is financially unable to pay such costs. Such affidavit shall contain information specified by and be in a form adopted by the Municipal Court Judge. The Court may interrogate the defendant under oath as to the contents of the affidavit; may require the defendant to produce evidence upon the issue of the defendant’s financial condition; and may require the City prosecutor, City law enforcement officer, or other Municipal Court employee to investigate and report upon the financial condition of the defendant. If the Court finds that the defendant is unable to perform community service, then the Court may enter an order suspending the court costs imposed by this section.

(i) If it appears to the Court that a prosecution is instituted without probable cause and with malicious motives, the Court may require that the complaining witness or other person initiating the prosecution appear and answer questions concerning his or her motives for instituting the prosecution. If, upon hearing, the Court determines that such prosecution was instituted without probable cause or with malicious motives, all costs of the case shall be assessed against the complaining witness or other person initiating the prosecution.

(j) At the conclusion of each Municipal Court case, the Court shall, where applicable, assess the court costs to the party responsible for the payment of such costs, and shall cause to be delivered to such responsible party a complete statement of costs specifying each item or service and the fee assessed for each item or service.

(9-114 amended by ORD #998-2016 adopted on 08/20/2016 published on 08/22/16)


(9-114 amended ORD 112-2016 adopted on 11/22/2016 published on 11/24/2016)

9-115. COSTS AND WITNESS FEES IN CASES BEFORE THE MUNICIPAL COURT; EXPENDITURE OF TRAINING FUNDS.
(a) Expenditures of funds from the Park City Law Enforcement, Court Personnel and Code Enforcement Training Fund described in 9-114(c) must relate directly to either improving individual personnel’s ability to effectively serve and perform his or her duties as a Park City law enforcement officer, as a member of the staff of the Park City Municipal Court, or as code enforcement officer of the City of Park City.

(b) Requests for expenditures from the training fund shall be made in writing to the City Council through the City Clerk. Requests shall be approved by the supervisor of the personnel requesting expenditures of funds from the training fund.
ARTICLE 2. VICTIM’S NOTIFICATION

9-201. VICTIM’S NOTIFICATION; APPLICATION.

The procedures herein adopted shall apply to victims of violations of the following public offenses of the City of Park City:

(a) Sections 2.1, 2.2, 3.1, 3.2, 3.2.2, 3.3, 3.4, 3.5, 3.6, 3.7, 4.1, 4.3, 4.4, 4.5, 5.1, 5.2, 5.3, 5.4 of the Uniform Public Offense Code.

(b) Violations of city ordinances which would be violations of state laws contained in Article 33 (anticipatory crimes); Article 34 (crimes against persons); Article 35 (sex offenses) or Article 36 (crimes affecting family relationships and children) or Chapter 21 of the Kansas Statutes Annotated.

9-202. VICTIM’S NOTIFICATION; DEFINITIONS.

“Victim” and “Victim’s family” - shall be as defined in K.S.A. 74-7333 and K.S.A. 74-7335, as amended.

9-203. VICTIM’S NOTIFICATION; NOTIFICATION.

In cases where a city code or ordinance violation identified in 9-201 results in the prosecution of an alleged violator, the Municipal Court Clerk shall mail, by first class mail to the last known address of the victim or the victim’s family if the victim is deceased, notification of the following:

(a) the date and time of any court appearance scheduled for the Defendant(s) relative to a particular alleged victim(s), including but not limited to the trial, sentencing, sentencing modification and expungement hearings;

(b) the procedure for requesting restitution for damages suffered;

(c) possible eligibility requirements and procedure for making claims to the crime victims compensation fund;

(d) possible civil remedies for recovery of damages;

(e) request for the expression of the victim’s view and concerns regarding the prosecution of the case; and

(f) health, social services and other relevant assistance that may be available to the victim.

9-204. VICTIM’S NOTIFICATION; TRAINING OF CITY EMPLOYEES.

It shall be the responsibility of the Chief of Police and Municipal Court Judge to ensure that training of those employees under their direction include training as to the legal rights of victims. The goal of such training shall be to ensure that all contact by city
employees with victims shall conform both to the letter and spirit of the law so that
victims will be treated with courtesy, compassion and respect for their dignity.

9-205. VICTIM’S NOTIFICATION; CAUSE OF ACTION.

Nothing in this Article shall be construed as creating a cause of action on behalf
of any person against the City of Park City, Kansas, or its employees.
CHAPTER 10. POLICE

Article 1. Police Department
Article 2. Police Reserve Unit
Article 3. Property in Police Custody
Article 4. Police Fees

ARTICLE 1. POLICE DEPARTMENT

10-101. POLICE DEPARTMENT.

The law enforcement department shall consist of a chief of police and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 14-201 et seq.

10-102. LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES.

It shall be the general duty of the chief of police and all sworn law enforcement personnel to the best of their ability to preserve good order, peace and quiet throughout the city as provided by law or ordinance.

The chief of police and all sworn law enforcement personnel shall at all times have power to make arrest under proper process or without process on view of any offense against the laws of the State of Kansas or laws of the city and to keep all persons so arrested, unless admitted to bail, in the city jail, county jail or other proper place to prevent their escape until their trial can be had before the proper officer.

All persons arrested for violation of any law of the state and who shall not be charged with an offense under any law of the city shall be released to the custody of the sheriff of the county and such arrest shall be reported to the district attorney.

10-103. RULES AND REGULATIONS.

The chief of police shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. Such rules and regulations shall be approved by the governing body.
ARTICLE 2. POLICE RESERVE UNIT

10-201. POLICE RESERVE UNIT, ESTABLISHED.

There may be created within the City of Park City, Kansas, a Police Reserve Unit which shall consist of citizens who volunteer their services and volunteer to abide by the rules and regulations set out for the control of said Police Reserve unit and the purpose of the Park City Police Reserve shall be to assist the regular Park City Police Department in the performance of their duties, at such time as may be deemed necessary by the Chief of Police or the Mayor of the City of Park City, and especially during times of emergency, disaster, and in the control of crowds.

10-202. POLICE RESERVE UNIT; QUALIFICATIONS.

Members of the Park City Police Reserve shall be required to meet the qualifications, standards and testing requirements as are set down by the Chief of Police, provided such reserve members shall not be required to attend the Law Enforcement Training Academy as required of regular Police Officers by statute.

10-203. POLICE RESERVE UNIT; SUPERVISION.

The Park City Police Reserve shall be under the direct control of the Chief of Police of the City of Park City, Kansas, acting in his official capacity, provided, the Mayor of the City of Park City, may, by proclamation, order the Police Reserve to report for duty in time of emergency, disaster or when it is necessary to preserve the peace and law and order within the City of Park City.

10-204. POLICE RESERVE UNIT; WRITTEN RULES.

The Park City Police Reserve shall be maintained and operated under a set of written rules and regulations prepared by the Chief of Police and approved by the Mayor, which rules and regulations shall be kept on file in the office of the City Clerk and opened for public inspection during business hours.
ARTICLE 3. PROPERTY IN POLICE CUSTODY

10-301. PROPERTY IN POLICE CUSTODY, REGULATIONS.

The police department is required to establish regulations detailing the collection, storage, and inventory of property which may come under its control by any manner.

10-302. PROPERTY IN POLICE CUSTODY, DISPOSITION.

Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-303, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund.

10-303. PROPERTY IN POLICE CUSTODY, EXEMPT PROPERTY.

The following classes of property shall be considered exceptions to section 10-302 and shall be dealt with in the following manner:

(a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-302.

(b) Firearms that are available for disposition may be dealt with in the following manner:

(1) If compatible with law enforcement usage, they may be turned over to the police department inventory.

(2) They may be sold to a firearms dealer who maintains the appropriate federal firearms license or they may be traded to such a dealer for credit.

(3) They may be destroyed.

(4) In no case shall firearms be sold at public auction.

(c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.

(d) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.

(e) Pharmaceutical items which are not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.
(f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.

(g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.

(h) Items with a value in excess of $500 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.

(i) Firearms of historical value may be donated to a non-profit organization.

10-304. CLAIMING PROPERTY.

The police department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner.

10-305. PROOF OF OWNERSHIP.

Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented.

10-306. AUCTION.

At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the police department and any claims on property must be made prior to the start of the auction.
ARTICLE 4. POLICE FEES

10-401. INITIAL POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS.

When any police officer responds to any party, gathering or event, and that police officer determines that there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host or hosts that a subsequent response to that same location or address within 24 hours of the first response shall be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event and that the host may be liable for a police services fee as defined in this article.

10-402. SUBSEQUENT POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS; LIABILITY.

If, after a written notice is issued pursuant to section 10-302, a subsequent police response or responses is necessary to the same location or address within 24 hours of the first response, such response or responses shall be deemed a special security assignment. Persons previously warned shall be jointly and severally liable for a police services fee as defined in this article.

The amount of the fee shall be a debt owned to the city by the person or person warned, and if he or she is a minor, his or her parents or guardians shall be jointly and severally liable for the debt.

10-403. COST; COLLECTION.

The chief of police shall notify the city treasurer in writing of the performance of a special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed, the costs and such other information as may be required. The city treasurer shall thereafter cause appropriate billings to be made.
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CHAPTER 11. PUBLIC OFFENSES

Article 1. Uniform Offense Code
Article 2. Local Regulations
Article 3. Fishing Regulations

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Park City, Kansas, the 2011 edition of the “Uniform Public Offense Code”, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Park City, Kansas” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.


11-102. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 3.14 which shall read as follows:

3.14 RESISTING ARREST. It shall be unlawful for any person to use force or the threat of force, to resist, obstruct, or interfere with an arrest which he or she know 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, or other person, believes that the arrest is unlawful.

Resisting Arrest is a class A violation.

(11-102 Amended by ORD #887-2010 on December 23, 2010)

11-103. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 3.15 which shall read as follows:

3.15 INTERFERENCE WITH CUSTODY OF COMMITTED PERSON. Interference with custody of a committed person is knowingly taking or enticing any
committed person from the control of his/her lawful custodian, or from the institution in which such committed person has been lawfully committed without the consent of such custodian or institution.

Interference with Custody of Committed Person is a class A violation.”

(11-103 Amended by ORD #887-2010 on December 23, 2010)

11-104. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 5.9 which shall read as follows:

5.9 INTERFERENCE WITH PARENTAL CUSTODY. Interference with parental custody is enticing, decoying, or taking away from some type of parental custody, any child under eighteen (18) years of age, with intent to detain or conceal such child from its parent, guardian, or person having lawful charge of said child.

Interference with parental custody is a class A violation.”

11-105. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 6.26 which shall read as follows:

6.26 WASTING UTILITIES. Wasting utilities is willfully causing the waste of water, gas, steam, petroleum or petroleum products, or hot air conveyed by or through any pipe without the consent of the person owning or having control of such pipe.

Wasting utilities is a class C violation.”

11-106. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 6.27 which shall read as follows:

6.27 OPENING OR DAMAGING COIN MACHINES. Opening or damaging coin machines is willfully and knowingly opening, removing, or damaging any parking meter, coin telephone, vending machine, money changer, or other device designed to receive money in the sale of property or services with the intent to commit theft.

Opening or damaging coin machines is a class A violation.”
11-107. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.15 which shall read as follows:

7.15 UNLAWFUL DISCLOSURE OF A WARRANT. Unlawful disclosure of a warrant is revealing or making public in any way the fact that a search warrant or warrant of arrest has been applied for or issued or the contents of the affidavit or testimony on which such warrant is based prior to the execution thereof unless requested to do so by a law enforcement officer.

Unlawful disclosure of a warrant is a class B violation.

EXCEPTION - Law Enforcement Agency personnel may disclose a warrant to encourage a defendant to surrender voluntarily.

11-108. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.16 which shall read as follows:

7.16 POSSESSION OF FALSE IDENTIFICATION DOCUMENTS. Possession of false identification documents is possession or use of any identification document which simulates, purports to be, or is designed so as to cause others reasonably to believe it to be an official identification document of the bearer and bears a fictitious name, date of birth, identification number, photograph, or other false information.

Possession of false identification documents is a class C violation.

NOTE - IDENTIFICATION DOCUMENT means any card, certificate, or document which identifies or purports to identify the bearer of such document, whether or not intended for use as identification, and includes, but is not limited to, documents purporting to be driver's licenses, birth certificates, and social security cards."

11-109. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.17 which shall read as follows:

7.17 INTIMIDATION OF A WITNESS OR VICTIM.

(a) Intimidation of a witness or victim is knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade:
(1) Any witness or victim from attending or giving testimony at any civil, criminal, or traffic trial, proceeding or inquiry authorized by law; or

(2) Any witness, victim or person acting on behalf of a victim from:

(b) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer;

(c) Causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;

(d) Causing a civil action to be filed and prosecuted and assisting in its prosecution; or

(e) Arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

Intimidation of a witness or victim is a class B violation.”

11-110. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.18 which shall read as follows:

7.18 INTERFERING WITH IMMEDIATE ENTRY TO AND INSPECTION OF PREMISES LICENSED AS A CLUB OR DRINKING ESTABLISHMENT.

(a) No licensee or permit holder, or any owner, officer or employee, shall knowingly impede, hinder, stall, or refuse entry to any law enforcement officer to any premises licensed as a club or drinking establishment or any premises where alcoholic liquor is sold by a holder of a temporary permit to operate as a club or drinking establishment, or any premises subject to the control of any licensee or temporary permit holder. Entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the club or drinking establishment is open for business. The right of immediate entry to and inspection of any premises licensed as a club or drinking establishment or any premises where alcoholic liquor is sold by a holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder, by any duly authorized officer or agent of the Kansas Director of Alcoholic Beverage Control, or by any law enforcement officer, shall be a condition on which every license or temporary permit is issued, and the application for, and acceptance of, any license or temporary permit shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the club or drinking
establishment is open for business. Such consent shall not be revocable during the term of the license or temporary permit. Refusal of such entry shall be grounds for revocation of the license or temporary permit.

Violation of this section shall be a class C violation."

11-111. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.19 which shall read as follows:

7.19 DISPLAY OF LICENSE. Every holder of a license for a club or drinking establishment shall cause such license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Violation of this section is a class C violation."

11-112. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.20 which shall read as follows:

7.20 POSSESSION OR CONSUMPTION BY MINOR PROHIBITED.

(a) No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(b) It shall be a defense to a prosecution under this section if: The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

Violation of this section is a class C violation."
11-113. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 7.21 which shall read as follows:

7.21 PROHIBITION OF PRIZE FIGHTING AND WRESTLING MATCHES; EXCEPTIONS; PENALTIES.

(a) Except as provided in subsection (b), no person shall send or cause to be sent, publish or otherwise make known any challenge to fight what is commonly known as a prize fight, or engage in any public boxing, sparring or wrestling match, exhibition or contest with or without gloves of any kind, for any prize, reward or compensation, or at which any admission fee is charged or received, either directly or indirectly, or go into training preparatory to such fight, exhibition, match or contest, or act as trainer for any person or persons contemplating participation in such fight, exhibition or contest, or act as aider, abettor, backer, umpire, trainer, second, surgeon, assistant, reporter or attendant at such fight, exhibition, match or contest, or in any preparation for the same, nor shall any owner or lessee of any grounds, lots, building, hall or structure of any kind permit the same to be used for such fight, exhibition, match or contest.

(b) The provisions of subsection (a) shall not apply to any fight, exhibition, match or contest conducted under a license issued by a governing body as provided in K.S.A. 12-5101 to 12-5126, inclusive, and amendments thereto; sanctioned by the national association of intercollegiate athletics, national collegiate athletic association, amateur athletic union of the United States, golden gloves association of America or national junior college athletic association; conducted under the control of the Kansas State High School Activities Association; or conducted as a scheduled event at the Hartman Arena.

Violation of this section is a class A violation."

11-114. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.14 which shall read as follows:

9.14 DISTURBANCE OF RELIGIOUS ASSEMBLIES. Disturbance of religious assemblies is the disturbing of any congregation or assembly met for religious worship by making a noise or by rude and indecent behavior within their place of worship or so near the same as to disturb the order and solemnity of the meeting.

Disturbance of religious assemblies is a class C violation."
11-115. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.15 which shall read as follows:

9.15 LOITERING: STREETS, PUBLIC PLACES. Loitering in streets and other public places is the loitering on the public streets, school buildings or school grounds or any other public place or place accessible to the public without being engaged in some legal business demanding the persons presence upon such public place or place accessible to the public without being engaged in some legal business.

Loitering in streets and other public places is a class C violation."

11-116. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.16 which shall read as follows:

9.16 LOITERING OF MINORS.

(a) It shall be unlawful for any minor under the age of eighteen (18) years to loiter, loaf, idle, wander, stroll, or play in or upon the public streets, alleys, highways, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. of the following day, except for Fridays and Saturdays, when the hours shall be twelve o'clock (12:00) a.m. to six o'clock (6:00) a.m.; PROVIDED, that the provisions of this section shall not apply to minors accompanied by their parents, guardians, or other adult having the care and custody of the minor, or where the minor is returning from public functions or organized activities such as, but not limited to, school activities or sporting events, emergency errand or legitimate business directed by his parent, guardian, or other adult having care and custody of the minor.

(b) It shall be unlawful for any parent, guardian, or other adult having care and custody of a minor under the age of eighteen (18) years to permit such minor to loiter, loaf, idle, wander, stroll, or play in or upon any street, alley, highway, park, playground, or other public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. of the following day, except for Friday and Saturday, when the hours shall be twelve o'clock (12:00) a.m. and six o'clock (6:00) a.m.; PROVIDED, that this section shall not apply when the minor is accompanied by their parent, guardian, or other adult having care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by their parent, guardian, or other adult having care and custody of the minor.

Loitering of minors is a class C violation."
11-117. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.17 which shall read as follows:

9.17 LOUDSPEAKERS, SOUND AMPLIFIERS: PERMITS. It shall be unlawful for any person to play, use, or operate on the streets, alleys, or public grounds of the city any instrument known as a loudspeaker or sound amplifier, without first procuring a permit therefore from the city clerk. Such permit shall be granted or refused at the discretion of the city clerk.

Loudspeakers, Sound Amplifiers: Permits is a class C violation."

11-118. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.18 which shall read as follows:

9.18 WINDOW PEEPING. It shall be unlawful for any person to trespass upon the property owned or occupied by another in this city for the purpose of looking or peeping into any window, door, skylight, or other opening in a house, room, or building, or to loiter in a public street, alley, parking lot, or other public place for the purpose of wrongfully observing the actions of the occupants of any such house, room, or building.

Window Peeping is a class C violation."

11-119. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.19 which shall read as follows:

9.19 URINATING IN PUBLIC. It shall be unlawful for any person to urinate upon any highway, street, alley, sidewalk, park, or upon the premises of any public place or building, or upon public or private property in open view of any person, when the same has not been designated or designed as a rest room.

Urinating in public is a class C violation."

11-120. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.20 which shall read as follows:

9.20 SMOKING IN PUBLIC PLACES.
(a) No person shall smoke in a public place or at a public meeting except in designated smoking areas.

(b) Smoking areas may be designated by proprietors or other persons in charge of public places, except in passenger elevators, school buses, public means of mass transportation and any other place in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

(c) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

(d) "Public place" means enclosed indoor areas open to the public or used by the general public including but not limited to: Restaurants, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, educational facilities, libraries, courtrooms, state, county or municipal buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities.

(e) "Public meeting" includes all meetings open to the public.

(f) "Smoking," means possession of a lighted cigarette, cigar, pipe or any other lighted smoking equipment.

(g) The proprietor or other person in charge of the premises of a public place shall post or cause to be posted in a conspicuous place signs clearly stating that smoking is prohibited by state law. The person in charge of the premises shall also post or cause to be posted in any designated smoking area, signs stating that smoking is permitted in such room or area. The proprietor or person in charge of the public place shall have the authority to establish the percentage of area in the public place which shall be posted and designated as a smoking area.

Smoking in public places is a class C violation."

11-121. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 9.21 which shall read as follows:

9.21 PUBLIC INDECENCY.

(a) It shall be unlawful for any person to knowingly or intentionally, in a public place; engage in sexual intercourse; engage in deviate sexual conduct; appear in a state of nudity; or fondle the genitals of their self or another person.

(b) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female
breast, with less than a fully opaque covering, of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Public Indecency is a class A violation.”

11-122. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

Section 10.5 of the Uniform Public Offense Code relating to Unlawful Discharge of Firearms is hereby amended to read as follows:

10.5 UNLAWFUL DISCHARGE OF FIREARMS. Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the city. This section shall not be construed to apply:

(a) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;

(b) To the discharge of firearms in any licensed shooting gallery;

(c) To firing squads for ceremonials;

(d) To a legitimate gunsmith in pursuit of his or her trade;

(e) To the discharge of a shotgun on one’s own property, providing that said property is a parcel consisting of five (5) or more acres, and so long as said discharge is no closer than three hundred feet (300’) to any structure on any adjoining parcel of land; provided that in determining the size of such parcel the area of platted reserves and easements shall not be included in calculating the size of such parcel and provided that this exception shall not apply to the discharge of any shotgun that discharges a solid projectile or slug.

That in addition to property owners of parcels identified above, these exceptions shall extend to leaseholders of single-family dwellings, and/or persons with written permission granted by the property owner. However, in order for any minor child to fall within this exception, he or she must be accompanied by and/or supervised by a parent, grandparent, or guardian at the time of the discharge of the firearms; or

(f) To police officers who discharge firearms during training sessions.

It shall be a defense that the defendant was acting within the scope of K.S.A. 21-3211, K.S.A. 21-3212, K.S.A. 21-3213, K.S.A. 21-3215 or K.S.A. 21-3216.

Unlawful discharge of firearms is a Class B violation.

(11-122 Amended by ORD#962-2015 adopted on 9/3/2015 published 9/7/2015 in the Wichita Eagle.)
11-123. SECTION 10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN.

Section 10.6 of the Uniform Public Offense Code relating to the operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun within the city is hereby amended to read as follows:

10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN. The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, BB gun or paint ball gun within the city, except within the confines of a building or other structure from which the projectile cannot escape.

EXCEPTION. This section shall not apply to the discharge of bows and arrows, pellet guns, BB guns, paint guns, air guns or air rifles on one’s own property, providing that said property is a parcel consisting of five (5) or more acres, and so long as said discharge is no closer than three hundred feet (300’) to any structure on any adjoining parcel of land.

That in addition to property owners of parcels identified above, these exceptions shall extend to leaseholders of single-family dwellings, and/or persons with written permission granted by the property owner. However, in order for any minor child to fall within this exception, he or she must be accompanied by and/or supervised by a parent, grandparent, or guardian at the time of the discharge of a bow and arrow, pellet gun, BB gun, paint gun, air gun or air rifle.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is a Class C violation."

11-124. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.27 which shall read as follows:

10.27 POSSESSION, USE AND TRANSPORTATION OF EXPLOSIVES.

(a) It shall be unlawful for any person to transport, use, or have in their possession or control, without lawful authority, any incendiary or explosive device, materials, liquids, solvents, or mixtures-equipped with a fuse, wick or other detonating device or substance, either in place or detached but within the control of such person.
(b) It shall be unlawful for any person to have in their possession or control any illegal firecrackers or fireworks.
(c) This prohibition shall not apply on the day of July 4th and/or any other such time as specifically authorized by the City’s regulations of fireworks.

Possession, Use and Transportation of Explosives is a class B violation."
11-125. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.28 which shall read as follows:

10.28 DANGEROUS MISSILES. It shall be unlawful for any person to throw or project any ball, stone, brick, piece of wood, clay, or other hard substance or object along, over, or upon any street, highway, alley, sidewalk, or public grounds or at or against any house, building, vehicle, or at or towards any person with the intent to do property damage or bodily harm.

Dangerous Missiles is a class C violation.

11-126. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.29 which shall read as follows:

10.29 POSSESSION OF DRUGS, MARIJUANA, OR DRUG PARAPHERNALIA.

(a) It shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas Controlled Substance Act.

(b) It shall be unlawful for any person to have in their possession or control any marijuana in violation of the Kansas Controlled Substance Act.

(c) It shall be unlawful for any person to use or have in their possession or control any instrument, device, or drug paraphernalia which is used or designed to be used to possess, conceal, smoke, administer, manufacture, or sell any drug which is unlawful to possess under the Kansas Controlled Substance Act.

Possession of Drugs, Marijuana, or Drug Paraphernalia is a class A violation.

11-127. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.30 which shall read as follows:
10.30 INHALATION OF TOXIC VAPORS, GLUE, OR RELATED PRODUCTS.

(a) It shall be unlawful for any person to intentionally smell or inhale the fumes from any container containing a solvent, chemical, or compound having the property of releasing toxic vapors or fumes for the purpose of causing a condition of intoxication, inebriation, excitement, stupification, depression, stimulation, or dulling of one’s brain function or nervous system.

(b) It shall be unlawful for any person to possess, for the purpose of violating paragraph (a) of this section, any container, solvent, chemical, or compound having the property of releasing toxic vapors or fumes.

(c) It shall be unlawful for any person to sell, give or furnish or offer to sell, give or furnish any container, solvents, chemicals or compounds having the property of releasing toxic vapors or fumes, knowing that such product sold, given or furnished will be used for the purpose of violating paragraph (a) of this section.

(d) As used in this section, “Toxic Vapors or Fumes” shall mean and include any glue, cement, or other adhesive, or any other substance whose contents may include, but are not limited to one (1) or more of the following compounds: acetone, acetate, benzene, butyl alcohol, ethyl alcohol, ethylene pentachlorophenol petroleum ether, or toluene (toluol).

Inhalation of Toxic Vapors, Glue or Related Products is a class A violation.”

(11-127 Amended by ORD #887-2010 on December 23, 2010)

11-128. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.31 which shall read as follows:

10.31 MISTREATMENT OF A DEPENDENT ADULT.

(a) Mistreatment of a dependent adult is knowingly and intentionally committing one or more of the following acts:

1. Taking unfair advantage of a dependent adult’s physical or financial resources for another individual’s personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person; or

2. Omitting or depriving of treatment, goods or services by a caretaker or another person which are necessary to maintain physical or mental health of a dependent adult.

(b) No dependent adult shall be considered to be mistreated solely on account of such dependent adult relying upon or being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult is a member or adherent.
(c) For purposes of this section, “Dependent Adult” means an individual 18 years of age or older who is unable to protect their own interests. Such term shall include:

(1) Any resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923 and amendments thereto;
(2) Any adult cared for in a private residence;
(3) Any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility;
(4) Any individual with mental retardation or a developmental disability receiving services through a community mental health facility or residential facility licensed under K.S.A. 75-3307b and amendments thereto;
(5) Any individual with a developmental disability receiving services provided by a community service provider as provided in the Developmental Disability Reform Act; or
(6) Any individual kept, cared for, treated, boarded, or otherwise accommodated in a state psychiatric hospital or state institution for the mentally disabled.

Mistreatment of a Dependent Adult is a class A violation.”

(11-128 Amended by ORD #887-2010 on December 23, 2010)

11-129. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 11.13 which shall read as follows:

11.13 POSTING OBSCENITIES. It shall be unlawful for any person to post, paste, write, paint or inscribe any obscene or vulgar picture, design or words at or on any place open to public view.

Posting Obscenities is a class C violation.”

11-130. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 11.14 which shall read as follows:

11.14 CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE IN PARKS AND RECREATIONAL AREAS. It shall be unlawful for any person to consume alcoholic liquor, as defined by K.S.A. 2000 supp. 41-102(b) or amendments thereto, in any city owned building, structure, park or recreational areas, or any other city owned land or property, or any other park or recreational area within this city which is owned by or under the control of the United States government or any other political subdivision, whether or not an admission or other fee is charged or collected. Unless otherwise provided by law.
Consumption of alcoholic liquor or cereal malt beverage in parks and recreational areas is a class C violation."

11-131. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 11.15 which shall read as follows:

11.15 UNLAWFUL INTERFERENCE WITH A CODE ENFORCEMENT OFFICER.

(a) Unlawful interference with a code enforcement officer is knowingly and intentionally interfering with, molesting or assaulting any code enforcement officer while he or she is engaged in the performance of such code enforcement officer's duties, or knowingly and intentionally obstructing, interfering with or impeding the efforts of any code enforcement officer while he or she is attempting to carry out any of his or her duties for the City of Park City, Kansas.

(b) For purposes of this section "code enforcement officer" shall mean any employee of the City of Park City, Kansas, carrying out the duties of the City of Park City Department of Code Enforcement.

Unlawful interference with a code enforcement officer is a Class B violation."

(11-103 through 11-131 Created by ORD #870-2010 on 3/4/2010)

11-132. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The Uniform Public Offense Code for Kansas Cities is hereby amended to substitute the following definition of “Electronic Cigarette” in Section 1.1 of Article 1 GENERAL PROVISIONS:

Electronic Cigarette means an electronic or battery operated device that may resemble smoking, that uses an atomizer or similar device that allows users to inhale nicotine vapor or other flavored vapor without fire, smoke or ash (also commonly referred to as an electronic smoking device, electronic vaping device, personal vaporizer, electronic pipe [e-pipe], electronic hookah, e-pen or vapor pen). For all purposes under this Uniform Public Offense Code, Electronic Cigarettes are synonymous with cigarettes and the use of an Electronic Cigarette is the same as the use of a cigarette, cigar or pipe and shall be considered smoking.
11-133. UNIFORM PUBLIC OFFENSE CODE; ADDITIONAL RESTRICTIONS; AMENDMENTS.

The said Uniform Public Offense Code for Kansas Cities is hereby amended to include Section 10.27 which shall read as follows:

10.27 Electronic Cigarettes. All references to smoking or smoke in Sections 10.24, 10.25 and 10.26 shall include the use of Electronic Cigarettes.

ARTICLE 2. LOCAL REGULATIONS

11-201. DISPLAYING MATERIAL HARMFUL TO MINORS; DEFINITIONS.

(a) Minor means any unmarried person under the age of eighteen (18) years.

(b) Harmful to Minors means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when the material or performance, taken as a whole, has the following characteristics:

(1) The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and

(2) The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sado-masochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

(3) The material or performance lacks serious literary, scientific, educational, artistic, or political value for minors.

(c) Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.

(d) Sexual conduct means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or if such person be female, breast.

(e) Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(f) Sado-masochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(g) Material means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, or recording tape, video tape.

(h) Performance means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration.
(i) **Knowingly** means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(1) The character and content of any material or performance which is reasonably susceptible of examination by the defendant, and

(2) The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(j) **Person** means any individual, partnership, association, corporation or other legal entity of any kind.

(k) A reasonable bona fide attempt means an attempt to ascertain the true age of the minor by requiring production of a driver’s license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

11-202. OFFENSES.

No person having custody, control or supervision of any commercial establishment shall knowingly:

(a) Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material provided, however, a person shall be deemed not to have “displayed” material harmful to minors if the material is kept behind devices commonly known as “blinder racks” so that the lower two-thirds of the material is not exposed to view.

(b) Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

(c) Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

11-203. DEFENSES.

It shall be an affirmative defense to any prosecution under this ordinance that:

That material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.
11-204. PENALTIES.

Any person who shall be convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be fined a sum not exceeding five hundred dollars ($500.00) and may be confined in jail for a definite term that shall be fixed by the court and shall not exceed one (1) month. Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by this section shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense.

11-205. CARRYING CONCEALED WEAPONS; FORFEITURE AND DISPOSAL.

(a) Any person who is not an officer of the law or a deputy to such officer, who, within the corporate limits of the city, knowingly carries concealed on his or her person or who possesses with intent to use the same unlawfully against another a billy club, blackjack, slingshot, bludgeon, sand club, metal knuckles, throwing star or any other dangerous or deadly weapon or instrument of like character, shall be deemed guilty of a misdemeanor.

(b) Any person who is not an officer of the law, a deputy to such officer, or a person authorized by K.S.A. 75-7c01 through 75-7c17 to carry a concealed weapon who, within the corporate limits of the city, knowingly carries any pistol, revolver, or other firearm concealed on his or her person, except when on or in his or her land, abode or fixed place of business, shall be deemed guilty of a misdemeanor.

(c) Upon conviction for a violation of section (a) or (b) above, it shall be the duty of the municipal court judge, in addition to the penalty provided for the violation of this section, to order any such concealed weapon to be forfeited to the city and the same shall be disposed of in accordance with the provisions of state law.

(11-205 Amended by ORD #949-2014 adopted on 11/12/2014 published on 11/20/2014).

11-206. CARRYING OR POSSESSING UNCONCEALED WEAPON.

Any person, other than an officer of the law or a deputy to such officer, who within the corporate limits of the city, carries or possesses unconcealed and with intent to use the same unlawfully against another any billy club, blackjack, slingshot, bludgeon, sand club, metal knuckles, throwing star or any other dangerous or deadly weapon or instrument of like character which, when used, is likely to produce death or
great bodily harm, shall be deemed guilty of a misdemeanor. Upon conviction for a violation of this section, the municipal court judge, in addition to the penalty provided for violation of this section, may, in his or her discretion, order such unconcealed weapon to be forfeited to the city and the same shall be disposed of by the chief of police in accordance with the provisions of state law."


11-207. SAWED OFF RIFLES AND SHOTGUNS; FORFEITURE AND DISPOSAL.

(a) It is unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a shotgun with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies, or other institutions or corporations subject to unusual hazard from robbery or holdups who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor. In addition to the penalty for the violation of this section, it shall be the duty of the municipal court judge to order any such weapons as provided in this section to be forfeited to the city and the same shall be disposed of in accordance with the provisions of state law.

(11-207 Amended by ORD #949-2014 adopted on 11/12/2014 published on 11/20/2014).

11-208. REPEALED.


11-209. DRAWING UPON ANOTHER.

Any person, not an officer of the law in the execution of his duty, who draws a pistol, revolver, knife or any other deadly weapon upon any person is guilty of a misdemeanor. In addition to the penalty for violation of this section, it shall be the duty of the police judge to order any weapon used in such manner to be forfeited to the city and the same shall be destroyed or caused to be destroyed by the chief of police whenever such weapon is no longer needed as evidence.
11-210. GAMING TABLES.

