# CITY OFFICIALS

CITY OF ENTERPRISE

GOVERNING BODY

Mayor

Jeff Meahl

Council Members

Tim Clark

Phyllis Jackson

George Zeiger

Carrie Sprouse

Joseph Grant

ADMINISTRATIVE OFFICIALS

## Deana Payne Brad Jantz

City Clerk City Attorney

Paul Froelich Jon Barker

City Superintendent Municipal Judge

Cecil Thrush Jr.

Fire Chief Chief of Police

Sheriff of Dickinson County

Kim Rutter

City Treasurer

### CODE

**OF THE**

**CITY OF ENTERPRISE**

**KANSAS**

Published under the authority and by the direction of the governing body of the City of Enterprise, Kansas this 3rd day of March 2005.

A codification of the General Ordinances of the City of Enterprise, Kansas.

PREFACE

This volume contains the Code of the City of Enterprise, Kansas, 2005. As expressed in the adopting ordinance, the code supersedes all ordinances passed prior to March 3, 2005, which are not included herein or recognized as continuing in force by reference thereto. The code was prepared by the Enterprise City Officials under the authority of Sections 12-3014 and 12-3015 of the Kansas Statutes Annotated.

This code is arranged in chapters, articles, and sections in a manner similar to the Kansas Statutes Annotated arrangement. Head notes and footnotes are included; however these do not constitute a part of the code and no implication or presumption of intent or construction is to be drawn there from.

Any section of this code may be amended or repealed by ordinary ordinance by reference to the code section as follows: “section 1-105 of the Code of the City of Enterprise is hereby amended to read as follows: (the new provisions shall then be set out in full)”.

A new section not heretofore existing may be added as follows: “The Code of the City of Enterprise is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provision shall be set out in full)”

All sections or articles or chapters to be repealed by specific reference as follows: “Section 1-105 (or article or chapter) of the Code of the City of Enterprise is hereby repealed.”

The user’s attention is directed to the League of Kansas Municipalities publication, “Handbook for the City Governing Body,” with the supplement for cities of the third class, both as a source of general information and as an index to the pertinent sections of the Kansas Statutes Annotated.

An index is included in this volume, and the user’s attention is also directed to indexes which may appear in standard codes incorporated by reference in this code.

# Ordinance No.1464

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF ENTERPRISE, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN LOOSELEAF BOOK FORM.

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

Section 1. That a codification of the general ordinances of the City of Enterprise, Kansas, including supplements thereto, as authorized by K.S.A. 12-3014 and 12-3015, is hereby ordered, authorized and provided for, the preparation of which shall be done by City Staff. When completed, the codification shall be entitled, “Code of the City of Enterprise, Kansas,” of the year in which the work is completed and ready for publication. The City Clerk shall duly certify the said code. One Copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the City Clerk and shall be designated for use by the public.

Section 2. That this ordinance shall take effect and be in force from and after its publication once in the official newspaper.

Passed and approved by the Governing Body this 3rd day of March 2005.

/s/ Jack L. Craig Mayor

ATTEST: /s/ Kimberly L. Jones, City Clerk

(SEAL)

# CHAPTER I. ADMINISTRATION

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**ARTICLE 1. GENERAL PROVISIONS**

* 1. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and be designated as the “The Code of the City of Enterprise, Kansas,” and may be so cited. The code may also be cited as the “Enterprise City Code.”
  2. DEFINITIONS. In the construction of this code and of all ordinances of the City, the following definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

1. Bond When a bond is required, and undertaking in writing shall be sufficient.
2. City shall mean the City of Enterprise, Kansas.
3. Code shall mean “The Code of the City of Enterprise, Kansas.”
4. Computation of time The time within which an act is to be done shall be computed by excluding the last day; and if the last day be a Saturday, Sunday, or legal holiday, that day shall be excluded.
5. 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.
6. Governing Body shall be construed to mean the mayor and city council of the City of Enterprise, Kansas.
7. County means the County of Dickinson in the State of Kansas.
8. 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.
9. 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.
10. Month shall mean in a calendar month.
11. Number Words used in the singular include the plural and words used in the plural include the singular.
12. 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.”
13. Officers, departments, ect. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the City of Enterprise, unless the context clearly indicates otherwise.
14. 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 part of such building or land.
15. Person includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
16. Property includes real, personal and mixed property.
17. Real Property includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.
18. Shall, May “Shall” is a mandatory and “May” is permissive.
19. Sidewalk means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
20. 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.
21. State shall be construed to mean the State of Kansas.
22. 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.
23. 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 part of such building or land, whether alone or with others.
24. Tenses Words used in the past or present tense include the future as well as the past and present.
25. 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 mark of any person is required by law.
26. Year means a calendar year, except otherwise provided.
    1. EXISTING ORDINANCES. The provisions appearing in this code, so far as they are in substance the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.
    2. EFFECT OF REPEAL. The repeal of an ordinance shall not revive an ordnance previously repealed, nor shall such repeal affect any right which as accrued, any duty imposed, any penalty incurred or any proceeding commended under or by virtue of the ordinance repealed, except as shall be expressly stated therein.
    3. CATCHLINES OF SECTIONS. The catchlines 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 provide, shall they be so deemed when any section, including its catch line, is amended or reenacted.
    4. 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.
    5. AMMENDMENTS: 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 Enterprise 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 Enterprise is hereby amended by adding as follows: “The code of the City of Enterprise 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 (article or chapter) \_\_\_ of the code of the City of Enterprise is hereby repealed.”
    6. 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. (K.S.A. 12-120:121)
    7. 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 Enterprise 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.
    8. SCOPE OF APPLICATION. Any person convicted of doing any of the acts or things prohibited, made unlawful, or 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 1-111. Each day any violation of this code continues shall constitute a separate offense.
    9. 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:
27. A fine of not less than one dollar or more than $1,000; or,
28. Imprisonment in jail for not more than 179 days; or,
29. Both such fine and imprisonment not to exceed (a) and (b) above.
    1. SEVERABILITY. If 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. POWERS GENERALLY. All powers exercised by cities of the third 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 council of the city as governing body of the city. (K.S.A. 12-103).
  2. ORDINANCE POWERS. The governing body shall have the management and control of the city and its finances, and shall have the power to enact, modify or repeal any and all ordinances not repugnant to the constitution and the laws of the State of Kansas and such as it shall deem expedient for the good government of the city, and the health, safety, and welfare of its citizens.
  3. REGULAR MEETINGS OF COUNCIL. The meeting of the city council shall be the first Thursday of each calendar month at 7:00 p.m. in the meeting room of the Enterprise City Building for review of appropriations and begin regular meeting at 7:30 p.m. provided that when such date shall be a holiday regularly observed in the city, or other conflict, the regular meeting shall convene on the next Thursday at the appointed hour.
  4. SPECIAL MEETINGS; CALLING; MINUTES. Special meetings of the council may be called by the mayor (or acting mayor in the absence of the mayor from the city) on written request of any three members of the council, specifying the object and purpose of such meeting, which request shall be read at the meeting and entered at length on the journal by the city clerk. The call of the mayor for any such special meeting shall be endorsed upon the written request and shall specify the time and place of such meeting and shall be filed with the city clerk. Thereupon, the city clerk shall give notice of such meeting to each member of the council. (K.S.A. 15-106).
  5. ADJOURNED MEETING; TIME AND PLACE. Any regular or special meeting of the city council may be adjourned for the completion of its business at such subsequent time and place as the council may determine in the motion to adjourn.
  6. QUORUM; ATTENDANCE OF MEMBERS. At all meetings of the city council, a majority of the council members elect shall constitute a quorum to do business, but any less number may adjourn from day to day and compel the attendance of absent members of the council by attachment issued in the name of the city and directed to the chief of police demanding him or her to arrest such absent members and bring them before the council. (K.S.A. 15-106).
  7. ORDINANCES; CONSIDERATION, PASSAGE. All ordinances of the City shall be considered at a public meeting of the governing body except as otherwise provided by law. The vote on any ordinance shall be “yeas” and “nays” which shall be entered on the journal by the city clerk. No ordinance shall be valid unless a majority of all members elect of the city council shall vote in favor thereof: provided, that where the number of favorable votes is one less than required, the mayor shall have the power to cast the deciding vote in favor of the ordinance. (K.S.A. 12-3001:3002)
  8. SAME; APPROVAL, VETO, PASSAGE OVER VETO. The mayor shall have the power to sign or veto any ordinance passed by the council: provided, that ordinances on which he or she casts the deciding vote and appropriation ordinance, he or she shall have no veto and he or she shall sign such ordinance if he or she be present at the meeting and if he or she refuses or neglects to sign or not be present at the meeting, they shall take effect without his or her signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of three-fourths of the whole number of the council members elect notwithstanding the veto: provided further, that if the mayor does not sign his or her approval of the ordinance or return the same with his or her veto stating his or her objection in writing on or before the next regular meeting of the council, the ordinance shall take effect without his or her signature. Such fact to be endorsed by the city clerk on the ordinance and at the end of the ordinance as entered in the ordinance book: provided, however, that the president of the council or acting president of the council shall have no power to sign or veto any ordinance. (K.S.A. 12-3003)
  9. SAME; STATEMENT AFTER LAST SECTION. After the last section of each ordinance there shall be a statement substantially as follows: “Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_.” Followed by “(Approved) (Signed) by the Mayor” with the signature of the mayor; or “Passed over the Mayor’s Veto.” Or “The Mayor not having approved the ordinance on or before the next regular meeting, took effect without his or her signature.”; or in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto. (K.S.A. 12-3003)
  10. SAME; SUBJECT, TITLE,AMENDMENTS, ORDAINING CLAUSE. No ordinance shall contain more than one subject which shall be clearly expressed in its title; and no section or sections of the ordinance shall be amended unless the amending ordinance shall contain the entire section or sections as amended and the section or sections amended shall be repealed. The style of the ordaining clause of all ordinances shall be: “be it ordained by the Governing Body of the City of Enterprise.” (K.S.A. 12-3004)
  11. RULES AND ORDER OF BUSINESS. The following shall constitute guidelines for the order of business of the city.

Rule 1. Order of Business. At the hour appointed for meeting, the governing body shall be called together by the mayor, and in his or her absence by the president of the council, and in the absence of both by the city clerk. The city clerk shall call the roll and note the absentees and announce whether a quorum is present. Upon appearance of a quorum the governing body shall then proceed to business, which shall be conducted in the following order:

* 1. Reading of the minutes of the last regular meeting and intervening special meetings, which of no corrections are offered, shall stand approved;
  2. Presentation of petitions, memorials, and remonstrance’s;
  3. Presentation of claims and appropriation ordinance;
  4. Unfinished business;
  5. New Business;
  6. Reports of other city officers.

Rule 2. Order. The mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the governing body.

Rule 3. Decorum. Every member previous to his or her speaking shall address himself or herself to the chair and shall not proceed until recognized by the chair. He or she shall indulge in no personalities and confine his or her remarks to the matter under debate.

Rule 4. Point of Order. A member called to order shall immediately suspend until the point of order raised is decided by the chair.

Rule 5. Certain Motions in Writing. Every motion except to adjourn, postpone, reconsider, commit, lay on the table, or for the previous question, shall be reduced to writing if the chair or any member requires it; when made and seconded, it shall be stated by the chairperson or being written shall be read by the clerk, and may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote thereon had.

Rule 6. Resolutions. All resolutions must be in writing.

Rule 7. Motions During Debate. When a question is under debate no motion shall be entertained except:

1. To adjourn;
2. To lay on the table;
3. To take the previous question;
4. To postpone;
5. To amend;

Which several motions shall have precedence in order in which they are named, and the first three shall be decided without debate.

Rule 8. Division. Any member may call for a division of a question when the same will admit thereof.

Rule 9. Voting. When a question is put to the chair, every member present shall vote unless for special reasons the governing body shall excuse him or her. In a doubtful case the chair may direct, or any member call for, a division. The yeas and nays shall be called upon a requisition of the chair or any member, and upon the final passage of all ordinances in which case the names of the members voting and their votes shall be recorded in the minutes.

Rule 10. Precedence of Questions. All questions shall be put in the order in which they are moved, whether in committee or in council, except in case of privilege questions, and in filing blanks the longest sum shall be first.

Rule 11. Previous. The previous question shall be put in these words: “Shall the main question now be put?” It shall be admitted on demand of any two members and until decided shall preclude all amendments and debate of the main question.

Rule 12. Passing of Ordinances. All ordinances shall be read by sections, at which time amendments, if any, may be offered, but the reading of any section shall not preclude the offering of an amendment to any preceding one. If amendments are made the chair shall so report, and each section shall be read as amended before the vote on the passage of the ordinance is taken. After reading and amendment (if any) of the ordinance, the question shall be: “shall the ordinance pass?” The vote on the final passage of an ordinance shall be taken by yeas and nays, which shall be entered on the journal by the clerk; and no ordinance shall be valid unless a majority of (or otherwise as required by law) the members of the council vote in favor thereof: provided, that 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 of sections amended shall be repealed. (K.S.A. 12-3002; 3004)

Rule 13. Signing and Engrossing Ordinances. After an ordinance shall have passed it shall be correctly entered in the original ordinance book and the original and the book copy shall be signed by the mayor, in the absence of the mayor by the president of the council and attested by the clerk, who shall secure publication of the ordinance as required by law.

Rule 14. Clerk Reads Communications. Petitions and other papers addressed to the governing body shall be read by the clerk under proper order of business upon presentation of the same to the board.

Rule 15. The Public. No person, other than members of the governing body and city officers shall be admitted within the bar of the council, unless by unanimous consent.

Rule 16. Executive Sessions. When the mayor and council are in executive session, the council chamber may be cleared of all persons by the clerk and such other officers and persons as may be desired to attend. All remarks and proceedings in executive sessions shall be kept in strict confidence among participants of the session except as are announced by the mayor in open council.

Rule 17. Chief of Police. The chief of police or his or her designate shall attend all meetings of the governing body and preserve order in the room.

Rule 18. Robert’s Rules of Order. In all points not covered by these rules Robert’s Rules of Order shall govern the governing body in its procedure.

###### ARTICLE 3. CITY ELECTIONS

* 1. CONDUCT OF ELECTION. The election shall be conducted in all respects as provided by the laws of Kansas governing the holding of city elections. (K.S.A. 25-2101)
  2. 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 announces by the county election officer.

##### ARTICLE 4. OFFICERS AND EMPLOYEES

* 1. OFFICERS; APPOINTMENT; REMOVAL. At the first regular meeting in May of each year, the mayor, with the consent of the council may appoint a city clerk, city treasurer, municipal judge, city attorney, chief of police, assistant chief of police, fire chief, city superintendent who will have charge of the streets, sewers, water and other utilities, assistant city superintendent and such other officers and employees as may be deemed necessary. A majority of all the members of the council may remove any such officer; or for good cause, the mayor may remove any such officer, with the consent of the council. (K.S.A. 15-204)
  2. CITY CLERK; DUTIES. The duties of the city clerk shall be as follows:

1. Supervises subordinate personnel.
2. Maintains custody of ordinances and other official documents and records.
3. Maintains all financial, banking and investment records.
4. Maintains all personnel and payroll records.
5. Researches and makes recommendations on financial investments.
6. Reconciles all city accounting records for both expenditures and revenues in all funds.
7. Informs the general public on areas concerning municipal ordinances and procedures.
8. Maintains corporate seal of the city and administers oaths.
9. Assists with budget preparation and any ordinance for the levying of taxes, and shall certify the same to the county clerk, in the form and manner required by law together with a copy of the budget; provided, that a copy of the budget shall be filed with the state department of post audit.
10. Keeps fully accurate account of all bonds issued by the city.
11. Keeps a record of all special assessments made by the city council for any purpose and shall certify the assessments to the county clerk for collection and payment in the manner provided by law.
12. Assists with purchase orders and claims.
13. Assists citizens with concerns and complaints.
14. Oversees the utility billing process.
15. Attends all meetings of the council and makes and keeps a record of all proceedings and meetings of the council in minute form entered in the journal of council proceedings.
16. Carries on all of the official correspondence of the city; giving the same prompt attention and shall present for consideration of the mayor and council at its regular meetings each month.
17. Reports to the council at its regular meeting each month in regard to the financial condition of the funds of the city.
18. Receives all cash.
19. Provides clerical support to other departments.
20. Other related duties as deemed necessary or as required.
    1. CITY TREASURER; DUTIES. The duties of the city treasurer shall be as follows:
21. Receive and safely keep all moneys belonging to the city coming to him or her by virtue of his or her office, giving his or her receipt therefore and for all moneys received by him or her from any other source than the city clerk, he or she shall give duplicate receipts causing one of them to be filed with the city clerk, and shall keep a copy thereof in his or her own office.
22. Keep proper records and accounts of all moneys received and dispersed by him or her from any source and funds in behalf of the city specifying the time of receipt and disbursements, from whom received and to whom disbursed on account of the city.
23. Publish or cause to be published a quarterly financial statement of the city in the manner and style required by section 12-1608 of the Kansas Statutes Annotated.
24. Deposit all funds of the city coming into his or her hands in his or her official capacity or responsibility in a depository bank or banks within the city, and only after the same has been designated by the governing body and after the depository bank shall have given security in those instances when a depository of public moneys must be given security. All such deposits shall be made in his or her name and in his or her official title as treasurer of the City of Enterprise.
25. Pay out of funds of the city upon warrants (warrants and checks) properly signed by the mayor, attested by the city clerk and countersigned by him or her. He or she shall cancel all warrants as soon as paid, and in cancelling paid warrants, he or she shall write across the face of such warrant the word “Paid”.
    1. CITY ATTORNEY; DUTIES.
26. Attend all meetings of the city council and advise the governing body and officers of the city upon all legal questions submitted to him or her affecting the duties of their offices and the interest of the city.
27. Draft all ordinances, resolutions, contracts, agreements and other instruments relating to the affairs of the city at the direction of the governing body.
28. Appear and prosecute all violations of city ordinances in municipal court when his or her services shall be required.
29. Perform such other duties as may be prescribed by the governing body and the Kansas Statutes.
    1. CITY SUPERINTENDENT; DUTIES. The duties of the city superintendent shall be as follows:
30. Have supervision of the maintenance and repair of streets, alleys, lanes and other public thoroughfares of the city, in the performance of which, he or she shall see that the streets are maintained after rain or snow. Keep in repair all streets that have been hard surfaced and see that all crosswalks and gutters are properly cleaned; cause to be removed from the streets any obstructions, nuisances and dangerous objects; and shall notify the council of all repairs needed on the streets of the city.
31. Be responsible for the observation of the condition of the sidewalks and other footways of the city respecting their safety and state of repair and shall report to the city council all sidewalks believed to be in a dangerous condition or in need of repair.
32. Have charge of the trimming of trees standing in the parking of city streets. It shall be the duty of the superintendent to enforce city codes on property upon which weeds are growing in violation of the ordinances of the city.
33. Have charge, care and operation of the municipal water and electrical distribution systems of the city and all tools, and equipment and machinery used in connection therewith.
34. Recommend to the city council projects for the improvement or enlargement of said systems and make such monthly and annual reports as may be required by the mayor, council or Kansas Statutes.
35. Have charge of the operation and maintenance of the sanitary sewer system, and the wastewater treatment facility of the city.
36. Perform such other duties as may be prescribed by ordinance or by the governing body or any committee of the council.
37. Perform such inspection duties as may be required by the ordinances of the city and governing body.
    1. APPOINTIVE OFFICES; GENERAL DUTIES. The foregoing provisions of this article shall not be construed to limit the duties of city offices named therein and they shall have additional duties as may be required by the mayor and council for the general operation and maintenance of the city water and sewage systems. The city council may create other city offices as the city may require hereafter and may abolish any office herein established which shall not have been created by the laws of the State of Kansas for the cities of the third class.
    2. CHIEF OF POLICE; DUTIES. All duties of chief of police shall be performed by the Sheriff of Dickinson County or his/her deputies. The Sheriff shall provide a monthly report to the city council of activities within the city.
    3. 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.
    4. 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. (K.S.A. 74-4301)

* 1. COMPENSATION. The compensation of officers and employees of the city shall be established by ordinance of the city council. All officers and employees who are compensated at an hourly wage rate, shall be paid for bi-weekly periods, beginning at 12:01 a.m. on a Sunday and ending at 12:00 a.m. Saturday two weeks thereafter. All officers and employees, who are compensated at a monthly salary, shall be paid for calendar month periods. The city clerk is authorized and directed to make payments to the officers and employees at the conclusion of the respective payment periods.
  2. 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 doing so by law or by officially recognized confidentiality of their work.

(d) Fair and Equal Treatment. 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 council.

(e) Use of Public Property. No official or employee shall request, or be 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 use of such official or employee in the conduct of official business.

(f) 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.

(g) 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 official 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 appointed 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 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 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 nonpecuniary 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 in behalf of 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.

##### ARTICLE 5. MUNICIPAL COURT

* 1. MUNICIPAL COURT ESTABLISHED. There is herby established a municipal court for the City of Enterprise, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city.
  2. SAME; 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.
  3. MUNICIPAL JUDGE; APPOINTMENT. The municipal court shall be presided over by a municipal judge. The mayor with the consent of the council, shall appoint the judge of the municipal court.
  4. SAME; 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. 12-41-1 et seq.) and all acts amendatory or supplemental thereof.
  5. JUDGE 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 fail 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 office of municipal judge, a successor shall be appointed to fill the unexpired term in the same manner as the municipal judge was appointed. (K.S.A. 12-4107)

##### ARTICLE 6. POLICE DEPARTMENT

* 1. POLICE DEPARTMENT. Law Enforcement shall be provided by contract with the Dickinson County Sheriff to be renewed on an annual basis.
  2. Repealed (2/10/15)
  3. Repealed (2/10/15)
  4. Repealed (2/10/15)

##### ARTICLE 7. FIRE DEPARTMENT

* 1. FIRE DEPARTMENT CREATED. There is hereby created in this city, a fire department composed of a chief, an assistant chief and not less than 10 nor more than 20 firefighters. Members of the fire department shall be appointed by the mayor and confirmed by the council.
  2. SUPERVISION OF DEPARTMENT. The chief of the fire department shall be under the supervision of the mayor and shall have immediate superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment. It shall be the chief’s duty to see that all such apparatus and equipment is ready at all times for immediate use. It shall also be the chief’s duty to submit a written report as to the condition of all fire apparatus and equipment to the governing body at their first meeting in June each year.
  3. ASSISTANT CHIEF; DUTUES. In the absence of the chief, the assistant chief shall have all the powers and perform all the duties incumbent upon the chief.
  4. FIREFIGHTERS; DUTIES. Any subordinate officer or firefighter who refuses or neglects to attend any fire or practice drill without submitting an excuse which is satisfactory to the chief, or shall neglect or refuse to do his or her duty or to obey the orders of the Chief or his or her commanding officer, or who leave his or her post of duty while at a fire, without the permission of the chief, shall be subject to expulsion from the fire department.
  5. MEMBERSHIP; FIRE DRILL. Members of the fire department shall all be volunteers. They shall meet at least once each month for practice and drill. The chief of the fire department shall keep a record of attendance of such meetings. Any member who shall fail to attend six consecutive meetings shall automatically become expelled from the department.
  6. REPORTS AND RECORDS. It shall be the duty of the fire chief to keep an accurate list of all equipment belonging to such fire department, to maintain accurate records of fire alarms and practice drills and the attendance at the same, time and location of fires, construction of building, owner or occupancy, how fire was extinguished, value of building and contents, insurance on building and contents and to make all reports required by law of the fire chief.
  7. FIREMAN’S RELIEF ASSOCIATION. The members of the Fire Department of the city shall be organized into a fireman’s relief association, the same being a corporation organized under the laws of the state provided by K.S.A. 40-1702 through 40-1707. The association shall in all respects conduct its affairs in accordance with the laws and its charter and bylaws which shall entitle its members to the benefits coming to the association.
  8. FIRE PREVENTION CODE INCORPORATED. There is hereby incorporated by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the NFPA Code. Such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the same manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. An electronic copy of the NFPA code will be maintained by the code enforcement officer and may be reviewed during normal business hours. Any person, firm or corporation violating any provisions of such code shall be punished as provided in section 1-111 of this code.
  9. PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep or conceal any tool, appliance, equipment, or other ordinance used in any way buy the fire department.

##### ARTICLE 8. OATHS AND BONDS

* 1. 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: “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 the name of office or position).”
  2. 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.
  3. BONDS REQUIRED. (a) The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient surety company bond to the city. The bond shall be in the following amount, to wit:
  4. City treasurer - $10,000
  5. City Clerk - $10,000
  6. Clerk of Municipal court - $1,000
  7. Judge of Municipal court - $1,000
  8. City Council - $1,000
  9. City Superintendent - $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. (K.S.A. 78-111)

* 1. SAME; PREMIUMS. All premiums on surety bonds shall be paid by the city.
  2. CONDITION OF BONDS. Each of the bonds required in section 1-803 of this article shall be conditioned for the faithful performance of duty and all acts required by the laws of the State of Kansas and the ordinances 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.
  3. 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 9. OPEN RECORDS

* 1. POLICY. (a) It is hereby declared to be the policy of the City of Enterprise 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 restrictions imposed by, the Kansas Open Records Act.

(b) Any person, upon 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. RECORDS CUSTODIANS. The record custodian(s) appointed and designated pursuant to this article shall preserve and protect all public records from damage, disorganization and theft and shall assist, in a timely and efficient manner, any person making a request for access to any public record.
  2. PUBLIC REQUEST FOR ACCESS. All city offices keeping and maintaining open public records shall establish office hours during which any person may make a 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, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.
  3. 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 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. Requestors 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.
  4. PROCEDURES FOR INSPECTION. Any person requesting access to an open public record for the 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.
  5. 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 by 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) Fire Chief – All public records not on file in the office of the city clerk and kept and maintained in the city fire department.

(e) 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.

(f) City Superintendent – All public records not on file in the office of the city clerk and kept and maintained in the public works department.

1. Clerk of the Municipal Court – All public records not on file on the office of the city clerk and kept and maintained in the municipal court.
   1. DESIGNATION OF ADDITIONAL RECORDS CUSTODIANS. (a) Each of the official custodians appointed in section 1-906 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.

(b) Whenever an official custodian shall appoint another person as a record custodian he or she shall notify the city clerk of such designation and the city clerk shall maintain a register of all such designations.

* 1. DUTIES OF CUSTODIANS. All city officers and employees appointed or designated 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.
  2. REQUESTS TO BE DIRECTED TO CUSTODIANS. (a) All members of the public, seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

(b) Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request to access to, or copy of, a public record which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

* 1. FEE ADMINISTRATION. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the clerk-finance officer and treasurer of the city.
  2. INSPECTION FEE. (a) Where a request has been made for inspection of any open public record, which is readily available to the record custodian, there shall be no inspection fee charged to the requestor.

(b) In all cases not covered in subsection (a) of this section, a record inspection fee of six dollars ($6.00) per ten-minute period shall be charged with a minimum fee of $6.00.

* 1. COPY FEE. (a) A fee of twenty-five cents (.25) shall be charged for single sided copies of any record, which has been requested. For two sided copies a fee of thirty-five cents (.35) shall be collected.

(b) For copying any public records, which cannot be reproduced by the city’s photocopying equipment, the requestor shall be charged the actual cost to the city, including staff time, in reproducing such records.

* 1. PREPAYMENT OF FEES. (a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and or copying charges accrued in the fulfilling the record request. Any overage or underage in prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed $10.00.

(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requestor until such a prepayment has been made.

**ARTICLE 10. INVESTMENTS**

* 1. PURPOSE AND GOALS. It is the purpose of this statement to set for 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 to otherwise reduce the cost of public service.

* 1. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereafter described be invested in:

(a) Temporary notes or no-fund warrants of the city;

(b) Time deposits, open accounts or certificates of deposit in commercial banks or trust companies which have offices located in the county and subject to the restrictions of K.S.A. 12-1675;

(c) Time certificates of deposit with state or federally chartered savings and loan associations which have offices located in the county;

(d) Repurchase agreements with commercial banks, trust companies, or state or federally chartered savings and loan associations with offices located in the county, for direct obligations of, or obligations that are insured by, the United States government or any agency thereof. If no such commercial bank, trust company, or state or federally chartered savings and loan association will enter into such an agreement as or above the interest rate set out by K.S.A. 12-1675(b)(4), then such repurchase agreements may be entered into with commercial banks, trust companies, or state or federally chartered savings and loan associations which have offices located in the State of Kansas;

(e) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six months. Investments may be made in the U.S. treasury bills or notes only if no eligible bank, trust company, or state or federally chartered savings and loan association can or will make the investments authorized in subsections (b) and (c) at interest rates equal to or greater than the average yield before taxes received on 91-day U.S. treasury bills or the maximum rates such banks, trust companies or savings and loan associations may pay on investments authorized under subsections (b) and (c), whichever is lower. (K.S.A. 12-1675)

* 1. PROCEDURES AND RESTRICTIONS. The city clerk shall periodically report to the governing body as to the amount of moneys available for investment and the period of time such amounts will be available for investment. 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 deposits to assure prompt payment of all city obligations.
  2. CUSTODY AND SAFEKEEPING. Securities purchased pursuant to this article shall be under the care of the city clerk and shall be held in the custody of state or national bank or trust company, or shall be kept by such officer 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 city and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the said city officer. 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 the mayor and the city clerk.
  3. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund as provided in section 1-1003, it becomes necessary to transfer or sell any securities of such funds, the officers specified in section 1-1004 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.
  4. INTEREST ON TIME DEPOSITS. The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise provided by law.

**ARTICLE 11. PERSONNEL RULES AND REGULATIONS**

* 1. PERSONNEL RULES AND REGULATIONS INCORPORATED. There is hereby incorporated by reference for the purpose of establishing employee fringe benefits the document entitled “City of Enterprise Personnel Rules and Regulations.” No fewer than three copies of said document shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Enterprise.” Official copies shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours of business. All departments of the city shall be supplied with copies of such fringe benefits as may be necessary.

**CHAPTER II. BUSINESS REGULATIONS**

Article 1. Cereal Malt Beverage Sales

Article 2. Alcoholic Liquor Sales

Article 3. Amusement Devices

Article 4. Transient Merchants

**ARTICLE 1. CEREAL MALT BEVERAGE SALES**

* 1. DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms, shall for the purpose of this article, have the meanings indicated in this section.
     1. Cereal Malt Beverage means any fermented but undistilled liquor brewed or made from a malt mixture of malt or malt substitute, but shall not include any such liquor which contains more than three and two-tenths percent (3.2%) of alcohol by weight.
     2. General Retailer means a person who has a license to sell cereal malt beverages at retail.
     3. 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.
     4. Place of Business means any place at which cereal malt beverages or alcoholic beverages or both are sold.
     5. Restaurant means a licensed food service establishment, as defined by K.S.A. 36-501 and amendments thereto, which derives not less than 50% of its gross receipts in each calendar year from the sale of food for consumption on the premises.
     6. Sale at Retail and Retail Sales means sales for use or consumption and not for resale in any form.
     7. Tavern means any business establishment deriving in any one month of the calendar year 50% or more of its gross revenues from the sale of cereal malt beverages.
     8. Wholesaler or Distributor means any individuals, firms, co-partnerships, corporations and associations authorized by this chapter to sell cereal malt beverages at retail.
  2. PUBLIC CONSUMPTION. It shall be unlawful for any person to sell, serve, dispense, drink or consume any cereal malt beverage in any public place not licensed to sell such beverages within or under the jurisdiction of the city or upon any street, public thoroughfare or 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 incidental thereto or is owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.
  3. OPEN CONTAINER. (a) No person shall transport in any vehicle upon a highway or street any cereal malt 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 from which the driver is not directly accessible.

(b) As used in the section “highway” and “street” have meanings provided by K.S.A. 8-1424 and K.S.A. 8-1473 and amendments thereto. (K.S.A. 41-2719)

* 1. CONSUMPTION WHILE DRIVING. No person shall consume any cereal malt beverage while operating any vehicle upon any street or highway. (K.S.A. 41-2720).
  2. IDENTIFICATION CARD. (a) It shall be unlawful for any person to:
     1. Display, cause or permit to be displayed, or have in possession , any cancelled, fictitious, fraudulently altered, or fraudulently obtained identification card.
     2. Lend any identification card to any other person or knowingly permit the use thereof by another.
     3. Display or represent any identification card not issued to such person as being his or her card.
     4. Permit any unlawful use of an identification card issued to such person.
     5. Do any forbidden or fail to perform any act required by this act.
     6. Photograph, photostat, 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, photostat, duplicate, reproduction, or facsimile.

(b) It shall be unlawful for any person to: Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for the use in the purchase of any cereal malt beverage. (K.S.A. 2721).

* 1. 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.(K.S.A. 41-2702).

* 1. 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:
     + 1. The name and residence of the applicant and how long he or she has resided within the State of Kansas;
       2. The particular place for which a license is desired;
       3. The name of the owner of the premises upon which the place of business is located;
       4. The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
       5. 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 laws of any state or of the United States;
       6. Each applicant for a general retailer’s license must be accompanied by a certificate from the city inspector certifying that he or she has inspected the premises to be licensed and that the same comply with all current building and fire codes.

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 be 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 governing body 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.

* 1. 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, city inspector, and the county health department, when they are received. The police department will run a records check on all applicants and the city inspector shall inspect the premises in accord with chapter seven of this code. The departments will then recommend approval, or disapproval, of applications within 72 hours of the department’s receipt of the application.

1. 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.
2. An applicant who has not had a cereal malt beverage license in the City of Enterprise shall attend the governing body meeting when the application for new license will be considered.
   1. LICENSE GRANTED; DENIED. (a) The minutes 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 it is issued.

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

(d) If the license is denied, the license fee shall be immediately returned to the person who has made application.