Every person who shall permit any gaming table or device to be set up or used for the purpose of gaming in any house, building, booth, shelter, lot or other premises belonging to or occupied by such person of which such person has, at the time, possession or control, shall be deemed an operator of a casino and shall be guilty of a misdemeanor and, upon conviction, be subject to a maximum of one (1) year in the city or county jail, or up to a Two Thousand Five Hundred Dollar ($2,500.00) fine or both.

11-211. GAMING TABLES; EXCEPTIONS.

Gaming table or device shall not include such material or equipment that is used or required for the operation of the Kansas Lottery as authorized and regulated by the State of Kansas pursuant to Kansas law.

11-212. GAMING TABLES; PENALTY.

Every person who, within the corporate limits of the City of Park City, shall keep a place or room or multi-game casino style gambling facility to be used primarily as a place for gaming or to which persons resort for the purpose of gambling, shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a maximum of one (1) year in the city or county jail or up to a Two-Thousand Five Hundred Dollar ($2,500.00) fine or both.

11-213. THEFT OF SERVICES; DEFINITIONS.

(a) City means the City of Park City, Kansas.

(b) Customer means the person in whose name a Utility Service is provided.

(c) Divert means to change the intended course or path of electricity, natural gas, water, cable television, telephone, or other Utility Service without the authorization or consent of the Utility Company.

(d) Person means any individual, partnership, firm, association, or corporation.

(e) Re-connection means the commencement of Utility Service other than by a Utility Company, to a Customer or other person after the service has been discontinued by the Utility Company.

(f) Tamper means to rearrange, damage, injure, destroy, alter, interfere with, or otherwise prevent from performing normal or customary function.

(g) Telecommunications Service means any telephone service or the transmission of a message, signal, or other communication by telephone or telegraph, or other telephone or telegraph facilities.
(h) **Utility Company** means any entity including, but not limited to the City, who provide Utility Service to Customers of the City within the corporate limits of the City, when such Utility Service is delivered through City rights-of-way.

(i) **Utility Service** means the providing of electricity, natural gas, water, telecommunications, cable television solid waste collection or any other service or commodity furnished by a Utility Company for compensation.

11-214. **THEFT OF SERVICES; UNLAWFUL ACTS.**

It shall be unlawful for any person to commit, authorize, solicit, aid, abet, or attempt any of the following acts:

(a) Divert, or cause to be Diverted, Utility Service by any means whatsoever;

(b) Make, or cause to be made, any connection or re-connection with property owned or used by the Utility Company to provide Utility Service without the authorization or consent of the Utility Company;

(c) Prevent any Utility Company meter, or other device used in determining the charge for Utility Services, from accurately performing its measuring function by tampering or other means;

(d) Tamper with any property owned or used by the Utility Company to provide Utility Services;

(e) Use or receive the direct benefit of all or a portion of Utility Service, with knowledge of or reason to believe that the Diversion, Tampering, or unauthorized connection existed at the time of the use, or that the use or receipt was without the authorization or consent of the Utility Company;

(f) Advertise, manufacture, distribute, sell, use, rent, or offer for sale, use, or rental, any device or any description, or any plan or any kit, designed to obtain Utility Service in violation of this ordinance;

(g) Obtain Utility Service by means of false representation, or fraudulent or deceptive action, designed to avoid the payment of any outstanding lawful charge for any Utility Service;

(h) Avoid the lawful charge, in whole or in part, for any Utility Service, by the use of any fraudulent or deceptive scheme, device, means or method; and

(i) It shall not be unlawful to turn off utility services under circumstances where the person doing so has a reasonable belief that it is necessary to avoid immediate harm to persons or damage to property.
11-215. THEFT OF SERVICES; PRESUMPTION OF VIOLATION.

There is a rebuttable presumption that there is a violation of this ordinance if, on the premises controlled by the Customer or by the person using or receiving the direct benefit of the Utility Service, there is either, or both, of the following:

(a) Any instrument, apparatus, or device primarily designed to be used to obtain Utility Service without paying the full lawful charges thereof;

(b) Any Utility Company equipment that has been altered, Tampered with, or bypassed so as to cause no measurement, inaccurate measurement, or to permit receipt of Utility Service without paying the full lawful charge thereof.

11-216. THEFT OF SERVICES; PENALTY.

Any person convicted of theft of services shall be fined not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00) for each offense; and may be sentenced to confinement in jail for not more than one (1) year for each offense; or may be sentenced to both said fine and confinement. Each day a violation occurs shall constitute a separate offense.
ARTICLE 3. FISHING REGULATIONS

11-301. FISHING LICENSE REQUIRED.

(a) Except as otherwise provided by law or rules and regulations of the Secretary of the Kansas Department of Wildlife and Parks, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.

(b) The provisions of section (a) do not apply to fishing by:

(1) A person, or a member of a person’s immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;

(2) A resident of this state who is less than 16 years of age or who is 65 or more years of age;

(3) A nonresident who is less than 16 years of age;

(4) A person fishing in a private water fishing impoundment unless waived pursuant to K.S.A. 32-975;

(5) A resident of an adult care home, as defined by K.S.A. 39-923 and amendments thereto, licensed by the secretary of health and environment;

(6) An inmate in an honor camp operated by the secretary of corrections, pursuant to an agreement between the secretary of the Kansas Department of Corrections and the secretary of the Kansas Department of Wildlife and Parks;

(7) A person on dates designated by the secretary of the Kansas Department of Wildlife and Parks;

(8) Any person who is 65 or more years of age.

(9) A person fishing under a valid institutional group fishing license; or

(10) A participant in a fishing clinic sponsored or co-sponsored by the Kansas Department of Wildlife and Parks, during the period of time that the fishing clinic is being conducted.

(c) The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.

(d) Handicapped or developmentally disabled individuals, not to exceed 20 at any one time, may fish under a special nonprofit group fishing license while on a group
trip, outing or activity which is supervised by the community, civic or charitable organization. Individuals fishing under a special nonprofit group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and rules and regulations relating to fishing.

(e) The staff personnel of the community, civic or charitable organization supervising the group trip, outing or activity shall have in their possession the special nonprofit group fishing license when engaged in supervising any activity requiring the special nonprofit group fishing license. Such staff personnel may assist group members in all aspects of their fishing activity.

11-302. LEGAL EQUIPMENT; METHODS; OTHER PROVISIONS.

(A) Legal equipment and methods for taking sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;
(2) Trot lines;
(3) Set lines;
(4) Tip-ups; and,
(5) Snagging for paddlefish in waters posted by the department as open to snagging of paddlefish, subject to the following requirements:

(a) Each paddlefish caught and landed shall be included in the creel and possession limit unless a minimum length limit has been established and posted for that area, in which case each paddlefish not meeting the minimum length limit shall be released immediately into the waters from which it came.

(b) Each individual fishing for paddlefish shall place all paddlefish legally caught on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, which shall be marked with the individual’s name and address.

(c) Each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day.

(d) Each individual taking paddlefish during the snagging season shall transport each paddlefish taken to a check station established by the department, and each paddlefish shall be taken to the check station immediately upon the filling of the daily creel limit or upon cessation of the day’s fishing activity.
(e) Each paddlefish checked shall have a numbered tag attached to its lower jaw at the check station.

(f) Each individual shall provide that person’s name, address, and fishing license number to the check station attendant.

(B) Legal equipment and methods for taking non-sport fish shall be the following:

(1) Fishing lines with not more than two baited hooks or artificial lures per line;

(2) Trot lines;

(3) Set lines;

(4) Tip-ups;

(5) Snagging and gigging in waters posted by the department as open to snagging or gigging.

(C) Dip nets and gaffs may be used to land any legally caught or hooked fish.

(D) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.

(E) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(F) Fish may be taken by legal means from vehicles.

(G) The creel limit will be as posted by the Secretary of the Kansas Department of Wildlife and Parks.

(H) The length limit will be as posted by the Secretary of the Kansas Department of Wildlife and Parks.

11-303. FISHING; GENERAL PROVISIONS.

(a) Except as authorized in this regulation, any person may operate or set two fishing lines and, in addition, one trot line or eight set lines.

(b) Each fishing line, trotline, and set line shall be checked at least once every 24 hours.

(c) Each trotline, tip-up, and unattended fishing line shall have a tag or label securely attached, designating the name and address of the operator. No trot line or set line shall be set within 150 yards of any dam.
(d) Sport fish shall be deemed legally taken by hook and fishing line only when hooked within the mouth, except paddlefish, which may be snagged as authorized by K.A.R. 115-7-1. Other sport fish hooked elsewhere shall be returned unrestrained to the water.
CHAPTER 12. PUBLIC PROPERTY

Article 1. City Parks
Article 2. Ball Fields and Picnic Shelters
Article 3. Roller Hockey Rink/Skateboard Park

ARTICLE 1. CITY PARKS

12-101. CITY LAWS EXTENDED TO PARK.

The laws of the city shall extend to and cover all city parks.

12-102. POLICE JURISDICTION OVER PARKS.

The city shall have police regulations governing any public parks belonging to the city and the chief of police and law enforcement officers of the city shall have full power to enforce city laws governing city parks and shall maintain order therein.

12-103. DAMAGING PARK PROPERTY.

It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree or improvement or property of any kind belonging to any park owned by the city.

12-104. DANGEROUS WEAPONS NOT ALLOWED.

(a) Except as provided in subsection (b), it shall be unlawful for any person to carry or have in his or her possession any firearm or dangerous weapon or to shoot or discharge the same within any city park.

(b) The provisions of subsection (a) above shall not apply to duly authorized law enforcement officers in the performance of official duty.

12-105. VEHICLE REGULATIONS.

(a) Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways shall be operated in a safe and prudent manner at all times in park areas.

(b) Except as provided in subsection (d), it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.

(c) Except as provided in subsection (d), it shall be unlawful for any person to operate any motor vehicle within any city park except upon roads, drives and parking areas established by the city.
(d) Subsections (b) and (c) above shall not apply to authorized city employees while engaged in the maintenance and care of the park.

12-106. SPEED LIMITS; PENALTY.

(a) It is unlawful for any person to drive or otherwise operate any vehicle at a speed greater than ten (10) miles per hour within the city park located at 6801 North Hydraulic, Park City, Kansas or upon any driveway or other right-of-way providing access thereto.

(b) The penalty for any person found guilty of failing to obey the speed limit declared herein shall be provided in the Uniform Traffic Code as adopted by the City of Park City.

12-107. HUNTING.

It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park, unless authorized by the Park City Police Department or the Park City Department of Code Enforcement.

12-108. FIRES.

It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after it is no longer being used as an oven, stove or grill.

12-109. CAMPING PROHIBITED.

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

12-110. SANITATION.

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

12-111. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES.

It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city any alcoholic liquor or cereal malt beverage.
12-112.  PRESERVATION OF NATURAL STATE.

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

12-113.  GENERAL REGULATIONS.

The city may post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall constitute a violation of this code.

12-114.  DEFINITIONS.

(a) Public waters are defined as any body of water containing more than 50 cubic feet of water, including creeks, ponds, drainage ditches and having full public access.

(b) Detention / Retention Ponds are defined as any body of water whose sole purpose is to handle drainage runoff, whether water is impounded or released, or whether the pond is on public or private property.

12-115.  REGULATION.

It shall be unlawful for any person to enter into, wade, or swim, and/or for any person to allow or permit, either intentionally or unintentionally, any child under their care, custody or control to enter into, wade, or swim in public waters or in detention/retention ponds within the corporate limits of the City of Park City with the following exceptions:

(1) Publicly owned and operated swimming pools.

(2) Private swimming pools on private property.

(3) Persons performing maintenance works maintaining the public waters or detention/retention ponds.

(4) People or organizations conducting scientific studies as authorized by a governmental agency, whether federal, state or local, including public or private schools.

12-116.  UNLAWFUL USE OF JARDINE PARK.

It is unlawful for any person to be in Mobile Park at any time, on any day, except between the hours of 6:00 a.m. and 10:30 p.m., unless otherwise authorized in writing by the City of Park City through the office of the Chief of Police.
12-117 UNLAWFUL USE OF CHISHOLM POINTE LAKE IN HABIGER PARK.

It is unlawful for any person to be fishing in Chisholm Pointe Lake in Habiger Park between the hours of 12:00 midnight and 5:00 a.m., unless otherwise authorized in writing by the City of Park City through the office of the Chief of Police.

12-118 PENALTY.

Any person convicted of any of the provisions of this article shall be punished by a fine of not less than Twenty-five dollars ($25.00), and not more than Two Hundred Fifty dollars ($250.00), and/or by a term of imprisonment in the county jail of not more than thirty (30) days, or both such fine and imprisonment plus court costs.
ARTICLE 2. BALL FIELDS AND PICNIC SHELTERS

12-201. PURPOSE.

The purpose of this article is to provide for the orderly use of city ball fields, city soccer fields, and city shelter areas, and to allow for the reserved use of the same by citizens through city staff and/or its agents. It shall further authorize city staff and/or its agents to set aside times for use of said facilities, as appropriate, by youth leagues and/or adult leagues in softball and/or soccer. It shall further serve to authorize city staff and/or its agents to set aside and reserve the use of said facilities in conjunction with special events and/or tournaments.

12-202. DESIGNATION OF CITY STAFF AND/OR ITS AGENTS TO SCHEDULE TIMES FOR FACILITY USAGE BY RESERVATION.

(a) The city staff and/or its agents (hereinafter referred to as scheduler) are hereby designated by the City of Park City as having the authority to schedule and reserve times for usage of Park City ball fields, Park City soccer fields, and Park City picnic shelters. The scheduler shall maintain a reservation log for said ball fields, soccer fields, and shelters, on a regular basis, in writing, and shall allow for advance reservations for the use of such facilities, with the ability to reserve said facilities not more than six months in advance.

(b) The scheduler shall issue a written verification to the user prior to the planned use of said facility or facilities, that the user is the authorized party to utilize the designated facility or facilities on the date and at the time designated.

(c) The scheduler shall with specificity identify the exact facility to which said person reserving the same shall be entitled to use, and the period of time for which such use shall extend.

12-203. USE OF FACILITIES.

Said facilities as above described shall first be available for use by those who have reserved the use of the same. If during the specified period that said facilities have been reserved, the party reserving the same is not present to engage in the use of said facility or facilities, the same shall be subject to the use by any citizen or group of citizens on a first come, first served basis. However, if the party reserving the same subsequently shows up during the time that he, she, or they have reserved said facilities, then said party or parties shall be allowed to use the same, and any non-scheduled user of the facility shall be required to vacate the same. If said facilities have not had anyone schedule the use of the same, then said facility or facilities shall be utilized by citizens on a first come, first served basis.

12-204. ENFORCEMENT.

That any person utilizing the facilities described above to the detriment of a party who had previously reserved the same, in the manner described herein above, and said
person utilizing to the detriment of another refuses to depart said facility upon being advised by a representative of the City. of the prior use reserved unto another, shall be subject to removal from the facility, and may upon proper application by the city staff and/or its agents, be banned from further use of said public facilities described herein above, and shall be further subject to a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). Said party or parties shall further be subject to citation under any other applicable statutory or ordinance authority describing with greater specificity further criminal conduct engaged in by said person or persons by virtue of his, her, or their refusal to depart and allow the peaceful use and/or enjoyment of the reserved facility.
ARTICLE 3. ROLLER HOCKEY RINK AND SKATEBOARD FACILITY

12-301. REPEALED

(12-301 Repealed by ORD #947-2014 adopted on 9/23/2014 published on 10/2/2014)

12-302. APPLICATION OF ORDINANCE.

The requirements for the use of safety equipment as set forth herein below shall apply and be enforced by the City of Park City in the course of any game, play, or practice of roller hockey, or any other roller blading, skateboarding and/or skating on property owned or maintained by the City of Park City, including but not limited to, the Park City Roller Hockey Rink and the Kathleen Woodard Skateboard Facility.

12-303. REQUIRED SAFETY EQUIPMENT.

Each person under the age of fourteen engaged in the play, practice, or a game of roller hockey, engaged in skateboarding or similarly described activity shall not engage in the same except in conjunction with the use of the following described safety equipment otherwise certified and approved for use by an official or advisory body on the national level as it regards to roller hockey.

(a) Helmet with chin strap;
(b) Protective gloves;
(c) Chest protector;
(d) Elbow pads;
(e) Knee pads;
(f) Shin guards.

Each person, regardless of his or her age, upon engaging in any other roller blading, skateboarding and/or skating activity on property owned or maintained by the City of Park City, shall at all times engaged in such activity have affixed to their head a helmet secured by a chin strap. Said helmet shall be of a style, configuration, and shape approved for use in whatever skating, skateboarding or roller blading activity that is being engaged in by the appropriate certifying or endorsing organization.

12-304. PROHIBITED EQUIPMENT.

No person, regardless of their age, shall attempt to play at roller hockey, roller blading or skateboarding on playing surfaces or property owned or maintained by the City of Park City with equipment not approved for use in roller hockey, roller blading or skateboarding. If equipment sought to be used by a user of facilities in Park City is not on a nationally approved list of equipment identified by a governing or regulating agency
of roller hockey or skateboarding, then that equipment shall not be utilized in the play of roller hockey, skateboarding or similar sport activities on city property.

(12-304 Amended by ORD #947-2014 adopted on 9/23/2014 published on 10/2/2014)

12-305. PENALTIES.

(a) The use of non-approved equipment by a person fourteen years of age or older on city owned and/or maintained property shall, upon conviction, result in a fine of not less than $20.00 and not more than $100.00, as well as court costs, and said offender may be barred from the use of city roller hockey facilities for up to one year. The barring of a person from the use of roller hockey facilities in Park City shall not occur unless, upon the conviction of the Defendant, there is correspondingly a recommendation from the Park City Park Board that said individual, based on all of the involved circumstances, be barred from said facilities. The Park Board's recommendation shall be directed to the Municipal Court Judge, who shall retain the discretion as to if and for what period of time to suspend or to bar said individual from the use of said facilities.

(b) Failure to wear required safety equipment: In the event an individual under the age of fourteen is found to be in violation of this ordinance, said individual shall be barred from further use of Park City's roller hockey facilities until proof that acquisition of the necessary safety equipment has been presented to the Court. In the event that an individual under the age of fourteen, having once been adjudicated as violating this ordinance repeat the same or similar violation, then the said parent(s) and/or guardian(s) of the said minor child shall be cited with a failure to provide and/or to insure the use of the proper safety equipment by said child. Said parent(s) and/or guardian(s) shall be subject to the penalty and the fine of not less than $20.00 and not more than $100.00, as well as court cost. In the event any other person is found to have not employed and utilized the safety helmet called for herein above, said person shall, upon conviction, be subject to a fine of not less than $20.00 and not more than $200.00. Said individual may be further barred from use of city owned or maintained facilities as called for and described above.
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CHAPTER 13. STREETS AND SIDEWALKS

Article 1. Sidewalks
Article 2. Streets
Article 3. Minor Street Privileges
Article 4. Tree Board
Article 5. Right-of-Way Use

ARTICLE 1. SIDEWALKS

13-101. DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section:

(a) Driveway - A place on private property for the operation of automobiles and other vehicles.

(b) Driveway Approach - An area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to private property. For clarification, a driveway approach must provide access to something definite on private property such as a parking area, a driveway or a door at least seven feet wide, intended and used for the entrance of vehicles.

(c) Outside Sidewalk Line - A line parallel to the property line lying along the edge of the sidewalk nearest the street roadway or curb; or where no sidewalk exists, a line in the street right of way parallel to and four feet from the line of the private property.

(d) Corner - The point of intersection of the lines of two street curb faces extended into the street intersection.

(e) Curb Parking Space - A length of curb equal to twenty feet where an automobile or other vehicle can park.

(f) Parcel of Land - A lot or tract of land officially registered under one ownership.

(g) Curb Return - The portion of a curb next to a driveway approach which includes the radius of curvature, of the ramp-type lug pavements and which connects the driveway approach to the street curb.

13-102. CUTTING, BREAKING OR REMOVING OF CURB. It shall be unlawful for any person to cut, break out or remove any curb along a street or alley except as authorized by this Article.
13-103. APPROACHES WHICH CAN BE USED ONLY AS PARKING SPACES OR AREAS.

It shall be unlawful for any person to construct, alter or extend, or permit or cause to be constructed, altered or extended, any driveway approach that can be used only as a parking space or area between the curb and private property.

13-104. CONSTRUCTION.

All public sidewalks, curbs, gutters and private driveways cutting through or passing over curbs and sidewalks constructed in the city shall be of concrete unless otherwise ordered by the City Council and shall be constructed according to City Standard No. P2.1997 and details on file in the office of the City Clerk for the purpose of giving the city, through its proper officers, supervision over the construction of such public sidewalks, curbs, gutters and driveways cutting through or passing over such curbs and sidewalks.

13-105. LICENSE REQUIRED TO CONSTRUCT; FEE; TERM.

Every person, before constructing any public sidewalk, curb, gutter or driveway cutting through or passing over a sidewalk or curb, or before removing any curb or sidewalk for the purpose of constructing a private driveway in the city, shall be required to obtain a license from the City Clerk's office for which a license fee of Ten Dollars ($10.00) shall be charged, authorizing the licensee to engage in such work for a period of three (3) months. The term of such license may be extended to a maximum of twelve months by the payment of Thirty-two Dollars and Fifty Cents ($32.50) at the time of issuance of the license.

13-106. LICENSE REQUIRED TO CONSTRUCT; QUALIFICATIONS OF APPLICANT TO BE SHOWN, BOND REQUIRED.

(a) Before a license shall be granted by the City Clerk, under the provisions of this Article, the person applying for the same shall show, subject to the rules and regulations to be furnished by the Zoning Administrator, that he is skilled in the art of laying public sidewalks, curbs and gutters and cutting through such curbs and sidewalks.

(b) Before any cement contractors' license is issued, the applicant therefore shall have filed with the City Clerk a surety bond in the amount of Two Thousand Dollars ($2,000.00), which shall be approved as to form by the City Attorney. The condition of such bond shall be that the principal therein shall comply with all the ordinances of the City relating to and regulating the construction of all public sidewalks, curbs, gutters and private driveways cutting through or passing over curbs or sidewalks, and hold and save the city harmless from any and all damage to persons or property resulting from or growing out of any opening or excavation made, material stored or placed upon any operation in any street, alley or public property, or from any other action by the principal herein.
13-107. PERMIT REQUIRED TO ENGAGE IN CONSTRUCTION, FEES, ETC.

Before any person shall engage in the construction of any public sidewalk, curb, gutter or driveway approach, such person he shall first obtain a permit from the City and pay a fee of Thirty Dollars ($30.00). Such permit shall state the location of the sidewalk, curb, gutter or driveway to be constructed, widened, replaced or removed.”

13-108. REFUSAL OF PERMITS FOR FAILURE TO OBEY RULES AND REGULATIONS.

(Sec 13-107 Amended 11/15/2016 with Ordinance #1006-2016 published 11/17/2016)

The City Clerk shall refuse permits to contractors who fail or refuse to obey all reasonable rules and regulations necessary in the enforcement of this Article.

13-109. EFFECT OF GRANTING PERMIT.

The issuance or granting of a permit shall not be deemed or construed to be a permit for, or an approval of, any violation of this Article.

13-110. MAXIMUM WIDTH OF APPROACHES; EXCEPTION.

No driveway approach shall exceed twenty-four feet in width for residential, thirty feet for commercial or industrial, as measured along the outside sidewalk line unless approved by the Zoning Administrator. When a commercial or industrial parcel has an entrance and exit drive approach in combination, the overall width may exceed 30 feet provided a raise median is provided between each approach and the designed approved by the Zoning Administrator. In no case shall combined approach exceed 60 feet.

13-111. CURB PARKING SPACES BETWEEN APPROACHES.

Where more than one driveway approach on a street front serves a single parcel of land, there shall be at least one twenty feet between driveway approached.

13-112. SIDES, EDGES OR CURBS TO BE AT RIGHT ANGLES TO A STREET CURB.

The sides, edges or curbs of driveway approaches shall be at right angles to the street curb.

13-113. MAXIMUM WIDTH OF CURB CUT.
For the purpose of constructing a driveway approach, no curb cut, opening or section broken out or removed shall exceed the approach width plus 2 times the curb return radius for flare.

13-114. DISTANCE BETWEEN DRIVEWAY APPROACH AND CORNER.

No portion of a driveway, approach, except the curb return, shall be constructed within eighteen feet (18') of a corner, and in no case closer than two feet (2') to the property line extended, unless said parcel is located on a Cul-de-Sac, in such cases, the curb return may extend no more than that required for a 5 foot radius.

13-115. CURB RETURN RADIUS.

The radius of curvature of the curb return shall not exceed the distance between the curb and the outside sidewalk line. Whenever a drive return is constructed, it shall match the style and type of the majority of drives in the block.

13.116. INTERFERENCE WITH STREET STRUCTURES-PROHIBITED. No driveway approach shall interfere with municipal facilities such as street-lighting poles, traffic-signal standards, signs, catch basins, hydrants, crosswalks, city utilities, utility poles, fire-alarm supports, underground pipes or ducts or other necessary street structures.

13-117. INTERFERENCE WITH STREET STRUCTURES-PROHIBITED; REMOVAL BY CITY; COST.

The Zoning Administrator to order and effect the removal or reconstruction of any driveway approach that now conflicts with street structures in the future. The cost of removing or reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owner.

13-118. LOCATION AND GRADE OF SIDEWALKS.

All sidewalks shall be constructed at the location and grade approved by the Zoning Administrator.

13-119. INSPECTION OF WORK – NOTICE TO CITY CLERK: ACCEPTANCE OR REFUSAL.

Every contractor or other person constructing public sidewalks, curbs or gutters or private driveways shall notify the Zoning Administrator or his authorized agent when the work is ready for inspection so as to give the Zoning Administrator ample time to make the inspection before the concrete sets. If, upon investigation and inspection by the Zoning Administrator, or his agent, he finds that the public sidewalk, curb, gutter or driveway across the parking of the street is not according to the specifications provided for in the construction of such sidewalk, curb, gutter or driveway, he may refuse to accept and approve the work and require that any errors in the construction be corrected at once and before the acceptance of the work.
13-120. INSPECTION OF WORK; DUTY OF SIDEWALK INSPECTOR.

For the purpose of making the inspection as provided for in this Article, the sidewalk inspector designated by the Zoning Administrator shall make the inspection of sidewalks, curbs and gutters and private driveways as provided for in this Article, which inspection shall be made according to the rules and specifications furnished him by the Zoning Administrator.

13-121. COOPERATION BETWEEN CITY CLERK AND ZONING ADMINISTRATOR.

Any plans submitted to the City Clerk for approval which include or involve unusual driveway approaches or problems, shall be referred by the City Clerk to the Zoning Administrator. (Ord. 422-97, Sec. 19; Code 2006)

13-122. VARIANCES FROM STRICT APPLICATION.

The Zoning Administrator is hereby authorized to grant, in writing, variances from the strict application of the provisions of this article; provided, that he first determines that the following conditions are present:

(a) The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.

(b) The exception or variance desired is not against the public interest, particularly safety, convenience and general welfare.

(c) The granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.

(d) The strict application of the terms of this ordinance will work unnecessary hardship on the property owner or tenant.

(Ord. 422-97, Sec. 20; Code 2006)

APPEALS. Any decision by the Zoning Administrator either granting or refusing to grant variances to the strict application of this Article may be appealed in writing to the City Council by the party adversely affected, provided such appeal is filed in writing with the City Clerk within twenty (20) days after the issuance of the decision or action complained of.
ARTICLE 2. STREETS

13-201. EXCAVATION PERMIT.

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

13-202. EXCAVATION PERMIT; BOND.

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

(b) Any utility operating under a franchise or a contractor under contract with the city for municipal improvement shall not be required to give bond as provided in subsection (a).

(c) Each bond given under this section shall be approved by the city attorney and filed with the city clerk.

13-203. EXCAVATION PERMIT; FILED.

If the application is approved by the city, the city clerk shall issue a permit upon payment of a fee of $5.00. Each permit issued under the provisions of this section shall cover only one specified excavation.

13-204. EXCAVATION PERMIT; BARRICADES.

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

13-205. EXCAVATION PERMIT; UNLAWFUL ACTS.

It shall be unlawful for any person, except those having authority from the city or any officer thereof to throw down, interfere with or remove any barriers, barricades, or lights placed in any street to guard and warn the traveling public of any construction work thereon or adjacent thereto.
13-206. CUTTING CURBS; PAVEMENT.

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

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

(c) In lieu of the city replacing pavement, it may elect to authorize utility companies or contractors to resurface streets or sidewalks with like materials, subject to approval of the street superintendent.

13-207. ALTERING DRAINAGE.

No person shall change or alter any gutter, storm sewer, drain or drainage structure which has been constructed, or is being lawfully maintained or controlled by the city unless such change or alteration has been authorized or directed by the governing body.

13-208. UNFINISHED PAVEMENT.

No person shall walk upon, drive or ride over or across any pavement, sidewalk or incomplete grading that has not been opened for traffic.

13-209. USING STREETS.

(a) No person shall occupy any portion of any street, alley or sidewalk for the purpose of temporarily storing building materials without first obtaining a permit for such temporary use from the governing body.

(b) No person may use any portion of any sidewalk or street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this article, however, shall be construed as prohibiting the city governing body from temporarily waiving the prohibition of this subsection in connection with community promotions or community-wide celebrations when such waiver is considered to be in the best interest of the city.

13-210. DANGEROUS OBJECTS IN.

It shall be unlawful for any person to place, throw or cause to be placed or thrown in or on any street, alley, sidewalk or other public grounds of the city, any glass, tacks, nails, bottles, wire or other dangerous objects that might wound any person or animal, or cut or puncture any pneumatic tire while passing over the same.
13-211. PETROLEUM PRODUCTS IN STREETS.

It shall be unlawful for any person, firm or corporation to deposit or throw any waste oil, fuel oil, kerosene, gasoline or other products of petroleum or any acids into or upon any street or public grounds of the city, or willfully to permit the same to be spilled, dripped or otherwise to come into contact with the surface of any street, alley, or sidewalk within the city.

13-212 DISCHARGING WATER ON STREETS.

It shall be unlawful for any person, firm or corporation to throw or discharge water into any ditch, street, avenue or alley in the city or to cause any water to stand or form pools or to flow in a stream thereon. This section shall not apply to persons cleaning or flushing such streets, avenues or alleys under the authority of the governing body, nor to members of the fire department.

13-213 BURNING IN STREETS.

It shall be unlawful for any person to make or cause to be made, any fire upon any of the paved streets, alleys, or street intersections within the city.

13-214. THROWING IN STREETS.

It shall be unlawful to throw or bat any ball, stone, or other hard substance into, on or across any street or alley or at or against any building or vehicle.

13-215. HAULING LOOSE MATERIAL.

It shall be unlawful to haul over the streets or alleys of this city any loose material of any kind except in a vehicle so constructed or maintained as to prevent the splashing or spilling of any of the substances therein contained upon the streets or alleys.

13-216. CULVERTS.

All driveway culverts within the City of Park City installed or replaced after December 1, 1982 shall be reinforced concrete and shall be of such size to allow the free flow of drainage. The City Engineer shall determine the size of any culvert but in no event shall any culvert be less than fifteen inches (15") in diameter.

13-217. DRAINAGE.

No person shall build, alter or otherwise change any drainage located within the public right-of-way without the approval of the City Engineer.

13-218. CONDITIONS FOR CITY INSTALLATION.

As an alternate to and in addition to any provision provided in the Statutes of the State of Kansas for the construction, alteration or reconstruction of culverts in the City,
the City may install a culvert at the request of a property owner under the following conditions:

(1) The property owner shall have purchased the required sized culvert and shall be responsible for having it delivered to the point of installation.

(2) The property owner shall be responsible for and have removed all hard surface material from above the existing culvert from the owner's property line to the edge of the existing road.

(3) The property owner shall be responsible for the removal of all decorative plantings, curbings, and retainage structures that may be damaged during the removal or installation of the driveway culvert and shall hold the City harmless from any damage done to the same.

(4) The property owner shall be responsible to remove all construction material removed from the installation or removal process within 48 hours.

(5) The City will remove culverts only for owners who have gravel drive approaches, provided all provision of these requirements are adhered to.

(6) The City will install new culverts provided by the property owners, provided the installation of the culvert replaces an existing culvert and that all provisions of the requirements are adhered to.

(7) The City will place gravel over the top of any culvert the City installs upon the request of the owner and the owner will pay the cost of the gravel.
ARTICLE 3. MINOR STREET PRIVILEGES

13-301. DEFINITIONS.

The following words and phrases, when used in this ordinance, shall, for the purposes of this ordinance, have the meanings respectively ascribed to them in this section:

(a) City means the City of Park City, Kansas.

(b) Minor Street Privilege means any authorized or permitted private right in, on, under or over public streets, alleys or ways, separate and distinct from the general public use of streets, alleys and ways. As used in this ordinance the term shall not apply to the short-time use of public space in connection with building construction, nor shall it apply to a public utility operating under a franchise granted by the City.

(c) Minor Use Privilege means any authorized or permitted private right in, on, under or over dedications or easements acquired for drainage purposes, separate and distinct from the general public use of easements acquired for drainage purposes.

(d) Permittee means a person in possession of a Minor Street Privilege or Minor Use Privilege. The term shall include the grantee of a Minor Street Privilege or Minor Use Privilege who, in such grant, shall be the owner or lessee of the private property abutting the encroachment, or the homeowners association that includes the owner or owners of the private property abutting the encroachment.

13-302. MINOR STREET PRIVILEGES; REGULATIONS AND PERMITS.

The enjoyment and use of Minor Street Privilege and Minor Use Privilege by the Permittee for private purposes, as hereinafter set forth in this ordinance, shall be subject to regulations and permits as set forth in this Article.

13-303. PERMITS FOR PRIVILEGES; APPLICATION.

Application for any Minor Street Privilege or Minor Use Privilege shall be submitted to the City Administrator or his/her designee by letter with appropriate drawings, plans or photographs attached.

13-304. PERMITS FOR PRIVILEGES; APPROVAL OF APPLICATION; ISSUANCE.

On approval of the application for a Minor Street Privilege by the City Administrator or his/her designee or on approval of the application for a Minor Use Privilege by the City Administrator or his/her designee, and upon payment of the required fee, the permit shall be issued for a one (1) year period from the date of issuance by the City Administrator or his/her designee.
13-305. PERMITS FOR PRIVILEGES; AUTHORITY OF CITY ADMINISTRATOR OR DESIGNEE TO GRANT RENEWAL OF PERMITS PREVIOUSLY ISSUED.

The City Administrator or his/her designee may, but is not required to grant one (1) year renewals of permits previously granted under the provisions of this ordinance upon the payment of annual permit fees to the City Treasurer and continuation in force of surety bond and/or liability insurance for such renewals.

13-306. LIABILITY OF PERMITEE.

It shall be a condition of the use or enjoyment of any Minor Street or Minor Use Privilege that the Permittee shall save and hold the City harmless of any and all liability, claims or expenses of any kind caused by, or growing out of, the construction, maintenance, operation, relocation, discontinuance or abatement of such Minor Street or Minor Use Privilege.

13-307. LIABILITY OF PERMITEE; REQUIREMENTS AS TO BOND OR LIABILITY INSURANCE.

Whenever, in the opinion of the City Administrator or his/her designee, the construction, maintenance or abandonment of a Minor Street Privilege or Minor Use Privilege permit is attended with the possibility of substantial damage or loss to the City, to other property owners, or to members of the public, the applicant for such Minor Street Privilege or Minor Use Privilege shall furnish to and file with the City Clerk a surety bond or provide proof of liability insurance that names the City as an additional insured and provides that the City will be given ten (10) days prior notice of cancellation, in an amount determined by the City Administrator or his/her designee to be sufficient to protect against such damage or loss; provided, however, that in all cases where previous special privileges for the use of streets and public places as provided for in this ordinance have been granted by ordinance or resolution by the City Council and bond has been posted or proof of insurance provided under such ordinance, such bond shall continue in effect under the provisions of this ordinance unless canceled by the surety upon such bond.

13-308. RESTORATION OF STREETS, ETC; COSTS.

The cost of all restoration work, all adjustments made in connection with existing utilities and any other adjustments made necessary by the construction, maintenance, operation, relocation, or termination of any Minor Street Privilege or Minor Use Privilege shall be paid by the Permittee. All such restoration and other necessary work of adjustment shall be performed in accordance with the provisions of this Article and other ordinances of the City, or in the absence of a regulatory ordinance, shall, at the option of the City Administrator or his/her designee, be performed by the Permittee or by the City at the Permittee’s expense from funds deposited with the City by the Permittee as provided for under the provisions of this Article.
13-309. TERMINATION; NOTICE.

In case any Permittee shall fail to pay the annual permit fee, with accrued penalties, for any Minor Street Privilege or Minor Use Privilege within thirty (30) days after the same shall be due and payable, the City Administrator or his/her designee shall declare the privilege and permission terminated and shall immediately cause a notice of termination to be given to the Permittee.

13-310. TERMINATION; NOTICE; PERMITTEE TO ARRANGE FOR DISCONTINUANCE AND RESTORE PROPERTY.

Upon termination of a privilege under the provisions of this Article, the City Administrator or his/her designee shall notify the Permittee to make all necessary arrangements for the discontinuance and abandonment of the privilege and make or cause restoration of the public property, all in accordance with the provisions of this Article.

13-311. TERMINATION; NOTICE; FAILURE TO MAKE RESTORATION; COSTS.

If the Permittee shall fail to make arrangements promptly as required by the 13-310, the City Administrator or his/her designee is authorized to perform the necessary work and charge the expense thereof to the Permittee. In addition to the above cost, the Permittee shall be charged with proportionate permit fees for the period up to the date on which the work or restoration is completed.

13-312. UNLAWFUL USE OF PRIVILEGES.

It is unlawful for any person to make any use of a Minor Street Privilege or Minor Use Privilege unless permission for such use has been authorized in accordance with the provisions of this Article, and the use of any Minor Street Privilege or Minor Use Privilege is prohibited unless the permit fee is paid as provided in this Article.

13-313. CONTROL AND SUPERVISION BY CITY ADMINISTRATOR OR DESIGNEE; GENERALLY.

Except as otherwise provided in this Article, the City Administrator or his/her designee shall have full control of the supervision, inspection and regulation of Minor Street Privileges or Minor Use Privileges. When the public safety or welfare shall require the temporary or permanent discontinuance or modification of a Minor Street Privilege or Minor Use Privilege, the City Administrator or his/her designee shall take all action necessary for the public interest.

13-314. CONTROL AND SUPERVISION BY CITY ADMINISTRATOR OR DESIGNEE; RULES AND REGULATIONS.

The City Administrator or his/her designee is authorized to prepare and enforce reasonable rules and regulations to govern the carrying out of the provisions of this Article.
13-315. REVOCATION OF PRIVILEGE AND PRORATION OF PERMIT FEES.

All Minor Street Privileges or Minor Use Privileges provided for in this Article are revocable for any reason or no reason at any time by the City Administrator or his/her designee or by the City Council. Upon any such Minor Street Privilege or Minor Use Privilege being revoked during a period of time for which a permit fee has been paid, the City shall tender to the owner the annual fee paid on a pro rata basis as determined by the City Administrator or his/her designee.

13-316. ANNUAL PERMIT FEES; ESTABLISHED.

Any Permittee desiring a Minor Street Privilege or Minor Use Privilege permit approved under the provisions of this ordinance shall, upon approval of application, pay a fee as required by this section. The annual permit fees for Minor Street Privilege or minor use permits shall be as set forth in this section. The minimum annual permit fee for Minor Street Privilege or Minor Use Privilege permits shall be twenty-five dollars ($25.00).

(a) Scales for vehicles, docks or loading platforms, including steps and ramps, bridges from one building to another, buildings extended over or across and not supported by public property, ventilating and other ducts, roofs from one building to another, sidewalk elevators, coal holes, manholes and similar openings in, or structures on, under or over public property, per square foot of area occupied. $ 0.65.

(b) Clock supported by public property, each, without advertising. $ 25.00.

(c) Overhead hoist beams and cranes, each. $ 31.00.

(d) Permanent flag poles supported by public property, each (not permitted in footway). $ 25.00.

(e) Steps or landings on, under or over public property, per square foot. $12.50.

(f) Tunnels for private use, per cubic foot. $ 0.20.

(g) Tanks under public property, including necessary connection pipes and other appurtenances, per gallon capacity. $ 0.15.

The installation of any tank shall comply with the provisions of the Fire Code, Building Code and the zoning ordinances of the City as then existing. No new tank installation shall be made, nor shall any tank now installed on, above or below public property be used for the storage of a commodity with a flash point below one hundred degrees Fahrenheit (100°F.), closed cup tester.

(h) Vaults or subsurface spaces other than tunnels, per cubic foot. $ 0.05.
The space shall be measured from the private property line to the outside of the wall enclosing the space and from the floor of the space to the traffic surface.

(i) Car tracks (private, not operated by common carrier), per linear foot of track. $2.50.

(j) Pipe lines and conduits of one (1) continuous length not exceeding five hundred (500) feet in length and two (2) feet in diameter (not public utilities), per linear foot. $1.25 plus $.015 for each linear foot over five hundred (500) feet. Pipe lines and conduits over two (2) feet in diameter are not permitted except by special permission of the City Council who shall determine the annual permit fee.

(k) Wires (not public utilities), per linear foot. $1.25.

(l) Use of drainage dedications or easements for purposes such as gardens or fenced-in areas, per square foot. $0.03.

(m) Erection of signs, per square foot. $1.00.

(n) Wells, either supply or discharge, on public property, including necessary connection pipes and appurtenances, each. $25.00.

(o) Uses not listed in this Section 16. As determined by City Administrator.

13-317. ADMINISTRATIVE CHARGE; DESIGNATED; REQUIRED.

Any Minor Street Privilege or Minor Use Privilege permit authorized under this ordinance shall be required to be accompanied by an administrative fee of seventy dollars ($70.00).

13-318. ADMINISTRATIVE CHARGE; INSPECTION, CONSTRUCTION AND OTHER PERMIT FEES.

All permit fees established for the enjoyment of Minor Street Privileges or Minor Use Privileges shall be separate from and in addition to inspection, construction and other permit fees.

13-319. FEES; PAYMENT AND DISPOSITION.

Permit fees and administrative charges, except for existing uses, shall be payable in advance prior to the issuance of the annual permit, and shall be for a term of one (1) year from the date of its issuance. The receipt for payment of such fee in each successive year shall constitute a renewal of the annual permit.

13-320. FEES; EXCEPTION.

(a) With the exception of the administrative charge as set forth in 13-317, no annual permit fee shall be paid for a Minor Street Privilege or Minor Use Privilege when
the granting of such privilege is coupled with and is a part of the public requirement, or consideration for the taking of land by the City in connection with the City’s approval of a plat or lot split.

(b) The administrative charge shall accompany the application when a waiver of annual permit fee is requested. The application for a Minor Street Privilege or Minor Use Privilege shall state the reasons for the waiver, and shall be accompanied by drawings, plans or photographs showing all encroachments and describing their nature and specifications. Upon the approval of the Minor Street Privilege or Minor Use Privilege by the City administrator or his/her designee, the appropriate drawings, plans or photographs shall be made a part of the permit, and the recipient of the Minor Street Privilege or Minor Use Privilege, by its acceptance of the Minor Street Privilege or Minor Use Privilege, shall be obligated to indemnify the City for any and all costs of removal of any unauthorized improvements not constructed according to the documents submitted and approved or not included in the Minor Street Privilege or Minor Use Privilege.

(c) The permit fee for Minor Street Privilege and Minor Use Privilege, with the exception of the administrative charge as set forth in 13-317, may be waived by the City Administrator or his/her designee when he/she determines the project to be one involving public safety, economic development of the City, beautification or improvement of public property for public purposes.

(d) No permit fee for the issuance of a Minor Street Privilege or Minor Use Privilege shall be required to be paid for use of public right-of-way that has been fenced for private use prior to annexation by the City for a period of ten (10) years from the date of enactment of this Article or for a period of ten (10) years from the date of annexation of land wherein fence is located prior to annexation that is subsequent in time to the enactment of this Article. A person making application for such Minor Street Privilege or Minor Use Privilege shall comply with all other provisions of this ordinance in obtaining a Minor Street Privilege or Minor Use Privilege permit, including the requirement to post a surety bond and/or provide proof of liability insurance that names the City as an additional insured. A person, to be eligible for waiver of payment of fees herein, must make application for a Minor Street Privilege or Minor Use Privilege within six (6) months of the date of enactment of this ordinance or within six (6) months of subsequent annexation of land wherein fence is located prior to annexation.

(e) Any person aggrieved by the action of the City Administrator or his/her designee may appeal this ruling on the waiver to the City Council by requesting a hearing before the Council within thirty (30) days of notification of the decision of the City Administrator or his/her designee.

13-321. LIMITATIONS ON NEW ENCROACHMENTS.

(a) All encroachments on public streets, alleys or ways shall continue to be regulated in accordance with all applicable laws, provisions of City ordinances and City rules, regulations and policies. Nothing in this Article shall be construed to mean that
permits for new encroachments will be issued when such encroachments conflict with other ordinances, rules, regulations and policies.

(b) All encroachments on drainage dedications and easements acquired for drainage purposes shall continue to be regulated in accordance with all applicable laws, provisions of City ordinances and City rules, regulations and policies. Nothing in this Article shall be construed to mean that permits for new encroachments will be issued when such encroachments conflict with other ordinances, rules, regulations and policies.
ARTICLE 4. TREE BOARD

13-401. DEFINITIONS.

(a) Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

(b) Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

(c) Tree size: Large trees are herein defined as those attaining a height of forty feet (40') or more. Medium trees are herein defined as those attaining a height of twenty feet (20') to forty (40'). Small trees are herein defined as those attaining a normal maximum height of twenty feet (20').

13-402. CREATION AND ESTABLISHMENT OF TREE BOARD.

There is hereby created and established a City Tree Board for the City of Park City, Kansas. The Board shall consist of seven members, who shall be citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council at their first Regular Meeting of the City Council after this Article takes effect, thereafter, appointments shall be in the manner as specified in 14-403. The Tree Board shall be advisory to the City Council.

13-403. TERM OR OFFICE.

The term of the persons to be appointed by the Mayor shall be two years with the first term ending April 30, 1999, except that the term of three of the members appointed to the first Board by the Mayor and at his designation shall be for only one year. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the said term. Thereafter appointments shall be for a period of two years with members to continue to serve to the end of their term unless and until said member is reappointed or replaced.

13-404. COMPENSATION.

Members of the Tree Board shall serve without compensation for their service. Members may receive reimbursement for their authorized out-of-pocket expenses, including travel when related to the Tree Board activities, all as deemed appropriate and advisable by the Governing Body.

13-405. DUTIES AND RESPONSIBILITIES.

(a) It shall be the responsibility of the Tree Board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in
parks, along the street rights-of-way and other City owned property. A tree inventory prepared by the Sedgwick County Extension Agency shall serve as the guide for removal or disposition of trees. Such a plan will be presented annually to the Governing Body for their approval.

(b) It shall be the duty of the Tree Board to promote the education and awareness of the citizens of Park City in the area of tree lore. The Board, at its discretion shall work independently and/or with whatever educational organizations it deems appropriate for the purpose of assisting the dissemination of information on tree planting, tree problems, tree care and maintenance, and its long range plans and vision for the local City forest.

(c) The Tree Board will be available for consultation to any private citizen of Park City with regard to any aspect that might affect the City forest.

(d) In all of its activities and duties the Tree Board shall endeavor to cooperate and consult with other organizations within the City which may at times have an interest in matters pertaining to the City forest.

(e) The Board, when requested by the Director of Public Works shall consider, investigate, make finding, report and recommend to the Governing Body upon any special matter of question coming within the scope of its work.

13-406. OPERATION.

The Tree Board shall have as officers a Chairperson, Vice-Chairperson, and Secretary. The Tree Board shall create its own bylaws, subject to City Council approval, and keep minutes and records of its meetings and activities. A majority of the members shall constitute a quorum, which is required for the transaction of business.

13-407. TREE SPECIES TO BE PLANTED.

The Tree Board shall maintain a list of recommended trees for planting in public areas. This list shall be available to residents of the City upon request to aid in the selection of trees for private properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

13-408. DISTANCE FROM CORNERS.

No street tree shall be planted in the street right-of-way closer than thirty-five feet (35') to any intersection of said street with any other street, alley, avenue, lane, private or public driveway measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 20 feet of any fireplug.
13-409. SPACING.

The spacing of street trees will be in accordance with the tree species size classes on file with the City Clerk, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect or the Director of Public Works for the City of Park City.

13-410. UTILITIES.

Only small trees, as defined in 14-401(c) may be planted under or within than (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any sewer line, transmission line or other utility or public improvements.

13-411. PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, or other utility or public improvements, or is affected with any injurious fungus, insect or other pest.

13-412. TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or City Department to top any Street tree, Park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Article at the determination of the City.

13-413. CLEARANCES OVER STREETS AND WALKWAYS.

Every property owner of every house, building lot or premises in the City shall keep the trees situated on such property and in the parking abutting such property, trimmed so that the branches over all public right-of-ways, alleys, sidewalks and driveways shall not be lower than eight feet (8') from the surface of such right-of-way, alley, sidewalk or driveway, and that such hedges shall not be higher than three feet (3'), so as to constitute a traffic hazard.
13-414. DEAD OR DISEASED TREE REMOVAL.

(a) The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such tree or trees constitute any one or more of the following:

1. A hazard to life and/or property;

2. Harbors insects or disease that constitute a potential threat to other trees within the City;

(b) The City shall cause notice to be sent in writing by certified mail to the property owner(s) of record at the address or addresses where said trees are situated, notifying said property owner of the City’s intent to remove said tree not earlier than thirty (30) days from the date of the letter. The property owner may either effect the removal of the tree or trees on his or her own and at his or her own expense, do nothing (which will cause the City to proceed with the removal of the tree and the assessment of the costs of the same as set forth herein below), or within that thirty (30) day period, submit a written request to the City Council of the City of Park City, Kansas, requesting that it reconsider the decision made by the City directing the removal of said tree or trees. The City Council shall then consider said request for reconsideration within thirty (30) days of the date of its receipt of the same, and during the time that the request for reconsideration is pending, the City shall not proceed with the removal of said tree or trees until the City Council has had an opportunity to consider said request. Upon the City proceeding with the removal of said tree or trees, the cost of the same shall be assessed against the said property owner(s) of record, and if the same remains unpaid more than thirty (30) days from the date of the posting by certified mail to the said owner(s) of the charge for the same, said charge shall be collected in the manner described in Section 16 herein below. The manner assessing the costs to be assessed by the City against the property owner shall be in the manner as set forth in this Article herein below.

(c) It shall be unlawful for any person to permit any diseased or dead tree(s) to remain on private property after such person has received notice from the City to remove such tree(s). Failure to remove any diseased or dead tree(s) from private property after having received notice from the City that removal is required shall be a misdemeanor.

(d) The City shall have the right to cause the removal of any dead or diseased trees on private property within the City; when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City.

13-415. REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
13-416. NOTICE TO OWNERS; CHARGES.

Whenever any property owner of record, whose duty it is to keep any shrubs, hedges or trees trimmed or cut, as provided for in this Article, shall fail to do so, the Compliance Officer shall notify in writing by certified mail said property owners of record requiring the same to be done forthwith. The remedial act as called for by a notice to the property owner of record shall be completed at such owner’s expense within thirty (30) days after the date of service of notice. In the event of failure to comply within the time provided by the notice, the City may trim such shrubs, hedges and/or trees and assess the cost against the property owner of record. The cost charged by the City shall be a minimum of one hour at not less than $100.00 per hour and for costs in excess of such minimum the charge shall be based on the extent of manpower, equipment and time utilized in the removal, trimming, or other related maintenance costs. The owner(s) named in the notice shall be given an opportunity to pay the assessment. If the charge remains unpaid after thirty (30) days from mailing of a notice of such charges by first class mail to the property owner, the actual charges shall be certified by the City Clerk to the County Clerk and collected as other general property taxes are collected.

13-417. INTERFERENCE WITH TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the City or any of its representatives or agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any tree within the community forest, as authorized by this Article.

13-418. ARBORIST’S BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of trimming, pruning, treating, or removing Street or Park trees within the City without first filing with the City Clerk evidence of liability insurance in the minimum amounts of $500,000 for bodily injury and $500,000 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. The City Clerk shall issue a receipt for such filing.

13-419. REVIEW BY GOVERNING BODY.

The Governing Body shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City to the Governing Body who may hear the matter and make final decisions.

13-420. PENALTY.

Any person violating any provision of this Article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars ($500.00).
ARTICLE 5. RIGHT-OF-WAY USE

13-501. POLICY.

It is the policy of the City of Park City, Kansas, in discharge of the duties as trustee of the public right-of-way and for the overall public health, safety and welfare of the City, to establish rules and regulations concerning management of the public right-of-way.

The authority of an occupant to use and occupy the public right-of-way shall always be subject and subordinate to the public health, safety, and welfare requirements and regulations of the City. Every occupant shall comply with all laws, rules, and regulations governing the use of public right-of-way.

13-502. REGISTRATION.

(a) Unless otherwise exempt by the terms of this Article, each occupant engaged in providing, transmitting, supplying or furnishing utility service originating, running through or terminating within the City of Park City, Kansas, or owning or controlling facilities within the public right-of-way shall file an annual registration statement on a form provided by the City. The annual registration statement shall be renewed on or before January 31 of each subsequent year.

(b) Prior to commencing any work, no occupant may construct, install, repair, remove, relocate, or perform any other work on any facilities or any part thereof in any City right-of-way without first being registered with the City of Park City.

(c) The registration requirement shall not apply to planting or maintaining landscaping in the right-of-way, construction or repair of sidewalks, installation of street signs, news-racks, temporary signs and public pay phones.

(d) The registration requirement shall apply to any occupant having exempt facilities referred to above if that occupant also has nonexempt facilities elsewhere in the public right-of-way.

13-503. ANNUAL REGISTRATION STATEMENT

(a) For purposes of complying with the annual registration requirement set forth above, every occupant shall provide the following information related to their use of the public right-of-way:

(1) Identity and legal status of registrant, including related affiliates that are or may conduct activities listed in Section 13-502.

(2) Name, address, telephone number, e-mail address and fax number of the contact person responsible for the accuracy of the registration statement.
This person shall also serve as the registrant’s agent and further be responsible for the distribution of any information pursuant to this Article to the appropriate person in the registrant's organization.

(3) List of contact persons, including the name, address, telephone number, e-mail address and fax number for the following areas: right-of-way maintenance, right-of-way construction, and administration.

(4) Name, address, telephone number, e-mail address and fax number of the local representative of registrant or operations center who shall be available at all times to act on behalf of registrant in the event of an emergency.

(5) Description of registrant’s existing or proposed facilities within the City of Park City.

(6) Description of utility service registrant intends to offer or provide or is currently offering or providing to any person or entity in the City of Park City.

(7) Information sufficient to determine whether the registrant is subject to franchising under State law.

(8) Information sufficient to determine whether the registrant needs to/has applied for and received any certificate of authority required by the Kansas Corporation Commission to provide utility services in the City of Park City.

(9) Information sufficient to determine that the registrant needs to/has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide telecommunications services in the City of Park City.

(10) Such other information as may be required by the City of Park City which is reasonably related to the use of the public right-of-way. Any material changes or modifications to the registration statement that affect the registrant’s activities in the public right-of-way shall be submitted to the City within 30-days of such change or modification.

(b) The Annual Registration Fee shall be received by the City by February 15th of each calendar year. Such fee shall be $50 per year with a late fee of $50 for any renewal submitted after January 31 or any modification submitted more than thirty (30) days after a change or modification requiring a submission under Section 13-503(A)(10).

13-504. PERMIT REQUIRED.

Any person or entity desiring to conduct work on any facilities in, along, across, under, or over public rights-of-way must first apply for and obtain a permit from the City of Park City in addition to any other permit or authorization to occupy public rights-of-way. If the facilities work must be done on an emergency basis, the person or entity
conducting the work must notify the City Clerk of the City of Park City at the first available opportunity and apply for any permits or authorizations from the City within two (2) business days. Emergency work must comply with all applicable laws, rules, and regulations.

(a) All applications for permits shall be submitted to the City Clerk on a form provided by the City Clerk with such information as required to allow the City to evaluate the application consistent with and necessary to accomplish the provisions of this Article.

(b) Each permit application shall be accompanied by the payment of the appropriate fee.

(c) The City shall review and cause the permit to be issued within ten (10) business days upon a showing that the applicant has met all the requirements of this Article. The City shall review the applications and its decision shall be based upon, but not limited to, the following:

1. Submission of a complete application.
2. Submission of the appropriate permit fee and bond.
3. Designated project commencement and termination dates.
4. Sufficient scheduling and coordination information.
5. Location and route of all facilities in the right-of-way.
6. Description of work to be done in right-of-way.
7. Proper restoration or protection of the right-of-way.
8. Compliance with all applicable codes, rules and regulations.
9. Coordination plan with existing facilities for their removal or relation of affected facilities.
10. Applicant has properly registered pursuant to Section 13-502 of this Article.
11. Proof of liability insurance.
12. Other information as required to protect public health, safety and welfare.

(d) The City may deny a permit request for any of the following reasons:

1. The applicant has failed to pay the permit fee for prior projects.
(2) The applicant has failed to return the right-of-way to an acceptable condition under previous permits.

(3) The work requested in the permit application will cause undue disruption to existing facilities.

(4) The applicant has failed to provide all necessary permit application information.

(5) The applicant is in violation of the provisions of this Article.

(6) The specific portion of the public right of way for which the applicant seeks use and occupancy is environmentally sensitive as defined by state and federal law or lies within a previously designated historic district as defined by local, state, or federal law.

(7) Any other reason for which granting of the permit would be detrimental to the public health, safety and welfare.

(e) Subsequent to denial of a permit, the City shall provide the applicant with reasonable notice and opportunity to be heard and that said denial is in compliance with the provisions of this Article.

13-505. CONSTRUCTION STANDARDS.

(a) The construction, operation, maintenance, and repair of facilities in the right-of-way shall be in accordance with applicable health, safety and construction codes as well as those standards promulgated by the City.

(b) All facilities shall be installed and located with due regard for minimizing interference with the rights and convenience of property owners, including the City.

(c) No applicant shall place facilities where they will damage or interfere with the use or operation of previously installed facilities or obstruct or hinder other utilities serving the residents and businesses in the City.

(d) If available, applicants shall make a good faith attempt to co-locate their facilities with as many other utilities as possible so as to maximize the efficient allocation of space in the right-of-way. In instances where the City has placed conduit or ducting in the right-of-way and made it available, applicants shall install their facilities within the City conduit or ducting system, unless applicants can show a substantial hardship preventing such placement.

(e) Any and all public right-of-way damaged or disturbed during the facilities work shall be promptly repaired or replaced by the applicant to its functional equivalence prior to being damaged or disturbed.
(f) Any contractor, agent, affiliate, employee, or subcontractor used for facilities work in the right-of-way must be properly licensed under the laws of the State and all applicable local ordinances. Each contractor, agent, affiliate, employee, or subcontractor shall be accountable for the obligations herein to the same extent as the applicant. The applicant shall be ultimately responsible to ensure the contractor, agent, affiliate, employee, or subcontractor fully complies with the provisions of these Policies and Procedures and likewise shall be responsible for all acts or omissions of the contractor, agent, affiliate, employee, or subcontractor. Furthermore, upon written notice by the City, the applicant shall be responsible for promptly correcting acts or omissions by any contractor, agent, affiliate, employee, or subcontractor.

(g) Within 30-days of completion of any facilities work in the right-of-way, applicant shall provide City with a complete set of “as-built” drawings. Preliminary plans shall satisfy this requirement so long as those preliminary plans accurately reflect the facilities work done.


13-506. FEES.

Every applicant for facilities work in the right-of-way, at the time of filing of the permit application, shall pay to the City the applicable permit fees, except that any State or local government, governmental agency, public or private school, or water district organized under K.S.A. 19-3501 et seq., shall be exempt from the permit fees mandated exclusively by this Article.

Likewise, the permit fees mandated exclusively by this Article shall be waived for any facilities work in the right-of-way to extend utility service to a State, local or other governmental agency, public or private school facility.

Right-of-way permit fees may be established by Resolution of the Governing Body of the City of Park City, Kansas.

Every occupant performing work in the right of way shall be required as a condition of their permit to post a performance bond, in a form acceptable to the City, from a surety licensed to conduct surety business in the State of Kansas, ensuring appropriate and timely performance in the construction and maintenance of facilities located in the right of way. The amount and term of the performance/maintenance bond shall be determined by the City based upon the size and scope of the work sought to be performed under the permit.
13-507. FAILURE TO RESTORE RIGHT-OF-WAY.

If the occupant fails to restore the right of way in the manner and to the condition required by this Article, or any applicable City ordinance, rule or regulation, or fails to satisfactorily and timely complete all restoration required by the City, the City shall issue a written notice of violation giving the occupant ten (10) days to restore the right-of-way in the manner and to the condition required by this Article. If the occupant fails to make the repairs required by the City, the City may affect those repairs and charge the occupant the cost of those repairs. If the City incurs damages as a result of a violation of this Section, then the City shall have a cause of action against the occupant for violation of this Section, and may recover its damages, including reasonable attorney fees, if the occupant is found liable by a court of competent jurisdiction.

13-508. RELOCATION OF FACILITIES.

(a) The City will attempt to provide affected utilities with as much notice as possible, prior to the need for relocation. In any event, no later than 90 days from written notice by the City, any occupant with facilities in the right-of-way shall, at its own expense, temporarily, or permanently remove or relocate, change or alter the position of any facilities within the right of way whenever the City has determined that such removal, relocation, change or alteration is reasonably necessary for:

1. Construction, repair, maintenance or installation of any City or other publicly funded project or improvement in or upon the public ways; and/or
2. Operations of the City in and upon the right-of-way.

(b) Whenever possible, the relocation, change or alteration of any facilities shall be underground unless waived by the City. The City may waive this underground requirement for technical reasons or if underground placement would cause severe hardship to the occupant.

(c) Relocation of facilities must be completed no later than 90 days from the date written notice was provided to the occupant by the City. This time period may be extended by the City for good cause as demonstrated by the occupant.

(d) Any relocation of facilities at the City’s request must comply with all City ordinances except that the occupant shall not be required to pay any permit fees.

(e) The City shall provide occupant written notice of the failure to properly remove or relocate facilities. After 14 days from said written notice and in the event an occupant fails to remove, relocate or otherwise rearrange any facilities, the City may, at its option and in addition to the imposition of any penalties or any other remedies available, undertake or cause to be undertaken, such necessary removal or relocation. Any damages suffered by the City or its contractors as a result of such occupant's failure to timely remove or relocate its facilities shall be borne by such provider. Future
permit applications may not be granted to the same or related occupant until such time as those facilities are removed or relocated. The City shall have no liability for any damage caused by such removal or relocation and the occupant shall be liable to the City for all reasonable costs incurred by the City in such removal or relocation.

13-509. ABANDONMENT/REMOVAL OF FACILITIES.

(a) An occupant who has determined to discontinue its operations in the City must either:

(1) Provide satisfactory information to the City that the occupant’s obligations for its facilities under this Article have been lawfully assumed by another occupant; or

(2) Submit to the City a proposal and instruments for dedication of its facilities to the City. If an occupant proceeds under this clause, the City may at its option:

   i. Accept the dedication for all or a portion of the facilities; or

   ii. Require the occupant, at its own expense, to remove the facilities in the right of way at ground or above ground level; or

   iii. Require the occupant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

(b) Any occupant who has abandoned facilities in any City right-of-way shall remove them immediately unless such removal would cause unnecessary disruption and destruction to existing facilities or the right-of-way. For purposes of this Article, “abandoned facilities” includes any facilities that have not been used for the purpose for which they were constructed over a continuous period of 12 months. The City will notify occupants in writing of their intentions to proceed under this Section. The occupant shall have 60 days to remove or otherwise remedy the situation to the satisfaction of the City. In addition to any other remedy available in law or equity, where facilities are abandoned, the City may either, take possession of the facilities, abate the facilities or require the occupant or the successor in interest to the occupant to remove the facilities at their expense.

13-510. LIABILITY.

Every occupant of public rights-of-way shall assume all liability for any work which it performs in the right-of-way.

Occupants shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses,
expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of the provider, any agent, officer, director, representative, employee, affiliate, or subcontractor of the occupant, or their respective officers, agents, employees, directors, or representatives, while installing, repairing, removing or maintaining facilities in a public right-of-way. The indemnity provided by this Section does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors, or subcontractors. If an occupant and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of the State of Kansas without, however, waiving any governmental immunity available to the City under state or federal law and without waiving any defenses of the parties under state or federal law. This Section is solely for the benefit of the City and occupant and does not create or grant any rights, contractual or otherwise, to any other person or entity.

An occupant or the City shall promptly advise the other in writing of any known claim or demand against the occupant or the City related to or arising out of the occupant's activities in the public right-of-way.

13-511. DEFINITIONS.

In this Article, the following terms will have the following meanings:

(a) Applicant: Any person or entity seeking a permit from the City to conduct or, in the case of an emergency, recognize work in a public right-of-way. An applicant must be properly registered before submitting a permit application.

(b) City: City of Park City, Kansas.

(c) Entity: A corporation, partnership, limited liability company, association, firm and any governmental agency, authority, board, agency or department.

(d) Facilities: Including, but not limited to, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennas, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, supplying or furnishing utility services, cable television, communications, signaling, electricity, water, natural gas, steam or other services or similar functions.

(e) Liability Insurance: An amount not less than the minimums as set by the City, to protect the City and the Governing Body, officers, employees, and authorized agents thereof to the full extent indemnified hereunder from and against all claims by any person whatsoever for loss or damage from personal injury, death or property damage occasioned in any manner by the use of a public right-of-way. This provision
may be satisfied by supplying the City a letter of self-insurance and appropriate documentation verifying the applicant’s ability to provide no less than the minimum coverage required.

(f) **Occupant:** Any person or entity that occupies, uses, or seeks to occupy or use public lands or a public right-of-way through the placement of facilities therein. If the owner of any facilities leases, subleases, assigns or licenses the control or responsibility of any of those facilities to another person or entity, then the lessee, sublessee, assignee or licensee shall be deemed an occupant for that portion of such facilities.

(g) **Person:** An individual or natural person.

(h) **Right-of-Way:** Only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service.

(i) **Utility Service:** The providing, transmitting, supplying or furnishing cable television, communications, signaling, electricity, water, natural gas, steam or other similar service.

13-512. **VIOLATION.**

Any contractor, agent, affiliate, employee, individual, or subcontractor performing construction or maintenance of facilities within the City’s right of way without complying with the terms of this Article, may be cited for violation of this Article, and may also be subject to citation for Criminal Damage to Property.

Additionally, it is unlawful for any individual, proprietorship, partnership, company, corporation, municipal corporation or other entity to construct, erect, lay or otherwise place any pipeline, transmission line, main, pole, tower, sign or other structure above, across, upon or within any public land or right-of-way within the corporate limits of the City of Park City, Kansas in violation of the provisions of this Article. Any individual signing an application for permit shall be deemed the permittee and may be individually prosecuted for any violation of such permit.