* 1. LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.
  2. LICENSE, DISQUALIFICATION. No license shall be issued to:

1. 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 Dickinson County for at least six months prior to filing of such application.
2. A person who is not a citizen of the United States.
3. A person who is not of good character and reputation in the community in which he or she resides.
4. 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 United States.
5. A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
6. A corporation if any manager, officer, 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.
7. A corporation, if any manager, officer, or director thereof, or any 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.
8. 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.
9. 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.
   1. RESTRICTION UPON LOCATION. (a) No license shall be issued for the sale at retail of any cereal malt beverage on premises, which 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 500-foot radius of any church, 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 license has petitioned for and received a waiver of distance limitation. The governing body may grant such a waiver only following public notice and hearing. (K.S.A. 41-2704)

* 1. LICENSE FEE. The rules and regulations regarding license fees shall be as follows:
  2. General Retailer – for each place of business selling cereal malt beverages at retail, $100.00 per calendar year.
  3. Limited Retailer – for each place of business selling only at retail cereal malt beverages in original unopened containers and not for consumption on the premises, $50.00 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. (K.S.A. 41-2702)

* 1. 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.
  2. 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 may permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

1. If a licensee has fraudulently obtained the license by giving false information in the application therefore;
2. If the licensee has violated any of the provisions of this article or has become ineligible to obtain a license under this article;
3. 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;
4. The sale of cereal malt beverages to any person under 21 years of age;
5. For permitting any gambling in or upon any premises licensed under this article;
6. 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;
7. For the employment of any person under the age established by the State of Kansas for employment involving dispensing cereal malt beverages;
8. For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;
9. 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;
10. The nonpayment of any license fees;
11. If the licensee has become ineligible to obtain a license under this chapter;
12. For knowingly employing a person who has been within two years adjudged guilty of a felony or a violation of an intoxicating liquor law. The chief of police may require any employee to submit to fingerprinting to determine if a employee is ineligible for employment under the provisions of this section;
13. The provisions of sections (f) and (i) shall not apply if such place if business is also currently licensed as a private club. (K.S.A. 41-2708)

2-116 SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Dickinson County. Any appeal taken under this section shall not suspend order of revocation of the license of any licensee, nor shall any new license be issued to such a person or any person acting for or on his or her behalf, for a period of six months thereafter. (K.S.A. 41-2708)

2-117 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. A fee of $25.00 shall accompany such application. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such a place of business are met, a new license shall be issued for the new location for the balance of the year for which the licensee holds a current license.

2-118 WHOLSALERS 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. (K.S.A. 41-307:307a)

2-119 BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations;

1. 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.
2. 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.
3. Except as provided by subsection (d), no cereal malt beverages may be sold between the hours of 12:00 midnight and 6:00 a.m. Closing hours for clubs shall conform to K.S.A. 41-2614 and any amendments thereto.
4. 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.
5. 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.
6. 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.
7. No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under the age of 21 years of age.
8. 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.
9. 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.
10. No licensee or agent or employee of the licensee shall employ any person under the age established by the State of Kansas for dispensing cereal malt beverages. No licensee shall employ any person who has been adjudged guilty of a felony.

**ARTICLE 2. ALCOLHOLIC LIQUOR SALES**

2-201DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section;

1. 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.
2. Alcoholic Liquor or Alcoholic Beverage. Includes the alcoholic varieties of liquor as defined in K.S.A. 41-102, namely alcohol, alcoholic liquor, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, alcoholic liquor, sprits, wine or beer, and capable of being consumed as a beverage by a human being, but does not include any beer or cereal malt beverage containing not more than three and two-tenths percent (3.2%) of alcohol by weight.
3. Place of Business. Any place at which alcoholic beverages are sold.
4. Restaurant means a licensed food service establishment, as defined by K.S.A. 36-501 and amendments thereto, which derives not less than 50% of its gross receipts in each calendar year from the sale of food for consumption on the premises.
5. Sale at Retail and Retail Sales means sales for use or consumption and not for resale in any form.
6. 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, copartnerships, corporations and associations authorized by this chapter to sell cereal malt beverages at retain.
   1. PUBLIC CONSUMPTION. It shall be unlawful for any person to sell, serve, dispense, drink or consume any alcoholic beverage in any public place not licensed to sell such beverages within or under the jurisdiction of the city or upon any street, public thoroughfare or property owned by the state or any governmental subdivision thereof unless such 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.
   2. OPEN CONTAINER. (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is;
      * 1. In the original, unopened package or container, the seal of which has not been broken 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 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. (K.S.A. 41-2719)

* 1. CONSUMPTION WHILE DRIVING. No person shall consume any alcoholic beverage while operating any vehicle upon any street or highway. (K.S.A. 41-2720)
  2. IDENTIFICATION CARD. (a) It shall be unlawful for any person to:
  3. Display, cause or permit to be displayed, or have in possession, any cancelled, fictitious, fraudulently altered, or fraudulently obtained identification card.
  4. Lend any identification card to any other person or knowingly permit the use thereof by another.
  5. Display or represent any identification card not issued to such person.
  6. Permit any unlawful use of an identification card issued to such person.
  7. Do any forbidden or fail to perform any act required by this act.
  8. Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof is such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile.

(b) It shall be unlawful for any person to lend any identification card to or knowingly permit the use of any identification card by any person under the age of 21 years of age for the use in the purchase of any alcoholic liquor. (K.S.A. 41-2721)

* 1. STATE LICENSE REQUIRED. (a) It shall be unlawful for any person to keep or 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 2-207 and the tax shall be received and a receipt shall be issued for the period covered by the state license.

* 1. OCUPATIONAL TAX. There is hereby levied an annual occupational tax of $300.00 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. The retailer shall pay such tax to the city clerk before business is begun under an original state license and shall be paid within five business days after any renewal of a state license.
  2. POSTING OF RECIEPT. 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. HOURS OF SALE. No person shall sell at retail any alcoholic liquor:
  4. On the day of any national, state, county or city election, including primary elections, during the hours the polls are open within the political area in which such election is being held;
  5. On any Sunday;
  6. On Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
  7. Before 9:00 a.m. or after 11:00 p.m. on any day when the sale thereof is permitted. (K.S.A. 41-712)
  8. BUSINESS REGULATIONS. It shall be unlawful for a retailer of alcoholic liquor to:

1. Permit any person to mix drinks in or on the licensed premises;
2. Employ any person under the age of 21 years in connection with the operation of the retail establishment;
3. Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;
4. 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;
5. Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package.
6. 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.
   1. MINORS, INCAPACITATED PERSONS. (a) It shall be unlawful for any person under the age of 21 to represent that he or she is of age for the purpose of purchasing or attempting to purchase any alcoholic liquor, or attempt to purchase or purchase alcoholic liquor from any person. No person under the age of 21 shall have any alcoholic liquor in his or her possession.

(b) No person shall knowingly sell, give away, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor.

**ARTICLE 3. AMUSEMENT DEVICES**

2-301 DEFINITION. For the purposes of this article amusement devices are defined as all coin-operated machines or devices intended for amusement purposes, including, but not by way of limitation, machines commonly known as music machines, coin operated pool tables, juke boxes, pinball machines, video games, and coin-operated machines of every kind or description intended to be operated for amusement or entertainment, excluding weighing machines, and vending machines intended solely for the sale of merchandise at its fair market value.

2-302 PERMIT REQUIRED. It shall be unlawful for any person engaged in the business of operating an automatic music device or an automatic amusement device for profit or gain, whether as a single business or in conjunction with other businesses to have, allow, permit, the use on their premises any automatic music or amusement device without first obtaining an operation permit from the city clerk.

2-303 SAME; COST. One permit shall be required for each location or building, or structure, with plainly displayed thereon the number of automatic music or amusement devices located on the premises as well as the cost of the permit affixed plainly thereon. The cost of the permit shall be $15.00 per device.

2-304 SAME; EXPIRATION. Each permit shall expire on December 31 of each year and shall be valid as to the number of devices located thereon.

2-305 SAME; CANCELLATION. There shall be no refund in the event the number of devices located on thereon decreases during the period that said permit is valid. It shall be permitted for the type or kind of automatic music or amusement devices to be interchanged during the existence of the permit as long as the total number of devices does not exceed the number affixed upon the face of the permit.

**ARTICLE 4. TRANSIENT MERCHANTS**

2-401 DEFINITIONS. For the purpose of this article, the following words shall mean:

1. Person means any individual, corporation, partnership, association or other entity.
2. Temporary or transient business means any business conducted for the sale of goods, wares, merchandise, or services which is carried on in any building, structure, motor vehicle or railroad car, or on any real estate, for a period of less than three (3) months in each year.
3. Transient merchant means any person who engages in, does or transacts any temporary or transient business in the city, either in one locality or in traveling from place to place in the city, and includes merchants who, for the purpose of carrying on such business, hire, lease, use or occupy any building, structure, motor vehicle, railroad car or real estate.

2-402 EXEMPTIONS. The provisions of this article shall not apply to the following:

1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business.
2. Sales or displays at trade shows, expositions or conventions.
3. Sales of goods, wares or merchandise by sample catalogue or brochure for future delivery.
4. Sales or displays at fairs, conventions, or shows operated primarily for purposes of amusement, entertainment, recreation or education.
5. Sales or displays at sales, fairs, auctions or bazaars operated by church, religious, or charitable organizations.
6. Garage sales on premises devoted to residential use.
7. Sales or displays at sales or shows of crafts or items made by hand and sold, offered for sale or displayed by the individual making such crafts or handmade items.
8. Sales of agricultural products, except nursery products and foliage plants, sold or offered for sale by the individual raising or producing such products.
9. Sales to the owner or legal occupant of residential premises pursuant to an invitation issued by such owner or legal occupant.
10. Sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools or educational institutions.
11. Sales if paraphernalia used in the celebration of nationally recognized holiday.
12. Sales or displays at fairs or expositions sponsored by state, a county, or other governmental entity or a convention or tourism committee created pursuant to either K.S.A. 12-1695 or 12-16,101 and amendments thereto.
13. Sales or displays at sales, exchanges or shows of collectibles or hobby or investment items of personal property, including but not limited to pets, gems and minerals, stamps, coins, photographs, and photographic equipment, guns and belt buckles.
14. Sales or displays in connection with and at the site of, athletic tournaments, events, contests or expositions.
15. Events sponsored by nonprofit organizations.
16. Occasional accessory business uses operated in conjunction with legally conforming businesses located in the city, provided the business owner shall obtain a temporary business permit and pay a $50.00 dollar processing fee to the city clerk.

The exemptions provided by this section shall apply regardless of whether the transient merchant is sponsoring or operating the activity giving rise to the exemption or is participating in the activity as a seller or exhibitor. A transient merchant not otherwise exempted from the provisions of this act shall not be relieved or exempted from the provision of this act by reason of temporary association with any local dealer, auctioneer, trader, contractor, or merchant or by conducting temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.

* 1. LICENSE. Any person desiring to transact business in the city as a transient merchant shall make application to and obtain a license. An application fee in the amount of two hundred and fifty dollars ($250.00) shall be paid to the city clerk at the time of the filing of an application for a transient merchants license. The application for license shall be filed with the city clerk and shall contain the following information:

1. The name and permanent address of the individual or transient merchant making the application and, if the transient merchant is not an individual, the names and addresses of the offices of the corporation or the members of the partnership, association or other entity, as the case may be.
2. If the applicant is a corporation, a statement of the date of incorporation, the state of incorporation and, if the state of the applicant is a corporation formed in another state, the date on which such corporation qualified to transact business as a foreign corporation in this state.
3. A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business, and the location of such proposed business.
4. If the applicant is not a resident of the state of Kansas, the name and permanent address of the transient merchant’s registered agent or office with a copy of the agreement of registered agent designated by the applicant, as provided by K.S.A. 19-2237 and amendments thereto.
   1. ISSUANCE. Prior to issuance of said license, the application shall be reviewed by the Enterprise Police Department. Upon approval of the application by the city clerk, within a period not to exceed five (5) working days, a ninety (90) day license shall be issued.
   2. FORMS. The city clerk shall design and cause to be printed appropriate forms for applications for licenses and for the license certificates to be issued applicants under this code.
   3. VIOLATION. It is unlawful for any transient merchant to transact business in this city, unless such merchant and the owners of any goods, wares or merchandise or the providers of any services to be offered for sale or sold by the merchant, if such are not owned by the merchant, first comply with the requirements of this act.
   4. PENALTY. Any person violating this article shall upon conviction be fined a sum not to exceed five hundred dollars ($500.00) or imprisoned for a term not to exceed six (6) months, or both so fined and imprisoned.

**CHAPTER III. CIVIL OFFENSES**

Article 1. Animal Control

Article 2. Dogs

Article 3. Nuisances

Article 4. Weeds

Article 5 Prohibited animals

Article 6 Noise

Article 7 Curfew

Article 8 Minimum Housing Standard

**ARTICLE 1. ANIMAL CONTROL**

3-101 DEFINITIONS. For the purpose of this chapter, the following words and phrases shall mean:

1. Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
2. Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equine, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated, or captivated.
3. Animal Shelter means the facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter.
4. At large means to be outside of a fence or other enclosure which restrains the animals to a particular premise, or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be “at-large”.
5. Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.
6. Cat means any member of the felis catus, regardless of sex.
7. Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per section 3-112.
8. Dog means any member of the species canis familiaris, regardless of sex.
9. Fowl means all animals that are included in the zoological class aves.
10. Harbor means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.
11. Humane Live Animal Trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.
12. Humanely Euthanize means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.
13. Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
14. Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, four or more dogs.
15. Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals, commonly regarded as farm or ranch animals.
16. Neutered means any male or female cat or dog that has been permanently rendered sterile.
17. Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal, including but not limited to cats, dogs, exotic animals, fowl, and livestock. If a minor, any such animals subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.
18. Owner means the one who owns, his or her employee, agent, or other competent person into whose charge the actual owner has placed an animal described in subsection (q) above.
19. Vaccination means an injection of vaccine, approved by the State Board of Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.
20. Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas.

3-102 ANIMAL CONTROL OFFICER. There is hereby created the position of animal control officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an animal control officer and commissioned by the chief of police of the city shall have such powers and authority as allowed by law in the enforcement of this chapter. All animal control officers shall be subject to the supervision and direction of the city superintendent of the city.

3-103 TRAPPING OF ANIMALS. (a) When deemed necessary by law enforcement officers or the animal control officer for the health, safety and welfare of the residents of the city, such officers and/or their agents may place a humane trap on the property if the resident requests such a trap for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city.

* 1. Law enforcement officers are authorized to use any tranquilizer guns or firearms or other suitable devices to subdue or destroy any animal that is deemed by a law enforcement officer in his or her discretion, to be of a danger to itself or to the public health and safety.
  2. Animal Control officers are authorized to use any humane live animal trap, or snare pole to subdue any animal that is deemed by the officer to be a danger to itself or the public health and safety.

1. It shall be unlawful for any person to set or cause to be set within the city, any steel-jaw leg hold trap, snare, or any trap other than a humane trap as defined, for the purpose of capturing any animal whether wild or domestic.

3-104 RIGHT OF ENTRY. The animal control officer or his or her designee shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter. It shall be unlawful for any person to interfere with such officer on the exercise of this right.

3-105 MUNICIPAL POUND ESTABLISHED. A municipal pound may be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. The pound shall have the following services and facilities as a minimum.

1. Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter.
2. Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provision of this chapter.
3. Individual isolation facilities for sick, biting, rabid and suspected rabid animals.
4. Facilities for the humane destruction of all unwanted and unclaimed animals.

3-106 BREAKING POUND. (a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or to take or attempt to take from an officer of this city any animal taken up by him or her under the provision of this chapter, or in any manner interfere with or hinder any officer or employee of this city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, or interfere with the care of impounded animals.

3-107 CRUELTY TO ANIMALS. It shall be unlawful for any person to:

* 1. Willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, burn or scald with any substance, or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals.
  2. Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done.
  3. Have, keep or harbor any animal which is infected with any dangerous or incurable and or painfully crippling condition except as hereinafter provided. The municipal court judge may order a person convicted of a violation under this subsection to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be destroyed humanely as soon thereafter as is conveniently possible. This section shall not be construed to include veterinary hospitals or animals under the active veterinary care.
  4. Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl, except pigeons, under two months of age in any quantities less than twelve (12); or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impact to them an artificial or unnatural color; provided, however, that this section shall not be construed to prohibit the sale of animals or fowls as specified in this subjection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes.
  5. Promote, stage, hold, manage, or in any way conduct 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.
  6. Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.

3-108 NUISANCE; ANIMAL ACTIVITIES PROHIBITED. The owner of any animal shall take all reasonable measures to keep such animal from becoming a nuisance. For the purpose of this section, “nuisance” is defined as any animal which;

* 1. Molests or interferes with persons in the public right-of-way.
  2. Attacks or injures persons, or other domestic animals.
  3. Damages public or private property by its activities or with its excrement.
  4. Scatters refuse that is bagged or otherwise contained.
  5. Causes any condition, which threatens or endangers the health or well- being of persons or other animals.
  6. If a summons is issued charging a violation of this provision, a subpoena shall also be issued to complainant to testify to the nuisance under oath.

3-109 NOISY ANIMALS. The keeping, or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, meowing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited and declared to be a public nuisance and unlawful under this chapter. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the nuisance, and if he or she fails to do so, the city may abate the nuisance, by taking up, impounding and disposing of the animal at the expense of the owner.

3-110 ANIMAL CONFINES. (a) It shall be unlawful for any person to keep or maintain any animal in any yard structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed daily from pen or yard area where animals are kept, and if stored on the premises by any animal owner, shall be stored in adequate containers with fly-tight lids.

1. All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
2. All premises on which animals are kept shall be subject to inspection by an animal control officer or law enforcement officer. If such officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after the notice is served on the owner. Any animal kept under any condition, which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

3-111 DEATH OF ANIMALS. All animals which die shall be disposed of by the owner or keepers within 24 hours, by burial, incineration in a facility approved by the police department, by rendering or by other lawful means approved by the police department. No dead animal shall be dumped on any public or private property.

* 1. VICIOUS ANIMALS. (a) Prohibited: It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the police officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer to impound such animal.

(b) Defined: For purposes of this chapter a vicious animal shall include:

* + 1. Any animal with 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
    2. Any animal which attacks a human being or domestic animal without provocation; or
    3. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or
    4. Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer or animal control officer while such officer is engaged in the performance of official duty.