13-513. **PENALTY.**

Any person, proprietorship, partnership, company, corporation, municipal corporation or other entity violating any of the provisions of this Article shall, upon conviction thereof by the Municipal Court of the City of Park City, Kansas, be fined in an amount not to exceed five hundred dollars plus court costs. Each day any such violation exists shall constitute a separate violation.
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CHAPTER 14. TRAFFIC

Article 1. Standard Traffic Ordinance
Article 2. Local Traffic Regulations
Article 3. Federal Motor Carrier Safety Regulations
Article 4. Hazardous Materials

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Park City, Kansas, the 2012 edition of the “Standard Traffic Ordinance for Kansas Cities”, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three (3) copies of said Standard Traffic Ordinances for Kansas Cities shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Park City, Kansas” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

(14-101 Amended by ORD #910-2012 adopted on 7/10/2012 published on 7/12/2012)

14-102. TRAFFIC OFFENSE.

A traffic offense is defined as any violation of this ordinance that is not an ordinance traffic infraction, as defined in Section 1 of said Standard Traffic Ordinance for Kansas Cities.

14-103. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; ADDITIONAL RESTRICTIONS FOR PERSONS UNDER 21 YEARS OF AGE.

Section 30.6 of the said Standard Traffic Ordinance for Kansas Cities is hereby created to read as follows:

Section 30.6 No person under twenty-one (21) years of age shall operate or attempt to operate any motor vehicle within this city while the alcohol concentration in the person’s blood or breath, as shown by any competent evidence, including other competent evidence, is .02 or more, but less than .08; The alcohol concentration in the person’s blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle is .02 or more, but less than .08.

Upon conviction of a violation of this section, a person shall be sentenced to not more than six months imprisonment and/or a fine not to exceed two thousand five hundred dollars ($2,500.00)."
14-104.  EXHIBITION OF SPEED; RACING ON HIGHWAYS.

Section 37 of the said Standard Traffic Ordinance for Kansas Cities is hereby amended to read as follows:

Section 37.

(a) No person shall drive any vehicle in any race, speed competition or contest, drag race or accelerations contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall, in any manner, participate in any such race, competition, contest or exhibition.

(b) Every person convicted of violation of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed five hundred dollars ($500.00) or by a term of imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

(14-104 Amended by ORD #868-2010 on 2/18/2010)

PENALTIES. Section 201 of the said Standard Traffic Ordinance for Kansas Cities is hereby amended to read as follows:

It is unlawful for any person to violate any of the provisions of this ordinance.

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $10.00 nor more than $50.00, except for speeding which shall not be less than $30.00 nor more than $500.00.

A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than $500 or by imprisonment for not more than one (1) month or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than $1,000 dollars or by imprisonment for not more than six (6) months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than $2,500 or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

CARELESS DRIVING. Section 301 of the Standard Traffic Ordinance for Kansas Cities is created to read as follows:
Sec. 301. Careless Driving.

(a) No person shall operate or halt any vehicle upon any street, highway, parking lot or other property open or accessible for use by the public, in such manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger, or be likely to endanger any person or property. Any driver who does so shall be considered to be prima facie in violation of this section; provided, however, that this section shall not apply to a vehicle driven by a person upon property owned by him/her and not open or accessible for public use.

(b) No driver, while driving, shall engage in any activity that interferes with the safe operation or control of the vehicle he/she is operating.

(c) Any person convicted of Careless Driving shall be punished by a fine of not more than five hundred dollars ($500.00) or by a term of imprisonment for not more than six (6) months or by both such fine and imprisonment.

14-105. SECTION 201 OF THE SAID STANDARD TRAFFIC ORDINANCE for Kansas Cities is hereby amended to read as follows:

Section 201. Penalties. It is unlawful for any person to violate any of the provisions of this ordinance.

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $10.00 nor more than $50.00, except for speeding which shall not be less than $30.00 nor more than $500.00.

A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than $500 or by imprisonment for not more than one (1) month or by both such fine and imprisonment; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than $1,000 dollars or by imprisonment for not more than six (6) months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than $2,500 or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

(14-105 Created by ORD #868-2010 on 2/18/2010)
14-106. SECTION 301 OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES is created to read as follows:

Sec. 301. Careless Driving.

(a) No person shall operate or halt any vehicle upon any street, highway, parking lot or other property open or accessible for use by the public, in such manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger, or be likely to endanger any person or property. Any driver who does so shall be considered to be prima facie in violation of this section; provided, however, that this section shall not apply to a vehicle driven by a person upon property owned by him/her and not open or accessible for public use.

(b) No driver, while driving, shall engage in any activity that interferes with the safe operation or control of the vehicle he/she is operating.

(c) Any person convicted of Careless Driving shall be punished by a fine of not more than five hundred dollars ($500.00) or by a term of imprisonment for not more than six (6) months or by both such fine and imprisonment.

(14-106 Created by ORD #868-2010 on 2/18/2010)

14-107. SECTION 195 OF THE STANDARD TRAFFIC ORDINANCE for Kansas Cities is hereby amended to read as follows:

Section 195. Driving in Violation of Restrictions.

(a) No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit imposed pursuant to any statute.

(b) Except as provided in subsection (c):

(1) Any person guilty of violating this section, upon the first conviction, shall be fined not to exceed $250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.

(2) Any person guilty of violating this section, upon a second or subsequent conviction, shall be fined not to exceed $500, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.

(c) Any person guilty of violating this section for operating a motor vehicle in violation of restrictions on a driver's license or permit imposed pursuant to K.S.A. 8-237, 8-296, 8-2,100 or 8-2,101, and amendments thereto:

(1) Upon first conviction, the court shall suspend such person's privilege to operate a motor vehicle for 30 days;
(2) Upon a second conviction, the court shall suspend such person's privilege to operate a motor vehicle for 90 days; and

(3) Upon a third or subsequent conviction, the court shall suspend such person's privilege to operate a motor vehicle for one year.

(d) Nothing in this section shall limit the court in imposing penalties, conditions or restrictions authorized by any other ordinance arising from the same occurrence in addition to penalties and suspensions imposed under this section.

(14-107 Created by ORD #868-2010 on 2/18/2010)

14-108. PEDESTRIANS SOLICITING RIDES OR BUSINESS.

Section 69 of the said Standard Traffic Ordinance for Kansas Cities is hereby amended to read as follows:

(a) No person shall stand upon or along a street or highway for the purpose of soliciting a ride.

(b) No person shall stand upon or along or within 10 feet of the curb of a street or highway for the purpose of soliciting employment, business or contributions from the occupant(s) of any vehicle. For streets or highways that have no curb, the 10 foot distance limitation above shall be measured from the edge of the paved roadway.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on such street or highway.

14-109. SEATBELTS

Section 182.1 of the said Standard Traffic Ordinance for Kansas Cities is hereby amended to read as follows:

"Sec. 182.1 Seat Belts. (a) Except as provided in subsection (b)

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion."
(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of the United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(d) (1) Persons violating subsection (a)(1) shall be fined $10 $30 and no court costs; and

(2) Persons violating subsection (a)(2) shall be fined $60 and no court costs.

(e) As used in this section, passenger car means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle."

SECTION 2. This Ordinance shall be included in the Municipal Code of the City of Park City and shall take effect and be in force from and after its publication in the official city newspaper.

(14-109 Created by ORD #1028-2017 on 7/13/2017)
ARTICLE 2. LOCAL TRAFFIC REGULATIONS

14-201. TRAFFIC CONTROL DEVICES AND MARKINGS.

The governing body may, by resolution, establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. In addition, the governing body may, by resolution, delegate the responsibility for establishing and fixing the location of such devices to officials of the city. The city shall place and maintain such traffic control signs, signals and devices when and as may be required by the authority of the governing body to make effective the provisions of this chapter and other ordinances for the regulation of traffic. Any official traffic control device placed pursuant to this section shall be marked and labeled on a map of the City of Park City for the purpose of displaying all such traffic control devices and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours of business.

(14-201 Amended by ORD #990-2016 adopted on 05/24/2016 published 05/26/2016)

14-202. SPEED LIMITS.

The maximum speed limits as set out in Section 33 of the currently adopted Standard Traffic Ordinance for Kansas Cities are amended as follows:

(a) On Broadway from the south city limits to a point one thousand three hundred twenty (1,320) feet south of the intersection of 69th Street North and Broadway, the maximum speed limit shall be forty (40) miles per hour.

(b) On Broadway from the point one thousand three hundred twenty (1,320) feet south of the intersection of 69th Street North and Broadway to the north city limits, the maximum speed limit shall be fifty-five (55) miles per hour.

(c) On Hydraulic Street from the south city limits to a point one thousand four hundred sixty-four (1,464) feet south of the intersection of Beaumont Street with Hydraulic Street, the speed limit shall be forty-five (45) miles per hour. From that point on Hydraulic Street one thousand four hundred sixty-four (1,464) feet south of the intersection of Beaumont Street with Hydraulic Street north to one hundred-seven (107) feet south of the intersection of Beaumont Street with Hydraulic Street the speed limit shall be forty (40) miles per hour. From that point one hundred-seven (107) feet south of the intersection of Beaumont Street with Hydraulic Street north to 61st Street North the speed limit shall be thirty-five (35) miles per hour. From the intersection of 61st Street North and Hydraulic Street north to a point on Hydraulic Street 1150 feet south of the northeast corner of Section 9, Township 26, Range 1E the speed limit shall be thirty-five (35) miles per hour. From that point 1150 feet south of the northeast corner of Section 9, Township 26, Range 1E on Hydraulic Street north to 69th Street the speed limit shall be forty (40) miles per hour. From 69th Street north to the north city limits the speed limit shall be fifty-five (55) miles per hour.
(d) On Mill Heights Drive, Blake Drive and Chuzy Drive the speed limit shall be thirty (30) miles per hour.

(e) On Primrose Street, Primrose Court, Primrose Circle, Newton Circle and 51st Street North from a point at the intersection of Primrose Street and Newton Circle to Broadway the speed limit shall be twenty (20) miles per hour.

(f) On 53rd Street from the west city limits to the east city limits of the City of Park City the speed limit shall be forty (40) miles per hour.

(g) On 61st Street from the west city limits to the intersection with Prospect Street the speed limit shall be forty (40) miles per hour. From the intersection of 61st Street and Prospect Street east to Broadway Avenue the speed limit shall be thirty-five (35) miles per hour.

(h) On 61st Street from Broadway Avenue east to the east city limits the speed limit shall be thirty-five (35) miles per hour.

(i) On 63rd Street from the intersection of that street with Broadway Avenue to the intersection of that street with Newcastle Street and on that portion of Newcastle Street from 63rd Street to its intersection with Sioux Street the speed limit shall be fifteen (15) miles per hour.

(j) Independence Street from 61st Street to Forestor Street and 61st Street from thirty-four (34) feet west of the west right-of-way of West Parkview west a distance of six hundred fifty-two (652) feet are designated as School Speed Zones. At all times that the traffic signal system alerting drivers to the presence of a School Speed Zone is activated along 61st Street or on Independence Street when a school child or children are occupying a marked crosswalk; are waiting at the curb or on the shoulder of the street and are about to cross the street by way of the marked crosswalk; or are present or walking along the street, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted School Speed Zone, the speed limit in such School Speed Zone shall be twenty (20) miles per hour.

(14-202c Amended by ORD #988-2016 adopted on 05/24/2016 published 05/26/2016)

(14-202c Amended by ORD #992-2016 adopted on 06/14/2016 published 06/16/2016)

(14-202 Amended by ORD #993-2016 adopted on 07/12/2016 published 07/21/2016)

(14-202 Amended by ORD #1043-2018 adopted on 05/01/2018 published 05/03/2018)

14-203. STOP SIGN LOCATIONS.

When stop signs are erected and maintained giving notice thereof, drivers of vehicles shall stop before entering intersecting or cross streets or portions of
intersecting or cross streets. The determination of the location of stop signs in the City of Park City shall be made by the governing body or by the City Administrator in consultation with the Chief of Police if so directed by the governing body.

(14-203 Amended by ORD #991-2016 adopted 05/24/2016 published on 05/26/2016)

14-204. YIELD SIGN LOCATIONS.

When yield signs are erected and maintained giving notice thereof, drivers of vehicles shall yield at the following intersections before entering any of the following streets or portions of streets:

(a) 51st Street North - Traffic on 51st Street North shall yield to Primrose Street traffic prior to entering the intersection; Traffic on 51st Street North shall yield to Newton Circle traffic prior to entering the intersection;

(b) Newton Circle - Traffic on Newton Circle shall yield to Primrose Street traffic prior to entering the intersection;

(c) Lancaster at East Parkview - Traffic on Lancaster Street shall yield to East Parkview traffic prior to entering the intersection.

(d) Ashford at East Parkview - Traffic on Ashford Street shall yield to East Parkview traffic prior to entering the intersection.

(e) Hartford at Beaumont - Traffic on Hartford shall yield to Beaumont Street traffic prior to entering the intersection.

(f) Forestor at Beaumont - Traffic on Forestor shall yield to Beaumont traffic prior to entering the intersection.

(g) Beaumont at Independence - Traffic on Beaumont shall yield to Independence traffic prior to entering the intersection.

(h) Cloverdale at Beaumont - Traffic on Cloverdale shall yield to Beaumont traffic prior to entering the intersection.

(i) Judson at East Parkview - Traffic on Judson shall yield to East Parkview traffic prior to entering the intersection.

(j) East Parkview at Beaumont - Traffic on East Parkview shall yield to Beaumont traffic prior to entering the intersection.

(k) Gary Street - Traffic on Gary Street shall yield to Ulysses Street traffic prior to entering the intersection;
(l) Frontenac Street - Traffic on Frontenac Street shall yield to Scottsville Street traffic prior to entering the intersection;

(m) Randall Street - Where it intersects with Ventnor Street;

(n) Scottsville Street - Traffic on Scottsville Street shall yield to Ventnor traffic prior to entering the intersection.

(o) Tarrytown at Fairchild - Traffic on Tarrytown Street shall yield to Fairchild traffic prior to entering the intersection.

14-205. NO PARKING.

(a) Vehicular parking is prohibited in the following locations:

(1) Connolly Court - The north side of Connolly Court (South Access) adjacent to Lots 2, 3 & 4, Quiktrip Plaza Addition, and the south side of Connolly Court (North Access) adjacent to Lot 2, Quiktrip Plaza Addition.

(2) Jacksonville Street - On the West Side of the street from 61st Street North to north entrance of Connolly Court.

(3) On west side of Wichita Street beginning at 53rd Street North south to the end of Wichita Street.

(4) On the east side of Broadway Street beginning 372.5 feet north of the 63rd Street North right-of-way line to 224.10 feet south of the 63rd Street North right-of-way line.

(5) On the south side of Arlington Drive beginning at the intersection of East Parkview and Arlington Drive; thence west to the intersection of Arlington Drive and West Parkview Drive.

(6) On the south side of Broadbeck Drive beginning at the intersection of East Parkview and Broadbeck Drive; thence west to the intersection of Broadbeck Drive and West Parkview Drive.

(7) On the south side of Charleston Drive beginning at the intersection of East Parkview and Charleston Drive; thence west to the intersection of Charleston Drive and West Parkview Drive.

(8) On the south side of Denver Drive beginning at the intersection of Hydraulic Avenue and Denver Drive; thence west to the intersection of Denver Drive and West Parkview Drive.

(9) On the north side of Evanston Drive beginning at the intersection of Hydraulic Avenue and Evanston Drive; thence west to the intersection of Evanston Drive and West Parkview Drive.
(10) On the north side of Frontenac Drive beginning at the intersection of East Parkview and Frontenac Drive; thence west to the intersection of Frontenac Drive and West Parkview Drive.

(11) On the south side of Gary Drive beginning at the intersection of Hydraulic Avenue and Gary Drive; thence west to the intersection of Gary Drive and Louisville Drive.

(12) On the east side of Independence Drive beginning at the intersection of E. 61st Drive North Frontage Road and Independence Drive; thence northwesterly to the intersection of Independence Drive and Jacksonville Drive.

(13) On the south side of Denver Drive beginning at the intersection of West Parkview Drive and Denver Drive; thence west to the intersection of Denver Drive and Mobile Drive.

(14) On the west side of Evanston Drive beginning at the intersection of Mobile Drive; thence north and east to the intersection of Evanston Drive and West Parkview Street.

(15) On the west side of Mobile Drive beginning at the intersection of Jacksonville Drive and Mobile Drive; thence north to the intersection of Mobile Drive and Denver Drive.

(16) On the north side of Beaumont Street beginning at the intersection of Hydraulic and Beaumont Street; thence west to the intersection of Beaumont Street and East Parkview Street.

(17) On the north side and the south side of the Park Road.

(18) On the north side of the 1400 block of Ashford Drive, except for the west 195 feet and the west wide of the 1500 Block of Ashford Place.

(19) On the east and west sides of Air Cap Drive.

(20) On Grove Street [from Charleston to Fairchild Street] adjacent to public parks from Midnight to 4:00 a.m., 7 days a week.

(21) On the west side of the access street east of Hydraulic, between Broadbeck and Ravena Streets.

(22) On the south side of the access road north of 61st Street, between Kerman and Grove Streets.

(23) On the south side of the access road on the north side of 61st street from East Parkview to Jacksonville Streets.
(24) On the north side of the access road on the south side of 61st street from Independence to Hydraulic.

(25) On any portion of any street within the city limits of the City of Park City where it is determined by the Chief of Police and the City Administrator that vehicular parking should be prohibited in the best interests of the health, safety and welfare of the citizens of the City; provided; however, that any such prohibition shall only become effective when a report of such a determination is made to the governing body and a sign is erected as set forth in subparagraph (b) below.

(b) Appropriate signs indicating "No Parking" shall be posted along the affected length of each street set out in subparagraph (a) above.

(14-205 Amended by ORD #889-2011 on 2/22/2011).

14-206. DO NOT ENTER.

(a) When “Do Not Enter” signs are erected and maintained giving notice thereof, drivers of vehicles shall not enter the following intersection or portion of Street:

(1) Beaumont Street - When entering the west end of Beaumont Street at the 1000 block.

(b) These “Do Not Enter” signal/signs shall be operational during school zone hours as established by the Board of Education for USD 259.

14-207. NO PARKING; WEIGHT LIMITATIONS.

No parking for vehicles with a gross weight exceeding twelve thousand (12,000) pounds

(1) On the West side of the street from 61st street North, to the North entrance of Connolly Court.

(2) On the 1600 block of the 61st street access road and in the 6200 block of the Hydraulic access road.

14-208. SCHOOL ZONES.

That in the best interest of the health, safety and welfare of the citizens of Park City, Kansas, the maximum speed limit on the following streets in the City of Park City, Kansas shall be as follows:

(a) Independence Street from 61st Street North (Kechi Road) to Cloverdale Street, the speed limit shall be 30 m.p.h. except on school days during the hours of 8:30 A.M. to 9:15 A.M.; 11:35 A.M. to 1:00 P.M.; and 3:45 P.M. to 4:30 P.M., or as otherwise
posted, such area to be designated as a School Speed Zone. During these stated hours, on school days, the speed limit on said streets as herein described shall be 20 m.p.h.

(b) 61st Street North (Kechi Road) from the West City limits to the East City Limits of Park City, Kansas the speed limit shall be 35 m.p.h., except that portion of 61st North beginning Sixty Feet (60') east of the east curb line of Jacksonville and ending four hundred eighty (480') Feet east of that point, the speed limit shall be 20 m.p.h. during the hours of 8:30 A.M. to 9:15 A.M.; 11:35 A.M. to 1:00 P.M. and 3:45 P.M. to 4:30 P.M., or as otherwise posted on school days or when warning lights are flashing. Such area to be designated as a School Speed Zone.

14-209. TRUCK ROUTES; DESIGNATED.

Truck or other commercial vehicle traffic be limited to Interstate Highway 1-135 and designated truck routes, hereby designates and establishes the following truck routes within the corporate limits of the City of Park City, Kansas, for the use of trucks and other commercial vehicles:

(1) Air Cap Drive
(2) Beaumont Street west of Air Cap Drive
(3) Broadway
(4) Hydraulic
(5) 53rd Street North
(6) 61st Street North
(7) 69th Street North
(8) 77th Street North
(9) 85th Street North

14-210. TRUCK ROUTES; DEFINITION.

For the purpose of this Article, the term “truck or other commercial vehicle” shall mean any truck, tractor, construction equipment such as motor graders, bulldozers of caterpillar-type tractors, or other device in, upon, or by which any person or property is or may be transported when such vehicle or combination of vehicles being towed or pushed has a gross weight in excess of sixteen thousand (16,000) pounds or more, and/or has assigned and affixed to it a vehicle tag bearing the weight class greater than “16W”.

14-211. TRUCK ROUTES; TRUCK ROUTE REQUIREMENTS.
Upon the posting of signs designating the truck routes as provided herein, every truck or other commercial vehicle as defined herein, except trucks or other equipment engaged in the construction, repair or maintenance of streets or other public utilities, shall use and follow such prescribed truck route or routes while within the City of Park City, Kansas, and shall not use any other roadway except those designated and marked as a truck route. Provided, that when it may be necessary for any such vehicle to deliver or unload cargo or to load or receive cargo at any destination within the city and the same is not prohibited by another ordinance, such vehicle may leave the truck route at the street intersection nearest to said destination and return to the truck route by the most direct street to said truck route. Provided further, that Park City Police Officers may direct the routing of such vehicles.

14-212. TRUCK ROUTES; EXCEPTION.

Any owner or operator of a truck or other commercial vehicle subject to this ordinance, which is principally garaged, parked or kept on the premises or place of business of said owner or operator within the City of Park City, Kansas, may operate such vehicle from a designated truck route to the place such vehicle is to be garaged, parked or kept by the closest and most direct route. This does not authorize the parking of said truck or commercial vehicle upon the streets of the City of Park City, Kansas, or relieve said owner or operator from the provisions of any other applicable ordinances of the City of Park City, Kansas.

14-213. TRUCK ROUTES; ENFORCEMENT.

Any police officer having reasonable belief that the gross weight of a vehicle or combination of vehicles is unlawful, is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to any scales suitable to this purpose within the corporate city limits of Park City, Kansas. However, no weighing of the vehicle shall be required if the legend of the tag of said vehicle is more than (16M) in order for said vehicle to be subject to the terms and penalties of this provision.

14-214. TRUCK ROUTES; PENALTY.

Any person, firm or corporation found guilty of violating the provisions of this ordinance shall be subject to a fine of not more than Five Hundred Dollars ($500.00).

14-215. BUS PARKING; AREAS DESIGNATED.

The governing body having determined that is in the best interest of the health, safety, and welfare of the citizens of Park City, Kansas, to designate bus street parking areas, hereby designates and establishes the following street parking areas within the City of Park City, Kansas, which may be utilized for the purpose of parking buses in addition to privately owned cars and pickups: Air Cap Drive, the west side of Independence Street between Beaumont Street and Forestor Street.

14-216. BUS PARKING; ADDITIONAL DESIGNATION.
Beyond the parking of buses authorized in Section 1 above, the City further authorizes and allows the bus street parking at the home or residence of the bus operator between the hours of 8:00 a.m. and 3:00 p.m. on days that school is in session as designated by U.S.D. #259, Wichita Public Schools, Wichita, Kansas. Bus street parking other than in the areas designated above in 14-209, at times other than specified herein shall be a violation of this provision.

14-217. BUS PARKING; DEFINITIONS.

(a) For the purpose of this ordinance, the term "bus" shall mean every self-propelled vehicle originally designed for carrying more than ten (10) passengers.

(b) For the purpose of this ordinance, the term "park", "parked", and "parking" shall mean the standing of a vehicle, whether occupied or not, other than temporarily being parked for the purpose and actually there being engaged in a loading or unloading of passenger(s) and/or property.

14-218. BUS PARKING; BUS STREET PARKING AREAS REQUIREMENTS.

Upon the posting of signs designating bus street parking areas as provided herein, every bus, as defined herein, except as allowed in Section 2, shall only be parked within a designated bus street parking area. This language does not relieve the owner or operator of said bus(es) from the provisions of any other applicable ordinances of the City of Park City, Kansas.

14-219. BUS PARKING; PENALTY.

Any owner or operator of a bus parked in violation of the provisions of this ordinance upon being found guilty of violating the provisions of the same, shall be subject to a fine of not more than Twenty Dollars ($20.00) and court costs.

14-220. CONSTRUCTION ZONES; PARKING LIMITATIONS.

It shall be and is hereby declared unlawful to park any vehicle of any kind or nature in a designated construction zone within the corporate city limits of the City of Park City, Kansas. This restriction extends to the frontage streets and residential streets falling within a marked construction zone.

14-221. CONSTRUCTION ZONES; REMOVAL AND RELEASE OF VEHICLES.

Any vehicle parked in a construction zone shall be subject to immediate towing, with the costs associated with the same to be paid by the owner of the vehicle, or his or her designated representative, prior to the vehicle being released to the owner or the owner’s designated representative.

14-222. CONSTRUCTION ZONES; PENALTY.
Any person and/or owner of a motor vehicle illegally parked in a construction zone shall be subject to a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00) and the court costs of the action.

14-223. LITTERING FROM A MOTOR VEHICLE.

(a) Litter, for purposes of this section, means rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description, including improperly discarded paper, metal, plastic or glass.

(b) No person shall throw, place or drop Litter or allow Litter to be thrown, placed or dropped from a Motor Vehicle onto or upon any Highway, Road or Street. The driver of the Motor Vehicle may be cited for any Litter thrown, placed or dropped from the Motor Vehicle unless any other person in the Motor Vehicle admits to or is identified as having committed the act.

14-224. LITTERING FROM A MOTOR VEHICLE; CRIMINAL LITTERING.

(a) Except as provided herein, Criminal Littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about: (1) 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 act; or (2) any private property without the consent of the owner or occupant of such property.

14-225. LITTERING FROM A MOTOR VEHICLE; PENALTIES.

(a) Upon a first conviction of Littering from a Motor Vehicle or Criminal Littering, a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) and upon a second or subsequent conviction, a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00).

(b) In addition to the fine in this provision, a person convicted of Littering from a Motor Vehicle and/or Criminal Littering shall be required to pick up Litter for a time prescribed by and place within the corporate limits of Park City.

14-226. MOTORIZED SCOOTERS.

(a) That it is necessary and appropriate that provisions be made to allow the use of electric and/or gas assisted motorized scooters within the city limits of the City of Park City, Kansas.
(b) That vehicle registration is not required on electric and/or gas motor scooters driven on residential streets only, but such electric motor and/or gas motor scooters are not permitted to be driven on arterial roadways. The driver of any such electric and/or gas motor scooter must be at least sixteen (16) years of age and have a valid driver’s license in possession. An instructional permit does not constitute a valid driver’s license.

(c) That the electric and/or gas motor scooter must have a headlight, tail light, brake light, turn signals and horn, all of which must be operational.

(d) That the electric and/or gas motor scooter shall follow all standard traffic ordinances for the State of Kansas and the City of Park City, Kansas.

14-227. “JAKE BRAKING.”

It shall be unlawful for the driver of any truck as defined in this chapter to use or operate or cause to be used or operated within the City of Park City, Kansas, any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise known as jake-braking.

14-228. DRIVING OFF THE PUBLIC STREETS AND ON PUBLIC OR PRIVATE PROPERTY.

(a) No person shall drive, stand or park any vehicle upon, across or onto the lawn, sidewalk, yard, farmland, crops or fence or other real or personal property of another person, without the consent of such property owner or person having lawful possession or control of such property.

(b) No person shall drive, stand or park any vehicle upon, across or onto any lawn, sidewalk, yard, park or other property, not intended for vehicular travel or parking, owned by or under the control of the City of Park City without consent of the Mayor of Park City, Kansas.

(c) Any person convicted of a violation of this section shall be deemed guilty of a misdemeanor and punished by a fine not to exceed five hundred dollars ($500.00) or by a term of imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Any police officer is hereby authorized to remove, or cause to be removed to a place of safety; any vehicle parked or left standing in violation of this section.

14-229. ABANDONED OR UNATTENDED VEHICLES ON CITY PROPERTY.

(a) No person shall leave abandoned or unattended, for a period in excess of 48 hours, any vehicle parked, stopped or left standing, in or upon any parking lot that is owned by or under the control of the City of Park City, without the consent of the Mayor or governing body of the City of Park City, Kansas.
(b) No person shall leave abandoned or unattended any vehicle parked, stopped, or left standing, on any street, alley, access easement, road, or drive which is owned by the City of Park City, which blocks, restricts or impedes the normal flow of vehicular traffic to other portions of any street, alley, access easement, road, or drive, or access to any building, facility, park field, or work site owned by, or under the control of the City of Park City.

(c) No person shall park, stop or leave standing or unattended, any vehicle on any street designated as an emergency snow route.

(d) Any police officer is hereby authorized to remove, or cause to be removed to a place of safety, any vehicle found to be in violation of this section.

14-230. LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED.

(a) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(b) Definitions.

(1) Sound Amplification System means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the broadcasting or amplification of sound.

(2) Plainly Audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on any street, highway, alley, parking lot, or driveway.

(c) Affirmative Defense. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance, or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by the City of Park City, or a gas, electric, communications, or refuse company;
(4) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Park City;

(5) The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, and other activities which have the approval of the department of the city authorized to grant such approval.

(d) PENALTIES: Any person, individual, partnership, corporation, or association who violates any of the provisions of this section is guilty of an ordinance violation, and upon conviction, shall be punished by a fine not to exceed five hundred dollars, ($500.00), or by imprisonment of not more than six (6) months, or by both such fine or imprisonment. Each day any violation hereof is found to exist, or continues to exist, shall be a separate offense and punishable as such hereunder.

14-231. TRUCK ROUTE USE REQUIRED.

(a) No person, firm, company or corporation shall operate any truck or other type of commercial vehicle, as defined by ordinance number 304-94, with a gross weight of sixteen thousand (16,000) pounds or more, or registered for a weight class greater than sixteen thousand (16,000) pounds, on any street not designated as a truck route by ordinance number 304-94. Except vehicles engaged in the collection of refuse or the delivery of goods or services.

(b) Any person, firm, company or corporation found guilty of this section shall be subject to a fine of not more than five hundred dollars ($500.00)

14-232. TRAFFIC REGULATIONS ON PRIVATE PROPERTY.

Whenever the person in possession or control of any private property used by the public for the purpose of vehicular traffic by permission of the owner, shall cause to be posted at each entrance thereto a permanently lettered clearly legible sign with the following legend:

"TRAFFIC REGULATIONS OF THE CITY OF PARK CITY ENFORCED ON THIS PROPERTY. SPEED LIMIT ______ M.P.H. (OR AS POSTED)."

Then such private property shall thereafter be deemed to be under the traffic regulations of the City of Park City, Kansas, as provided by law.

14-233. ILLEGAL PARKING ON PRIVATE PROPERTY.

(a) It shall be unlawful for any person to abandon, park or leave unattended a vehicle on the property of another unless authorized by the owner or person in charge of such property to do so. Provided, however, that this section shall apply only when such property is clearly and visibly marked by a sign or signs having lettering of at least one and one-half inches high and one-half inches wide, specifically indicating that
unauthorized parking is prohibited and further clearly and visibly marked with lettering at least one inch high and three-eighths inch wide indicating that unauthorized vehicles will be towed away at the vehicle owner’s expense.

(b) In any proceeding for the violation of this section, the registration plate displayed on the motor vehicle in violation shall constitute in evidence a *prima facie* presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the place where the violation occurred.

(c) For purposes of this article, the term “vehicle” shall include a semi-trailer or trailer that is not attached to a truck tractor or other motor vehicle capable of moving the semi-trailer or trailer.

14-234. TOWING AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES.

(a) The police department, and all members thereof are authorized to remove and/or tow away, or have removed and towed away by commercial or city owned towing service to an impound lot or other safe place designated by the city, without notice to the owner or lawful custodian of such vehicle, all vehicles found under the hereinafter enumerated circumstances:

(1) a vehicle upon a street, highway, bridge, or in any tunnel, that is so disabled or unattended so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle cannot safely operate the vehicle or are unable to provide for its custody or removal to a lawfully secure location; or

(2) a vehicle that is parked illegally in such a manner as to constitute a hazard or obstruction to the safe movement of traffic; or

(3) when the operator of any vehicle is arrested and taken into custody by the police department and such vehicle would thereby be left unattended and create a hazard or obstruction to the safe movement of traffic; or

(4) when a vehicle is found being driven on the streets and is not in proper or safe condition to be driven and cannot be removed safely to a lawfully secured location by the owner or operator; or

(5) when the driver of a vehicle is injured in an accident and is unable to provide for its custody or removal; or

(6) when a vehicle is parked on a snow emergency route; or

(7) when a vehicle is illegally parked on public property and in any area also designated by signs as a tow zone and to which a uniform traffic citation has been affixed to said vehicle or presented to the owner or operator of said vehicle; or

(8) when a vehicle is parked in violation of Section 14-233; or
(9) when a vehicle is reported or determined to be stolen and is recovered; or

(10) when a vehicle is subject to seizure as evidence in a criminal prosecution; or

(11) when a vehicle is subject to seizure or forfeiture under the laws of this state or federal law.

(b) Vehicles which are subject to being towed and impounded pursuant to this section under conditions that do not constitute an immediate obstruction to the normal and safe movement of traffic and are determined to be abandoned shall not be towed or impounded until the vehicle has placed on its windshield or in another prominent location a sticker or placard indicating the vehicle is in violation of this article and shall be towed by the police department after forty eight hours from the time the sticker or placard was attached to the vehicle. The sticker or placard shall include such other information as the chief of police determines is necessary.

14-235. RELEASE PROCEDURES.

Except when the provisions of the Kansas Standard Asset Seizure and Forfeiture Act apply, all motor vehicles towed and impounded pursuant to the provisions of this Code shall be surrendered to the owner upon presentation of the following to the commercial or city tow service where the vehicle is impounded:

1. Proof of ownership of the vehicle by lawful title or other proof of lawful entitlement to the vehicle;

2. Proof of a driver's license or other valid photo identification;

3. Proof of valid registration and proof of current liability insurance coverage for the vehicle; and

4. Payment of all storage charges and towing fees incurred in the towing and impounding of the vehicle unless the owner is otherwise relieved of that requirement by application of the hearing provisions set forth in this chapter.