(c) Immediate destruction: Nothing in this chapter shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(d) Vicious dogs to be muzzled: It shall be the duty of every owner, keeper or harborer of any dog in the city, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or person until such time as determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the city limits contrary to this section shall be in violation of this code.

1. Release of: If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. When any animal remains unclaimed for 72 hours after its release has been authorized by the municipal judge, the judge may, upon making a finding that such animal is vicious or represents a clear and present danger to the citizens or to other animals in the city, order the animal destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court nor to the fees and fines, which may result from a violation of this section.
   1. IMPOUNDMENT OF RABIES SUSPECTS. Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or animal care facility for a period of not more than thirty (30) days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of such animal on the owner’s premises if the owner produces a rabies vaccination certificate showing that the animal has a valid rabies vaccination protection. Impoundment costs shall be borne by the owner.
   2. ANIMALS BITTEN BY RABID ANIMALS. Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report the fact to the local health officer and or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:
2. The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and
3. If the bitten animal has a current vaccination, it shall be confined for 90 days; and
4. The bitten animal shall be released from confinement only upon written order from the local health officer, who declares the animal to be free of rabies; and
5. If the animal is found to have contracted rabies during confinement, it shall be properly disposed.
   1. VEHICLE ACCIDENTS INVOLVING ANIMALS. Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and/or located, the operator shall at once report the accident to the animal control officer or police department.
   2. EMERGENCY; PROCLAMATION. The mayor is hereby authorized, whenever in his or her opinion the danger to the public safety from rabid animals is made imminent, to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer, or the duly authorized animal control officer of the city. The owner of such animal shall be prosecuted for such violation thereof.
   3. CATS; REGISTRATION AND VACCINATION REQUIRED; FEE.
6. Every owner of any cat over six month of age shall annually register with the city clerk his or her name and address with the name, sex and description of each cat owned and kept within the city. It shall be unlawful for the owner of any such cat to fail to maintain current registration of such cat.
7. Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any cat described in (a) above to fail to maintain effective rabies immunization of such cat.
8. The owner or harborer of any cat shall, at the time of registering such cat, present to the city clerk a certificate from an accredited veterinarian showing that a male cat has been neutered or a female cat has been spayed, if the cat has been neutered or spayed.
9. The city clerk shall collect an annual registration fee of $3.00 for each unspayed female cat, $2.00 for each unneutered male cat, and $1.00 for each neutered or spayed cat.
10. The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before April 1st of each year without penalty.
11. Registration fees enumerated above may be prorated for newly acquired cats or for cats owned by a person or persons moving to and establishing a home in the city during the calendar year.
12. Every owner or harborer of a cat or cats who shall fail to register the same prior to the 1st of April each year shall pay in addition to the registration fee hereinabove provided a penalty fee for late registration of twice the regular fee.

3-118 VISITING CATS. The provisions of this article with respect to registration shall not apply to any cat owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such cats shall be kept under restraint by the owner thereof at all times.

**ARTICLE 2. DOGS**

3-201 REGISTRATION; VACCINATION; FEE. (a) Every owner of any dog over six month of age shall annually register with the city clerk his or her name and address with the name, sex and description of each dog owned and kept within the city. It shall be unlawful for the owner of any such dog to fail to maintain current registration of such dog.

1. Upon registration, the owner shall present a current, completed certificate of immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog described in (a) above to fail to maintain effective rabies immunization of such dog.
2. The owner or harborer of any dog shall, at the time of applying for a registration, present to the city clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.
3. The city clerk shall collect an annual registration fee of $3.00 for each unspayed female dog, $2.00 for each unneutered male dog, and $1.00 for each neutered or spayed dog.
4. The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before April 1st without penalty.
5. Registration fees as enumerated herein above may be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home in the city during a calendar year.
6. Every owner or harborer of a dog or dogs who fail to register the same prior to the 1st day of April of each year shall pay in addition to the registration fee hereinabove provided a penalty fee for late registration of twice the regular fee.

3-202 DOG TAGS. It shall be the duty of the city clerk or designated agent, upon receipt of the registration fee hereinabove required, to keep in a book suitable for the registration of dogs, at the time of registration, the name of the owner or keeper, the number of the registration and the amount paid therefore, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall by the owner or keeper, attached to the collar to be used on the dog so registered. When it shall be made to appear to the city clerk that any tag has become lost, he or she shall, upon presentation of the certificate, issue a duplicate of such tag. It shall be unlawful for any person to take off or remove the city registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened.

3-203 VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times.

3-204 RUNNING AT LARGE. (a) It shall be unlawful for the owner or harborer of any dog to permit such dog to run at large within the city at any time.

(b) Any dog running at large within the city shall be impounded as set out in section 3-205.

(c) The owner of any dog impounded for running at large without the tag required in section 3-202 shall be subject to fines to be determined under section 1-111 of this code.

1. For the first offense of an animal running at large with a tag as required by section 3-202, the owner or harborer claiming any animal, shall, in addition to presenting a registration receipt, pay the cost of the board bill. With subsequent offenses the owner shall be subject to fines to be determined under section 1-111 of this code.

3-205 IMPOUNDMENT. Any dog found in violation of the provisions of this article shall be subject to impoundment by the city. A record of all dogs impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.

1. If the dog impounded has a current registration tag attached to its collar, the owner of such dog, as shown by the records of the city clerk, shall be notified in writing as soon as possible. If, at the end of five days the city clerk has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold, euthanized or otherwise disposed.
2. If the dog impounded has no current registration tag, it shall be kept for 72 hours. If within that time the owner does not appear to claim the dog it may be sold, euthanized or otherwise disposed.
3. If within the impounding period, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon the payment of the actual costs of impoundment, and upon compliance with the registration provisions of this article.
4. Any dog impounded may not be released without a current rabies vaccination.
5. Impoundment hereunder shall not preclude any court from imposing and executing any fine, which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be defense in any prosecution commended hereunder.

3-206 KENNEL LICENSES. (a) No person or household shall own or harbor more that four dogs of six months of age or older or more than one litter of pups, or more than four cats of more than six months of age or more than one litter of kittens, or more that a total of four dogs and cars more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the city clerk.

(b) Kennel licenses must be reviewed annually. No kennel license shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the city and the State of Kansas, and a certificate issued by the zoning administrator stating that the applicant for the kennel license is not violating zoning laws of the city. If the city clerk has not received any protest against the kennel, the city clerk may issue a renewal of an existing kennel license at the same location without any report from the animal control officer or the zoning administrator. If the city clerk receives a complaint about the kennel, the animal control officer and the zoning administrator shall inspect the kennel. If the officers find that the holder of the kennel license is violating any laws of the city or State of Kansas, or is maintaining the facility in a manner detrimental to the health, safety, or piece of mind of any person residing in the immediate vicinity, he or she shall report such fact to the city clerk, and the license shall not be renewed, except after a public hearing before the city council.

(c) The animal control officer, the zoning administrator, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall consent to such entry and inspection.

(d) The city council may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the State of Kansas, or the city.

(2) The kennel is maintained so as to be a public nuisance.

(3) The kennel s maintained so as to be detrimental to health, safety or piece of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be $100.00. Payment of such license fee is in addition to, and not in lieu of, the dog registration fees otherwise required in this article.

1. This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

3-207 CONFINEMENT OF DOGS IN HEAT. Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or dogs may gain voluntary access to the confined animal except for the purposes of planned breeding. Any animal that is in the stage of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. The owner shall pay all expenses incurred as a result of the confinement. The owner of animals removed to the animal shelter shall be charged at the rate established by the animal shelter for routine confinement. Failure to comply with the order of the animal control officer shall be a violation of this article, and the animal will then be impounded.

**ARTICLE 3. NUISANCES**

3-301 BOARD OF HEALTH. The board of health shall consist of the mayor and city inspector.

3-302 DUTIES OF THE BOARD OF HEALTH. It shall be the duty of the board of health or its authorized member, 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 ordinances of the city and the laws of the State of Kansas or correct or remedy such conditions or to remove or abate any health nuisance in accordance with the order of the board.

3-303 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:

1. 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;
2. All dead animals not removed within 24 hours after death;
3. Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
4. All stagnant ponds or pools of water;
5. All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
6. Abandoned iceboxes or refrigerators kept on the premises under the control of any person, not in actual use, unless the door, opening lid thereof is unhinged, or unfastened and removed therefrom;
7. No appliances such as, but not limited to: washing machines, clothes dryers, stoves or ranges, water heaters, or freezers, may be deposited on the exterior of any property either public or private.
8. No interior household furniture such as couches and stuffed chairs, not originally constructed and sold for use as out of doors furniture shall be deposited or used on the exterior of any property.
9. 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, or create a public health nuisance.
10. 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. (K.S.A. 21-4106; 4107)

3-304 COMPLAINTS; INQUIRY AND INSPECTION. The code enforcement 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 code enforcement 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 code enforcement officer shall make a written report of findings.

3-305 RIGHT OF ENTRY. It shall be a violation of this code to deny the code enforcement officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

3-306 NOTICE. Any person, corporation, partnership, or association found by the code enforcement officer to be in violation of section 3-303 shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided that if the owner or his or her agent in charge of the property is a resident of Dickinson County, Kansas, the notice shall be personally served by a law enforcement officer. (K.S.A. 12-1617e)

3-307 SAME; CONTENTS. The notice shall state the condition(s) which is (are) in violation of section 3-303. The notice shall also inform the person, corporation, partnership or association that:

1. He, she or they shall have 10 days from the date of serving the notice to abate the condition(s) in violation of section 3-303; or
2. He, she or they have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided by section 3-310;
3. Failure to abate the condition(s) or to request a hearing within the 10 days may result in prosecution as provided by section 3-308 and/or abatement of condition(s) by the city as provided by section 3-309.

3-308 FAILURE TO COMPLY; PENALTY. Should person, corporation, partnership or association fail to comply with the notice to abate the nuisance or request a hearing, the code enforcement 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 3-303, 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.

3-309 ABATEMENT. In addition to, or as an alternative to prosecution as provided in section 3-308, the code enforcement officer may seek to remedy violations of this section in the following manner. If a person to whom a notice has been sent pursuant to section 3-306 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 3-307, the code enforcement officer may present a resolution to the governing body for adoption authorizing the code enforcement 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 3-311. A copy of the resolution shall be served upon the person in violation in one of the following ways:

1. Personal service upon the person in violation;
2. Service by restricted mail, postage prepaid, return receipt requested; or
3. 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 code enforcement 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.

3-310 HEARING. If a hearing is requested within the 10 day period as provided in section 3-307, 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 code enforcement officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, counsel may represent the person, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall records its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter as provided in section 3-309.

3-311 COSTS ASSESSED. If the city abates the nuisance pursuant to section 3-310, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the cost as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

3-312 ABATEMENT OF UNSAFE OR DANGEROUS STRUCTURES. The provisions of K.S.A. 12-1750 to K.S.A. 12-1756 inclusive are incorporated by reference, with relation to the abatement of unsafe or dangerous structures.

3-313 REMOVAL OF ABANDONED MOTOR VEHICLES. The provisions of K.S.A. 8-1101 and K.S.A. 8-1102 are incorporated by reference with relation to the removal of abandoned vehicles, providing for the removal thereof, notice, sale of property and disposition of funds.

3-314 REMOVAL OF INOPERABLE MOTOR VEHICLES. (a) Definitions.

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

(b) Prohibition. Except as provided in section 3-314 (c) it shall be unlawful for any person, partnership, corporation, or their agent either as owner, lessee, tenant or occupant of any lot or land within the city to park, store or deposit, or permit to be parked, stored, or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building.

(c) Temporarily Disabled Vehicles. The provisions of section 3-314 shall not apply to any person, partnership or corporation or their agent with one vehicle inoperable for a period of 30 consecutive days or less.

1. Screening. The provisions of 3-314 (b) shall not apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations and who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; provided, however, that nothing in this section shall authorize the maintenance of a public nuisance.
2. Presumptions. Any one of the following conditions shall raise the presumption that a vehicle is inoperable:
   1. Absence of an effective registration plate upon such vehicle.
   2. Placement of a vehicle, or parts thereof, upon jacks, blocks, chains or other supports.
   3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

3-315 NOTICE. Any person, corporation, partnership, or association found by the code enforcement officer to be in violation of section 3-314 shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided that if the owner or his or her agent in charge of the property is a resident of Dickinson County, Kansas, the notice shall be personally served by a law enforcement officer. (K.S.A. 12-1617e)

3-316 SAME; CONTENTS. The notice shall state the condition(s) which is (are) in violation of section 3-314. The notice shall also inform the person, corporation, partnership or association that:

(a) He, she or they shall have 10 days from the date of serving the notice to abate the condition(s) in violation of section 3-314; or

(b) He, she or they have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided by section 3-310;

(c) Failure to abate the condition(s) or to request a hearing within the 10 days may result in prosecution as provided by section 3-317 and/or abatement of condition(s) by the city as provided by section 3-318.

3-317 FAILURE TO COMPLY; PENALTY. Should person, corporation, partnership or association fail to comply with the notice to abate the nuisance or request a hearing, the code enforcement 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 3-314, 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.

3-318 ABATEMENT. In addition to, or as an alternative to prosecution as provided in section 3-317, the code enforcement officer may seek to remedy violations of this section in the following manner. If a person to whom a notice has been sent pursuant to section 3-315 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in section 3-316, the code enforcement officer may present a resolution to the governing body for adoption authorizing the code enforcement 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 3-320. A copy of the resolution shall be served upon the person in violation in one of the following ways:

(a) Personal service upon the person in violation;

(b) Service by restricted mail, postage prepaid, return receipt requested; or

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code enforcement 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.

3-319 HEARING. If a hearing is requested within the 10 day period as provided in section 3-316, 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 code enforcement officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, counsel may represent the person, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter as provided in section 3-315.

3-320 COSTS ASSESSED. If the city abates the nuisance pursuant to section 3-310, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the cost as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

**ARTICLE 4. WEEDS**

3-401 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 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.

3-402 DEFINITIONS. Weeds as used herein, means any of the following:

1. Brush and woody vines shall be classified as weeds;
2. Weeds indigenous grasses which may attain such large growth as to become, when dry a fire hazard to adjacent improved property.
3. Weeds which bear seeds of a downy or winged 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 indigenous 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 12 inches in height.

3-403 CODE ENFORCEMENT OFFICER; NOTICE TO REMOVE. The mayor with consent of the city council shall designate a code enforcement officer to be charged with the administration and enforcement of this article. The code enforcement officer or an authorized assistant shall notify the owner or his or her agent in charge of any premises in the city upon which weeds exist in violation of this article, by restricted mail or by personal service. Such notice shall include the following:

1. That the owner or his or her agent in charge of the property is in violation of the city weed control code.
2. That the owner or his or her agent the person in charge of the property is ordered to cut the weeds within 10 days of the receipt of notice,
3. That the owner or his or her agent in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice,
4. That if the owner or his or her agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting including a reasonable administrative cost against the owner or his or her agent in charge of the property.
5. That the owner or his or her agent in charge of the property will be given an opportunity to pay the assessment, and if it is not paid, it will be added to the property tax as a special assessment.
6. That the code enforcement officer should be contacted if there are any questions regarding the order.

If the owner or his or her agent in charge of the property cannot be served in the above manner, service may be made by publishing one notice in the official city newspaper. If the notice is made by publication, the owner or his or her agent in charge of the property will be ordered to cut the weeds within 10 days from the date of publication.

3-404 ABATEMENT; ASSESSMENT OF COSTS. (a) Upon the expiration of 10 days after receipt or publication or other service of the notice required by section 3-403, and in the event that the owner or his or her agent in charge of the premises shall neglect or fail to comply with the requirements of section 3-401, the code enforcement officer or an authorized assistant shall cause to be cut, destroyed and or removed all such weeds and abate the nuisance created thereby.

(b) The code enforcement officer or an assistant shall give notice to the owner or his or her 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 with 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of 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 collection on the tax rolls of the county. (K.S.A. 12-1617 (f))

3-405 RIGHT OF ENTRY. The code enforcement officer and the code enforcement officer 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.

3-406 UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or attempt to prevent the code enforcement officer or the code enforcement 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 a code violation.