14-236. HEARING PROCEDURES.

(a) Owners or persons entitled to the lawful custody of impounded vehicles who wish to contest the validity of the vehicle tow may request a hearing for such purpose by notifying the Park City Municipal Court Clerk of the request in writing. The request shall state the grounds upon which the person requesting the hearing believes the impoundment invalid or unjustified. Absent exigent circumstances, such request must be made no later than five business days from impoundment of the vehicle or receipt of the notice of impoundment, whichever is later.
(b) A hearing for the purpose of determining the validity of the tow shall be held by the municipal court within seven days of receipt of proper request filed pursuant to this section, except where a vehicle has not yet been released from impoundment, in which case the court will set and conduct the hearing within three working days after such hearing is requested. The times of the hearing shall be set by the Clerk of the Municipal Court.

(c) Pending such hearing, the owner or person lawfully entitled to custody of any impounded vehicle may retrieve the impounded vehicle upon payment of an amount equal to the towing and storage charges incurred by the vehicle. If such payment is made, the vehicle will be released immediately upon proof of entitlement thereof.

If the owner or person lawfully entitled to custody of any vehicle does not make advance payment of the charges, then such vehicle will remain in storage until a hearing is had.

(d) The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle. Any person who fails to appear at the hearing without good cause will not be entitled to have such hearing rescheduled.

(e) If, after hearing, the court determines that there was no factual basis for the impoundment of said vehicle, then the vehicle will be released to the owner or person lawfully entitled to custody thereof without costs, and any amount previously paid by such person for towing and storage charges will be returned to them by the wrecker service operator. If after hearing it is determined that the vehicle was lawfully towed, and towing and storage charges have been previously paid by the owner or person having lawful custody of the vehicle, then such payment may be retained by the wrecker service operator.

(f) If any owner or person lawfully entitled to custody of any impounded vehicle makes an advance payment of all towing and storage costs but does not appear at the designated time for hearing, such payment shall be forfeited to the wrecker service operator.

(g) Owners of vehicles which are stolen and impounded under the provisions of this title shall be responsible for payment of any charges in connection with towing or storage of any stolen vehicle.

(h) An appeal from an order of a municipal court judge made pursuant to this section of the code shall be directed to the Eighteen Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101(d) and amendments thereto.

(14-233, 14-234, 14-435, 14-236 created by ORD#931-2013 on 8/15/13)
ARTICLE 3. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

14-301. ADOPTION OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS BY REFERENCE.

There is hereby incorporated by reference for the purpose of regulating traffic upon highways and streets of the City that certain standard safety regulations known as Federal Motor Carrier Safety Regulations, 2005 Administrator Edition, parts 383, 385 and 390-397, prepared and published in book form by Mangan Communications, Inc., 315 West Fourth Street, Davenport, Iowa, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No less than three (3) copies of said book shall be marked or stamped “Official Copy” as adopted by this ordinance with a copy of the ordinance attached thereto, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, City Prosecutor and all administrative departments of the City charged with the enforcement of these regulations shall be supplied, at the cost of the City, such number of official copies of said book as may be deemed expedient.

14-302. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; MODIFICATIONS.

Sections 390.37 and 383.53 of the Federal Motor Carrier Safety Regulations are hereby repealed. The following substitute provision is adopted:

(a) The Court Clerk of Park City, Kansas, is hereby directed to abstract all convictions of violations committed by persons holding a Commercial Driver’s License (CDL) to the Driver’s Control Bureau of the Department of Revenue of the State of Kansas. Any further action to a person’s CDL as a result of the abstracted conviction will be at the discretion of the Driver’s Control Bureau in accordance with state statutes and regulations.

(b) It shall be unlawful for any person to violate the provisions of the Federal Motor Carrier Safety Regulations, parts 383, 385 and 390-397. The judge of the Municipal Court may, in the manner prescribed by K.S.A. 12-4305 or any amendments thereto, establish a schedule of fines for violations of any section of the Federal Motor Carrier Safety Regulations, parts 383, 385 and 390-397, such fine not to exceed Five Hundred Dollars ($500.00) plus court costs. Any person who violates the provisions of the Federal Motor Carrier Safety Regulations, parts 383, 385 and 390-397, shall, upon conviction, be punished as set forth in the schedule of fines. Any person who violates any provision of the Federal Motor Carrier Safety Regulations, parts 383, 385 and 390-397, for which a fine is not scheduled shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars ($500.00) plus court costs.

(c) Section 396.9(a) of the Federal Motor Carrier Safety Regulations is hereby repealed and a new Section 396.9(a) is added to read as follows:
396.9(a). Personnel authorized to perform inspections. Inspections of motor carriers’ vehicles in operation shall be conducted by Commercial Vehicle Safety Alliance (CVSA) certified officers.

14-303. INTERPRETATION. This Article shall be construed as follows:

(a) Liberal Construction - The provisions of this Article shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(b) Savings Clause - The repeal of any sections of this Article, as provided herein below, shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities therefor. Said ordinance repealed is hereby continued in force and effect after the passage, approval and publication of the ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

(c) Invalidity - If for any reason any chapter, article, section, subsection, sentence, portion or part of the proposed ordinance set out, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Code or other ordinances.
ARTICLE 4. HAZARDOUS MATERIALS

14-401. HAZARDOUS MATERIAL DEFINED.

As used in this article, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health or safety or the environment if released into the workplace or environment or when improperly treated, stored, transported, or disposed of or otherwise managed.

14-402. HAZARDOUS MATERIAL; EXCEPTIONS.

The provisions of this article shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted. These provisions shall also not apply to vehicles, trailers, containers or tanks containing anhydrous ammonia or other material primarily used by farmers for fertilizer purposes when such vehicles, trailers, containers or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container or tank by any farmers cooperative, elevator company or farm supply store located within the city limits.

14-403. TRANSPORTATION OF HAZARDOUS MATERIALS.

Except as provided in section 14-404 it shall be unlawful for any person, firm, corporation or other entity to transport any hazardous material upon any street, avenue, highway, road, alley or any other public right-of-way in the city.

14-404. HAZARDOUS MATERIALS ROUTES.

The provisions of section 14-403 shall apply to all streets, avenues, highways, roadways, alleys or other public right-of-ways within the city except those specified within this section where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways:

(a) (Reserved)

(b) (Reserved)

(c) (Reserved)

14-405. PARKING OF VEHICLES OR TRAILERS CARRYING HAZARDOUS MATERIALS.

(a) Except as provided in subsections (b) and (c), it shall be unlawful for any person, firm, corporation or other entity to park any vehicle, trailer or semi-trailer
carrying any hazardous material within any of the following city zoning districts as defined in Chapter 16 of this code:

(1) (Reserved)

(b) Subsection (a) shall not apply to vehicles, trailers or semi-trailers parked for continuous periods of time not to exceed one hour where such vehicles, trailers or semi-trailers are parked along those routes specified in section 14-404 of this code.

(c) Subsection (a) shall not apply to any vehicle, trailer or semi-trailer carrying any hazardous material where such vehicle, trailer or semi-trailer is not parked within 500 feet of any structure used for human habitation.

14-406. REMOVAL OF ILLEGALLY PARKED TRAILERS.

If any vehicle, trailer or a semi-trailer is found parked in violation of the provisions of this article, the fire chief or assistant chief or any law enforcement officer may require the owner, operator or lessee of the trailer to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the trailer or semi-trailer at its parked location constitutes, adds to or prevents correction of a situation threatening imminent injury or damage to persons or property.
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CHAPTER 15. UTILITIES

Article 2. Water
Article 3. Electricity
Article 4. Sewers
Article 5. Solid Waste
Article 6. Solid Waste Utility (Curbside Recycling)
Article 7. Water Conservation
Article 8: Theft of Utility Services
Article 9: Grease Traps

ARTICLE 1. GENERAL PROVISIONS

15-101. DEFINITIONS.

For purposes of this article the following terms shall have the meanings set out thereafter:

(a) Existing Service Connection. An existing service connection is one that has been installed prior to the adoption of this chapter and has been duly authorized by existing policies of the City.

(b) Inspection Fee. A charge made by the City to recover labor costs associated with inspecting service connections.

(c) New Service Connection. A service connection made for the first time in order to be serviced by a city utility.

(d) Plant Equity Fee. A charge made by the City to be used to pay debt service toward the water and sewer plants. This equity fee is paid to purchase and reserve capacity and is considered a reimbursement for payments made for additional capacity by the City.

(e) Sanitary Sewer Service Connection. The physical connection made between the City's Sanitary Sewer System and a point located 5 feet from the foundation of a structure measured along the centerline of the structure's discharge line.

(f) Service Connection Standards. A set of specifications establishing construction standards and materials to be used when making service connections as outlined herein.

(g) Utility Improvement Fee. A charge made by the City to offset future costs of expansion and improvement to its utility resulting from increased demand from additional connections being made to the utility.
(h) Utility Services. Water, sewer, solid waste (refuse) and any other utility services provided by the city.

(i) Water Service Connection. The physical connection made between the City’s Water System and the City’s meter.

15-102. DELINQUENT ACCOUNTS.

Unless otherwise provided, water, sewer, solid waste (refuse) or other utility service shall be terminated for nonpayment of service fees or charges in accordance with sections 15-103 and 15-104.

15-103. NOTICE; HEARING.

(a) If a utility bill has not been paid on or before the due date as provided in this chapter, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and such notice shall be provided to the customer by United States mail, electronic mail or by telephone.

(b) The notice shall state:

(1) The amount due, plus delinquency charge;

(2) That service will be terminated if the amount due plus delinquency charge is not paid within 5 days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday or legal holiday, in which event such notice will give the customer until the close of the next business day in which to pay the charges;

(3) That the customer has the right to a hearing before the designated hearing officer

(4) That the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.

(c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.”

SAME; FINDING. Following the hearing, if the hearing officer shall find that service should not be terminated, notice of such finding shall be presented to the city clerk. If the officer finds that service should be terminated, an order shall be issued terminating service five days after the date of the order. The customer shall be notified either in person or by mailing a letter to his or her last known address by certified mail, return receipt requested. However, if the order is made at the hearing in the presence of the customer, then no further notice need be given. The hearing officer has a right, for good cause, to grant an extension, not to exceed 10 days, for the termination of such service.
15-105. UTILITY DEPOSIT.

(a) At the time of making application for water and/or sewer service, the property owner or customer shall make a cash deposit to secure payment of accrued bills or bills due on discontinuance of utility service. Receipt thereof shall be issued to each such depositor.

(b) The deposit required for residential water service is $40.00 per water meter. The deposit for commercial or industrial water service is dependent on the size of the water meter. The deposit per meter is $100.00 for a ¾" meter; $125.00 for a 1" meter; $150.00 for a 2" meter; $175.00 for 3-4" meters; and $200.00 for 5" or larger meters.

(c) The deposit so made shall be kept by the city clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the state corporation commission yearly and credited to the customer's account December 31st of each calendar year.

(d) On the second interest payment date following the deposit required above, the city clerk shall refund the deposit of any depositor who is owner of the premises wherein such utility service is being furnished and has not been delinquent in payment of any utility service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the city for services furnished prior thereto or it may be credited towards the payment of the final bill rendered to the customer.

(f) Any security deposit not refunded within three years after discontinuance of service shall be deposited in the utility fund of the city upon compliance with the provisions of K.S.A. 12-822 as amended.

15-106. DELINQUENT ACCOUNTS; REFUSAL OF SERVICE; TERMINATION OF SERVICE; LIEN AGAINST PROPERTY.

(a) In the event that any person, except the United States or the state of Kansas, shall fail to pay the fees or charges for such utility services(s), utility service shall be terminated as provided in sections 15-102 through 15-104. The governing body may refuse the delivery of utility service(s), as permitted by law, until such time as the fees and charges are paid in full.

(b) In the event that any person, except the United States or the state of Kansas, residing, occupying, using or operating on property to which utility service(s) furnished by the city is not paid, the unpaid fees or charges shall constitute a lien upon the property to which the utilities are furnished. The amount of the unpaid fees or
charges may be certified by the governing body to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection, subject to the same penalties and collected in the same manner as other taxes are collected by law.

(c) The lien, described in subsection (b) of this section, shall not attach to property for unpaid utility fees or charges when the utility service(s) have been contracted for by a tenant and not by the landlord or owner of the property to which the utility service is provided.

(d) In addition to the remedies set out above for collection of unpaid utility fees or charges, the City may submit such unpaid utility fees or charges to the State of Kansas for collection under the provisions of K.S.A. 75-6201, et seq., as amended from time to time.

(e) If at the time of application for utility service the applicant has an outstanding balance or unpaid fees or charges for utility services provided by the city, the application shall not be accepted until all fees or charges are paid in full.

(f) If utility service is furnished to leased premises on the application and request of the lessor of the premises all billings for utilities furnished to such leased premises may be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

(g) All unpaid fees or charges for utility services provided by the city that are turned over for collection, including referral to the State of Kansas setoff program, shall be subject to an administrative fee of twenty-five percent (25%) of the total of the unpaid amount. This administrative charge shall be applied to the unpaid balance prior to referral for collection.

(15-106 Amended by ORD #859-2009 on 10/22/2009).

15-107. NEW SERVICE CONNECTION CHARGES. Following are the charges for new service connections to the city’s water and sewer utilities:

(a) RESIDENTIAL INSIDE CITY LIMITS
### City of Park City Municipal Code 15-5 Chapter 15 - Utilities

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Connection Inspection Fee</th>
<th>Per Utility Improvement Fee 1 for Water/1 for Sewer</th>
<th>Water Plant Equity Fee</th>
<th>Sewer Plant Equity Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8”, 3/4”, 1” Meter</td>
<td>$30.00</td>
<td>$250.00</td>
<td>$200.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Irrigation Meter</td>
<td>$30.00</td>
<td>$75.00</td>
<td>$138.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

- For residential and commercial water service located within the RWD#2 boundary add **$250.00** to the fees in the table above.

The following additional fees will be charged for all 3/4” to 1” meters only when the City provides any of the services set out below:

<table>
<thead>
<tr>
<th>Meter</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meter installation</td>
<td>No Charge</td>
</tr>
<tr>
<td>Meter Box, lid, cover and frame</td>
<td>Cost</td>
</tr>
<tr>
<td>Meter box installation</td>
<td>$75.00</td>
</tr>
<tr>
<td>Tap Main</td>
<td>$100.00 plus parts</td>
</tr>
<tr>
<td>Trenched service tubing</td>
<td>$6.00/ft plus parts</td>
</tr>
<tr>
<td>Bored service tubing</td>
<td>$8.00/ft plus parts</td>
</tr>
</tbody>
</table>

Meters larger in size than 1” shall be installed by a contractor at owner’s expense under the inspection of the City, which will additionally include, but not be limited to meter, meter installation, meter vaults, meter box, lid, cover and frame.

(b) **RESIDENTIAL OUTSIDE CITY LIMITS.** Outside of City Limits residential service connections will be charged a utility improvement fee equal to 1.5 times that charged for inside City service connections.

(c) **THE CHARGES LISTED HEREIN COVER NORMAL INSTALLATION ONLY.** Installations requiring special equipment or labor will be charged at cost to the City. All new residential service connections will require payment of an inspection fee, plant equity fee and utility improvement fee. Multiple family residential units will be subject to only one inspection charge per physical connection to the city utility. Installation of service connections by private contractors or homeowners will be allowed provided all other provisions of this Ordinance are followed. Multiple family residential units and individual mobile homes having individual meters will be charged 80% of the utility improvement fees, and equity fees based on size of meter. Apartment complexes and Mobile Home Parks having master meters will be considered commercial and will pay commercial rates as listed within the Ordinance.

Residential properties must connect to the City sewer system if there is a main within 200 feet of their property. Residential properties having self contained sewer facilities on their property are exempted from the 200 foot mandatory connection rule as
long as their system is operational, and meets all current Kansas Department of Health and Environment standards.

(d) COMMERCIAL AND INDUSTRIAL INSIDE THE CITY LIMITS.

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Connection Inspection Fee</th>
<th>Per Utility Improvement Fee 1 for Water/ 1 for Sewer</th>
<th>Water Plant Equity Fee</th>
<th>Sewer Plant Equity Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot; Meter Set (50 gpm)</td>
<td>$30.00</td>
<td>$250.00</td>
<td>$200.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>2&quot; Meter Set (160 gpm)</td>
<td>$30.00</td>
<td>$300.00</td>
<td>$640.00</td>
<td>$640.00</td>
</tr>
<tr>
<td>2-2&quot; Meters on 4&quot; Service Line (320 gpm)</td>
<td>$50.00</td>
<td>$320.00</td>
<td>$1280.00</td>
<td>$1280.00</td>
</tr>
<tr>
<td>3&quot; Meter on 4&quot; Service Line (350 gpm)</td>
<td>$30.00</td>
<td>$350.00</td>
<td>$1,400.00</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>4&quot; Meter on 4&quot; Service Line (1000 gpm)</td>
<td>$30.00</td>
<td>$1,000.00</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>6&quot; Meter on 6&quot; Service Line (1850 gpm)</td>
<td>$30.00</td>
<td>$1,850.00</td>
<td>$7,400.00</td>
<td>$7,400.00</td>
</tr>
<tr>
<td>2-3&quot; Meters on 6&quot; Service Line (700 gpm)</td>
<td>$50.00</td>
<td>$700.00</td>
<td>$2,800.00</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>2-4&quot; Meters on 6&quot; Service Line (2000 gpm)</td>
<td>$50.00</td>
<td>$2,000.00</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>8&quot; Meter on 8&quot; Service Line</td>
<td>$50.00</td>
<td>$3,500.00</td>
<td>$12,500.00</td>
<td>$9,400.00</td>
</tr>
<tr>
<td>2-4&quot; Meters on 8&quot; Service Line (2000 gpm)</td>
<td>$50.00</td>
<td>$2,000.00</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>2-6&quot; Meters on 8&quot; Service Line (3700 gpm)</td>
<td>$50.00</td>
<td>$3,700.00</td>
<td>$14,800.00</td>
<td>$14,800.00</td>
</tr>
</tbody>
</table>

Commercial and industrial establishments may not connect to a single city utility, unless approved by the City Council. In order to obtain any municipal utility service, such establishment must connect to both the water and sanitary sewer systems if available or within 800 feet. If meter sizes do not match the table above, the utility improvement fee will be calculated at $1.00 per gpm, Water Plant Equity Fee will be calculated at $4.00 per gpm and the Sewer Plant Equity Fee will be calculated at $4.00 per gpm.

(e) OUTSIDE OF CITY LIMITS COMMERCIAL AND INDUSTRIAL service connections will be charged a utility improvement fee equal to 1.5 times that charged for inside City service connections.

15-108. EXISTING SERVICE CONNECTION CHARGES.
There will be no charges for existing service connections unless a reconnection to the city system is required due to reasons other than those caused by city construction activity or replacement of existing service. If reconnection to a water meter is required due to replacement of service tubing from a structure to a meter or a new connection to the main is required, a $30.00 inspection fee will be charged. If a sanitary sewer connection is replaced and a re-tap on the city line is required, a $30.00 inspection fee will be charged. Reconnection of water meters for non-payment will not be assessed improvement, or equity fees.

15-109. STANDARDS FOR SERVICE CONNECTIONS.

Standard specifications shall be adopted outlining construction methods and material requirements for service connections and connection of service lines to the city water meter. These standards shall be prepared by the Director of Public Works and shall become a part of this code without further action by the governing body. Copies of the specifications shall be printed and bound and may be sold to the public at cost. Copies of the specifications shall be on file in the office of the City Clerk for public review.

15-110. APPLICATION FOR SERVICE CONNECTIONS.

No service connections will be allowed until such time as an application for such service has been received and approved by the city. Upon approval of the application all applicable service connection charges are due and shall be paid prior to construction of the connections. When special installation is required and assessment of charges cannot be made prior to construction, the charges shall be paid immediately upon such assessment. If such fees are not paid the city reserves the right to disconnect such service at the point of connection with the city utility.

15-111. INSPECTION PROCEDURES.

The Director of Public Works or his or her representative shall make no service connection without inspection. All service connections shall remain exposed until such time as the inspection is made and the installation approved. If a service connection is covered prior to inspection, such connection shall be exposed without expense to the city and shall then be inspected. The city reserves the right to disconnect any service, which has not received appropriate inspection. A forty-eight hour notice shall be given to the City prior to inspection. No inspections will be completed on weekends or holidays.

15-112. CITY INSTALLATION OF SERVICE CONNECTIONS.

City personnel will not install sanitary sewer connections or water service tubing from the structure to the meter. City personnel may install the water service connection between the main and meter at the request of the property owner and as work
schedules permit such installations. All other service connection work will be performed by the property owner or a competent contractor, all such work to be inspected as set forth in section 15-114.

15-113. PROPERTY OF THE CITY.

All meters, meter boxes, tubing between the main the meter and fittings are and remain city property and may be removed only upon written approval by the city.

15-114. EXCEPTIONS.

Any of the provisions of this article may be waived or modified, including connection fees, upon adoption of a Resolution by the governing body. Such Resolution shall state the name of the applicant seeking relief from these provisions, the specific provision(s) being waived or modified and the reasons supporting the granting of a waiver or modification.

15-115. FIRE PROTECTION.

Whenever a private fire system is required that is not installed on City property, those wishing or requiring fire hydrants shall install, at their sole cost and expense, a double detector valve servicing the fire hydrants. This installation will require a City inspection with a fee of $30.00.

15-116. ESTABLISHMENT OF FUNDS.

The City Clerk shall establish funds for Water Improvement Fee, Sewer Improvement Fee, Water Plant Equity Fee, and Sewer Plant Equity Fee to track all incoming revenue from these sources. Monies coming into the Improvement Fee fund shall be used for improvements to the City’s water and sewer mains for replacement or the construction of new lines. The Plant Equity Fees shall be used to pay for water and sewer plant debt service only. The City Council may, by Resolution; direct money from the improvement fee fund to the operations fund should there be deficiencies in revenue in the operations and reserve funds. Said Resolution must be approved by 2/3 of the voting members present.

15-117. SERVICE CHARGE FOR RETURNED CHECKS.

A fee of $30.00 is hereby authorized to be charged to any water or sewer consumer whose check, given in payment of any bill, fees, charges or other costs related to the providing of water and/or sewer service in the City of Park City, is returned for any reason.

ARTICLE 2. WATER

15-201. SUPERINTENDENT OF WATER AND SEWAGE.

The general management, care, control and supervision of the city water system shall be in the superintendent of water and sewage, who shall be appointed by the mayor with the consent of the governing body.

15-202. REGULATIONS.

The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this article.

15-203. DEFINITIONS.

As used in this article, the following terms shall be defined to mean:

(a) Administrative Authority shall mean the City of Park City, Kansas acting upon given practices, policies and information approved and provided by the Kansas Department of Health and Environment.

(b) Backflow shall mean the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source.

(c) Backflow Retention Device shall mean a device or means of preventing backflow into the potable water system.

(d) Backsiphonage shall mean the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe. (see Backflow).

(e) Cross Connection shall mean any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and/or contaminated water or other substances to enter into any part of such potable water system under any condition.

(f) Certified Technicians shall mean Qualified Device Testers as determined by the Kansas Department of Health and Environment (list on file at City Hall).

(g) Public Works Personnel - shall mean any public works employee of the City of Park City, Kansas.

15-204. SERVICE NOT GUARANTEED.

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

15-205. SERVICE CONNECTIONS REQUIRED.

(a) The owner of any house, building, or property used for human occupancy,
employment, recreation, or other purpose, situated within the city abutting on any street,
alley, or right-of-way in which a public water main is located, is hereby required at his or
her own expense to make connection to such public water main from any such house,
building, or property. Such obligation to connect to the public water distribution system
shall also arise when a new public water main is constructed in any street, alley, or
right-of-way within the city abutting any such house, building, or property.

15-206. APPLICATION FOR SERVICE.

(a) Any person, firm or corporation desiring a connection with the municipal
water system shall apply in writing to the city clerk, on a form furnished by the city for
that purpose, for a permit to make the connection.

(b) The application shall:

(1) Contain an exact description including street address of the
    property to be served;

(2) State the size of tap required;

(3) State the size and kind of service pipe to be used;

(4) State the full name of the owner of the premises to be served;

(5) State the purpose for which the water is to be used;

(6) State any other pertinent information required by the city clerk;

(7) Be signed by the owner or occupant of the premises to be served,
or his or her authorized agent.

(c) Each application for a connection permit shall be accompanied by
payment of fees and/or deposit costs specified herein.

15-207. CITY TO MAKE CONNECTIONS.

All taps shall be given, street excavations made, corporation cocks inserted,
pipes installed from main to curb, and the curb cock installed in a meter box to which
the service pipe is to be connected by city employees only.
15-208. ADDITIONAL FEES FOR PROPERTIES WITHIN SEDGWICK COUNTY RURAL WATER DISTRICT NUMBER 2.

Pursuant to the journal entry of judgment in the case captioned City of Park City, Kansas, Plaintiff, vs. Rural Water District No. 2, Sedgwick County, Kansas, Defendant, in Sedgwick County District Court Case No. 96-C-3559, the City of Park City is required to and does hereby assess hook-up fees and franchise fees as follows for properties located within the boundaries of Sedgwick County Rural Water District No. 2 (excepting the Kansas Coliseum property):

(a) A fee of Two Hundred Fifty Dollars ($250.00) per water hook-up for both residential and commercial properties in the area described herein above. The payment of said hook-up fees shall be due at such time as the property is connected to the City's water line and shall be in addition to any other fees or deposits due the City.

(b) The City shall assess and collect a 17% franchise fee on all gross water sales to residential customers within the boundary set out above.

(c) The City shall assess and collect an 8.5% franchise fee on all gross water sales to any commercial customer within the boundary set out above.

15-209. ADDITIONAL CHARGE FOR MISSED APPOINTMENTS.

The City may charge Ten Dollars ($10.00) for each service call scheduled by the consumer for a service reconnect with the City for which the customer fails to appear to meet the representative of the water department. The charge for a missed appointment will be billed as a part of the next regularly scheduled billing of the customer for water service.

15-210. UNLAWFUL CONNECTIONS.

(a) No installation of potable water supply piping or any part thereof shall be made in such a manner that it will be possible for unclean, polluted or contaminated water, mixtures, or substances to enter any portion of such piping from any tank, receptacle, equipment, or plumbing fixture by reason of backsiphonage, by suction or any other cause, either during normal use and operation thereof or when any such tank, receptacle, equipment, or plumbing fixture is flooded, or subject to pressure in excess of the operating pressure in the hot or cold water piping.

(b) No person shall make a connection or allow one to exist between pipes or conduits carrying domestic water supplied by any public or private water system, and any pipes, conduits, or fixtures containing or carrying water from any other source or containing or carrying water which has been used for any purpose whatsoever, or any piping carrying chemicals, liquids, gases, or any substances whatsoever, unless there is provided a backflow prevention device approved for the potential hazard.

(c) No plumbing fixture, device, or construction shall be installed or maintained or shall be connected to any domestic water supply when such installation
or connection may provide a possibility of polluting such water supply or may provide a cross connection between a distributing system of water for drinking and domestic purposes and water which may become contaminated by such plumbing fixture, device, or construction unless there is provided a backflow prevention device approved for the potential hazard.

15-211. CURB COCKS.

There shall be a curb cock in every service line attached to the city main, the same to be placed within the meter box. Curb cocks shall be supplied with strong and suitable "T" handles.

15-212. CHECK VALVES.

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

15-213. UNAUTHORIZED PERSONS TURNING WATER ON OR OFF AT THE METER OR CITY CURB COCK; PENALTY.

(a) It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or curb cock shut off, with a key or in any other manner, without first obtaining written permission of the City; provided, however, that in the event of a water leak within a structure which threatens to do excessive damage to the contents and/or structure itself, a person may take steps to protect the said structure and its contents, including shutting off the water flow from the public water system if it is not possible to either get permission from the City or contact authorized city officials or representatives in time to prevent excessive damage.

(b) If it is determined by the City that a person acted in violation of subsection (a) and, as a result, damage was done to the City’s water meter or associated structures, the property owner shall be charged $300.00 to defray the costs of repair and such amount shall be added to the amount due for water service to the property. Such charge may be reduced to $150.00 if the property owner provides proof he or she has installed a properly functioning shut off valve on the water line serving the structure(s) on the property.

15-214. METERS.

(a) All water furnished to customers shall be metered.

(b) Meters shall be located between the sidewalk or property line and curbing when the main is in the street, and on private property within three feet of the alley line when the main is in the alley.
(c) The city's responsibility for water leaks stops at the customer side of the meter.

15-215. SAME; TESTING.

Meters shall be tested before being set and at any other time thereafter when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to measure water flow within 2% of the actual flow through the meter, the meter will be deemed accurate and a charge of $40.00 will be made to the customer.

15-216. TAMPERING WITH METER.

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

15-217. NO CREDIT FOR CERTAIN WATER LEAKS; APPEAL.

No allowances shall be made for water used or lost through leaks, carelessness, neglect or otherwise after the same has passed through the meter. However, every customer shall have the right to appeal to the city for relief from a water bill or meter reading that he or she considers excessive.

15-218. CONNECTION, DISCONNECTION, RECONNECTION CHARGES.

A charge of $10.00 shall be made for connection of water service for new customers at a specific property. A charge of $10.00 shall be made for a transfer of service from one property served by the City to another property served by the City. Effective July 15, 2017, a charge of $70.00 shall be made after a disconnection of water service for non-payment. A charge of $50.00 shall be made for the locking of any meter by the City. Any service disconnected for non-payment of a delinquent bill shall be reconnected for such delinquent customer only upon payment, in full, of the delinquent bill, interest and other charges.”

(15-218 Amended by ORD #899-2011 on 10/11/2011)

15-218 Amended by ORD 1022-2017 on 4-25-17)

15-219. UTILITY DEPOSIT.

At the time of making application for water service, the property owner or customer shall make a cash deposit in the amount and manner specified in section 15-105 to secure payment of accrued bills or bills due on discontinuance of service. Provided, however, for any customer who has had water service discontinued two times
in any twelve-month period for non-payment, a utility deposit equal to the highest monthly balance during said twelve-month period shall be required.

15-220. INTERRUPT SERVICE.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment.

15-221. PROHIBITED ACTS.

It shall be a violation of this article for any unauthorized person to:

(a) Perform any work upon the pipes or appurtenances of the city's waterworks system beyond a private property line unless such person is employed by the city;

(b) Make any connections with any extension of the supply pipes of any consumer without written permission to do so having been first obtained from the governing body;

(c) Remove, handle or otherwise molest or disturb any meter, meter lid, cutoff, or any other appurtenances to the water system of the city.

15-222. WASTING WATER.

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

15-223. RIGHT OF ACCESS.

Authorized employees of the city may enter upon any premises at reasonable hours for the purpose of reading the meter or servicing or inspecting meters or water lines.

15-224. WATER CHARGES.

There shall be charged to the consumer of water provided by the City the rates for such water as herein provided:

(a) A monthly base charge and a monthly consumption charge as established from time to time by the governing body;

(b) A one-time municipal connection fee of $10.00 charged to each new customer.
(c) For consumers located OUTSIDE the corporate limits of the City the charges will be 1 1/2 times the base charges and monthly consumption charges identified in sub-paragraphs (a) above.

(d) From June 16th through October 15 of each year consumers shall be subject to an excess use fee in addition to the charges set out above. Such excess use fee for residential consumers shall apply to water usage in any month during this period that exceeds 15,000 gallons. For each 1,000 gallons of excess use the water charge set out in subparagraph (a) shall be increased by 50%. Such excess use for commercial and industrial consumers shall apply to water usage in any month which is in excess of 150% of the average monthly usage for the property in the 8 months immediately prior to June 16th, or, if there is no basis for such an average because there has not been 8 months of usage, for usage in excess of 15,000 gallons per month. For each 1,000 gallons of excess use the water charge set out in subparagraph (b) shall be increased by 50%. The excess use fee for irrigation meters shall be calculated in the same manner as for non-residential customers except that the average monthly usage for the 8 months proceeding June 16th shall be calculated using the water usage for the utility account associated with the separate irrigation meter. If it is not possible to calculate such an average because there has not been 8 months of water usage, the irrigation water usage shall be subject to an excess use fee for all usage for each 1,000 gallons of water use in excess of 200% of the water usage for the utility account associated with the irrigation meter.

(e) The governing body shall conduct an annual review of the financial condition of the City’s water utility on or before January 31st of each year in order to evaluate the need for any adjustment to the current water charges. Such review shall be held during a council meeting open to the public. If, on or before January 31 of each year, the governing body takes action to adjust the current water charges, such adjustment shall go into effect for any charges yet to be billed to customers. If the governing body takes no action on or before January 31 of each year, the current water charges shall be increased by 3% effective for any charges yet to be billed to customers. After its annual review, the governing body may, by motion made and adopted at a city council meeting, announce its intention that charges shall remain the same for the following year and such a motion shall be considered action which negates the automatic percentage increase set out herein for the following year.


15-225. PAYMENT OF BILLS.

All utility bills for the previous month’s utility service shall be paid on or before the 15th day of the month following the service, except that when the 15th day of the month falls on a Saturday, Sunday or holiday the bill shall be due the next regular business day. For any billing not paid when due a late charge of 10% percent of the unpaid amount will be added to the bill. All payments received are credited first to any late charges and then to any unpaid balance with the remainder, if any, credited to the current bill.
15-226. USE DURING FIRE.

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

15-227. CROSS-CONNECTIONS.

(a) Cross Connection control shall be provided in accordance with these provisions. No person shall install any water operated equipment or mechanism, or use any water treating chemical substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device installed and tested by a Certified Technician.

(b) Approval of Devices or Assemblies - Before any device or assembly is installed for the prevention of backflow, it shall have first been approved for that purpose by the Administrative Authority. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the Administrative Authority.

(1) Installation, testing and repairs shall be performed by a Certified Technician who shall be required to purchase a Cross Connection - Backflow Prevention Device Permit at a cost of $10.00 from the City of Park City, Kansas.

(2) The Certified Technician shall complete a Backflow Device Test Report and return it to City Hall for filing.

(3) A permanent record shall be kept of all locations where cross connection exists and the type(s) of backflow prevention device(s) utilized. All backflow prevention devices shall be tested on an annual basis and a new Backflow Device Test Report completed and returned to City Hall for filing. All testing must be completed by a Certified Technician, no exceptions.

(4) All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person(s) having control of such devices or assemblies. The Administrative Authority or other department having jurisdiction may inspect such devices or assemblies and, if found to be defective or inoperative, shall demand the immediate repair or replacement thereof. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the written permission of the Administrative Authority.

15-228. CROSS-CONNECTIONS; PROTECTIVE BACKFLOW DEVICES REQUIRED.
Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply. Any situation in which a heavy withdrawal of water, such as a sudden break in the main or water being used from a fire hydrant, may cause a negative pressure to develop which could lead to backsiphonage of polluted water into the system shall be improper and must be protected by approved backflow preventive valves and systems as determined by the superintendent.

15-229. CROSS-CONNECTIONS; INSPECTION.

The city utility superintendent or other designee of the governing body shall have the right of entry into any building or premises in the city as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the city so as to prevent the possibility of pollution of the water supply of the city.

15-230. CROSS-CONNECTIONS; PROTECTION FROM CONTAMINANTS.

Pursuant to the city's constitutional home rule authority and K.S.A. 65-163a, the city by its utility superintendent may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the city utility superintendent may terminate water service to any property where the cross connections or backsiphonage condition creates, in the judgment of the superintendent, an emergency danger of contamination to the public water supply.

15-231. ENFORCEMENT.

(a) Any person, firm, corporation, partnership or individual who installs or maintains a cross-connection in violation of this Ordinance shall be notified of the violation by the Administrative Authority. Any person, firm, corporation, partnership or individual who fails to provide a tested backflow prevention device or assembly on a cross connection, installed by a Certified Technician, shall be subject to immediate disconnection from the potable water supply until such time as the violation is corrected.

(b) The Administrative Authority has the right of entry on all properties where it is believed a cross connection has or will occur and the right to protect the public health by abating the violation(s).

15-232. PENALTIES AND VIOLATIONS.

Any person, firm or corporation who shall be convicted in a court of competent jurisdiction of violating any portion of this Article shall be deemed guilty of a misdemeanor.
ARTICLE 3. (Reserved)
ARTICLE 4. SEWERS

15-401. DEFINITIONS.

Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(b) **Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

(c) **B.O.D.** (denoting **Biochemical Oxygen Demand**) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

(d) **pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(e) **Individual Domestic** means any single family residence, commercial business, office, institution, school, church or public entity having an individual direct or indirect connection to the wastewater facilities of the city and on individual city or private water service meter, or connection to any such water service.

(f) **Industrial** means any industrial business engaged in the manufacturing or processing of one or more products, and in which wastewaters are produced from such manufacturing or processing and said wastewaters are discharged directly or indirectly to the wastewater facilities of the city.

(g) **Multi-domestic** means any multi-family residence, apartment or mobile home and any commercial business, office, institution, school, church or public entity having a direct or indirect connection to the wastewater facilities of the city and not having an individual water service meter but is served with city or private metered water by the owner of the property on which it is located.

(h) **Superintendent** shall mean the superintendent of the city or his or her authorized deputy, agent or representative.

(i) **Sewage** shall mean a combination of the water-carried wastes from residences, business buildings; institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

(j) **Sewer** shall mean a pipe or conduit for carrying sewage.
(k) **Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(l) **Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.

(m) **Sanitary Sewer** shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(n) **Storm Sewer or Storm Drain** - shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(o) **Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.

(p) **Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(q) **User** means any person as defined in section 1-102, including an institution, governmental agency or political subdivision producing wastewater requiring processing and treatment to remove pollutants and having premises connected to the wastewater facilities.

(r) **Wastewater** means sewage, the combination of liquids and water carried wastes from residences, commercial and industrial buildings, institutions, governmental agencies, together with any ground, surface or storm water that may be present.

(s) **Normal wastewater.** The strength of normal wastewater shall be considered within the following ranges:

1. A five day biochemical oxygen demand of 300 milligrams per liter or less;
2. A suspended solid concentration of 350 milligrams or less;
3. Hydrogen ion concentration of 5.0 to 9.0.

15-402. **SEWER CONNECTION REQUIRED.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or right-of-way in which a public sanitary sewer of the city is located is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 140 feet of the property line. Such obligation to connect to the public sanitary sewer shall also arise when a new public sanitary sewer of the city
is constructed in any street, alley, or right-of-way within the city abutting any such
house, building or property.

15-403. PERMIT; CONNECTION FEE.

(a) No person shall uncover, make any connections with or opening into, use,
alter, or disturb any public sewer or appurtenance thereof without first obtaining a
written permit from the city.

(b) There shall be charged a fee of $30.00 payable at the time of making
application for the permit.

15-404. APPLICATION.

Any person desiring to make a connection to the city sewer system shall apply in
writing to the city clerk who shall forward the application to the utility superintendent.
The application shall contain:

(a) The legal description of the property to be connected;

(b) The name and address of the owner or owners of the property;

(c) The kind of property to be connected (residential, commercial or
industrial);

(d) The point of proposed connection to the city sewer line.

15-405. COSTS.

All costs and expense incident to the installation and connection of the building
sewer shall be paid by the owner. The owner shall indemnify the city from any loss or
damage that may directly or indirectly be occasioned by the installation of the building
sewer.

15-406. UNLAWFUL DISCHARGE.

(a) It shall be unlawful for any person to place, deposit or permit to be
deposited in any unsanitary manner on public or private property within the City or in
any area under the jurisdiction of the City any human or animal excrement, Garbage or
other objectionable waste.

(b) It shall be unlawful to discharge to any Natural Outlet within the City any
Sewage or other polluted waters, except where suitable treatment has been provided in
accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain
any privy, vault, septic tank, cesspool or other facility intended or used for the disposal
of Sewage.
(d) The owner of all houses, buildings or property used for human occupancy, employment, recreational or other purposes, situated within the City on any street, alley or right-of-way in which areas are now located or may in the future be located a public Sanitary Sewer of the City is hereby required at his expense to install a suitable toilet facility therein, and to connect such facility directly within ninety (90) days after date of official notice to do so, provided such Public Sewer is within one hundred (100) feet of the property line.

15-407. SAME; OTHER SEWAGE DISPOSAL SYSTEMS.

(a) Where a public sanitary or Combined Sewer is not available under the provisions of Section 2(d), the Building Sewer shall be connected to a private Sewage disposal system complying with the provisions of this Section.

(b) Before commencement of construction of a private Sewage disposal system, the owner shall first obtain a written permission signed by the Utility Supervisor. The application for such permit shall be made on a form furnished by the City and which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Utility Supervisor. A permit and inspection fee of Twenty-five Dollars ($25.00) shall be paid to the City Treasurer at the time the application is filed.

(c) A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Utility Supervisor. He shall be allowed to inspect the work in any state of construction. In any event, the applicant for the permit shall notify the Utility Supervisor when the work is ready for final inspection, and before any underground portions are covered. Inspection shall be made within forty-eight (48) hours of the receipt of notice by the Utility Supervisor.

(d) The type, capacities, location and layout of a private Sewage disposal system shall comply with all recommendations of the local and/or county Health Department. No septic tank or cesspool shall be permitted to discharge to any Natural Outlet.

(e) The owner shall operate and maintain the private Sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(f) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(g) At such time as a Public Sewer becomes available to a property served by a private Sewage disposal system, as provided in Section 3(d), a direct connection shall be made within sixty (60) days to the Public Sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private Sewage disposal facilities shall be abandoned and filled with gravel or dirt.
15-408. CONNECTIONS.

(a) No unauthorized Person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Utility Supervisor.

(b) There shall be two (2) classes of Building Sewer permits: (a) for the residential and commercial services and (b) for the service to establish and produce an industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the City. Permit application shall be supplemented by any plans, specifications or other Utility Supervisor. The permit inspection fee and Building Sewer permit fee shall be Twenty-five Dollars ($25.00) and the Industrial Building Sewer permit fee shall be Fifty Dollars ($50.00). Fees shall be paid to the City Treasurer at the time application is filed.

(c) All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

(d) A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(e) Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Utility Supervisor, to meet all requirements of this article.

(f) The Building Sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal: vitrified clay pipe, ASTM specification (Cl 3-44T) or plastic pipe PVC 1120 SDR 33.5 of ASTM designation D-1784 or ABS ofASTMD-2122. Joints for PVC pipe shall be either 0-ring rubber gasket joints or solvent-cemented joints, or equal. All joints shall be tight and waterproof Any part of the Building Sewer that is located within ten (10) feet of a water service pipe shall be constructed of case iron Sewer pipe.

(g) The size and slope of the Building Sewer shall be subject to approval of the Utility Supervisor, but in no event shall the diameter be less than four (4) inches. The slope of six (6) inch pipe shall not be less than one-eighth (1/8) inch per foot. If four (4) inch pipe is allowed, one-fourth (1/4) inch per foot slope shall be minimum for that size connection.

(h) Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might therefore be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid on
uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings.

(i) In all buildings in which any Building Drain is too low to permit gravity flow to Public Sewer, sanitary Sewage carried by such drain shall be lifted by approved artificial means and discharged into the Building Sewer. The use of any pumping equipment, for which cross-connections of a public water supply system are needed, is prohibited.

(j) All excavation required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Utility Supervisor. Pipe laying and backfill shall be performed in accordance with ASTM specifications (C12-19) except that no backfill shall be placed until the work has been inspected.

(k) The connection of a Building Sewer into the Public Sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If the Public Sewer is twelve (12) inches in diameter or less, and no properly located “Y” branch is available, the owner shall at his expense install a “Y” branch in the Public Sewer location specified by the Utility Supervisor. When the Public Sewer is greater than twelve (12) inches in diameter and no properly located “Y” branch is available, a neat hole may be cut in the Public Sewer to receive the Building Sewer with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree elbow may be used to make such connections with the spigot end cut so as not to extend past the inner surface of the Public Sewer. The invert of the Building Sewer at the point of the connection shall be at the same or higher elevation as the invert of the Public Sewer. The smooth, neat joints shall be made, and the connection be made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the Utility Supervisor.

(l) The applicant for the Building Sewer permit shall notify the Utility Supervisor when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Utility Supervisor or his representative.

(m) All excavations for Public Sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.

(n) No Person shall make connections of roof downspouts, exterior and interior foundation drains, areaway drains or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to public Sanitary Sewer.

(o) A Building Sewer, once installed, shall be maintained in a manner that allows it to operate properly so that Sewage flows freely from the Building Drain to the Public Sewer. The Person who owns property shall be responsible for and repair a
Building Sewer that does not allow Sewage to flow freely from the Building Drain to the Public Sewer. Examples, without limitation, of conditions that prevent the free flow of Sewage are as follows: broken pipes, improper taps to Public Sewer, failure to properly clean out a Building Sewer, etc. A Building Sewer that is maintained in a manner that does not allow the free flow of Sewage from the Building Drain to the Public Sewer constitutes a public nuisance.

(p) The Utility Supervisor may provide, by certified mail, written notice to the owners of property where Sewage does not flow freely through the Building Sewer.

(q) The Utility Supervisor shall, in such written notice, inform the Person receiving the notice that he/she has ten (10) days from the date of receipt of the notice to abate the condition that is preventing the free flow of Sewage through the Building Sewer or to request a hearing before the Governing Body. The Utility Supervisor may cause the Building Sewer to be repaired if the owner of the property does not repair the line or request a hearing within ten (10) days of being served the notice from the Utility Supervisor. Failure on the part of the owner to make a timely request for a hearing shall constitute a waiver of the owner's right to contest the findings of the Utility Supervisor before the Governing Body. If a hearing is held, it shall be held by the Governing Body as soon as possible after the filing of a request for hearing. At any such hearing, the owner may be represented by counsel, and the owner and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the owner by certified mail. If the Governing Body finds that a public nuisance exists, then the property owner shall cause the Building Sewer to be repaired within ten (10) days of receipt of the resolution. If the Building Sewer is not repaired within ten (10) days, then the Utility Supervisor may cause the Building Sewer to be repaired.

(r) If the Utility Supervisor causes the Building Sewer to be repaired, the City shall give notice to the owner of the property by certified mail of the total cost of the repairs incurred by the City. The notice shall state that the payment is due within thirty (30) days following receipt of the notice. If the cost of the repairs is not paid within the thirty (30) day period, the cost shall thereafter be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land on which the Building Sewer repaired is located. The City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the cost of abatement and the County Clerk shall extend the same on the tax rolls of the County against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levy of special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and applicable interest is paid in full.
15-409. SUBSTANCES NOT TO BE DISCHARGED.

(a) No Person shall discharge or cause to be discharged any storm water, surface water, water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to Storm Sewers, or to a Natural Outlet approved by the Utility Supervisor. Industrial cooling water or unpolluted process water may be discharged by approval of the Utility Supervisor to a Storm Sewer or Natural Outlet.

(c) No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Sewage treatment process, constitute a hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two milligrams per liter (2 mg/l) as CN in the wastes as discharged to the Public Sewer.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewage Works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground Garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.

(d) No Person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Utility Supervisor that such wastes can harm either the sewers, Sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utility Supervisor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of the Sewage treatment process, capacity of the Sewage Treatment Plant, degree of treat ability of wastes in the Sewage Treatment Plant, and other pertinent factors. The substances prohibited are:
(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit/sixty-five degrees Celsius (150°F./65°C.).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit/zero degrees Celsius (32°F./0°C.) and one hundred fifty degrees Fahrenheit/sixty-five degrees Celsius (150°F./65°C.).

(3) Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of three-fourths horsepower (3/4 hp)(0.76 hp metric) or greater shall be subject to the review and approval of the Utility Supervisor.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage treatment works exceeds the limits established by the Utility Supervisor for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Utility Supervisor as necessary, after treatment of the composite Sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Utility Supervisor in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(A) Unusual concentrations of inert Suspended Solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
(C) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage treatment works.

(D) Unusual volume of flow or concentration of wastes constituting “Slugs” as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the Sewage treatment or reduction by the Sewage treatment processes employed, or are amenable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Any waters or wastes having

   (A) a five (5) day BOD greater than three hundred parts per million (300 ppm) by weight, or

   (B) containing more than three hundred fifty parts per million (350 ppm) by weight of Suspended Solids, or

   (C) having an average daily flow greater than two percent (2%) of the average Sewage flow of the City.

(12) shall be subject to the review of the Utility Supervisor, the owner shall provide, at his expense, such preliminary treatment as may be necessary to

   (A) reduce the biochemical oxygen demand to three hundred parts per million (300 ppm) by weight, or

   (B) reduce the Suspended Solids to three hundred fifty parts per million (350 ppm) by weight, or

   (C) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Utility Supervisor and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(e) If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in paragraph (d) of this Section, and which in the judgment of the Utility Supervisor may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Utility Supervisor may:
(1) reject the wastes;

(2) require pretreatment to an acceptable condition for discharge to the Public Sewers;

(3) require control over the quantities and rates of discharge, and/or

(4) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or Sewer charges under the provisions of paragraph (d)(10) of this Section. Plans, specifications and any other pertinent information related to the proposed preliminary treatment facility shall be submitted for approval of the Utility Supervisor and Kansas State Department of Health and Environment. No construction of such facilities shall be commenced until such set of approvals are obtained in writing.

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

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

(h) When required by the Utility Supervisor, the owner of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Utility Supervisor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(i) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb and property.
(The particular analyses involved will determine whether a twenty-four (24) hour composite of all out falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from twenty four (24) hour composites of all out falls whereas pH is determined from periodic grab samples.)

(j) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

15-410. SEWAGE WORKS DAMAGE OR DESTRUCTION.

It shall be unlawful for any unauthorized Person to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Sewage Works. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

15-411. ENTRY ONTO PRIVATE PROPERTY.

(a) The Utility Supervisor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Utility Supervisor or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the Sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to hereinabove, the Utility Supervisor or duly authorized employee of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for Person injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions are required herein.

(c) The Utility Supervisor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duty negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage Works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(d) Notwithstanding anything to the contrary herein, the Utility Supervisor; when entering upon private property and making inspections, observations, measurements, sampling and testing thereon, shall comply with federal and state laws, rules and regulations regarding going upon private property, and the Utility Supervisor, when required in order to comply with federal and state laws, rules and regulations, shall make application to procure the right of entry to a court of competent jurisdiction.

15-412. PENALTIES.

(a) Any Person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any Person who shall continue any violation beyond the time limit provided herein, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding One Hundred Dollars ($100.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.

(c) Any Person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

15-413. SEWER STOPPAGE IN BUILDING SERVICE LINES; PROCEDURE.

(a) Whenever a sewer stoppage is reported to the City on building service lines connecting a building to the City main, the City sewer department shall immediately check the City main and determine if the main is open and flowing. If the sewer main is backed up and not running, then the sewer department will have the main cleared and video taped to insure all obstructions are cleared. If from inspection, it is determined that the main is running and not backed up, then the sewer department will notify the property owner that it appears that the blockage is in the service line.

(b) Should the sewer department determine that the main is running and no obstruction exists, and the property owner is not satisfied with this determination, then the property owner may request that the line be video taped by signing Attachment “A”. If after the video taped has been made and it has been determined by the Public Works Director that the main was in fact cleared from causing the stoppage, then the property owner will be billed for all costs associated with the video taping, the removal of any obstruction caused by their service tap.

(c) If the Public Works Director determines that the fault of the stoppage was caused by a problem with the City main, the Public Works Director is hereby authorized to reimburse the property owner for costs associated with the cleaning of their service line, provided that any costs were occurred. Any determination by the Public Works Director may be appealed to the City Council.
15-414. BILLS.

Bills shall be rendered monthly as provided hereinabove and shall be collected as a combined utility bill.

15-415. DELINQUENT ACCOUNTS; LIEN AGAINST PROPERTY; OTHER REMEDIES.

(a) In the event any person, except the United States and the state of Kansas, shall fail to pay the user charges when due, water service shall be terminated as provided in sections 15-102 to 15-104.

(b) All other remedies regarding delinquent accounts, and exceptions thereto, contained in section 15-106 shall apply to sewer service fees, charges and services.

15-416. SEWER SERVICE CHARGE; AUTHORITY.

There are levied on all persons, firms corporations, organizations, political units and political subdivisions and all other entities with premises in and without the corporate limits of the City now or hereafter connected to the sewerage system of the City, charges for the use of such system as hereinafter provided.

15-417. SEWER SERVICE CHARGE; CLASSIFICATION OF USERS.

All users of sewerage systems within and without the corporate limits of the City, are for the purpose of this Ordinance, classified as follows:

(a) Residential - Residential means any structure housing one or two families.

(b) Commercial and Industrial -

(1) All users other than those above classified.

(2) Commercial and Industrial users.

15-418. SEWER SERVICE CHARGE; BASIS OF CHARGES.

(a) Residential users shall be charged a set monthly rate as provided hereinafter.

(b) Commercial and Industrial users which have metered water consumption shall be charged based on the quantity of fluids used in or on the premises as the same is measured by a water and/or sewer meter or meters.

(c) Where any Residential, Commercial or Industrial premises are connected with the City's sewerage system but are not served by the City's water utility system, the Owner or Occupant of such premises shall, at their own expense, install and maintain on such premises a water meter or meters of a type and at a location acceptable to the Director of Public Works of the City, which meter shall measure all water received on
said premises from all sources and said meter readings shall be used to calculate sewer bills as outlined below or the City may choose to apply a flat rate based on water consumption of 5,000 gallons per month.

15-419 SEWER SERVICE CHARGE; SCHEDULE OF CHARGES; RATES.

Each user of the sewerage system within the corporate limits of the City shall pay for the use of such system the monthly charge set forth hereinafter according to the following classification and schedule:

(a) Residential  A monthly base charge as determined from time to time by the governing body for 3,000 or fewer gallons of water consumption per month and an additional monthly charge as determined from time to time by the governing body for each additional 1,000 gallons of water consumption or portion thereof over the first 3,000 gallons of consumption. Water usage shall be based on the average of the annual January, February and March water usage records for each customer. However, customers experiencing an excessive water usage during the billing periods ending in January, February or March may request the average be calculated upon an alternate three month record of usage. The written request, including leak repair documentation, should be presented to the water clerk. Approval of the alternate record of usage shall be within the sound discretion of the City Clerk. New residential customers, without an established water usage history, shall be charged the monthly base charge until a January, February and March usage record is established. The usage record for each customer shall be updated once each year and used for the next twelve (12) months.

(b) Commercial and Industrial  – A monthly base charge as determined from time to time by the governing body for 3,000 or fewer gallons of water consumption per month and an additional monthly charge as determined from time to time by the governing body for each additional 1,000 gallons of water consumption or portion thereof over the first 3,000 gallons of consumption.

(c) The governing body shall conduct an annual review of the financial condition of the City’s sewer utility on or before January 31st of each year in order to evaluate the need for any adjustment to the current sewer charges. Such review shall be held during a council meeting open to the public. If, on or before January 31 of each year, the governing body takes action to adjust the current sewer charges, such adjustment shall go into effect for any charges yet to be billed to customers. If the governing body takes no action on or before January 31 of each year, the current sewer charges shall be increased by 3% effective for any charges yet to be billed to customers. After its annual review, the governing body may, by motion made and adopted at a city council meeting, announce its intention that charges shall remain the same for the following year and such a motion shall be considered action which negates the automatic percentage increase set out herein for the following year.

(15-419 Amended by ORD #952-2015 on 1/27/2015 published on 2/5/2015)
15-420. SEWER SERVICE CHARGE; OUTSIDE CORPORATE LIMITS.

Each user of the sewerage system of the City outside the corporate limits of the City shall pay for the use of such system monthly charge at the rate of one and one-half (1 1/2) times the rate charge for each like classification of users within the corporate limits of the City.
ARTICLE 5. SOLID WASTE

15-501. DEFINITIONS.

Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

(a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.

(b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;

(c) Garbage. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;

(d) Multi-Family Unit. Any structure containing more than four individual dwelling units;

(e) Refuse. All garbage and/or rubbish or trash;

(f) Residential. Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;

(g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

(h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste. Garbage, refuse and other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities.

(j) Yard Waste. All discarded grass clippings and leaves derived from residential, and industrial, commercial or agricultural property.

(k) Hazardous Waste. Any solid waste or combination of solid wastes or any substance which has been identified as a hazardous waste pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. Or K.S.A. 65-3430 (e) and any regulations enacted pursuant thereto as both may be amended from time to time.
(l) Construction and Demolition Waste. Solid waste resulting from the commercial construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities.

(m) Transfer Station. Any solid waste processing building and associated storage area where solid waste is moved or temporarily stored for transfer from smaller collection vehicles or private transportation to larger transportation units for transport to off-site facilities for final treatment, processing, recycling, or final disposal.

(n) Transfer Station Facility. All contiguous land, structures, other appurtenances, and improvements on the land, used for the siting or operation of a transfer station.

15-502. COLLECTION.

All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste.

15-503. CONTRACTS.

The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.

15-504. DUTY OF OWNER, OCCUPANT.

The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.

15-505. CONTAINERS.

Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers.

15-506. BULK CONTAINERS.

On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching
mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material that is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leak proof and weather proof construction.

15-507. ENTER PRIVATE PREMISES.

Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article.

15-508. OWNERSHIP OF SOLID WASTE.

Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in any way pilfer or scatter contents thereof in any alley or street within the city.

15-509. WRAPPING GARBAGE.

All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers.

15-510. HEAVY, BULKY WASTE.

Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the same.

15-511. HAZARDOUS MATERIALS.

No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

(a) Explosive materials;
(b) Rags or other waste soaked in volatile and flammable materials;
(c) Chemicals;
(d) Poisons;
(e) Radio-active materials;
(f) Highly combustible materials;
(g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;

(h) Any other materials that may present a special hazard to collection or disposal personnel, equipment, or to the public.

15-512. PROHIBITED PRACTICES. It shall be unlawful for any person to:

(a) Deposit solid waste in any container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;

(b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;

(c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;

(d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.

15-513. OBJECTIONABLE WASTE.

Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article.

15-514. UNAUTHORIZED DISPOSAL.

No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment.

15-515. PRIVATE COLLECTORS; LICENSE REQUIRED.

(a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.
15-516. SAME; APPLICATION.

Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application.

15-517. SAME; FEE.

No license shall be issued unless the applicant shall pay to the city clerk the sum of $100.00 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire after December 31st of the calendar year in which said permit is issued.

15-518. SAME; NUMBER TO BE DISPLAYED.

The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

15-519. CLOSED VEHICLE.

Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys.

15-520. RULES AND REGULATIONS.

The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the residents of the city, and providing for a proper fee to be charged to the customer.

15-521. SITE DESIGN.

(a) All access roads, on-site roads, and all designated parking areas shall be paved and on-site roads shall be maintained in good condition.
(b) On-site roads shall be designed and maintained to adequately accommodate queuing of vehicles transporting solid waste to transfer station. Such vehicles shall not queue on public roads.

(c) Size.

(1) A minimum acreage of 10 acres is required for a facility designed to receive no more than 500 tons of solid waste per day.

(2) A minimum acreage of 15 acres is required for a facility designed to receive 500 tons or more of solid waste per day.

(d) The facility shall be surrounded by buffer zones of the following proportions:

(1) 100 feet between transfer station and all public roads and other property boundaries.

(2) 500 feet between transfer station and any building not on facility unless written permission is granted by the nearest property owner, but no less than 300 feet between the transfer station or waste storage area and the nearest residence or school in existence at the time the initial license application is filed.

15-522. LANDSCAPING.

(a) Transfer station facilities shall be reasonably screened from adjacent roads, streets and commercial or residential properties except at points of vehicular and pedestrian ingress and egress, to a minimum height of eight feet above the ground/surface by the use of berms, walls, fences or plantings. A plan for landscaping and screening shall be submitted by the facility to the Park City Planning Commission for review, discussion, public comment, and approval.

(b) Walls or fences used in combination with berms and/or plantings shall avoid a blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and/or trees.

(c) Where walls and fences are to be combined with vegetation to create the screening effect, vegetation should be located in a planting strip on the exterior side of the wall or fence.

(d) Evergreen and/or deciduous plant materials may be used, provided a screening effect is maintained on at least two-thirds of the treated frontage during all seasons of the year.

(e) All screening materials and landscape features shall be protected from vehicular damage or encroachment by appropriately located curbs or wheel stops.
(f) Landscaping shall not conflict with the traffic visibility on or about the premises.

(g) Property owners are encouraged to retain existing indigenous vegetation in a development project and this may be credited toward required landscaping pursuant to this section, provided this vegetation is adequately protected during construction to insure long-term survival. A minimum of 80 percent of surface area not used for parking, ingress/egress, or transfer station operations shall be covered by vegetation or organic groundcover.

(h) The owner/operator of the transfer station facility shall maintain all landscaping in a proper, neat and orderly appearance free from refuse and debris at all times.

(i) Landscaping maintenance shall include mowing, trimming, weeding, cultivation, mulching, tightening and repairing of guys and stakes, resetting plants to proper grades and upright position, restoration of planting saucer, fertilizing, pruning, disease and insect control and other necessary operations.

(j) Disturbed soil between trees and shrubs in the planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion. Facility property and property within a half-mile radius from the facility shall be kept reasonably free of debris, litter and vectors resulting from transfer station operations.

15-523. FACILITY DESIGN AND OPERATION.

(a) A transfer station must be an enclosed building.

(b) Neither yard waste, hazardous waste, nor construction and demolition waste as defined herein shall be accepted at any transfer station.

(c) Each facility shall use one common gate for all customers, and no gates shall be used to the exclusion of any customers, except that all facility operations vehicles may use a separate gate.

(d) Each facility shall maintain the same hours of operation for all customers during posted hours, and shall be closed to all customers at all other hours.

(e) Instructions for using the facility, fees and methods of payment shall be posted and maintained in a legible condition on a visible location at the facility.

(f) Facility must have an enclosed area available for public educational activities capable of seating a minimum of 40 people.

(g) Scales shall be certified semi-annually in a manner acceptable to the City. A minimum of two scales will be located at the facility entrance gate for facilities designed to receive more than 200 tons of solid waste per day.
(h) A facility designed to receive less than 200 tons of solid waste per day must have a minimum of one scale and back-up scale capacity as defined in the contingency plan.

(i) Operator shall maintain separate and exclusive areas for manual unloading and mechanical unloading.

(j) Provisions for storing, handling, and removing banned waste inadvertently left at the facility shall be considered in the design. Storage areas for solid waste not to be accepted shall be designated in the facility's operating plan filed with the Kansas Department of Health and Environment. Hazardous waste must be removed from facility in conformity with all applicable federal, state and local regulations within twenty-four hours of receipt. Other banned wasted shall be removed from facility within 7 days of receipt.

(k) Handling of wastes prohibited by this code shall be addressed in the facility's operating plan filed with the Kansas Department of Health and Environment.

(l) During all hours of operation, an attendant trained to identify prohibited materials shall be on duty to prevent such materials from being accepted at the transfer station.

(m) All customers shall be charged equally based on weight of solid waste. Fees may be assessed for the handling and diverting of special wastes, including those banned under this code.

(n) Reasonable and well-maintained parking areas shall be provided for equipment, trucks, trailers, employees and visitors.

(o) Dumping of solid waste at the transfer station shall be on the same level of the vehicle rather than into a pit.

15-524. LICENSING REQUIREMENTS.

All transfer stations in the City of Park City, Kansas, shall obtain all permits, licenses and authorizations necessary for the operation of a solid waste processing facility from all federal, state, and local permitting authorities prior to accepting waste. All transfer stations in the City shall obtain and maintain a valid license from Sedgwick County. All such permits, licenses and authorizations shall be maintained by the facility at all times as an express condition of accepting waste at the facility.

15-525. REGULATORY FEE.

The rate of Thirty-two cents ($0.32) per ton of solid waste received shall be assessed by the City of Park City on each transfer station facility. Tonnage amounts for purposes of calculation of such fee shall be obtained from reports maintained by facility operators as required under Kansas Administrative regulations 238-29-23a (c)(18)(A) and (19)(A). This fee shall be paid to the City of Park City, Kansas on a quarterly basis,
due by the 15th day following the end of every calendar quarter. Failure to pay such fee in a timely manner shall result in suspension of license.

15-526. PENALTIES.

In addition to the suspension of license identified in Section 6 hereinabove, each day any violation occurs shall further be subject to prosecution in the Park City Municipal Court, with a maximum penalty of six (6) months in jail, up to $1,000.00 fines, or both.

15-527. FAILURE TO SECURE LICENSE.

Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in section 1-116.

15-528. CHARGES.

The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.

15-529. FEE SCHEDULE. (Reserved)

15-530. BILLING.

Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.

15-531. DELINQUENT ACCOUNT.

In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected.
ARTICLE 6. SOLID WASTE UTILITY (CURBSIDE RECYCLING)

15-601. DEFINITIONS.

In addition to the words, terms and phrases elsewhere defined in this Chapter, the following words, terms and phrases as used in this ordinance shall have the following meanings:

(a) Contract recycling program hauler means any individual, firm, partnership, corporation, or company under contract with the City of Park City, Kansas to provide curbside recycling.

(b) Curbside recycling means the weekly or bi-weekly collection, by the contract recycling program hauler, of recyclable materials contained in bags and containers at the public street curb of each residential dwelling unit or, for those dwelling units where there is no public street curb, as close to the public street as is reasonable and safe.

(c) Recyclable materials means newspaper, phonebooks, junk mail, glossy paper including magazines and catalogs, white and pastel colored office paper, tin and aluminum cans, #1 and #2 plastics, glass, cardboard and brown paper sacks, motor oil and automotive batteries.

(d) Residential dwelling unit means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property, located within the corporate limits of the City of Park City, Kansas.

(e) Solid waste utility means the utility created by this ordinance to administer the curbside recycling program.

15-602. CREATION OF A SOLID WASTE UTILITY.

The City of Park City, Kansas does hereby establish a solid waste utility and a curbside recycling program and declares its intention to be responsible for the operation and administration of said solid waste utility and the curbside recycling program.

15-603. FINDINGS AND DETERMINATIONS.

It is found, determined, and declared that a curbside recycling program that provides for the collection and recycling of recyclable materials and that is designed to provide services to all residential dwelling units within the city limits of the City of Park City, Kansas, is of benefit to all residential dwelling units within the city limits.

It is further found, determined, and declared that the collection and recycling of recyclable materials, as part of a curbside recycling program, should be provided by a contract recycling program hauler pursuant to a written contract with the City of Park City, Kansas.
It is further found that pick up of recyclable materials on a weekly basis maximizes the benefits to the residents of the City who wish to recycle and to the City as a whole.

It is further found that selection of a contract recycling program hauler who can provide solid waste removal services to residential dwelling units within the city limits along with pick up of recyclable materials should provide all residents who are required to pay a recycling program fee the opportunity to contract for solid waste pick up at a monthly rate that will result in a net reduction or no net increase in their future cost for solid waste pick up (including the monthly recycling program fee) compared to their current cost for solid waste pick up with no curbside recycling availability.

15-604. ADMINISTRATION.

The solid waste utility, under the direction of the city administrator or his/her designee, shall have the power to:

(a) Administer and oversee the operation of a program for curbside recycling.

(b) Negotiate a contract for a minimum of three years duration with a contract recycling program hauler to operate the curbside recycling program pursuant to this ordinance with an essential element of such contract being the guarantee, for the duration of the contract, of a monthly fee for weekly, curbside pick up of recyclable materials; a guarantee, for the duration of the contract, of a monthly fee for bi-weekly, curbside pick up of recyclable materials; and the guarantee, for at least one year, of the monthly fee for weekly, solid waste pick up at the public street curb for residents desiring to contract for such services with provision that any increase in such fee for solid waste pick up be approved by the governing body.