3-407 NOXIOUS WEEDS. (a) Nothing in this article shall affect or impair the rights of the city under provision 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 timentosa and discolor), pignut (Hoffmannesggia densiflora), musk (nodding) thistle (Cardus nutans L.), and Johnson grass (Sorghum halepense). (KSA 2-1314)

**ARTICLE 5. PROHIBITED ANIMALS**

3-501 KEEPING UNLAWFUL. It shall be unlawful to keep, harbor, own or in any possess within the corporate city limits of the city;

1. Any warm-blooded, carnivorous or omnivorous wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes, and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).
2. Any animal having poisonous bites.
3. Any breed of animal in the bovine, swine, or equine family.
4. Any sheep or goat.
5. Any chicken or duck.
6. Any pit bull dog; provided that pit bull dogs registered with the city on the date of Ordinance 1163 (11/04/1987) may be kept within the city subject to the standards and requirements set forth in section 3-502 of this article. The pit bull dog is defined to mean:
   1. The bull terrier breed of dogs.
   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 pit bulls, pit bull dogs or pit bull terriers.
   6. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

3-502 EXCEPTION; REQUIREMENTS. The provisions of section 3-501 are not applicable to owners, keepers or harborer of pit bull dogs registered with the city on the effective date of Ordinance 1163 (11/04/1987). The keeping of the dogs, however, shall be subject to the following standards:

1. Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, a muzzling device sufficient to prevent the dog from biting persons or other animals must muzzle all pit bull dogs on a leash outside the animal’s kennel.
2. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided. The pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when the animals are within the structure. The structure must have a secure bottom or floor attached to the sided of the pen or to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning regulations of the city. All the structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own violation. In addition, no animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
4. Signs. All owners, keepers or harborer of registered pit bull dogs within the city shall within 10 days of the effective date of Ordinance 1163 (11/05/1987) display in a prominent place on their premises a sign easily readable by the public using the words “Beware of Dog”. In addition, a similar sign is required to be posted on the kennel or pen of the animal.
5. Insurance. All owners, keepers, or harborer of registered pit bull dogs must within 10 days of the effective date of Ordinance 1163 (11/05/1987) provide proof to the city clerk of public liability insurance in a single incident amount of $50,000 for bodily injury or death of any person or persons or for the damage to property owned by any persons which may result from the ownership, keeping, or maintenance of the animal. The insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is given to the city clerk.
6. Identification photographs. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the effective date of Ordinance 1163 (11/04/1987) provide to the city two color photographs of the registered animal clearly showing the color and approximate size of the animal.
7. Reporting requirements. All owners, keepers or harborers of registered pit bull dogs must within 10 days of the incident, report the following information in writing to the city clerk as required hereinafter:
   1. The removal from the city or death of a registered pit bull dog.
   2. The birth of offspring of a registered pit bull dog.
   3. The new address of a registered pit bull dog should the owner move within the corporate city limits.
8. Sale or transfer of ownership prohibited. Sale- no person shall sell, barter or in any way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of the dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of the dog to persons who do not reside within the city.
9. Animals born of registered dogs. All offspring born of pit bull dogs registered with the city must be removed from the city within six weeks of the birth of the animal.
10. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by section 3-501 of this article is in fact a dog subject to the requirements of this section.
11. Failure to comply. It shall be unlawful for the owner, keeper, or harborer of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the registration of the animal resulting in the immediate removal of the animal from the city.

3-503 Penalty. Any person violating or permitting the violation of any provision of this article shall upon conviction, in municipal court be fined a sum not less than $200 and not more than $1,000. In addition to the fine imposed the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.

**ARTICLE 6. NOISE**

3-601 EXCESSIVE NOISE PROHIBITED. No person shall operate a motor vehicle from which excessive noise in the form of music, produced from any source, is permitted. Noise shall be considered excessive if it can be heard outside the motor vehicle, and if the music is at a volume louder than necessary for the reasonable hearing of any person occupying the motor vehicle.

3-602 EXCESSIVE SOUND, MUSIC OR NOISE. It shall be unlawful for any person to play, use, operate or permit to be played, used, or operated any radio receiving set, musical instrument, or any machine, equipment, or device used for the production, reproduction, or creation of sound at a louder volume than is necessary for the reasonable hearing of the person so playing, using or operating such instrument, equipment or machine, or device, and the reasonable hearing of other persons who are voluntary listeners thereto, or in such a manner so to disturb the peace, quiet, and comfort of neighboring inhabitants or other residents of the city.

3-603 EXCESSIVE SOUND, MUSIC OR NOISE; DEFINED. This prohibition shall include sound, music, or noise created by automobile radios, musical bands, groups or orchestras in public or private buildings. It shall be prima facie evidence of a violation of this article of the sound, music, or noise is plainly audible at the real property line on the real property from which the sound, music, or noise is emanating; provided however, that nothing in this section shall be construed to prohibit the playing of church chimes or the ringing of church bells, the testing or the use of civil defense warning system, or the authorized use of public safety vehicle sirens.

3-604 PERMITS. A person or persons may apply for a permit for a public performance at the city office during normal office hours. A permit will be valid for a specific date and time, and be valid between 10:00 hrs and 24:00 hrs. The code enforcement officer shall review the application and issue permits.

3-605 PENALTY. Any person violating any provision of this article shall upon conviction, in municipal court be fined a sum of not less than $1.00 and not more than $50.00 for the first offense and not more than $100.00 for repeated offenses.

**ARTICLE 7. CURFEW**

3-701 Purpose. The purpose of this section is to: (1) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city; (2) promote the safety and well-being of the city’s youngest citizens, persons under the age of 18, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and being victimized by older perpetrators of crime; and (3) foster and strengthen parental responsibility for children.

3-702 It shall be an infraction violation for any child under the age of eighteen (18) years to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked therein or thereon or to remain in or upon the premises of any establishment within the city, between the hours of 12:00 midnight and 6:00 a.m., unless:

* + 1. The minor is accompanied by a parent or legal guardian; or
    2. The minor is involved in an emergency; or
    3. The minor is in an employment activity, or is going to or returning home from such activity, without detour or stop; or
    4. The minor is attending an activity sponsored by a school, religious, or civic organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop; or
    5. The minor is involved in interstate travel through, or beginning or terminating in, the city of Enterprise; or
    6. The minor is on a sidewalk directly abutting a place where he or she resides with a parent or guardian.

3-703 It shall be unlawful for any parent or legal guardian to allow or knowingly or unknowingly, by the lack of sufficient control, any minor to remain in or upon any public place within the city, to remain in any motor vehicle operated or parked therein, or thereon, or remain in or upon the premises of any establishment within the city, between the hours of 12:00 midnight and 6:00 a.m. unless:

1. The minor is accompanied by a parent or legal guardian; or
2. The minor is involved in an emergency; or
3. The minor is in an employment activity, or is going to or returning home from such activity, without detour or stop; or
4. The minor is attending an activity sponsored by a school, religious, or civic organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop; or
5. The minor is involved in interstate travel through, or beginning or terminating in, the city of Enterprise; or
6. The minor is on a sidewalk directly abutting a place where he or she resides with a parent or guardian.

3-704 No citation shall be issued to a parent or legal guardian on a first time offense committed by a minor. Parents or legal guardians may be issued a citation for second and subsequent offenses committed by the same minor.

3-705 Section 3-702 is a “status offense” punishable by fine only in the municipal court. Section 3-703 shall be an unclassified misdemeanor. Both the juvenile and a parent must appear before the Municipal Court on this complaint. (2009)

**Article 8 Minimum Housing Standard**

3-801. TITLE. This ordinance shall be known as the "Minimum Standard for Housing and Premises Code," and will be referred to herein as "this code."

3-802. GENERAL. Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this ordinance.

3-803. DECLARATION OF POLICY. The governing body declares the purpose of this ordinance is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned structures or dwellings, and all premises for the purpose of sanitation and public health, general appearance, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed and which legislation:

(a) Establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location and amount of space for human occupancy, and for safe and sanitary maintenance;

(b) Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures.

(c) Determines the responsibilities of owners, operators and occupants.

(d) Provides for the administration and enforcement thereof.

3-804. DEFINITIONS. The following definitions shall apply to the enforcement of this ordinance:

(a) Basement shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(b) Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(c) Dwelling shall mean any building which is wholly or party used or intended to be used for living or sleeping by human occupants: provided, that temporary housing hereinafter defined shall not be regarded as a dwelling.

(d) Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating.

(e) Habitable Dwelling shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons.

(f) Habitable Room shall mean a room designed to be used for living, sleeping, eating or cooking purposes, excluding bathrooms, toilet rooms, closets, halls and storage places, or other similar places, not used by persons for extended periods.

(g) Infestation shall mean the presence, within or around a dwelling, of insects, rodents, or other pests.

(h) Multiple Dwelling shall mean any dwelling containing more than two dwelling units.

(i) Occupant shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

(j) Operator shall mean any person who has charge, care, owns, or has control of a premise or of a building or structure or part thereof, in which dwelling units or rooming units are let.

(k) Owner shall mean any person, firm, or corporation, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the city as owner, employee, or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be deemed and taken to be the owner or owner of such property within the true intent and meaning of this ordinance and shall be bound to comply with the provisions of this ordinance to the same extent as the record owner and notice to any such person shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the record owner or owner of such property.

(l) Person shall mean and include any individual, firm, corporation, association or partnership.

(m) Plumbing shall mean and include all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, 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, gas or fuel lines.

(n) Premise shall mean any lot or land area, either residential or non- residential, not covered by a structure and which is subject to a city tax in part or in whole.

(o) Public Officer shall mean the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(p) Rooming House shall mean any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

(q) Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(r) Refuse. For the purpose of this ordinance refuse shall include garbage, and trash.

(1) Garbage shall mean any accumulation of animal, fruit or vegetable waste matter that attends the preparation of, use of, cooking of, delivering of, or storage of meats, fish, fowl, fruit or vegetable.

(2) Trash (Combustible). For the purpose of this ordinance combustible trash shall mean waste consisting of papers, cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, bedding and leaves, or any other combustible materials.

(3) Trash (Non-Combustible). For the purpose of this ordinance non- combustible trash shall mean waste consisting of metals, tin cans, glass, crockery, other mineral refuse and ashes and street rubbish and sweepings, dirt, sand, concrete scrap, or any other non-combustible material.

(s) Structure shall mean anything constructed or erected on the ground or attached to something having a location on the ground.

(t) Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

(u) Temporary Housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, house or building or another structure, or to any utilities system on the same premises for more than 30 consecutive days, except when located in a mobile home court duly licensed under laws of the city.

(v) Words - Meanings. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

3-805. DUTY OF OCCUPANT OR OWNER OF OCCUPIED OR UNOCCUPIED BUILDING AND ITS PREMISES OR VACANT PREMISES.

(a) It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter as covered by Sections 8:9.

(b) It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this ordinance applicable to the premise.

(c) If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.

(d) Every occupant of a dwelling containing a single dwelling unit 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 dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.

(e) Notwithstanding, the foregoing provisions of this ordinance, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner and operator.

(f) Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

3-806. REGULATIONS FOR THE USE AND OCCUPANCY OF DWELLINGS. 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. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:

(a) Attached Garages or Non-dwelling Areas. All non-dwelling occupancies shall be separated from the dwelling unit by a fire resistant wall and if the dwelling and garage are covered by a common or connecting roof, then the ceiling also must have a fire resistance rating of not less than one hour as defined in the building code.

(b) Basement or Cellar. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.

(c) Basement Dwelling Units. The use of basements or cellars for dwelling units is prohibited unless they comply with Section 6(r) governing ventilation, provided however, if occupied at the time of the passage of this ordinance and if it complies with all other provisions of this ordinance, the public officer may approve less than the required windows, if in his or her opinion, the window area is not detrimental to the occupants.

(d) Bathing Facilities. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.

(e) Boarding and Rooming Houses. No room shall be used for sleeping purposes unless the ceiling height is at least seven feet and there are at least 400 cubic feet of air space for each occupant over six years of age. For sleeping rooms with sloping ceilings, the ceiling height shall be at least seven feet over at least 50 percent of the floor area.

(1) Bathing facilities shall be provided in the form of a tub or shower for each eight occupants. Separate facilities shall be provided for each sex and plainly marked.

(2) A flush water closet shall be provided for each six occupants and shall be separated with the separate access from bathing facilities if more than four occupants are served by each. Separate facilities shall be provided for each sex and shall be plainly marked.

(f) Drainage. All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. Properly constructed wading and swimming pools and fish ponds are excepted from this ordinance.

(g) Entrances. (1) There shall be for each dwelling unit a normally used separate access either to a hallway, stairway, or street, which is safe and in good repair.

(2) A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.

(h) Floor Area. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven feet above the floor for the purpose of this subsection.

(i) Garbage and Trash Receptacles. Every dwelling and every dwelling unit shall be provided with such receptacles, not exceeding 32 gallon capacity, as may be necessary to contain all garbage and trash and such receptacles shall at all times be maintained in good repair.

(j) Heating. Every dwelling and every dwelling unit shall be so constructed, insulated, and maintained and be provided by owner or occupant with heating units so that it is capable or reaching an air temperature of 70 degrees Fahrenheit under ordinary winter conditions. The chimney of the dwelling or dwelling unit shall be maintained in good order, and the owner of the approved heating equipment shall maintain it in good order and repair.

(k) Kitchen Sink. In every dwelling unit containing two or more rooms, there shall be at least one kitchen sink with public water under pressure and connected to the public sewer, or if that sewer system is not available, to a sewage disposal system approved by the city health department.

(l) Lavatory Facilities. Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the required flush water closet or as near to the room as practicable.

(m) Lighting. Every habitable room shall have a ceiling electric outlet and a duplex outlet in wall or floor, or at least two wall or floor outlets.

(n) Lighting of Toilets and Bathrooms. Every toilet and every bathroom in every dwelling shall have at least one electric light in either the ceiling or on the wall.

(o) Plumbing. All plumbing, water closets and other plumbing fixtures in every dwelling or dwelling unit shall be maintained in good working order.

(p) Privies. All pit privies, privy vaults, "dry hopper" sewer-connected privies and frost-proof closets are hereby declared to be a public nuisance.

(q) Toilet Facilities. There shall be at least one flush water closet in good working condition for each dwelling unit, which flush water closet shall be located within the dwelling and in a room which affords privacy.

(r) Ventilation. Every habitable room in a dwelling or dwelling unit shall contain a window or windows openable directly to the outside air and the total area of such window or windows shall be not less than five percent of the floor area of such room. An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall be capable of providing not less than four air changes per hour, except that in toilet compartments such system shall provide a complete air change every five minutes and be automatically put in operation when the toilet compartment light is in the "on" position.

(s) Water Heating Facilities. Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory and bathtub or shower.

(t) Windows and Doors. Every window and exterior door shall be reasonably weather-tight, lockable, and rodent-proof and shall be kept in good working condition and good repair.

3-807. MAINTENANCE AND REPAIR; DWELLINGS. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

3-808. DESIGNATION OF UNFIT DWELLINGS. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(a) The Public Officer may determine, or five citizens may petition in writing, that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.

(b) Such Conditions may include the following without limitation:

(1) Defects therein increasing the hazards of fire, accident, or other calamities.

(2) Lack of:

(i) Adequate ventilation.

(ii) Light.

(iii) Cleanliness.

(iv) Sanitary facilities.

(3) Dilapidation.

(4) Disrepair.

(5) Structural defects.

(6) Overcrowding.

(7) Inadequate ingress and egress.

(8) Unsightly appearance that constitute a blight to the adjoining property, the neighborhood or the city.

(9) Air Pollution.

(c) Placarding - Order to Vacate. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.

(d) Notice of Violation. Procedures as outlined in Section 12 are applicable hereto.

(e) Compliance Required before Reoccupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.

(1) The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(2) It shall be unlawful for anyone to let, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a public offense within the meaning of this ordinance.

(3) It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a public offense within the meaning of this ordinance.

3-809. DESIGNATION OF BLIGHTED PREMISES (RESIDENTIAL AND NON- RESIDENTIAL). The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements.

(a) The Public Officer may determine, or five citizens may petition in writing, that if the appearance of a premise is not commencerate with the character of the properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:

(1) Dead trees or other unsightly natural growth.

(2) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, inadequate drainage.

(3) Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements.

(b) Notice of Violation. Procedures as outlined in Section 12 are applicable hereto.

3-810. DESIGNATION OF BLIGHTED BUILDINGS AND PREMISES (NON- RESIDENTIAL).

(a) Certain Blighted Conditions covered in Sections 8:9 concerning buildings and premises which are on the tax roll of the city are applicable to all non-residential buildings and premises.

(b) Notice of Violation. Procedures of notification shall follow those prescribed in Section 12.

3-811. INSPECTION OF BUILDINGS AND STRUCTURES, AND PREMISES.

(a) For the Purpose of Determining Compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.

(b) The Public Officer is not limited by the conditions in the above paragraph (a) where new construction or vacant premises are involved and may make such inspections at any appropriate time.

(c) The Owner, Operator, and Occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

(d) Every Occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this ordinance.

3-812. NOTICE OF VIOLATIONS; PROCEDURES.

(a) Informal Discussion. Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this ordinance, the public officer will arrange with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.

(b) Formal Hearing. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:

(1) Shall be in writing.

(2) Shall list the violations alleged to exist or to have been committed.

(3) Shall provide a reasonable time, but not less than 30 days in any event for the correction of the violations particularized.

(4) Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation.

(5) If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary.

(6) Delivery shall be by certified mail, return receipt requested, or by personal service. If service is made by certified mail, the public officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.

3-813. PUBLIC OFFICER: AUTHORITY. For the purpose of protecting the city against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this ordinance and of other laws which regulate or set standards affecting buildings and premises.

3-814. GOVERNING BODY; AUTHORITY. The governing body is hereby authorized:

(a) To Informally Review all alleged violations as provided in Section 12(a) prior to notification prescribed in Section 12(b).

(b) To Take Action as prescribed in Section 12(b).

(c) To Hear Appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this ordinance as outlined in Section 18.

(d) Discretionary Authority may be exercised in specific cases where variance from the terms of the ordinance as:

(1) Will not adversely affect the public health, safety or welfare of inhabitants of the city.

(2) Is in harmony with the spirit of this ordinance.

(3) Where literal enforcement of the ordinance will result in unnecessary hardship.

3-815. ORDER TO CORRECT AND/OR REPAIR, REMOVE OR DEMOLISH. At the time of the placarding and order to vacate specified by Section 8(c) hereof, the public officer shall also issue and cause to be served upon the owner a notice advising of the option of removal or demolition in lieu of correction and/or repair following the procedures as outlined in Section 12.