(c) Administer and enforce this Article and all contracts, regulations and procedures adopted relating to the operation of the program for the collection of solid waste and the curbside recycling system and there is hereby established an administrative fee of no more than $.50 per month to be charged to each residential dwelling unit to cover the actual costs of billing for the recycling program fee.

(d) Advise the city council on matters relating to the contract with the contract recycling program hauler and the curbside recycling program.

(e) Make recommendations to the city council concerning establishing ordinances and regulations concerning the collection of solid waste, recycling and solid waste management.

(f) Collect the recycling program fees established pursuant to this ordinance and make payments to the contract recycling program hauler in accordance with the contract entered into pursuant to this ordinance.
(g) Analyze the cost of services and benefits provided by the system for the collection of solid waste and the curbside recycling program and the fees and other revenues of the solid waste utility annually.

15-605. RECYCLING PROGRAM FEE ESTABLISHED.

Commencing with the month that collection by the contract recycling program hauler begins, there is imposed on each and every residential dwelling unit located within the corporate limits of the City of Park City, Kansas a recycling program fee of $4.00 per month, plus an administrative fee of no more than $.50 per month.

15-606. RECYCLING PROGRAM FEE COLLECTION.

(a) The recycling program fee shall be billed and collected monthly with the monthly water and sewer utility bill for residential dwelling units that receive a monthly water and sewer utility bill. The recycling program fee shall be part of a consolidated statement for utility customers that shall be paid by a single payment. In the event that a partial payment is received, the payment shall be applied to the water and sewer portion of the account first and then to the recycling program fee portion of the account. Unless otherwise provided for herein, all bills for recycling program fees shall become due and payable in accordance with rules and regulations that pertain to water and sewer utility charges. Recycling program fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If no person is in possession of the property, then the recycling program fees shall be the responsibility of the property owner. No recycling program fee shall be charged to a dwelling unit that is vacant for a period of more than thirty (30) days and for so long as such dwelling unit remains vacant.

(b) For residential dwelling units not connected to the City’s water or sewer utility, the recycling program fee shall be billed directly to the occupant of the dwelling unit either monthly or quarterly in advance. No recycling program fee shall be charged to a dwelling unit that is vacant for a period of more than thirty (30) days and for so long as such dwelling unit remains vacant.

(c) Recycling program fees shall be subject to a penalty for late payment that is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this or any other ordinance of the city, failure to pay such charges promptly when due shall subject such user to discontinuance of water services and the city administrator, or the city administrator's designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provisions for failure to pay water and sewer utility charges.

(d) Recycling program fees which remain unpaid for a period of sixty (60) or more days from the date of billing may be collected thereafter as provided for in K.S.A. 65-3410, as may be amended from time to time. Recycling program fees, when delinquent, may be certified by the City Clerk to the County Clerk of Sedgwick County to
be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate against which such charges were made. Recycling program fees that remain delinquent may be submitted for collection to the State of Kansas under the provisions of K.S.A. 75-6201 et seq., as amended from time to time. The City may attempt collection through either one or more of the methods set out herein and any other method provided for by law.

(15-606 Amended by ORD #853-2009 on 9/24/2009)

(15-606 Amended by ORD 1042-2018 April 24, 2018 and published May 3, 2018).

15-607. SOLID WASTE UTILITY ENTERPRISE FUND.

Recycling program fees collected by the city shall be paid into an enterprise fund that is created, to be known as the "solid waste utility fund." Such fund shall be used for the purpose of paying the contractual debts incurred by the City of Park City, Kansas pursuant to the provisions of this ordinance and all other operating expenses of the utility.

15-608. SEVERABILITY.

In the event that any portion or section of this Article is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Article which shall remain in full force and effect.
ARTICLE 7. WATER CONSERVATION

15-701. PURPOSE.

The purpose of this article is to provide a progressive water supply conservation program, including the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such watch, warning or emergency is declared by the governing body.

15-702. DEFINITIONS.

(a) **Water** shall mean water available to the city for treatment by virtue of its water rights, water supply, water supply contracts or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.

(b) **Customer** shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) **Waste of Water** includes, but is not limited to (1) permitting water to escape down a street, roadway or other surface intended for vehicle driving purposes, or a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) **Classes of Water Use** – The following classes of uses of water are established for the purposes of this Article:

Class 1: Water used for outdoor watering, either public or private, of gardens, lawns trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.

Class 2: Water used for any commercial, agricultural or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests while such employees are engaged in the performance of their duties at their place of employment.

Class 3: Domestic usage, other than that which would be included in either Class 1 or 2.

Class 4: Water necessary only to sustain human life and the lives of domestic livestock and pets and to maintain standards of hygiene and sanitation.
15-703.

In the event that the governing body of the City or the City’s designated official determines that the City’s water supply may be subject to a shortage in supply of the governing body of the City determines there is a need for conservation of the City’s water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in section (a) below, or, in times of need or duress, the governing body may choose to declare a water warning or water emergency to be in effect.

(a) Stage 1: Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

(b) Stage 2: Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

(c) Stage 3: Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

15-704. VOLUNTARY CONSERVATION MEASURES.

Upon the declaration of a water watch or water warning as provided herein, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

(a) Class 1 uses of water.

(b) Waste of water.
15-705. MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water supply emergency as provided herein, the mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;

(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

15-706. EMERGENCY WATER RATES.

Upon the declaration of a water supply emergency as provided herein, the governing body of the city shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

(a) Higher charges for increasing usage per unit of the use (increasing block rates);

(b) Uniform charges for water usage per unit of use (uniform unit rate); or

(c) Extra charges in excess of a specified level of water use (excess demand surcharge).

15-707. REGULATIONS.

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

(a) If the mayor, water superintendent, or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to sections 15-605 or 15-607, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the city determines is reasonable under the circumstances. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

(1) The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing official shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be $200.00 for the second violation and $300.00 for any additional violations.

(c) Violation of this article shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100.00. In addition, such customer may be required by the court to serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of $200.00. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the court and which shall not exceed 30 days.

15-709. EMERGENCY TERMINATION.

Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.
ARTICLE 8. THEFT OF UTILITY SERVICES

15-801 DEFINITIONS.

For the purpose of this Article, the following words and phrases shall have the following meanings:

(a) City means the City of Park City, Kansas.

(b) Customer means the person in whose name a Utility Service is provided.

(c) Divert means to change the intended course or path of electricity, natural gas, water, cable television, telephone, or other Utility Service without the authorization or consent of the Utility Company.

(d) Person means any individual, partnership, firm, association, or corporation.

(e) Reconnection means the commencement of Utility Service, other than by a Utility Company, to a Customer or other person after Utility Service has been discontinued by the Utility Company.

(f) Tamper means to rearrange, damage, injure, destroy, alter, interfere with, or otherwise prevent from performing normal or customary function.

(g) Telecommunications Service means any telephone service or the transmission of a message, signal, or other communication by telephone or telegraph, or other telephone or telegraph facilities.

(h) Utility Company means any entity including, but not limited to the City, that provides Utility Service to Customers within the corporate limits of the City, when such Utility Service is delivered through City rights-of-way.

(i) Utility Service means the providing of electricity, natural gas, water, telecommunications, cable television or any other service or commodity furnished by a Utility Company for compensation.

15-802. UNLAWFUL ACTS.

It shall be unlawful for any person to commit, authorize, solicit, aid, abet, or attempt any of the following acts:

(a) Divert, or cause to be diverted, Utility Service by any means whatsoever;

(b) Make, or cause to be made, any connection or Reconnection with property owned or used by the Utility Company to provide Utility Service without the authorization or consent of the Utility Company;
(c) Prevent any Utility Company meter, or other device used in determining the charge for Utility Services, from accurately performing its measuring function by tampering or other means;

(d) Tamper with any property owned or used by the Utility Company to provide Utility Services;

(e) Using or receiving the direct benefit of all or a portion of Utility Service, with knowledge of or reason to believe that a diversion, prior tampering, or unauthorized connection existed at the time of the use, or that the use or receipt was without the authorization or consent of the Utility Company;

(f) Advertise, manufacture, distribute, sell, use, rent, or offer for sale, use, or rental, any device or any description, or any plan or any kit, designed to obtain Utility Service in violation of this Chapter;

(g) Obtain Utility Service by means of false representation, or fraudulent or deceptive action, designed to avoid the payment of any outstanding lawful charge for any Utility Service;

(h) Using any fraudulent or deceptive scheme, device, means or method to avoid the lawful charge, in whole or in part, for any Utility Service.

It shall not be unlawful to turn off Utility Service in case of an emergency, provided that such emergency or emergency situation is reported to either the City or the Utility Company as soon as possible after the Utility Service is turned off.

15-803. PRESUMPTION OF VIOLATION.

There is a rebuttable presumption that a person has violated this Article if, on the premises controlled by the Customer or by the person using or receiving the direct benefit of the Utility Service, there is either, or both, of the following:

(a) Any instrument, apparatus, or device primarily designed to be used to obtain Utility Service without paying the full lawful charges thereof;

(b) Any Utility Company equipment that has been altered, tampered with, or bypassed so as to cause no measurement, inaccurate measurement, or to permit receipt of Utility Service without paying the full lawful charge therefor.

15-804. PENALTY.

Any person violating any of the provisions of this Article shall, upon conviction, be fined not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00) for each offense; and not more than one (1) year in jail, or both said fine and imprisonment. Each day a violation occurs shall constitute a separate offense.
ARTICLE 9: GREASE TRAPS

15-901. DEFINITIONS.

The following terms shall have the meanings set out thereafter:

(a) Commercial kitchens, Hotels/Motels, Restaurants, and/or Bakery shall mean an enterprise engaged in the preparation, cooking or baking of foods for distribution to and consumption by the public, specifically excluding such activity occurring within the confines of a private residence that is a single family dwelling or an apartment.

(b) Grease trap shall mean a devise designed to retain grease for one to a maximum of four fixtures.

15-902. WASTE PRE-TREATMENT.

The governing body of the City of Park City has determined that waste pre-treatment by the type of enterprise described hereinabove is required to protect the health and safety of the Community, and to maintain the integrity and operational efficiency of the City's wastewater treatment system.

15-903. GREASE TRAPS REQUIRED.

Any commercial kitchen, hotel/motel, restaurant, or bakery connected to the sewer collection system of the City of Park City shall be required to install an approved grease trap which shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, delicatessens, bars, clubs, hotel/motels, hospitals, sanitariums, factory or school kitchens or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal. A grease trap is not required for individual dwelling units or any private living quarters.

15-904. GREASE TRAP REQUIREMENTS.

No grease trap shall be installed which shall have an approved rate of flow of more than fifty-five (55) gallons per minute (3.5 L/s), nor less than twenty (20) gallons per minute (1.3 L/s), except when specially approved by the City Engineer or his assigns of the City of Park City, Kansas.

15-905. FLOW CONTROL DEVICES.

(a) Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control device(s) shall be so designed that the flow through such device(s) shall at no
time be greater than the rated capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

(b) Each grease trap required by this section shall have an approved rate of flow that is not less than that given in the Tables found hereinbelow for the total number of connected fixtures. The total capacity in gallons (liters) of fixtures discharging into any such grease trap shall not exceed two and one-half (2½) times the certified gpm (liters per minute) flow rate of the grease trap as per the Tables set forth hereinbelow.

<table>
<thead>
<tr>
<th>TABLE A</th>
<th>Grease Traps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Fixtures Connected</td>
<td>Required Rate of Flow per Minute Gallons</td>
</tr>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>4</td>
<td>50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE B</th>
<th>Grease Traps (metric)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Fixtures Connected</td>
<td>Required Rate of Flow per Minute, (Liters)</td>
</tr>
<tr>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>2</td>
<td>95</td>
</tr>
<tr>
<td>3</td>
<td>132</td>
</tr>
<tr>
<td>4</td>
<td>189</td>
</tr>
</tbody>
</table>

(c) Any grease trap installed with the inlet more than four (4) feet (1.2 m) lower in elevation than the outlet of any fixture discharging into such grease trap shall have an approved rate of flow which is not less than fifty (50) percent greater than that given in the Tables above. Not more than four (4) separate fixtures shall be connected to or discharged into any one grease trap.
(d) For the purpose of this section, the term "fixture" shall mean and include each plumbing fixture, appliance, apparatus, or other equipment required to be connected to or discharged into a grease trap by any provision of this section.

(e) Each fixture discharging into a grease trap shall be individually trapped and vented in an approved manner. An approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet (1.2 m) and the vertical tailpipe or drain does not exceed two and one-half (2½) feet (.8m).

(f) Grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

(g) No water jacketed grease trap or grease interceptor shall be approved or installed.

(h) Each grease trap shall have an approved water seal of not less than two (2) inches (50.8 mm) in depth or the diameter of its outlet, whichever is greater.

15-906. FOOD WASTE DISPOSAL PROHIBITED.

Unless specifically required or permitted by the City Engineer or his assigns, no food waste disposal unit shall be connected to or discharged into any grease interceptor or grease trap.

15-907. COMPLIANCE.

(a) Any enterprise required to install a grease trap under the terms and requirements of this Article shall submit to the City Administrator or his designee, its proposal for the installation of grease trap(s) at said enterprise for approval of the City. Failure to submit a plan for the installation of a grease trap(s) at said enterprise shall be considered a violation of this Article. If the enterprise submits and receives approval for the installation of an approved grease trap, the installation of said approved grease trap shall occur within twenty (20) days of the approval being issued by the City. Failure to install said grease trap within the twenty (20) day period shall be considered a violation of this Article.

(b) The City shall conduct, and all enterprises required to install grease traps under the terms and requirements of this Article shall be required to allow, inspections to insure compliance with this Article and proper, effective operation of installed grease trap(s). Said inspections may be with or without notice and shall be conducted by City personnel and shall further be for the purpose of insuring that grease trap(s) are properly cleaned and maintained by the regulated entity or business.

(c) Any enterprise with a grease trap required under the terms and requirements of this Article shall provide quarterly reports to the City showing the record of cleaning and/or maintenance on installed grease traps and including the name of the third-
party, if any, doing regular cleaning and/or maintenance of such grease traps. Such reports shall be due on January 1, April 1, July 1 and October 1 of each year.

(d) In the event that the City experiences a blockage and/or sewer back-up in its sewer lines resulting from grease, fats, oils or other substances which a properly installed and maintained grease trap or traps should have intercepted, the City may, in addition to all other remedies available to it under the law, charge the costs it incurs to clean and clear its sewer lines against the enterprise whose grease trap(s) failed to intercept the grease, fats, oils and other substances that caused such blockage.

15-908. PENALTIES.

Any violation of this Article shall be punishable by a fine not to exceed Five Hundred Dollars ($500.00) or up to six (6) months in jail, or both. Each day that an enterprise continues in violation of this Article shall be considered a separate violation and/or offense.
CHAPTER 16. ZONING AND PLANNING

Art. 1. City Planning Commission/Board of Zoning Appeals
Art. 2. Zoning Regulations
Art. 3. Subdivision Regulations

ARTICLE 1. CITY PLANNING COMMISSION & BOARD OF ZONING APPEALS

16-101. COMMISSION RE-ESTABLISHMENT.

There is hereby reestablished the Park City Planning Commission which shall be composed of seven (7) members of which at least two, but not more than three members shall reside outside the City but within the designated Planning Area of the City which is within at least three miles of the corporate limits of the City. The number of outside the City members was amended January 24, 2008 to at least one, but not more than two members who shall reside within the designated Planning Area. The Planning Commission was originally created by Ordinance No. 7-1981 which was published on April 3, 1982 and re-established by Ordinance No. 280-93 on April 13, 1993.

16-102. MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.

The current membership of the Planning Commission, except for two, shall continue to serve until and after appointment by the Mayor with the consent of City Council at the first regular meeting of the Council in May, 1993 and take office at the next regularly scheduled meeting of the Commission. Two Members shall be appointed for a one year term; Two Members shall be appointed for a two year term; and Three Members shall be appointed for a three year term. Thereafter, all terms shall be for three years. The appointments shall be so made that the terms of office of the members residing outside the city limits shall not expire within the same year. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy shall be made for the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any manner coming before the Commission, he or she shall be disqualified to discuss or vote on the matter. The Governing Body, by the adoption of the Bylaws of the Planning Commission, has provided rules and regulations for removal of members of the Commission. Members of the Commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the Governing Body.

16-103. MEETINGS, OFFICERS AND RECORDS.

The members of the Planning Commission shall meet at such time and place as may be fixed by the Commission’s bylaws. The Commission shall elect one member as chairperson, one member as vice-chairperson, and one member as Secretary. These
officers shall serve for one year terms and may serve more than one term. A City Hall staff member shall serve as Recording Secretary and be charged with the responsibility of recording minutes and maintaining records for the Planning Commission. Special meetings may be called at any time by the chairperson or, in the absence of the chairperson, the vice-chairperson. The Commission shall adopt bylaws for the transaction of business and hearing procedures. All actions by the Commission shall be taken by a majority vote of the entire membership of the Commission, except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment or a special use permit. A proper record of all the proceedings of the Commission shall be kept. The Commission may, from time to time, establish subcommittees, advisory committees or technical committees to advise or assist the activities of the Commission.

16-104. POWERS AND DUTIES.

The governing body and planning commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Sedgwick County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignments related to planning and land use regulations.

16-105. BOARD OF ZONING APPEALS.

The Planning Commission is hereby designated to also serve as the City’s Board of Zoning Appeals with all the powers and duties as provided for in K.S.A. 12-759. The Board shall adopt rules in the form of bylaws for its operation that shall include hearing procedures. Such bylaws shall be subject to the approval of the Governing Body. Public records shall be kept of all official actions of the Board which shall be maintained separately from those of the Planning Commission. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the Board present and voting at the hearing shall be required to decide an appeal. The Governing Body shall, by Ordinance, establish a scale of reasonable, non-refundable fees to be paid in advance by the appealing party.
16-106. BUDGET.

The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes.
ARTICLE 2. ZONING REGULATIONS

16-201. ZONING REGULATIONS INCORPORATED.

There are hereby incorporated by reference as if set out fully herein, the zoning regulations adopted by the governing body of the City of Park City, Kansas, as prepared by the city and consisting of Ordinance Nos. 606-2002, 684-2005, 690-2005 and entitled, "Zoning Regulations of the City of Park City, Kansas." No fewer than three copies of the zoning regulations, marked "Official Copy as Incorporated by the Code of the City of Park City" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours.

16-202. PLAN APPROVAL.

The Comprehensive Development Plan for the Park City, Kansas Area: 2008-2018 dated August, 2008 as adopted by the Park City Planning Commission which is certified and on file in the City Clerk's office, is hereby approved as the official comprehensive plan for the City of Park City.

16-203. PLAN; DISTRIBUTION.

An attested copy of the Plan document shall be sent to all other taxing subdivisions in the Planning Area which request a copy as required by K.S.A. 12-747(c).

16-204. PLAN; ANNUAL REVIEW.

At least once a year, the Planning Commission shall review or reconsider the Plan or any part thereof and may propose amendments, extensions or additions which shall be adopted in the same matter as the original comprehensive plan as required by K.S.A. 12-747(d).

16-205. ZONING FEES; PURPOSE.

The City of Park City has adopted Zoning Regulations, Subdivision Regulations, Zoning Maps and Districts. Therefore, it is desirable to set forth a schedule of fees to offset the costs involved in administering said regulations, i.e., publications, copies, postage etc.
16-206. ZONING FEES.

The following fees shall be due and payable to the City Clerk prior to scheduling hearings and shall thereafter not subject to refund.

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Permit and/or Occupancy Certificate*</td>
<td>$25.00</td>
</tr>
<tr>
<td>Zoning Permit, accessory use*</td>
<td>$20.00</td>
</tr>
<tr>
<td>Zoning Permit, sign only*</td>
<td>$10.00</td>
</tr>
<tr>
<td>Amendment to District**</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>$150.00</td>
</tr>
<tr>
<td>Non-residential</td>
<td>$300.00</td>
</tr>
<tr>
<td>Temporary Sign Permit</td>
<td></td>
</tr>
<tr>
<td>(per month)</td>
<td>$10.00</td>
</tr>
<tr>
<td>(per year)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Billboard Signs</td>
<td></td>
</tr>
<tr>
<td>(per month)</td>
<td>$10.00</td>
</tr>
<tr>
<td>(per year)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Special Use**</td>
<td>$100.00</td>
</tr>
<tr>
<td>Appeal (B.Z.A.)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Variance (B.Z.A.)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Conditional Use (B.Z.A.)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Lot Split (Subdivision)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Plat (plus $5.00 per lot)</td>
<td>$200.00</td>
</tr>
<tr>
<td>Vacation of Streets, Alleys and Easements</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

*This fee is not separately required if an application is concurrently made for a joint Building/Zoning Permit.

**If an amendment to a district and a special use are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.

If there is a failure to apply for a Zoning Permit and/or Occupancy Certificate prior to commencing the construction, structural alteration, enlargement or moving of a structure or establishment, change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by these regulations, there shall be an investigation charge added to the above Permit and/or Certificate fees which doubles the cost of the fees.

16-207. DEFINITION OF “FENCE” AND PROHIBITING USED TIRES AS A FENCE MATERIAL.

The definition of “Fence” as set out in Article 2.102 of the Zoning Regulations of the City of Park City, Kansas is hereby supplemented to make clear that the use of tires as material for the construction of a fence shall be specifically prohibited.

(16-207 Created by ORD #956-2015 adopted on 4/28/2015 published on 5/7/2015.)
ARTICLE 3. SUBDIVISION REGULATIONS

16-301. REGULATIONS INCORPORATED.

There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of Park City, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of Park City, Kansas. No fewer than three copies of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of Park City" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours.
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CHAPTER 17. FLOODPLAIN MANAGEMENT

Article 1. Definitions
Article 2. Statutory Authorization; Findings of Fact; Purposes
Article 4. Administration
Article 5. Provisions for Flood Hazard Reduction
Article 6. Floodplain Management Variance Procedures
Article 7. Penalties for Violation
Article 8. Amendments

ARTICLE 1. DEFINITIONS

17-101. DEFINITIONS.

The words and phrases set out below shall have the meaning ascribed thereto for the purposes of this Chapter and all other words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give the provisions of this Chapter their most reasonable application.

100-year Flood see “base flood.”

Accessory Structure means the same as “appurtenant structure.”

Actuarial Rates see “risk premium rates.”

Administrator means the Federal Insurance Administrator.

Agency means the Federal Emergency Management Agency (FEMA).

Agricultural Commodities means agricultural products and livestock.

Agricultural Structure means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Appeal means a request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

Appurtenant Structure means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

Area of Shallow Flooding means a designated AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not
exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding.

**Area of Special Flood Hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** means any area of the structure having its floor sub-grade (below ground level) on all sides.

**Building see “structure.”**

**Chief Engineer** means the chief engineer of the division of water resources, Kansas Department Of Agriculture.

**Chief Executive Officer or Chief Elected Official** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**Community** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Elevated Building** means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Eligible Community or Participating Community** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**Existing Construction** means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
Concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

Flood Boundary and Floodway Map (FBFM) means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood Elevation Determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study means an examination, evaluation and determination of flood hazards.

Flood Fringe means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood Hazard Map means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
Floodplain or Flood-prone Area means any land area susceptible to being inundated by water from any source (see “flooding”).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Lines means the lines marking the limits of floodways on Federal, State and local floodplain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a
registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable flood proofing design requirements of this Chapter.

Manufactured Home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHB), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Market Value or Fair Market Value means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

Mean Sea Level means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
(NFIP) means the National Flood Insurance Program (NFIP).

Participating Community also known as an “eligible community,” means a community in which the Administrator has authorized the sale of flood insurance.

Permit means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Reasonably Safe From Flooding means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational Vehicle means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a Violation means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Risk Premium Rates means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. “Risk premium rates” include provisions for operating costs and allowances.

Special Flood Hazard Area see “area of special flood hazard.”
Special Hazard Area means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

Start of Construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. “Structure” for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial Damage includes Repetitive Loss buildings (see “Repetitive Loss”).

Substantial Improvements means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living
conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

Temporary Structure means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include manufactured homes used as residences.

Variance means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.
ARTICLE 2. STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSES

17-201. APPROVAL OF CHIEF ENGINEER.

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on January 3, 2007 and updated and approved by Council on October 25, 2016.

17-202. KANSAS STATUTORY AUTHORIZATION.

The Legislature of the State of Kansas has in K.S.A. 12-741 et seq, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.

17-203. FINDINGS OF FACT.

(a) The special flood hazard areas of the City of Park City, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

(c) The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

(1) Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated February 2, 2007 as amended, and any future revisions thereto.

(2) Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and over-bank areas to convey the regulatory flood.
(3) Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

(4) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

(5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

17-204. STATEMENT OF PURPOSE.

It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described hereinabove; to establish or maintain the community’s eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

(1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

(2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

(3) Protect individuals from buying lands that are unsuit for the intended development purposes due to the flood hazard.
ARTICLE 3 GENERAL PROVISIONS

17-301. LANDS TO WHICH CHAPTER APPLIES.

This Chapter shall apply to all lands within the jurisdiction of the City of Park City identified as numbered and unnumbered A, AE, and AH Zones, on the Index Map dated February 2, 2007 of the Flood Insurance Rate Map (FIRM) and the Index Map dated February 2, 2007 of the Flood Boundary and Floodway Map (FBFM) as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Park City, City Council or its duly designated representative under such safeguards and restrictions as the Park City, City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

17-302. COMPLIANCE.

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

17-303. ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

17-304. INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

17-305. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of Park City, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made there under.
17-306. SEVERABILITY.

If any section; clause; provision; or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.
ARTICLE 4 ADMINISTRATION

17-401. FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2 above. No person, firm, corporation, or unit of government shall initiate any development or substantial improvements or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

17-402. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The City of Park City Floodplain Administrator is hereby appointed to administer and implement the provisions of this Chapter.

17-403. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

Duties of the Floodplain Administrator shall include, but not be limited to:

(a) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

(b) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

(c) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

(d) Issue floodplain development permits for all approved applications;

(e) Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

(f) Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and

(g) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
(h) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood-proofed;

(i) When flood-proofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

17-404. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT.

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

(a) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

(b) Identify and describe the work to be covered by the floodplain development permit;

(c) Indicate the use or occupancy for which the proposed work is intended;

(d) Indicate the assessed value of the structure and the fair market value of the improvement;

(e) Specify whether development is located in designated flood fringe or floodway;

(f) Identify the existing base flood elevation and the elevation of the proposed development;

(g) Give such other information as reasonably may be required by the floodplain administrator;

(h) Be accompanied by plans and specifications for proposed construction; and

(i) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
ARTICLE 5 PROVISIONS FOR FLOOD HAZARD REDUCTION

17-501. GENERAL STANDARDS.

(a) No permit for floodplain development shall be granted for new construction, substantial improvement, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A, AE, and AH zones, unless the conditions of this section are satisfied.

(b) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

(c) Until a floodway is designated, no new construction, substantial improvement, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(d) All new construction, subdivision proposals, substantial improvement, prefabricated structures, placement of manufactured homes, and other developments shall require:

   (1) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

   (2) Construction with materials resistant to flood damage;

   (3) Utilization of methods and practices that minimize flood damages;

   (4) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

   (5) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

   (6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
(i) All such proposals are consistent with the need to minimize flood damage;

(ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(iv) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

(e) The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

(f) A structure, or the use of a structure or premises that was lawful before the adoption of this Chapter, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

(1) If such structure, use, or utility service is discontinued for 6 consecutive months, any future use of the building shall conform to this Chapter.

(2) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(g) Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, whole-sale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

(h) Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall
(i) All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the .2 percent annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be flood proofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in Article 3.

All critical facilities shall have access routes that are above the elevation of the 500-year flood.

No critical facilities shall be constructed in any designated floodway.

(j) All hazardous material storage and handling sites shall be located out of the special flood hazard area.

(k) A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Article 4 that requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation/flood proofing of non-residential structures to one (1) foot above the base flood elevation.

17-502. SPECIFIC STANDARDS.

In all areas identified as numbered and unnumbered A, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, the following provisions are required:

(a) New construction or substantial improvements of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor.

(b) New construction or substantial improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the
base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor. Such certification shall be provided to the floodplain administrator as set forth in Article 3.

(c) For all new construction and substantial improvement, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

2. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

17-503. MANUFACTURED HOMES.

(a) All manufactured homes to be placed within all unnumbered and numbered A, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(b) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A, AE, and AH zones, on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to and existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor.
(c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C (2) of this ordinance, be elevated so that either:

(1) The lowest floor of the manufactured home is a minimum of one (1) foot above the base flood level; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor.

17-504. AREAS OF SHALLOW FLOODING (AH zones).

Located within the areas of special flood hazard as described in Article 2 are areas designated as AH zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

(a) The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4.

(b) Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

17-505. FLOODWAY.

Located within areas of special flood hazard established in Article 2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

(a) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

(b) The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
(c) If an encroachment is determined not to increase flood levels within the community as set forth in subparagraph (b) above, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

(d) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4.

17-506. RECREATIONAL VEHICLES.

Require that recreational vehicles placed on sites within all unnumbered and numbered A, AE and AH Zones on the community’s FIRM either:

(a) Be on the site for fewer than 180 consecutive days, or

(b) Be fully licensed and ready for highway use*; or

(c) Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
ARTICLE 6. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

17-601. ESTABLISHMENT OF APPEAL BOARD.

The Board of Zoning Appeals as established by the City of Park City as the Appeal Board to hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.

17-602. RESPONSIBILITY OF APPEAL BOARD.

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

17-603. FURTHER APPEALS.

Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

17-604. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA.

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

(a) Danger to life and property due to flood damage;

(b) Danger that materials may be swept onto other lands to the injury of others;

(c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) Importance of the services provided by the proposed facility to the community;

(e) Necessity to the facility of a waterfront location, where applicable;

(f) Availability of alternative locations, not subject to flood damage, for the proposed use;

(g) Compatibility of the proposed use with existing and anticipated development;
(h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

(k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

17-605. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES.

(a) Generally, variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure’s continued historic designation.

(c) Variances shall not be issued within any designated floodway if any significant increase in flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon: (1) showing of good and sufficient cause, (2) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(f) A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
17-606. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES.

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth herein.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed:

(a) All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

(b) Use of the varied structures must be limited to agricultural purposes in Zone A, AE and AH only as identified on the community's Flood Insurance Rate Map (FIRM).

(c) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with the requirements of Article 4.

(d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with the requirements of Article 4. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with the provisions of Article 4.

(f) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with the provisions of Article 4.

(g) The agricultural structures must comply with the flood-plain management floodway encroachment provisions of Article 4. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels
would result during the one percent annual chance flood event, also referred to as the 100-year flood.

(h) Major equipment, machinery, or other contents must be protected from any flood damage.

(i) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

(j) A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

(k) Wet-flood proofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

17-607. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES.

Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth herein.

In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed:

(a) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

(b) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4.

(c) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4. All of the building's structural components must be capable of resisting specific flood-related forces including hydro-static, buoyancy, and hydrodynamic and debris impact forces.
(d) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4.

(e) The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4.

(f) The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

(g) Equipment, machinery, or other contents must be protected from any flood damage.

(h) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

(i) A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

(j) Wet-flood proofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

17-608. CONDITIONS FOR APPROVING VARIANCES FOR TEMPORARY STRUCTURES.

Any variance granted for a temporary structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth hereinabove.

(a) A temporary structure may be considered for location within the one percent annual chance flood event, also referred to as the 100-year floodplain only when all of the following criteria are met:

(1) Use of the temporary structure is unique to the land to be developed and cannot be located outside of the floodplain nor meet the NFIP design standards;
(2) Denial of the temporary structure permit will create an undue hardship on the property owner;

(3) Community has adopted up-to-date NFIP and building regulations to direct placement and removal of the temporary structure; and,

(4) Community has sufficient staff to monitor the placement, use, and removal of the temporary structure throughout the duration of the permit.

(b) Once all of the above conditions are met, an application for a special use permit must be made to the City of Park City. The City of Park City shall consider all applications for special use permits for a temporary structure based on the following criteria:

(1) The placement of any temporary structure within the special flood hazard areas as shown on the community’s adopted FEMA/NFIP map shall require an approved special use permit. The special use permit shall be valid for a period not to exceed 180 days.

(2) Special use permits applications, for a temporary structure to be located in special flood hazard areas, shall conform to the standard public hearing process prior to any community action on the permit request.

(3) An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the special use permit application for the placement of any temporary structure.

(4) On or before the expiration of the end of the 180 days special use permit period, the temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected.

(5) To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times.

(6) Under emergency flooding conditions, the temporary structure shall be removed immediately or as directed by the community and as specified in the emergency removal plan.

(7) Location of any temporary structure within the regulatory floodway requires the provision of a “no-rise” certificate by a registered professional engineer.

(8) Violation of or non-compliance with any of the stated conditions of the special use permit during the term thereof, shall make the permit subject to
revocation by resolution of the governing body of the community. Issuance of permit revocation notice shall be made to the landowner, the occupant of the land, and to the general public.

(9) Any deviation from the approved site plan shall be deemed a violation of the special use permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the special permit approval. In event of any violation, all permitted special uses shall be deemed a violation of this ordinance and shall be illegal, non-conforming uses and shall be summarily removed and abated.

(10) If the temporary structure is to be returned to its previously occupied site, the process for issuing a special use permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.
ARTICLE 7. PENALTIES FOR VIOLATION

17-701. PENALTIES.

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 dollars, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the City of Park City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
ARTICLE 8. AMENDMENTS

17-801. AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Park City. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this Chapter are in compliance with the NFIP regulations.
CHAPTER 18. FIRE

Article 1. Fire Prevention
Article 2. Local Fireworks Regulations
Article 3. Service Drives

ARTICLE 1. FIRE PREVENTION

18-101. INCORPORATION OF INTERNATIONAL FIRE CODE.