3-816. DEMOLITION BY PUBLIC OFFICER; PROCEDURE AND COSTS.

(a) Failure to Comply with the order under Section 15 hereof for the alteration or improvement of such structure, the public officer, with the consent and prior knowledge of the governing body, may cause such condemned structure to be removed or demolished and the premises improved to eliminate the conditions outlined in Section 9 of the ordinance.

(b) The Cost of Demolition by a Public Officer shall be a lien upon the property upon which the cost was incurred and such lien, including as a part thereof an allowance of his or her costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment upon the lot or parcel of land on which the structure was located and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls against the lot or parcel of land.

(c) If the Structure is Removed or Demolished by the Public Officer he or she shall offer for bids and sell the structure or the materials of such structure. The proceeds of such sale shall be credited against the cost of the removal or demolition and, if there is any balance remaining, it shall be paid to the parties entitled thereto after deduction of costs or judicial proceedings, if any, including the necessary attorney's fees incurred therein, as determined by the court, if involved.

3-817. CONFLICT OF LAWS; EFFECT OR PARTIAL INVALIDITY.

(a) Conflicts between the provisions of this ordinance and with a provision of any zoning, building, fire, safety, or health ordinance, existing on the effective date of this ordinance, the provision shall prevail which establishes the higher standard.

(b) Conflicts between this ordinance with a provision of any other ordinance existing on the effective date of this ordinance which establishes a lower standard, the provisions of this ordinance shall be deemed to prevail and such other laws or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

3-818. GOVERNING BODY; APPEALS.

(a) Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the public officer, as provided in Section 12(b). Such protest and request for a hearing shall be filed with the office of the city clerk.

(b) Upon receipt of a protest and request for a hearing, the city clerk shall notify in writing the governing body of such appeal.

(c) The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.

(d) Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.

(e) Except where an immediate hazard exists as described in Section 12 of this ordinance, the filing of a protest and request for a hearing before the governing body as specified in subsection (a) shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.

3-819 RIGHT OF PETITION. After exhausting the remedy provided in Section 18, any person aggrieved by an order issued by the public officer and approved by the governing body after a hearing on the matter, may within 30 days from the date which the order became final petition the district court of the county in which the property is located to restrain the public officer from carrying out

**CHAPTER IV. PUBLIC OFFENSES**

Article 1. Uniform Public Offense Code

Article 2. Standard Traffic Ordinance

Article 3. Impoundment of Vehicles

Article 4. Hazardous Materials

Article 5. Open Burning

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**ARTICLE 1. UNIFORM PUBLIC OFFENSE CODE**

4-101 UNIFORM PUBLIC OFFENSE CODE INCORPORATED. There is hereby incorporated by reference the Uniform Public Offense Code for Kansas Cities, in its current year of publication, prepared and published by the League of Kansas Municipalities. No fewer than three copies of the Uniform Public Offense Code shall be marked or stamped “Official Copy as adopted by the City of Enterprise, Kansas, “ and shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours of business.

4-102 SAME; AMENDMENT. The Uniform Public Offense Code is hereby amended by adding the following as section 5.5:

It shall be unlawful for any minor under 18 years of age to loiter, ramble, play or frequent the streets or other places in the city after the hour of 12:00 a.m. and before the hour of 6:00 a.m., unless such minor is accompanied by parent, guardian or other person having legal custody of such minor, or is in the performance of an errand or duly directed by such parent or guardian or legal custodian, or whose employment makes it necessary to be upon the streets or other public places during the night, or after the specified hours. It is hereby made unlawful for any parent, guardian or other person having the legal custody of such minor to allow or permit such minor to loiter or frequent the streets or public places of the city within the time prohibited in this section. Any parent or guardian allowing the violation of this section shall, upon conviction thereof, be fined in any sum not less than $10.00 nor more than $100.00.

**ARTICLE 2. STANDARD TRAFFIC ORDINANCE**

4-201 STANDARD TRAFFIC ORDINANCE INCORPORATED. The Standard Traffic Ordinance for Kansas Cities, current year of publication, prepared and published by the League of Kansas Municipalities, for the purpose of regulating traffic on streets and highways of the City of Enterprise, Kansas, is hereby incorporated by reference and shall be made as part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Enterprise,” and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

4-202 TRAFFIC CONTROL DEVICES AND MARKINGS. The Standard Traffic Ordinance as adopted is hereby modified by adding thereto the following:

The governing body shall establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provision of this chapter, other traffic ordinances and the state laws. The public works department shall 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 Enterprise for the purpose of displaying all such traffic control devices and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

4-203 CARELESS DRIVING. It shall be unlawful for any person to operate a vehicle in a careless, heedless, or inattentive manner, or without due caution or circumspection, or in any manner not constituting reckless driving, but so as to endanger or be likely to endanger any person or property.

**ARTICLE 3. IMPOUNDMENT OF VEHICLES**

4-301 IMPOUNDMENT OF VEHICLES. The chief of police, or any law enforcement officer, or any person authorized to act thereunder may tow or caused to be towed and removed and impounded any vehicle from any street, alley, highway, sidewalk, or any public right of way, or public property without the permission of the owner, under the following circumstances:

1. When any vehicle is left unattended upon any bridge, roadway, street, alley, public right of way or public where such vehicle obstructs the normal flow of traffic.
2. When any vehicle is disabled and inoperable and such vehicle obstructs normal traffic flow.
3. When a vehicle is illegally parked and it constitutes a traffic hazard or disrupts the natural flow of traffic.
4. When the driver of a vehicle is taken in custody by law enforcement authorities and such vehicle would thereby remain unattended.
5. When the removal of a vehicle is necessary in the public’s interest because of snow, flood, fire, storm or other reasons that may constitute an emergency.
6. When any vehicle is reasonably suspected of being a stolen vehicle, or contained stolen goods or contraband.
7. When any vehicle is parked upon private property without the permission of the property owner.
8. When a vehicle is illegally parked or left standing so as to obstruct the normal movement of traffic to and from private property.

4-302 PRE-TOW NOTICE. Whenever vehicles are subject to being towed and impounded, as herein provided, the owner, driver or person in charge of such vehicle shall be notified and given a reasonable time under the circumstanced involved to remove the vehicle. However, where the owner, driver or other person in charge of such vehicle cannot be located after a bona fide effort has been made to do so, and then the vehicle may be towed and impounded as provided under this article.

4-303 NOTICE. (a) Whenever a vehicle which is registered in Kansas is impounded pursuant to this article the police department shall mail a notice by certified mail to the registered owner thereof, addressed to the address shown on the certificate of registration, and to the lien holder if any, stating the reason for the impoundment, the rights of the owner or lien holder as set forth in the chapter as to recovery of the vehicle, and a statement that unless the owner or lien holder exercises his or her rights within thirty (30) days from the date of the mailing of the notice, that the vehicle will be sold at public auction to cover the cost of towing. Notice shall be mailed before the fifth full working day following the date of towing. Failure to receive such notice shall not invalidate any subsequent action taken.

(b) If the impounded vehicle is registered in another state, or bears no registration plates, the police department shall take prompt action, reasonable calculated to apprise the owner, or lien holder, if any, of the vehicles location and potential disposition. If the police department is unsuccessful in determining the name and address of the owner or any lien holder of the vehicle, the police department shall publish a notice once each week for two consecutive weeks in the official city newspaper describing the motor vehicle by name of make, mode, color, and serial number, and also state the reasons for the impoundment, information regarding the right of the owner or lien holder in the recovery of the vehicle and a statement that unless the owner or lien holder takes action within 30 days of the date of the second publication, the vehicle will be sold at public auction to cover any towing and storage costs, as well as any fines accrued as to the date of towing. If the police department is successful in locating the name and address of the owner or any lien holder, the department shall afford the same notice to such person or persons set forth in the preceding subsection.

4-304 SAME; RELEASE TO OWNER OR LIENHOLDER. Once a vehicle has been impounded, the owner or lien holder may obtain release by:

1. Presenting proof of ownership in the form of motor vehicle title or certificate of registration to the police department. The police department will advise the claimant of outstanding fines which shall be paid before release of the vehicle.
2. If there are not fines accrued against an impounded vehicle, the claimant will be advised of the place of storage. The police department will then notify the storage yard and tow service that the vehicle may be released. Release may be accomplished by the claimant upon settlement if tow and storage charges with the tow service.
3. The impounded vehicle may be withheld from release if needed for evidentiary purposes.

4-305 SAME; DISPOSITION OF VEHICLE. Whenever, pursuant to the terms of this article, a vehicle has been stored in any public or private garage or yard maintained or designated by the city for the storage of impounded vehicles for a period of 60 days, and no claim of ownership or the right to possession thereof has been made, or when such claim ahs been made but not established to the satisfaction of the chief of police, and no suit or action to determine such claim has been instituted, the chief of police shall order the appraisal of the value of the vehicle, shall declare the vehicle to be abandoned and shall dispose of the vehicle in the manner provided by K.S.A. 8-1103

**ARTICLE 4. HAZARDOUS MATERIALS**

4-401 TRANSPORTATION OF HAZARDOUS MATERIALS. It shall be unlawful for any person, firm, corporation or other entity to park, house, store or permit to remain upon any public street, alley, park, or upon private property within the City of Enterprise, Kansas, any other vehicle or trailer or container which shall be sued to transport hazardous materials, except while such vehicle shall be attended at all times by the driver thereof or other responsible party while loading or unloading. Provided further however, that any such vehicle, trailer or container may be temporarily parked within the city for a period not to exceed one hour.

4-402 HAZARDOUS MATERIAL DEFINED. As used in this article, the term hazardous material shall mean any substance that due to its nature may cause injury upon contact therewith, or shall be extremely volatile or flammable or radioactive.

4-403 PROPANE, LPG, BUTANE. It shall be unlawful to store or use any container designed to hold more than 15 gallons of propane, LPG, or butane in any area of the city designated by the current zoning code as R-1, R-2, or R-3.

4-404 SAME; 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. Except further that these provisions shall 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 or trailer, container or any by any farmers cooperative, elevator company or farm supply store located within the city limits in a properly zoned area.

4-405 PENALITY. Any person, firm, corporation violating this article shall upon conviction be subject to the provisions of section 1-111.

**ARTICLE 5. OPEN BURNING**

4-501 OPEN BURNING PROHIBITED; WAIVER. (a) It shall be unlawful to burn, or cause to be set on fire any material, substance, or object on any premises within the city.

(b) The fire chief may authorize a period not to exceed 30 calendar days in each year, a period of time that persons may burn the following:

1. Leaves.
2. Grass.
3. Brush and small limbs.
   1. Burning authorized in subsection (b) must be done in accordance with the following:
      1. The fire must be attended by a responsible person at least 18 years of age.
      2. The wind speed must be below 10 M.P.H.
      3. A garden hose connected to a sufficient water supply must be present and able to reach the entire area being burned.
      4. Burning may only occur between sunrise and sunset.
      5. Only materials approved in this article may be burned and must have dried sufficiently so excessive smoke will not be produced.
      6. When the burn is complete the entire area must be wetted to extinguish any embers.
   2. The fire chief may issue permits to persons requesting to burn articles allowed in section (b) of this article, but only after inspection of the area or objects to be burned has been completed. Such permit shall be valid for two days and such burning must follow regulations set out in subsection (c) of this article.
   3. No part of this article is to be construed to prohibit the use of fires for the purposes of cooking, or a training event of an organized fire department.

4-502 PENALITY. Any person, firm, corporation violating this article shall upon conviction be subject to the provisions of section 1-111.

**CHAPTER V. PUBLIC PROPERTY**

Article 1. Recreation Commission

Article 2. Library

Article 3. Streets

Article 4. Sidewalks

Article 5. Trees and Shrubs

Article 6. City Parks

**ARTICLE 1. RECREATION COMMISSION**

5-101 RECREATION COMMISSION. There is herby created and established the Enterprise Recreation Commission. Members of the recreation commission shall be appointed in the manner and for such terms as prescribed by law and shall administer in all respects the business and affairs of the recreation system.(K.S.A. 12-1901).

5-102 RECREATION COMMISISON; MEMBERSHIP; APOINTMENT. Four of the members of the commission are to be appointed by the mayor subject to approval by the council. The recreation shall appoint the fifth member. The recreation commission shall annually elect a president, vice president and a secretary/treasurer.

5-103 RECREATION COMMISSION; ANNUAL AUDIT. There shall be an annual audit of the books of the recreation commission.

5-104 RECREATION COMMISSION; MEETINGS. The recreation commission shall hold monthly meetings and public notice of such meetings shall be given. Minutes of said meetings shall be maintained. (K.S.A. 12-1901)

**ARTICLE 2. LIBRARY**

5-201 LIBRARY BOARD; MEMBERSHIP; APPOINTMENT. The mayor shall, with the approval of the city council, appoint a library board for the city library. The board shall consist of seven members who shall be appointed in the manner and for such terms as prescribed by law. The mayor shall be ex officio a member of the library board with the same powers as appointed members but no other city officer shall be appointed a member of the board while holding such office. (K.S.A. 12-1222).

5-202 OFFICERS OF BOARD; MEETINGS. The library board shall annually meet and organize by the election of a chairperson, secretary and treasurer and such other officers, as they may deem necessary. The board shall fix the date and place of its regular meetings and special meetings may be called by the chairperson or upon written request of a majority of the members in the manner provided by law. (K.S.A. 12-1224).

5-203 POWERS AND DUTIES. The library board shall have such powers and duties as prescribed by law. (K.S.A. 12-1225).

5-204 DAMAGE TO LIBRARY PROPERTY. It shall be unlawful for any person to willfully injure or damage any building occupied by the city library or to willfully injure or destroy any book, map, chart, magazine, picture, statutory or other personal property belonging to or under the control of the city library. (K.S.A. 12-1228).

5-205 REMOVAL OF BOOKS. It shall be unlawful for any person to take from the city library or any premises thereof any book, map, plat, chart, picture, or other person property belonging to or under the control of the city library. (K.S.A. 12-1228).

5-206 PENALITY. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided by section 1-111.

**ARTICLE 3. STREETS**

5-301 EXCAVATIONS. No person, firm or corporation shall make an excavation in any street, alley or other public grounds in the city for any purpose, without first obtaining a permit from the street superintendent authorizing the same.

5-302 SAME; PERMIT. All applications for permit shall be accompanied by a good and sufficient corporate surety bond in the amount of $1,000 executed to the city by the applicant for such permit, and conditioned that the principal in such bond will save the city harmless from any damage to persons or property resulting from or in any way growing out of any open or excavation made by such principal, his or her agents, servants or employees under such permit; and further that the principal shall pay any and all loss or damage occasioned by himself, herself, his or her agents, servants or employees and will comply with all ordinances of the city; provided that no bond shall be required of any person, under the provisions of this section, who have executed a bond to the city under any other article of the city conditioned upon the same provisions herein provided.

5-303 SAME; REQUIREMENTS. Any person, firm or corporation making excavations in any of the streets, alleys or public grounds in the city shall backfill all trenches or ditches or excavations made by them whenever deemed necessary by the street superintendent and such person, firm or corporation making such excavations shall follow the directions of any person directed by the city to supervise the work. The work of replacing all pavement cut or damaged, operating under a permit issued under the provisions of this article, shall be at the permit holder’s expense and shall be done in accordance with the following specifications:

1. The material used to fill the excavation in this permit shall be a “controlled density fill” or commonly referred to as “flowable fill”. The excavation shall be filled with “flowable fill” to a point that is eight (8) inches below the finished grade of any street, alley or public ground.
2. In all cases any such excavations deeper than four (4) feet shall be so braced as to prevent caving or injury to adjoining premises and the party making excavation and his or her bondsman shall at all times be liable to the city for damage arising by reason of neglect or carelessness in any respect concerning the excavation.
3. The replacement of paving or hard surfacing shall be done by the city for which a charge of $10.00 per square foot shall be made to the city by the holder of the permit.
4. All trenches or public property shall be properly protected at all times by barricades. A barricade light or lights, kept burning brightly from sunset to sunrise, shall be so placed as to warn traffic and pedestrians of the barricades and excavation and such other precautions as may be necessary for public safety shall be followed.

5-304 LITTERING STREETS UNLAWFUL. It shall be unlawful for any person or persons to place, throw, or cause to be deposited or left any dirt, filth, sweepings, excrement, compost, papers, boxes, ashes, lumber, wood, grass, weeds, leaves, or litter of any kind in or on any streets, alleys, parks or public ways of the city.

5-305 PENALITY. Any person, firm or corporation violating any provision of this article shall upon conviction be subject to the penalties set forth in section 1-111 of this code.

**ARTICLE 4. SIDEWALKS**

5-401 SIDEWALK GRADE; PERMITS. Hereafter all sidewalks constructed or reconstructed in the city shall be constructed on the established grade. When the mayor and council shall order a sidewalk constructed as hereafter provided, the city shall pay the cost of bringing the street to grade for the sidewalk. Where no grade has been established, the owner of abutting property may construct a sidewalk on the natural grade, but before any such sidewalk shall be constructed, the persons proposing to do the same shall apply to the city for a permit before commencing the work. If the grade has been established, the city superintendent shall furnish the property owner with the official grade by reference to a stated distance above or below the street grade. (K.S.A. 12-1801, 12-1807).

5-402 SIDEWALK SPECIFICATIONS. Hereafter all sidewalks shall be of a single course concrete construction and shall be constructed a minimum of thee and one half inches (31/2) thick and a minimum of three (3) feet wide. Any sidewalk being constructed or reconstructed shall be located as directed by the city superintendent in relation to the street easement and positioning of adjoining sidewalk or sidewalks. It shall be unlawful for any person, firm or corporation to construct, reconstruct or repair any sidewalk except as provided by this article. (K.S.A. 12-1802).

5-403 SIDEWALK PETITION. When a petition signed by not less than ten (10) citizens owning real estate in the city praying for the construction of a sidewalk or sidewalks is filed with the city clerk, the governing body may at its discretion, by a resolution, order such sidewalk constructed herein provided. (K.S.A. 12-1803)

5-404 CONDEMNATION AND RECONSTRUCTION OF SIDEWALKS. When any sidewalk, in the opinion of the governing body, becomes inadequate or unsafe for travel thereon, the governing body may adopt a resolution condemning such walk and providing for the construction of a new walk in the place of the walk condemned. (K.S.A. 12-1804).

5-405 NOTICE: PUBLICATION: CONSTRUCTION BY CONTRACT. The resolution providing for the construction or reconstruction of a sidewalk, as the case may be, shall give the owner of the abutting property not less than thirty (30) days nor more than sixty (60) days after its publication one time in the official city paper in which to construct or cause to be constructed or reconstructed the sidewalk at his own expense. If the sidewalk is not constructed by the property owner within the time specified, the governing body shall cause the work to be done by contract. (K.S.A. 12-1805).

5-406 REQUEST TO CITY BY ABUTTING PROPERTY OWNER, WHEN. Nothing in this article shall be construed to prohibit the owner of property abutting on a street, who desires to construct or reconstruct a sidewalk at his own expense and in accordance with official plans and specifications for the purpose and which meets such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the city, to construct or reconstruct a sidewalk without any petition or a condemning resolution adopted by the governing body: provided, that if such property owner desires the sidewalk to be constructed or reconstructed by the city an assessment levied as provided by law in other cases, he or she shall file a request with the governing body and the governing body, in its discretion, may provide for the construction or reconstruction of the sidewalk requested in the same manner as in other cases where citizens or taxpayers petition the governing body. (K.S.A. 12-1806).

5-407 REPAIRS BY OWNER OR CITY. It shall be the duty of the owner of the abutting property to keep the sidewalk in repair, but the city may, after giving five (5)days notice to the owner or his or her agent, if known, of the necessity for making repairs and without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. Repairs may be made by force account or by contract and an account of the cost thereof shall be kept and reported to the governing body. The city shall by ordinance levy a special assessment against the lot or piece of land abutting on the sidewalk so repaired for the cost of repairs, and if the abutting property owner does not pay the assessment within thirty (30) days, upon the clerk mailing to the owner or his or her agent, if known, a printed or written notice of amount of such repairs, the full amount shall be certified by the city clerk to the county clerk to be put on the tax rolls for the collection like other taxes. The temporary financing of repairs may be borne by the city out of the fund for maintaining streets or out of the general fund or general improvement fund. (K.S.A. 12-1808).

5-408 PENALITY. Any person, firm or corporation violating any provision of this article shall upon be subject to the penalties set forth in section 1-111 of this code.

**ARTICLE 5. TREES AND SHRUBS**

5-501 TRIMMING OF TREES. It shall be the duty of the owner of any premises abutting on any street or public sidewalk in the city to cut and trim all trees or shrubbery growing on said premises, or on the adjacent parking between the property line and the street, in such a manner that the boughs and limbs thereof shall not obstruct free and convenient travel along streets and sidewalks or constitute a hazard to the users of said sidewalks and streets: provided, that all trees extending over any portion thereof shall not overhang any sidewalk lower than eight (8) feet from the surface thereof, no lower than fourteen feet (14) from the roadway of any street, alley or public way.

5-502 HEDGE FENCE: HEIGHT. It shall be unlawful for any person owning or controlling any hedge fence bordering on any street or sidewalk in the city to permit the same to grow to a height of more than three and one half feet (31/2), or so as to overhang any sidewalk.

5-503 PUBLIC TREE CARE. The city shall have the right to plant, 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 symmetry and beauty of 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, water lines or other public improvements, or is affected with any injurious fungus, insect or pest.

5-504 DISEASED TREES; DETERMINATION. Whenever any competent city authority or a competent state or federal authority shall file with the governing body a statement in writing based upon laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the city are infected or infested with or harbor any tree or plant disease or insect or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or extinction of other trees or shrubs in the community, describing the same and where located, the governing body shall direct the city clerk to forthwith issue a notice requiring the owner or agent of the owner of the premises to treat or to remove any such designated tree, tree material or shrub within a time specified in the notice.

5-505 SAME; NOTICE SERVED. Notice shall be served by a police officer by delivering a copy thereof to the owner, and the person in possession of such property, or if the same be unoccupied or the owner a nonresident of the city, then the city clerk shall notify the owner by mailing a notice by certified mail to his last known address.

5-506 SAME; FAILURE OF OWNER; DUTY OF CITY. If the owner or agent shall fail to comply with the requirements of the notice within the time specified in the notice, then the chief of police shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk. In lieu of city employees performing such work, the governing body may contract with any competent person, company or corporation for the performance of such work.

5-507 SAME; PREVENT SPREAD OF DISEASE. No tree, tree materials or shrubs as mentioned herein which have been cut down, either by the property owner or by the city, shall be permitted to remain on the premises, but shall be immediately treated, removed and burned or immediately burned upon the premises, if safe to do so, so as to prevent the spread of the tree disease.

5-508 DANGEROUS, DEAD, OR DISEASED TREES ON PRIVATE PROPERTY. (a) The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.

(b) The city shall have the right to cause the removal of any dangerous, dead or diseased trees in private property within the city, when such trees constitute a hazard to life and property. The city will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. The owners, within 30 days of the notice, may request a hearing covering the ordered removal. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owners property tax notice.

5-509 TREES ON PUBLIC PROPERTY; COST BORNE BY CITY. The city shall have the authority to treat or remove any tree as defined in 5-503 of this section, or to remove any dead tree as mentioned herein, which is located within the limits of any public right-of-way within the city. The adjacent property owners shall not be responsible for the cost of treatment or removal of any such trees within the public right-of-way and this expense shall be borne by the city at large.

5-510 COSTS ON TAX ROLLS. The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs for the treatment or removal performed under the authority of sections 5-506 and 5-508 and the county clerk shall extend same on the tax roll of the county against the lot or parcel of ground. The cost pf such work shall be paid from the general fund or other proper fund of the city, and such fund shall be reimbursed when payments therefore are received or when such assessments are collected and received by the city.

5-511 INJURING TREES AND SHRUBS. No person shall willfully break, cut, take away, destroy, injure, mutilate, or attempt to willfully break, cut, take away, destroy, injure or mutilate any tree, shrub, vine, flower or landscaping standing, growing, or being on the premises, in the possession of another, or growing on any public ground, street, sidewalk, promenade or park of the city.

5-512 FIRE HYDRANTS, PLANTINGS ADJACENT TO. No person shall plant or cause to be planted nor allowed to grow upon property owned by him or her any shrubs, trees, or planting of any kind within 10 feet of any fire hydrant in the city, in order that every fire hydrant shall be in full view day or night, to fire apparatus approaching from any direction.

**ARTICLE 6. CITY PARKS**

5-601 HOURS. All public parks shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. daily. No person, other than law enforcement officers and authorized city personnel, shall enter or remain in city parks except as provided by this article.

5-602 WRITTEN APPROVAL. With written approval of both the police chief and the public works director, organized recreation activities or other special events may be held in public parks after closing. Such written approval shall be discretionary with the police chief and public works director. Such written approval shall specify the date, hours, duration and location of such activities.

5-603 CITY ORDINANCES EXTENDED TO PARK. The Ordinances of the city shall extend to and cover all city parks.

5-604 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.

5-605 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 shot or discharge the same within the limits of any city parks.

(b) The provisions of subsection (a) shall not apply to duly authorized law enforcement officers in the performance of official duty.

5-606 VEHICLE REGULATIONS. (a) Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways and motor bikes, go-karts, snowmobiles, and other motorized off-the-road vehicles 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 in any area not designated for such purpose.

(d) Subsections (b) and (c) shall not apply to authorized city employees while engaged in maintenance and care of the park.

5-607 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.

6-608 FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in 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 the use thereof.

5-609 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.

5-610 PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES. It shall be unlawful for any person to use, consume or have on the premises of any city park or other city property within the city any alcoholic liquor or cereal malt beverage.

5-611 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.

5-612 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.

5-613 PENALTY. Any person, firm, partnership, or corporation violating any provision of this article, upon conviction, be fined a sum not to exceed five hundred dollars ($500.00), or be imprisoned for a period of time not to exceed thirty (30) days or be both fined and imprisoned.

**CHAPTER VI. UTILITIES**

Article 1. Water

Article 2. Electricity

Article 3. Sewer

Article 4. Municipal Solid Waste

**Article 1. WATER**

6-101 SERVICE CONNECTIONS. The water mains and pipes of the city shall be tapped only by the officers and employees of the city, and the city, by its officers and employees, shall install and service pipes from the mains to the property lines, meters and curb cocks, and shall make all excavations in the public street which shall be necessary in the premises. The cost of making such connections shall be fixed by the city and shall be paid by the applicant for water service in such manner and at such time as shall be determined by the mayor and the council.

6-102 APPLICATION FOR SERVICE CONNECTIONS AND RECONNECTIONS. (a) Any person desiring municipal water service shall make application therefore to the city clerk on a form furnished for that purpose. The application shall be accompanied by a connection fee in the amount of $10.00.

(b) A fee in the amount of $30.00 in addition to any other applicable fee, shall be charged to any customer requesting that municipal water service be reconnected to the customer’s premises at any time other than the regular working hours of municipal utility employees.

6-103 INSTALLATIONS BEYOND PROPERTY LINE. All users of water shall install attachments and appurtenances necessary to carry the water from the property line at their own expense and in accordance with the laws of the city. All such attachments and appurtenances shall be kept in good repair and at all reasonable hours be open to inspection by the city.

6-104 TURNING WATER ON. Water shall not be turned on into any house, building or private service line except by the order of the utilities superintendent, and plumbers are prohibited from turning water on into any service pipes except upon orders of the utilities superintendent. This rule shall not prevent any plumber from admitting water for test purposes, and for those purposes only. Any person, firm or corporation violating any of these provisions of this section shall upon conviction be subject of the penalties of section 1-111.

6-105 UNLAWFUL TAKING OF WATER. Unless authorized by the utilities superintendent or other city officer to do so, it shall be unlawful for any person, firm or corporation to use or take water from any part of the water works system, or to open, dig out, cover up or remove any fire plug or hydrant, stop cock, valve, valve box, or other fixture appertaining to the water works system, or to turn on any water pipe after the same has been closed by the city. It shall be unlawful for any person, firm or corporation to construct a private water system on any premises served by the city water system. Any person, firm or corporation violating any of the provisions of this section shall upon conviction be subject to the penalties provided in section 1-111.

6-106 APPLICATION FOR SERVICE; DEPOSIT. Any person, firm or corporation desiring water service where connection shall have been installed shall make application to the city clerk in such form as may be required, he or she shall pay to the city clerk a sum equal to the previous three months average water usage. Such deposit may at the option of the city be applied to the customer’s delinquent water bill or bills due on discontinuance of service; provided, that the city shall keep a separate account of the date on which such deposit was received, the name of the depositor, and the amount thereof, and shall pay to the customer making the deposit interest at the rate determined by the Kansas Corporation Commission, all in accordance with K.S.A. 12-822. This deposit shall be added to the total deposit paid to the city for all other utilities that the customer receives.

6-107 DEPOSIT; RETURNED; WAIVED. (a) The deposit required of municipal water service customers by section 6-106 shall be returned to such customer upon the satisfaction of the following conditions:

* 1. Such customer shall be the legal title owner of the property to which municipal water service is provided.
  2. The account or accounts of such customer for all property to which municipal water service is provided shall not have been delinquent at any time during the immediately preceding 72 month period.

(b) In the event that a customer by previous account with the city satisfies both of the foregoing conditions at the time of application for municipal water service, the deposit required by section 6-106 shall be waived.

6-108 BILLING; DELINQUENCY; TERMINATION. (a) Bills for water service shall be rendered monthly. Bills shall become delinquent if not paid on or before the due date as indicated on such water bill. If bill is not paid on or before the due date, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer or his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

* 1. The amount due, plus late payment charge;
  2. That the service will be terminated if the amount due is not paid within five days from the date of the notice;
  3. That the customer has a right to a hearing;
  4. That the request for a hearing must be in writing on a form provided by the city clerk, and that the request must be made 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 (Saturday, Sunday and holidays excluded) following receipt of the request. The hearing may be conducted by the governing body, the city clerk or such hearing officer as may be appointed by the governing body.

1. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the utilities superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

6-109 WATER RATES. The city will furnish water to consumers only upon meter measure and at the following rates per month:

1. Base fee of $14.00
2. Each 1000 gallons used $3.75 (7/11/13)

The city will furnish water service tap at cost plus 10 percent; in addition the city will extend its water mains a distance of 150 feet to improved property, and a distance of 100 feet to unimproved property at no cost to the customer.

6-110 ACCESS TO METER. The city shall have access to its water meter located at a customers address at all times. If a fence, dog, or other object is installed in such a manner that access is restricted, the customer shall pay all actual costs of moving the meter to a location that provides unrestricted access.

6-111 LIABILITY OF PROPERTY OWNER. (This article repealed 2/13/14)

6-112 SAME; DEFINITIONS; (a) Consumer shall mean any person using water for any purpose from the city’s water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(b) Waste of Water includes, but is not limited to:

* 1. Permitting water to escape down a gutter, ditch, or other surface drain.
  2. Failure to repair a controllable leak of water due to defective plumbing.

1. Water shall mean water available to the city and the city’s water service area for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water offered for sale at any coin-operated site.
2. Water use classes

(Class 1) Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

(Class 2) Water used for any commercial or industrial, including agricultural, purposes except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

(Class 3) Domestic usage, other than that which would be included in either class 1, or 2.

(Class 4) Water necessary only to sustain human live and the lives of domestic pets and maintain minimum standards of hygiene and sanitation.

6-113 SAME; DECLARATION OF A WATER EMERGENCY. Whenever conditions of drought, water supply shortages, excessive use of water, or other causes, result in conditions where an emergency exists by reason of shortage of water supply needed for essential uses, the mayor or other persons designated, shall be empowered to declare that a water supply emergency exists and that the city will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be approved or disapproved by the governing body, at its next regular or emergency meeting and if approved shall be deemed to continue until it is declared by appropriate action and/or resolution of the governing body to have ended. The action declaring the end of a water supply emergency shall be effective upon its publication in the official city newspaper and may be publicized additionally through the general news media or any other appropriate method for making such action public.

6-114 SAME; VOLUNTARY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 6-113, the mayor or other persons designated is authorized to call on all water customers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

1. Sprinkling of water on lawns, shrubs or trees (including golf courses).
2. Washing of automobiles, boats, personal water craft.
3. Waste of water.

6-115 SAME; MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in section 6-113, the mayor or other persons designated is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

* 1. 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.
  2. Restrictions on the uses of water in one or more classes of water use, wholly or in part; or limitations on usage during peak usage consumption.
  3. Restrictions on the sale of water at coin operated facilities or sites.
  4. 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.
  5. Complete or partial bans on the waste of water.
  6. Any combination of the foregoing measures.

6-116 SAME; EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided for in section 6-113, the mayor or other persons designated, is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, and/or recommend any water supply emergency resolution, or emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for but not be limited to:

* 1. Higher charges for water usage per unit of use (increasing block rate).
  2. Uniform charges for water usage per unit of use (uniform unit rate).
  3. Extra charges in excess of a specified level of water use (excess demand surcharge).

6-117 SAME; REGULATIONS. During the effective period of any water supply emergency as provided for in section 6-113, the mayor or other persons designated, is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, and/or recommend any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting.

6-118 SAME; VIOLATIONS, DISCONNECTIONS, AND PENALTIES. (a) If the mayor or other city official or officials charged with implementation and enforcement of this article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to sections 6-114 and 6-115 of this article, a written notice of violation shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the city who is responsible for the violation or its correction. 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 consumer subject to the following procedures:

* + 1. The city shall give the consumer notice by mail that water service will be discontinued within a specified time due to the violation and the consumer will have the opportunity to appeal the termination by requesting a hearing scheduled before the city governing body or a city official designated as a hearing officer by the governing body.
    2. If such a hearing is requested by the consumer charged with the violation he or she shall be given a full opportunity to be heard before termination is ordered; and
    3. The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50.00 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 $100 for the second violation and $300 for any additional violations.

(c) PENALTY. Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding $100, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned. Each day’s violation shall constitute a separate offense.

6-119 CROSS CONNECTION CODE ADOPTED. (a) The model ordinance known as the “cross connection control model ordinance,” as prepared by the Kansas Department of Health and Environment such portions are hereinafter deleted, modified or amended, is hereby incorporated by reference and shall be as much a part of this article as if set out in full herein. The filed copies of the model ordinance shall be marked or stamped “Official Copy” as Incorporated by Ordinance No. 1194.” All sections or portions of the filed copies shall be clearly marked to show deletions or amendments from the model ordinance.

(b) PENALTY. Any person violating any of the provisions of the Cross Connection Model Ordinance shall, upon conviction, be fined an amount not to exceed $500.00.