There is hereby incorporated by reference, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the "International Fire Code, 2003 Edition, including appendices B, C, D, E, F, and G, and the International Fire Code Standards, published in book form by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church VA, 222041, save and except such portions as are omitted, amended or modified by the Board of County Commissioners of Sedgwick County, Kansas Resolution No. 201-04 or as said resolution may be amended, supplemented or modified hereafter. No fewer than three (3) copies of said International Fire Code 2003 Edition and the relevant Sedgwick County Resolution amending, supplementing or modifying such Fire Code shall be marked "Official Fire Prevention Code of the City of Park City" and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

18-102. EXEMPTION FROM FIREWORKS REGULATIONS OF INTERNATIONAL FIRE CODE.

All provisions relating to the discharge and sale of fireworks contained in the Official Fire Prevention Code of the City of Park City as adopted by reference above are repealed and such discharge and sale within the city shall be governed by the provisions of Article 2 of this Chapter.

18-103. OPEN BURNING.

(a) It shall be unlawful for any person to conduct or permit within the City of Park City, Kansas, any open burning of any materials wherein contaminants resulting from such combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber as described in subsection (c) hereof; provided that such open burning prohibition shall not apply to (1) open fires for cooking or ceremonial purposes in facilities constructed specifically for such purposes, provided that any such fire so started shall be extinguished and made safe before the person starting or maintaining the same shall leave the place where the fire was started, or (2) the burning of combustible material in indoor fireplaces.

(b) That there shall be excluded from the prohibition on burning described in subsection (a) herein above the burning of trees, tree limbs, and other similarly
describable tree waste material, as well as tree and shrub brush, if the same is proposed to be burned by the owner or occupier of property zoned commercial, zoned agricultural or an undeveloped residential area, and if the proposed burner of the said brush or trees has otherwise acquired an appropriate permit from the authorities of Sedgwick County, and the proposed burner has acquired written permission from the Zoning Administrator of the City of Park City, Kansas, after the determination that the said proposed burning is not otherwise inconsistent with the health and safety concerns of the City, and upon being satisfied as to the safety precautions being taken by the proponent of the burning the permit is granted.

(c) An enclosed chamber device or structure used for the destruction, or volume reduction of garbage, rubbish, solid liquid or solid waste materials by combustion pursuant to disposal or salvaging operations may be used, provided that such device has multiple chambers consisting of three (3) or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, or complies with any alternative state regulations applicable to incinerators.

(d) It shall be prima-facie evidence that the person who owns or controls property on which open burning occurs has caused to permit its said open burning.

(e) “Person”, for purposes of this Article, shall mean every natural person, firm, co-partnership, association or corporation.

18-104. OPEN BURNING; PENALTY.

Any person, individual, partnership, corporation or association who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred ($500.00) dollars or by imprisonment for not more than one (1) year, or both.

18-105. OPEN BURNING; EXCEPTIONS.

The City of Park City is specifically excluded from the terms and conditions of this provision, as is any other governmental body or subdivision thereof or agency acting under the color of authority of a governmental body seeking to engage in the open burning of any materials where in contaminants resulting from such combustion are emitted directly into the ambient air without passing through an enclosed chamber described in herein above.
ARTICLE 2. FIREWORKS REGULATIONS

18-201. PURPOSE.

That the City of Park City Kansas, desires to provide its citizens their freedom of choice, to purchase and discharge fireworks in celebration of our country’s birth, if it is their desire, while at the same time requiring personal responsibility and encouraging safety during the discharge of such fireworks.

18-202. DISCHARGE OF FIREWORKS.

Except as hereinafter provided, it shall be unlawful for any person to sell or discharge fireworks as defined by the regulations of the Fire Marshall of the State of Kansas within the City of Park City, Kansas. Fireworks that may be displayed, detonated, discharged, and/or ignited within the city limits of Park City, shall only be those devices commonly known as fireworks legal for sale within the State of Kansas. The discharge of fireworks within the City of Park City, Kansas shall be permitted only between 8:00 A.M. and 10:30 P.M. June 27th through July 2nd. On July 3rd and July 4th the discharge of fireworks will be permitted between the hours of 8:00 A.M. to Midnight.

18-203. RESTRICTION ON LOCATION OF DISCHARGE.

No fireworks may be discharged on city-owned property, including parks, ball parks, parking lots, or other similarly describable property owned by the City of Park City, Kansas, unless as an organized fireworks display/show expressly authorized by the City Council. Furthermore, persons may discharge fireworks only on one’s own property and if one is a guest of residents of Park City, then an adult member of the household hosting said guest must provide direct supervision of said discharge, except that an adult host may not serve as the supervising adult for a visiting age thirteen (13) or under guest unless such guest is also supervised by his or her parent or guardian.

18-204. LIMITATION ON AGE OF PERSONS WHO MAY DISCHARGE FIREWORKS UNSUPERVISED.

Anyone within the corporate city limits of Park City, Kansas, subject to the restrictions on the location of discharge set forth herein, above age fourteen (14) or older, may discharge fireworks. Anyone under the age of fourteen (14) years may not engage in the discharge of fireworks unless under direct supervision of his or her parent/guardian or adult family member.

18-205. PROCLAMATION FURTHER LIMITING SALE AND DISCHARGE FOR SAFETY REASONS.

Notwithstanding the foregoing, the sale and discharge may in any given year, be prohibited under special circumstances, including but not limited to a state-wide ban on burning and/or fireworks detonation, unseasonably dry weather or other conditions creating a danger to the public’s health and safety. If such special circumstances are
determined by the Mayor and based upon recommendations by the City’s Chief of Police and/or Director of Economic Development, the discharge of fireworks may be limited, suspended or prohibited within the City of Park City, Kansas, even during those times generally permitted by this title of the Code. Such limitation suspension or prohibition shall be by emergency proclamation signed by the Mayor, which shall be publicized and posted at the City Hall of Park City, Kansas and other locations within the City as deemed appropriate, for the notification of the public. If thereafter circumstances occur which minimize or eliminate the hazardous condition resulting in such proclamation, the proclamation may be rescinded or modified by subsequent proclamation with similar postings. In the absence of the Mayor or in the event that the Mayor’s ability to issue such proclamation(s) is impaired due to a conflict of interest; the City Council President shall be empowered to issue such proclamation(s).

18-206. SALE OF FIREWORKS.

It shall be unlawful to sell, display for sale, offer to sell or give away any type of fireworks to the public, within the city limits of Park City, without first securing the required fireworks vendor permit. Upon completion of a fireworks permit application to the City of Park City, a permit to sell fireworks may be granted upon the following conditions:

(a) Applications for permits to sell fireworks shall be submitted at least ten (10) days in advance of the date that sales are to commence. No permits shall be granted prior to June 19 of the year in which fireworks will be sold pursuant to such permit. An application for permit to sell fireworks shall be submitted to the City during normal working hours, and shall be filed with the City Clerk. Said application shall be accompanied by a fee of $1,000.00 for a fireworks stand of 400 square feet or less; $5,000.00 for a fireworks stand of more than 401 square feet. The square footage shall be determined by the interior dimension measurements of the physical structure of the stand/tent/building.

(b) No permit shall be issued for any location where retail sales are not permitted under the applicable city zoning regulations; provided, however, the governing body may grant a waiver of such zoning requirements if it finds that no harm to the general health, safety and welfare of the community and surrounding properties will result from the grant of a permit for a location where retail sales are not permitted under the applicable zoning regulations. If the place where such fireworks are sold is not owned or leased by the applicant, there shall be filed with said application a written statement by the owner or owners of such place their consent to the sale of fireworks at such place by the applicant on the days indicated in the application. No sales of fireworks shall occur at any location, building, structure, tent, or other similarly describable enclosure in conjunction with the retail sales of non-fireworks related items.

(c) Each permit is applicable at only one location with such location to be determined by the governing body. Any permit to sell fireworks issued pursuant to this section shall be in writing and shall be accompanied by such restrictions as may have been imposed by the governing body and shall be prominently displayed at the location
upon which the fireworks are to be sold. Fireworks may be sold starting June 27th and ending July 4th, with hours of sale permissible during that time commencing at 8:00 AM. Central Daylight Time and terminating 10:30 P.M. Central Daylight Time, except that the sale of fireworks may continue through and until 12:00 midnight on the evenings of July 3rd and 11:00 p.m. July 4th. Any fireworks stand utilizing lighting to assist in the sale of its product shall use electrical only and shall further only use Teflon coated or equivalent bulbs to lessen the chance of bulb explosion.

(d) Each stand or permit location must be equipped with a mounted 3 foot by 3 foot visible sign directing the buyers of the following rules:

1. The stand must close no later than 10:30 P.M. each night, from June 27th through July 2nd, and not later than 12:00 midnight July 3rd and 11:00 p.m. July 4th.

2. No fireworks may be discharged anywhere in Park City, other than on one’s own property.

3. Any resident under the age of fourteen (14) years of age may not discharge fireworks unless under direct supervision of his parent/guardian or adult family member, and do so on your own property.

4. If you are a guest of a resident of Park City, then an adult member of the household hosting you as a guest must provide direct supervision during your discharge of fireworks. An adult host may not however serve as the supervising adult for a visiting age thirteen (13) or under guest, unless such guest is also supervised by his or her parent or guardian.

5. No fireworks may be discharged on city-owned property, including parks, ballparks, parking lots or other city-owned areas. They may not be fired on any city streets or on private property other than that which you own or rent.

6. Fireworks may be fired only between 8:00 A.M. and 10:30 P.M. June 27th through July 2nd, and 8:00 A.M. to Midnight on July 3rd and July 4th; provided, however, that when July 4th falls on Friday or Saturday fireworks may be fired through the weekend from the hours of 8:00 A.M. to 10:00 P.M..

7. No Smoking or Alcoholic Beverages are allowed at this stand.

(e) All fireworks stored or sold shall be of the type allowed by applicable state laws and regulations. Approval of the location upon which fireworks will be stored and/or sold shall be determined by the Director of Code Enforcement or his/her designee, provided however that no such location shall be within 150 feet of another permit location, measured structure to structure. If a tent is used for the construction of the fireworks stand, the material must be of a flame-retardant type.

(f) Safety precautions and safety equipment must be provided, as the governing body shall deem necessary for the protection of the public. Fireworks shall
not be stored or sold within 50 feet of any source of flame, sparks, or flammable or volatile liquids. Approval of all safety precautions and equipment at each sales site shall be performed by the Director of Code Enforcement, County Fire Department representative or other personnel deemed appropriate by the governing body.

(g) Each vendor shall also furnish at his own expense and without cost to the City, such flag person and attendants as are necessary to insure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public streets.

(h) Each permit location must be equipped with a minimum of two (2) five pound ABC Dry Chemical fire extinguishers and other equipment as required by applicable state laws and regulations. Provided further that each such location upon which fireworks are to be sold shall provide for the public not less than (1) off-street parking stall per 40 square feet of sales structure floor area with adequate ingress and egress aisles.

(i) Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of $1,000,000 per occurrence, with the City of Park City, Kansas named as an additional insured and shall provide the City with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days notice.

(j) Each vendor shall obtain a policy of product liability insurance for a minimum coverage of $1,000,000 per occurrence for products sold and/or stored within the city by the vendor, and shall provide the City with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days’ notice.

(k) Each vendor shall at all times indemnify the City of Park City, Kansas, its officials, agents and employees, and shall save and hold them harmless, from and against any and all claims, actions, damages, liability and expense, including but not limited to attorneys’ and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor’s customers, employees, contractors and agents.

(l) No permit shall be issued to a holder who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years whether in this City or elsewhere, may constitute sufficient grounds for the rejection of an application for a permit.

(18-206 Amended by ORD # 846-2009 on 6/18/2009)
18-207. PUBLIC DISPLAYS.

Notwithstanding any other provisions within this Title of the Code, special permits may be issued by the governing body for fireworks displays upon such terms and conditions, as they shall establish.

18-208. PENALTY CONNECTED WITH THE SALE OF FIREWORKS.

Any permit holder violating any provision of this Article shall first be issued a warning by the Park City Police Department, and on any second or subsequent violation of the same provision of this Article, the City of Park City Police Department shall revoke the permit for sale and order the permit holder to immediately cease the sale of fireworks. Any permit holder whose permit is revoked hereunder may appeal to the governing body of the City of Park City, Kansas by notice served upon the City Clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal.

Any person convicted of a violation of any provision of this Article relating to the sale of fireworks, shall be subject to a fine not to exceed $2,500.00 and/or imprisonment for not more than one year and/or revocation of any permit to sell fireworks.

18-209. PENALTY FOR UNLAWFUL DISCHARGE OF FIREWORKS.

The violation of any provision of this Article relating to the regulation of the discharge of fireworks shall be punishable by a fine of not more than Two Hundred Fifty Dollar ($250.00) and/or the forfeiture of any and all fireworks that were then in the possession of the offender, and not more than fifteen (15) hours of community service, as well as court costs.
ARTICLE 3. SERVICE DRIVES

18-301. DEFINITIONS.

The following terms shall have the meanings ascribed to each for purposes of this Article:

(a) **100-Year Flood.** A flood event having a one percent (1%) probability of occurring in any given year.

(b) **Accessory Structure.** A structure subordinate to a Primary Structure and located on the same property as the Primary Structure.

(c) **Agriculture Structure.** A structure designed and built for agriculture purposes.

(d) **Agriculture / Accessory Service Drive.** An access, drive designed to service an Agricultural or Accessory Structure as defined by this code.

(e) **Approved Turn-A-Round.** A turn-a-round, which will allow the turning of a large vehicle in no more than two maneuvers.

(f) **Approved Turnout.** An area on a Service Drive that widens to allow for the simultaneous, safe passage of two large vehicles where the Service Drive is otherwise too narrow to allow for such maneuvers.

(g) **Drainage Area.** The area of land that would contribute drainage to the drainage structure as expressed in acres and/or square miles.

(h) **Drainage Structure.** A structure, including but not limited to, a metal culvert, concrete culvert, concrete box or bridge which is designed for the discharge of storm water.

(i) **Flood Insurance Rate Map (FIRM).** The official floodplain maps of the County that are issued by Federal Emergency Management Agency.

(j) **Multi-Service Drive.** A service drive that services two or three lots or tracts of land each containing one primary structure.

(k) **Primary Structure.** A structure that is designed and built for the purpose of providing shelter and safety for people who live within it.

(l) **Service Drive.** A private road, drive or driveway utilized to access one or more lots or tracts of land.

(m) **Single Service Drive.** A service drive that services only one lot or tract of land.
18-302. WHEN SERVICE DRIVE REQUIRED.

A Service Drive shall be constructed and maintained when a Primary, Agriculture, or Accessory Structure is:

(a) sited;

(b) being built; or

(c) being moved onto a lot or tract; and any part of the structure is more than two hundred feet (200') from the edge of a City of Park City, County or Township road or an existing Service Drive meeting the requirements of this code and located within the city limits of the City of Park City, Kansas.

18-303. APPLICATION AND INSPECTION FEE.

An application and inspection fee in the amount of $100.00 shall be remitted when building permit application is made.

18-304. GENERAL REQUIREMENTS.

All Service Drives shall comply with the following requirements:

(a) Dimensions and Composition.

(1) Service Drives shall maintain a minimum vertical clearance of thirteen feet, six inches (13'6").

(2) The driving surface shall be designed to withstand a minimum weight of forty six thousand (46,000) pounds and must support this weight during times of inclement weather.

(3) Any gates, entryways, poles, barriers or other obstructions located on a Service Drive shall be set back from the City of Park City, County or Township road driving surface a minimum of thirty feet (30').

(4) Compliance with Service Drive requirements will be evaluated whenever an additional Primary Structure utilizing the Service Drive is constructed or sited.

(5) The surface is to be of an all weather surface material consisting of dust free rock or gravel, ground asphalt, laid asphalt or concrete. Exception: Commercial and Industrial site service drives MUST be laid asphalt or concrete.

(6) The surface shall be applied to a minimum of four inches (4") in depth consistently over the entire driving surface. Dust free gravel, if utilized, must be compacted.
(7) All distances of one hundred (100) feet or more as used in this article shall be measured using the most direct route via travel by ground.

(b) Maintenance.

(1) A maintenance covenant must be in effect for maintenance of a Multi-service Drive and for those service drives not owned by the same person or entity as the serviced property. The covenant must be recorded with the Sedgwick County Register of Deeds. An easement indicating access rights for the property served shall also be recorded with the Sedgwick County Register of Deeds. The building permit applicant shall present to the City of Park City Department of Code Enforcement a Register of Deeds stamped copy of the maintenance covenant and a Register of Deeds stamped copy of the easement indicating access rights, along with any additional documents required.

(2) The owner of the property served by a Service Drive shall be responsible for constructing and maintaining the drive to the approved standards within this Article.

(3) If a Service Drive extension is eligible to be approved but another connecting Service Drive has not been maintained in accordance with this Service Drive Code, the Service Drive extension will not be approved until the connecting Service Drive has been brought into compliance with the Service Drive requirements.

(4) A Service Drive that cannot be installed in accordance with this code due to the location on property, topography, waterways, non-negotiable grades or other similar conditions may be reviewed by the Director of Code for consideration of approval by means of an alternative access. Any decisions made by the Director of Code Enforcement may be appealed to the Park City Board of Building Examiners and Appeals.

(5) Service Drive access to Primary, Agriculture, and Accessory Structures shall be provided and maintained in accordance with this code.

(6) If a bridge is required for access, it must be designed, constructed and maintained in accordance with the American Association of Highway and Transportation Officials current standards for an HS 20 loading. The bridge must be designed by a Licensed Engineer and the plans, specifications and design documentation must be submitted for review to the City of Park City Department of Public Works prior to construction. Prior to approval of the completed service drive and bridge, the design engineer must provide certification to the Department of Public Works that the bridge has been constructed in accordance with the plan. The minimum clear width of the bridge shall be fourteen feet (14’). The Service Drive may be reduced to fourteen feet (14’) in width at the approaches to the bridge. The required drive width throughout the remainder of the length of the drive shall be maintained as otherwise required in this article.
(7) If the Service Drive goes through any portion of land designated in the 100-year floodplain for Park City, the installation of all culverts, bridges or similar crossings are to be approved by the floodplain manager for the City of Park City. In addition, all local, state, and federal floodplain requirements must be met and all necessary permits must have been obtained prior to construction of the Service Drive or the crossing structure.

(8) Any Service Drive that is serving or has the potential to serve four or more lots or tracts shall be constructed and maintained to public road standards as determined by Park City Public Works.

(c) If the Service Drive or the structure it serves is within a floodplain, the building permit applicant must comply with the provisions of this Article.

18-305. SPECIFIC REQUIREMENTS FOR SERVICE DRIVES SERVICING PRIMARY STRUCTURES.

Service drives servicing primary structures shall comply with the following requirements:

(a) Service Drives shall maintain a minimum driving surface width of twenty feet (20') for the continuous length of the drive. The twenty-foot (20') width does not include ditches, shoulders, or similar structures but actual driving surface only.

(b) Service drives shall include an Approved Turn-A-Round within two hundred feet (200') of each Primary Structure.

(c) A detailed site plan is required for all lots or tracts where a Primary Structure is constructed or moved into or within the City of Park City. The building permit applicant shall submit a site plan to the Park City Director of Code Enforcement prior to beginning construction. The Code Enforcement Director shall not accept a site plan unless it indicates the following: all boundaries, easements, setbacks, primary structure footprint, additional structure footprints, streets, driveways and service drives, distance of structures from streets or roads, including, the measurements and dimensions thereof. The site plan shall be legible and certified by the applicant that the site plan is accurate and conforms to the requirements of this article.

18-306. ADDRESS REQUIREMENTS.

(a) Park City public roads shall be named as assigned by the Address Coordinator. Structures shall be addressed as required by the Address Coordinator. In addition, addresses shall be posted at the point where the Service Drive departs from a Park City, Sedgwick County or Township road and at the point where a Service Drive departs from another Service Drive.

(b) The addresses of all structures accessed via a Service Drive shall be posted at the entrance to the Service Drive where it departs from the Park City, Sedgwick County or Township road.
(c) All addresses shall be readily visible from the driving surface in either direction and shall be placed on a contrasting background.

18-307. SPECIFIC REQUIREMENTS FOR SERVICE DRIVES SERVICING AGRICULTURE AND ACCESSORY STRUCTURES.

Service Drives servicing agriculture and accessory structures shall meet the following requirements:

(a) Sleeping or cooking is not permitted in Agriculture and Accessory Structures at any time. Sleeping, living or cooking areas shall not be provided therein.

(b) Agriculture and Accessory Structures eight hundred (800) square feet or less in size do not require a Service Drive.

(c) Service drives servicing Agriculture and Accessory Structures shall have a driving surface that is constructed and maintained with a width of not less than fourteen feet (14').

(d) Service Drives over five hundred feet (500') in length must have an Approved Turnout which is not less than thirty feet (30') wide and seventy feet (70') in length for every five hundred feet (500') in length. The approved turnout must comply with the minimum dimensions and requirements found in Exhibit A.

(e) An Approved Turn-a-round is required on all service drives five hundred feet (500') or longer. The Approved Turn-a-round shall not be located more than two hundred feet (200') from the most distant point of the structure. Dimensions shown on Exhibit A must be strictly adhered to. Turn-a-rounds with configurations other than those shown on Exhibit A will be evaluated by the Department of Code Enforcement on a case-by-case basis.

(f) A site plan will be required for all Agriculture and Accessory Structures over eight hundred (800) square feet in size. The site plan shall indicate all easements, setbacks, structure locations and sizes, geographical obstacles, Single and Multi- Service Drives and their dimensions.

(g) Any project not constructed as designed in accordance with this code, shall not be granted a Certificate of Occupancy of any type and the permit applicant will be subject to enforcement proceedings as provided in this Article and/or additional legal proceedings.

18-308. CODE ENFORCEMENT INSPECTION.

(a) The Service Drive shall be completed, inspected, and approved by Park City Department of Code Enforcement, prior to or at the time of the framing inspection. If the drive has not been constructed and approved by that time, Park City Code Enforcement will issue a stop work order and all work on the project will cease until approval of the service drive is completed.
(b) The Service Drive shall be re-inspected at the time of final inspection of the structure and shall meet all of the requirements of this ordinance before a certificate of occupancy will be issued.

(c) Any project not constructed with a Service Drive meeting the requirements of this code shall not be granted a Certificate of Occupancy of any type and the permit applicant will be subject to enforcement proceedings as provided in this Article and/or additional legal proceedings.

18-309. ENFORCEMENT AND PENALTIES.

(a) The Director of Code Enforcement shall have the following authority to obtain compliance with the Service Drive Code and may exercise discretion in implementing any or all of the following enforcement methods:

(1) Issue a uniform complaint to the permit applicant for violation of this article.

(2) Issue a "STOP WORK ORDER" on the building project until such time the service drive is brought into compliance.

(3) Initiate any additional legal action, including but not limited to, abatement, injunction, or other equitable relief.

(b) It shall be unlawful for any person, firm, corporation, or other entity to construct or maintain a Service Drive in violation of this Article. Each day of a violation shall constitute a separate offense.

(c) Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 dollars, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the City of Park City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) Officials of the City of Park City and any code enforcement officer or law enforcement officer being duly authorized and having jurisdiction in the City of Park City shall have the power to sign, issue and execute a uniform complaint and notice to appear in Municipal Court to any person violating any provision of this Article.

18-310. OTHER REMEDIES UNAFFECTED.

Nothing in this Article shall be construed to limit or prevent the City of Park City or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this Article.
18-311. ACCESS FOR EMERGENCY VEHICLES IN FLOODPLAIN MANAGEMENT AREAS.

In floodplain management areas where any part of a structure is located more than 200 feet from a publicly maintained road, the owner of such structure shall provide for all weather access for emergency vehicles to such structure. The purpose of this requirement is to help prevent or reduce loss of life, personal injury, and property damage during times of high water or floods.

18-312. PERMITS REQUIRED FOR CERTAIN SERVICE DRIVES.

For all new and reconstructed drainage structures that are served by any Service Drive crossing a drainage way, swale, stream, creek or river, the following design standards and rules shall apply:

(a) If a Service Drive crosses or encroaches a mapped floodplain as defined or described on the Flood Insurance Rate Map (FIRM) for the City of Park City, the building permit applicant will be required to apply for and obtain a permit as provided for in Article 3, Administration, of the City of Park City Floodplain Management Ordinance.

(b) All Service Drives crossing a drainage pattern swale, stream, creek or river having a drainage area of two hundred forty (240) acres or more must comply with K.S.A. 24-126 (and amendments thereto), K.S.A. 8:a-301 through 82a-305a (and amendments thereto), and all other applicable laws. These requirements include applying for and receiving any and all permits as required by the state Division of Water Resources. If a state permit is required, it must be applied for and obtained before a city development permit will be issued.

18-313. SUBMISSION OF PLANS FOR SERVICE DRIVES.

In order to provide the City of Park City Director of the Department of Code enforcement with sufficient information, to properly evaluate the proposed Service Drive, the building permit applicant shall submit the following documentation to the Director:

(a) A topographic map of the area prepared by a registered land surveyor and having the following minimum requirements:

(1) Scale must not be less than one inch (1") to one hundred feet (100\'); contour intervals must not be greater than two feet (2');

(2) Easement limits for all service drives must be indicated; and

(3) A benchmark (a known elevation) shall be established within the area being developed and shall be referenced on the topographic map.
(b) A plan and a profile of the proposed Service Drive and any drainage improvements which have been prepared by a licensed engineer. The plan and profile shall have the following minimum requirements:

(1) The benchmark, as required herein, shall be indicated on the Service Drive and drainage improvement plans; and
(2) The existing profile along the centerline of the proposed Service Drive shall be indicated.

18-314. CONSTRUCTION STANDARDS FOR SERVICE DRIVES.

(a) The Service Drive and drainage structures must be designed by a licensed engineer to prevent road overflow, backwater on other properties, and erosion. Service Drives must be constructed to an elevation that is one foot (1') above the Base Flood Elevation or the 100-year flood event. The drainage structures that are placed under the road must be capable of passing the 100-year flood event without road overflow.

(b) Prior to construction of a Service Drive crossing a mapped floodplain or drainage pattern that requires a state permit, a copy of the permit as well as a set of engineered plans must be presented to the Park City Department of Code Enforcement for review before a development permit will be issued.

(c) The plans for the proposed Service Drive must show hydrologic and hydraulic data, drainage area, coefficient of runoff, design intensity, design runoff, design velocity, design flow depth, flow line profile for approximately fifty feet (50') up and down stream and the road profile over the drainage structure. This engineering data must be designed and sealed by a licensed engineer.

18-315. APPEALS PROCESS.

The Park City Board of Examiners and Appeals shall hear and decide appeals of orders, decisions or determinations that are trade relative to the application and interpretation of this code. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a copy to the Director of Code Enforcement.

18-316. NOTICE OF APPEAL.

All notices of appeal shall be made in writing to the Director of Code Enforcement within ten (10) calendar days of the pronouncement of the decision being appealed from, or be forever barred. An appeal application fee of twenty-five dollars ($25.00) shall accompany the notice of appeal.
18-317. LIMITATIONS ON AUTHORITY.

An appeal shall be based on a claim that the intent of this code or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board of examiners and appeals shall have no authority to waive requirements of this code. In making its decision, the board of examiners and appeals shall consider the degree of safety to be achieved and any resulting detriment to the public welfare. The board of examiners and appeals shall use the current City of Park City Fire Code as the nationally recognized standard. The board, in cooperation with the fire chief and the Director of Code Enforcement shall review the Park City Service Drive Code as deemed necessary and appropriate and make a report to the Governing Body of the City of Park City regarding recommendations for changes thereto.

18-318. SAVINGS CLAUSE.

All rights and remedies of the City of Park City, and the property owners and residents thereof, are expressly saved as to any and all violations of any prior Fire Access Road regulation, ordinances, or codes that have accrued at the time of the effective date of this ordinance. The city shall have all the enforcement powers that existed prior to the effective date of this Article as to all such accrued violations.

18-319. SEVERABILITY.

Should any section, clause or provision of this Article be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
Chapter 19. SIGNS

ARTICLE 1 ADVERTISING SIGNS

19-101. DEFINITIONS.

(a) Advertising Sign means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located or to which it is affixed.

19-102. ADVERTISING SIGNS REQUIRING A PERMIT.

It shall be unlawful to locate and place an Advertising Sign within six hundred sixty (660) feet of the right-of-way of I-135 Interstate Highway unless a permit to do so is granted by the City.

19-103. REQUIREMENTS OF ADVERTISING SIGNS REQUIRING A PERMIT.

Permits to locate and place an Advertising Sign within six hundred sixty (660) feet of the right-of-way of I-135 Interstate Highway shall not be granted unless the Advertising Sign meets all of the following conditions:

(a) Complies with K.S.A. 68-2231, et seq., and amendments thereto;

(b) Complies with applicable federal laws and regulations;

(c) Complies with City zoning laws and regulations and with other applicable City ordinances;

(d) Is located no closer than one thousand (1,000) feet from any other Advertising Sign;

(e) Will not result in more than five (5) Advertising Signs being located within a linear mile on each side of I-135 Interstate Highway;

(f) Is not located within fifty (50) feet of any structure;

(g) Is held up by a steel monopole structure;

(h) The total height from ground elevation to the top does not exceed thirty-five (35) feet without header and forty (40) feet with header. The Zoning Administrator is hereby granted the authority to permit up to an additional ten (10) feet if in the opinion of the Administrator an interchange prohibits a clear viewing of the sign.

(i) Is not located within 300 feet of any residential structure.

(j) Is located on an unplatted tract of land that is not less than ten (10) acres in size and is zoned C-2 Commercial, I-1 Light Industrial or I-2 Heavy Industrial or on a
platted tract of land that is not less than 1.5 acres in size and zoned C-2 Commercial, I-1 Light Industrial or I-2 Heavy Industrial; provided, however, that if any portion less than the entirety of the original platted lot for which a permit was issued is sold the sign permit shall be null and void.

(k) No Advertising Sign shall exceed 672 square feet per face, except that up to an additional 240 square foot header (5’x 48’) per face may be added, if such header advertises products or services on premises.

19-104. FORM OF APPLICATION.

Anyone seeking a permit to locate an Advertising Sign within six hundred sixty (660) feet of the right of way of I-135 Interstate Highway shall submit an application on forms provided by the City. A site plan and elevation view of the Advertising Sign shall be submitted with the application.

19-105. REPLACEMENT OF NON-CONFORMING ADVERTISING SIGN.

Any Advertising Sign that is located within six hundred sixty (660) feet of the right of way of I-135 and which was allowed to remain as a non-conforming Advertising Sign at that location shall, if and when the sign is replaced, be replaced with a steel monopole structure.

19-106. PENALTY FOR VIOLATION OF THIS ARTICLE.

Any person who violates any provision or provisions of this Article shall be deemed guilty of a misdemeanor. Any such violation shall be punishable by a fine of not more than five hundred dollars ($500.00) and/or a sentence of not more than thirty (30) days in jail for each separate violation. Each day that a violation of this Ordinance occurs or continues to occur shall constitute a separate offense and shall be separately punishable.

(Created by ORD #877-2010 to Repeal ORD #698-2005 & #829-2005 on 9/28/2010)
ARTICLE 1. CREATION AND PROVISIONS

20-101. CREATION.

There is hereby created, under the authority of K.S.A. 12-1757 et seq. (the "PBC Act"), a municipal corporation to be known as the City of Park City Public Building Commission (the “PBC”)

20-102. COMPOSITION.

The PBC shall be composed of five members. One member shall be appointed by the Mayor and shall serve at the pleasure of and only during the term of the Mayor appointing such member. The two council members from each ward shall collectively appoint one member to the PBC. In the event such council members shall not agree on an appointment, such appointment shall be made by the Mayor, subject to confirmation by the city council. The appointed members from Wards 1 and 2 shall initially serve terms ending on December 31, 2017 and for four (4) year terms thereafter. The appointed members from Wards 3 and 4 shall initially serve terms ending December 31, 2019 and for four (4) year terms thereafter. Each member appointed by Ward may be removed at any time during its term by unanimous vote by the council members from such Ward. A vacancy in any member’s term shall be filled in the same manner as the original appointment and the newly appointed member shall serve the remainder of the original member’s term, subject to removal as set forth herein.

In the event that the PBC, in the future, provides buildings or structures that are leased to governmental entities other than the City of Park City, the composition of the PBC shall be modified, if and to the extent necessary to conform to the requirements of the PBC Act, by adoption of an appropriate ordinance.

20-103. PURPOSE, POWERS AND FUNCTIONS.

The PBC is created for the purposes of, and shall have the powers and shall perform the functions set forth in the PBC Act, as amended from time to time by statute or charter ordinance; provided, however, that until further expanded by the adoption of an appropriate ordinance of the City, the PBC’s powers shall be limited to doing all things necessary or incidental to the purpose of constructing, acquiring, enlarging, furnishing, equipping, operating and maintaining buildings which are to be used to house city offices, including parking facilities, and more specifically described as a city hall and police department building or buildings and facilities

20-104. SUPPORT SERVICES.

Unless otherwise directed by the city council, the City Administrator and other city staff will provide administrative services to the PBC, the city’s bond counsel and the
City Attorney shall provide legal services to the PBC and the city’s financial advisor shall provide financial advisory services to the PBC.

20-105. FURTHER ACTION.

The PBC shall have the authority to adopt bylaws and resolutions or take other official actions not inconsistent with the provisions of this article and the PBC Act.

20-106. SEVERABILITY.

If any provision of this ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidation shall not affect any other provision of this ordinance. This ordinance shall be enforced and construed as if such illegal or invalid provision had not been contained herein.

(Chapter 20, Sections 20-101 to 20-106 Created by Ord#966-2015 adopted on 9/22/2015 published on 10/1/2015)