**ARTICLE 2. ELECTRICITY**

6-201 APPLICATION AND REAPPLICATION FOR SERVICE. (a) Any person desiring municipal electric service shall make application therefore to the city clerk on a form furnished for that purpose. A connection fee in the amount of $10.00 shall accompany the application.

(b) A fee in the amount of $25.00 in addition to any other applicable fee, shall be charged to any customer requesting that municipal electric service be reconnected to the customer’s premise at any time other than the regular working hours of municipal electric employees.

6-202 ALL ELECTRICITY TO BE METERED. All electricity furnished by the electrical distribution system of the city shall be measured by meters furnished by the city for that purpose.

6-203 CITY TO MAKE CONNECTIONS. All meters shall be installed and connections made by the city. Where the property has existing supply entrances from the front or so that it requires more material or labor than the nearest or most convenient point does, then the customer shall pay the city the additional cost for labor and material incurred by making such supply entrance.

6-204 COST OF INSTALLATION BORNE BY CONSUMER. The cost of an original installation of all wiring, services and devices except feed lines, and all extensions hereafter made to such services, as well as all repairs to the same, shall be borne entirely by the consumer although such services and devices shall at all reasonable time be subject to inspection by duly authorized officials of the public utility department. Any repairs found to be necessary by such official shall be made promptly by the consumer or the city will discontinue service unless such repairs are made.

6-205 SERVICES TO BE INSTALLED BY LICENSED ELECTRICIANS ONLY. No one except employees of the electric department, or a licensed electrician, shall perform any wiring work on any wires connected to, or to be connected to, the municipal electric distribution system. Any person violating the provisions of this section shall, upon conviction be subject to the penalties provided by section 1-111.

6-206 EACH PREMISES TO HAVE SEPARATE CONNECTION. Unless special permission is granted by the utilities superintendent, each premises shall have a separate and distinct service connection, and where permission is granted for branch services, each service must have a separate meter and disconnect.

6-207 READING METERS. For the purpose of reading meters, duly authorized employees of the public utility department may legally enter upon any premises at any reasonable hour to read said electric meter.

6-208 ACCESS TO METER. The city shall have access to its electric meter located at a customers address at all times. If a fence, dog, or other object is installed in such a manner that access is restricted, the customer shall pay all actual costs of moving the meter to a location that provides unrestricted access.

6-209 TAKING ELECTRICITY WITHOUT AUTHORITY. It is hereby declared unlawful for any person, firm or corporation to take any electricity from the electric distribution system of the city in any manner whatsoever except through a meter installed by the city, or from any premises not owned by him or her or them without permission of the owner thereof. Any persons violating any of the provisions of this section shall upon conviction be subject to the penalties provided by section 1-111.

6-210 DEPOSITS AND GUARANTEES. Any person, firm or corporation desiring municipal electric service shall upon making application therefore pay to the city clerk a sum equal to the preceding three months average electric consumption for the property or $100.00 whichever is greater, to hold the city free from loss occasioned by the customer’s failure to pay any bill legally rendered against the customer for electric service provided by the city. The city shall maintain a record of all such deposits and pay interest thereon as required by the laws of the State of Kansas. This deposit shall be in addition to deposits required for other utilities that the customer receives from the city.

6-211 DEPOSIT; RETURNED; WAIVED. (a) The deposit required of municipal electric service customers by section 6-210 shall be returned to such customer upon the satisfaction of the following conditions:

* 1. Such customer shall be the legal title owner or contract purchaser of the property to which municipal electrical service is provided.
  2. The account or accounts of such customer for all property to which municipal service is provided shall not have been delinquent at any time during the immediately preceding 72 month period.

(b) In the event that a customer by previous account with the city satisfies both of the foregoing conditions at the time of the application for municipal electrical service, the deposit required in section 6-210 shall be waived.

6-212 BILLING; DELINQUENCY; TERMINATION. (a) Bills for electric service shall be rendered monthly. Bills shall become delinquent of not paid on or before the due date as indicated on such electric bill. If bill is not paid on or before the due date a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

* + 1. The amount due, plus late payment charge;
    2. That the service will be terminated if the amount due is not paid within five days from the date of the notice;
    3. That the customer has the right to a hearing;
    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.

1. 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 (Saturday, Sunday and holidays excluded) following receipt of the request. The hearing may be conducted by the governing body, the city clerk, or such hearing officer as may be appointed by the governing body.
2. Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such finding shall be presented to the utilities superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

6-213 ELECTRIC RATES. The following rate is hereby established for municipal residential electric service:

1. Base charge $4.00 per month plus $.116 per kilowatt hour of energy. (4/12/12)
2. Customers receiving single-user, three phase service shall pay a base charge of 16.58 per month plus $.116 per kilowatt hour of energy.
3. Customers receiving multi-user, three phase service shall pay a base charge of 8.29 plus $.116 per kilowatt hour of energy.
4. Industrial electric rate of .0915 per kilowatt hour of energy usage. An industrial customer is defined as a customer located within the bounds of an industrial zone as established by current zoning code. A base rate of 16.58 per meter shall also apply. (6/2/2005)
5. Business electric rate of .0985 per kilowatt hour of energy usage. A business customer is defined as a customer located within the bounds of a B-5 business zone as established by current zoning code and is conforming to the B-5 usage. A base rate of $4.00 per month shall be charged for single phase electric service business. A base rate of $8.29 per month shall be charged for multi-user three phase electric service business. And a base rate of $16.58 per month shall be charged for single-user three-phase electric service.

6-214 LIABILITY OF PROPERTY OWNER. ( This article repealed 2/13/14)

6-215 OUTDOOR SECURITY LIGHTING. (a) Outdoor security lighting shall be available to all citizens within the City of Enterprise, Kansas. The applicability of the outdoor lighting will only be outdoor lighting by ballast operated vapor lamp fixtures and poles conforming to the city’s specifications. Service shall be rendered only at locations, which are, solely in the opinion of the city, readily accessible for installation and maintenance.

(b) Monthly rates shall be as follows:

* + 1. 150 watt high pressure sodium fixture $6.50 per month.
    2. 250 watt high pressure sodium fixture $8.50 per month.

(c) Additional charges; In the event an extension of the city’s secondary circuit and a new support pole for the outdoor lighting is required, the above monthly rates shall be increased for each pole installed as follows:

(1) 30 foot pole $4.00

(2) 35 foot pole $6.60

(3) 40 foot pole $7.45

(d) The customer shall furnish the city, without cost to the city and on forms suitable to the city, all rights, permits and easements necessary to permit the installation and maintenance of the city’s facilities on private property where and as needed by the city in providing outdoor security lighting service.

(e) The facilities furnished by the city shall remain the property of the city.

(f) The facilities for outdoor security lighting shall be installed in a mutually agreeable location on the customer’s premises. The location shall be accessible to city trucks.

(g) In any case which would necessitate an excessive expenditure for a long extension or special facilities, the city may require a guarantee of revenue or prepayment sufficient to justify the necessary expenditure.

(h) The standard burning schedule for said lamps shall be from dusk to dawn and shall include approximately 4,200 hours of service per year. The city shall use reasonable care to maintain such service, but the city shall not be obligated to patrol to determine required lamp replacement or other maintenance of the facilities used for outdoor security lighting service. Upon notification of any outage or required maintenance of such facilities, the city shall be allowed a reasonable length of time to restore normal service during regular business hours.

1. The customer shall enter into a contract for said services for the outdoor security lighting with a minimum term being a period of not less than one (1) year.

**ARTICLE 3. SEWER**

6-301 SEWER CONNECTIONS REQUIRED. All persons and property owners owning dwelling houses or buildings within the city, which building or buildings are, or shall be located near a sewer or in a block within the sewer district in the city through which a sewer extends or shall extend, are hereby required to connect their premises with such sewer system, for the purpose of disposing of all substances from any such building affecting the public health, which may be lawfully and properly disposed of by means of such sewer. (K.S.A. 12-631)

6-302 CITY MAY CONNECT. If any person or persons shall fail, neglect or refuse to so connect any building or buildings with the sewer system of the city as herein provided for more than 10 days after being notified, in writing, by the board of health of the city to do so, such city may case such premises and buildings to be connected with the sewer system and the city in such case will afterward advertise for bids for the construction and making of such sewer connections, and will contract therefore with the lowest responsible bidder or bidders, and will cause such premises to be connected with the sewer system, and will assess the costs and expenses thereof against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made. (K.S.A. 12-1631)

6-303 RUN-OFF WATER. It shall be unlawful for any person, firm or corporation to permit or connect any run-off to include water run-off from roofs, ground, paved areas, cistern overflows, and discharge from ground water collections, to be discharged into the city sewer system.

6-304 SEWER SERVICE; DEFINITIONS. For the purpose of this article “sewage disposal system” shall consist of all means by which sewage is transported, treated and disposed of and shall not include drainage or storm sewers or drains. “Sewer System” shall consist of all the sanitary sewer by which sewage is transported and disposed of and shall not include drainage or storm sewers or drains.

6-305 TAPPING FEE. Any person, firm, or corporation, whether within or without the city limits, shall before tapping the sanitary sewers, apply to the city clerk for a permit, which permit shall be issued by the clerk upon the payment of a tapping fee of $500. Thereafter, the tapping of the sewer system shall be done under the direction of the city so as to comply with all rules and regulations regarding sanitation and all at the expense of the applicant.

6-306 EXPENSE OF CONNECTION AND RECONNECTION. (a) Each and every owner or any other person, firm, corporation, city department or political subdivision of the State or the United States by and upon the authority of any owner, or person whomsoever, desiring to connect any property whatsoever, located within the established sewer district to the sewer or any lateral of the sewer of the city shall at their own expense under the direction, supervision and approval of the city superintendent, construct such connecting sewer from their property to the city sewage disposal system.

(b) A fee in the amount of $25 in addition to any other applicable fee, shall be charged to any customer requesting that municipal sewer service be reconnected to the customer’s premises at any time other than the regular working hours of municipal utility employees.

6-307 BILLING; DELINQUENCY; TERMINATION. (a) Bills for sewer service shall be rendered monthly. Bills shall become delinquent if not paid on or before the due date, a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer as his or her last known address. A copy also shall be mailed to the occupant of the premises if the occupant and the customer are not the same person.

(b) The notice shall state:

* + 1. The amount due, plus late payment charge;
    2. That the service will be terminated if the amount due is not paid within five days from the date of the notice;
    3. That the customer has the right to a hearing;
    4. That the request for a hearing must be made 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 a 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 (Saturday, Sunday and holidays excluded) following receipt of the request. The hearing may be conducted by the governing body, the city clerk or such hearing officer as may be appointed by the governing body.

(d) Following the hearing, if the hearing officer shall find that service should not be terminated, then notice of such findings shall be presented to the utilities superintendent. If the officer finds that service should be terminated, an order shall be issued terminating service three days after the date of the order. The customer shall be notified either in person, posting a notice on the premises, or by mail, unless the order is made at the hearing in the presence of the customer. The hearing officer has the authority for good cause, to grant an extension, not to exceed 10 days, for the termination of service.

6-308 LIABILITY OF PROPERTY OWNER. (This article repealed 2/13/14)

6-309 SEWER RATES. The city shall provide sewer service to consumers at the following monthly rate based upon metered water usage:

1. Base fee $19.75 (10/7/10)
2. Each 1,000 gallons of water used based on the customer average for the months of November, January and February of the preceding year: $2.50.
3. Any customer that is connected to the city sanitary sewer collection system that does not have city water service shall pay the same base rate as residential customers in this section and shall pay a usage fee of 8,000 gallons of water per month.
4. A high use customer shall be defined as a customer that uses 20,000 gallons of water or more each month during the months of January, February and March of the previous year. High use customers shall pay a base fee of 33.50 per month. High use customers shall pay $2.50 for each 1,000 gallons of water used each month.(10/7/10)

6-310 ROOF, FOUNDATION DRAINS. (a) It shall be unlawful to connect downspouts from any roof area, drains from any building foundation, paved areas, yards or open courts, or to discharge liquid wastes from any air-conditioning unit or cooling device having a capacity in excess of 5 ton per hour into any city sewer.

6-311 PROHIBITED DISCHARGED. No person shall discharge any of the following waters or wastes to any city sewer:

* 1. Liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
  2. Water or waste which may contain more than 100 parts per million, by weight of fat, oil or grease;
  3. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  4. Garbage that has not been properly shredded;
  5. Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, paper towels, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
  6. Waters or wastes having a ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
  7. Waters or wastes containing a toxic or poisonous substance in sufficient quantity to cause injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
  8. Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
  9. Noxious or malordous gas or substance capable of creating a public nuisance.

6-312 SEWER DEPOSIT. Any person firm or corporation desiring municipal sewer service shall upon making application therefore pay to the city clerk a sum equal to the preceding three months average sewer usage fee for the property, to hold the city free from loss occasioned by the customer’s failure to pay any bill legally rendered against the customer for sewer service provided by the city. The city shall maintain a record of all such deposits and pay interest thereon as required by the laws of the State of Kansas. This deposit shall be in addition to deposits required for other utilities that the customer receives from the city.

**Article 4 Municipal Solid Waste**

6-401 DEFINITIONS. For the purpose of this chapter, the following words and phrases shall have the following meanings:

1. Approved collection container shall mean the container or bin provided by the city for the disposal and collection of garbage or refuse or recyclables, or other containers approved by the city for such disposal and collection under the terms of this chapter.
2. Collection point shall mean (i) the unpaved area immediately behind the street pavement of each dwelling unit which fronts a public street; or (ii) in those cases where the sanitation department has agreed to provide collection service along alleyways, a point adjacent to the alley, outside of all private fences and outside of the established line for vehicular traffic; or (iii) such other location as may be established with the approval of the sanitation division.
3. Commercial establishment shall include, among others, the operation of storage, mercantile, industrial, business, public assembly, institutional and all other establishments commonly designated as such, or as may be hereafter be designated as such but churches shall be entitled to the residential rate.
4. Construction and demolition waste shall mean solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities, and shall include (but not be limited to) the following: untreated wood, and untreated sawdust from any source; motor vehicle window glass; vegetation from land clearing and grubbing, utility maintenance and seasonal or storm related clean-up; bricks; concrete, masonry materials; roofing materials; soil; rock; and wood products.
5. Dwelling unit shall mean and include a room or group of rooms within a building or structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. The term dwelling unit shall include each living unit within an apartment house, each apartment within a private home, each individual mobile home within a mobile home park or subdivision, and each living unit within a duplex, tri-plex or other structure designated for multi-family in separate living units.
6. Gallon shall mean a form of liquid measurement of capacity equal to 231 cubic inches or 3.785 liters.
7. Garbage shall mean and include the putrescible animal and vegetable wastes resulting from the handling, preparing, cooking and consumption of food, and shall also include bakery and market waste from the handling, storage or sale of bakery goods or produce.
8. Junk shall mean all worn out, broken or discarded materials not included within the definitions of garbage, rubbish, and trash or recyclable.
9. Person shall mean and include any person, firm, partnership, association, corporation, company or organization, of any kind or a governmental body or agency.
10. Premises shall mean the separation from other refuse and the preparation for disposal and collection of all materials designated as recyclables pursuant to the provisions of this chapter.
11. Recycle shall mean the separation from other refuse and the preparation for disposal and collection of all materials designated as recyclables pursuant to the provisions of this chapter.
12. Recyclable shall mean any refuse designated from time to time by the governing body of the city by ordinance as being a recyclable material for purposes of separate disposal and collection under the provisions of this chapter.
13. Refuse shall mean and include all garbage, rubbish and trash.
14. Rubbish shall mean and include the nonputrescible wastes consisting of miscellaneous materials, and shall also include, among other things, paper, tin foil, broken crockery, fabrics, coffee grounds, utensils, excelsior, packaging, wrappings, sweepings of dust and dirt, rubber and bits of metal.
15. Sanitation division shall mean the city department or division charged with the responsibility for providing municipal solid waste collection services under the provisions of this chapter.
16. Trash shall mean and include all other putrescible and nonputrescible wastes other than garbage and rubbish, except body wastes, and shall include, among other things, wood, nonpliable crating, boxes or cartons, shrubbery and tree trimmings, discarded furniture, bedding, small appliances, clothing and shoes.
17. Type 1 service shall mean a collection technique used at single dwelling units, and at multiple dwelling units where individual collection can be established, and utilizes a city provided rollout cart for refuse and recycling bins for recyclables.
18. Type 2 service shall mean a collection technique used at multiple dwelling units under common ownership or management where individual collection cannot be established, and generally utilizes one or more dumpsters for the collection of refuse, and one or more rollout cards for the collection of recyclables at a single collection point servicing several dwelling units.
19. Yard Waste shall mean all grass trimmings, leaves, weeds and all other vegetation or portions, trimmings or wastes thereof therefrom, except for food wastes included within the definition of garbage and except for shrubbery and tree trimmings included within the definition of trash. Yard waste may be disposed of free of charge at the city burn site. Only bagged leaves may be placed in or at collection points.

The governing body, by ordinance, may limit or extend these definitions and may give interpretations to these words or phrases.

6-402 CLEANLINESS OF STREETS, ALLEYS AND PUBLIC PLACES.

It shall be unlawful for any person to throw, place or deposit, or to allow or permit the throwing, placing or depositing, or to allow the accumulation, upon any parking, sidewalk, gutter, street, alley, thoroughfare, park or other public grounds or city owned property, any refuse, recyclables or junk of any kind.

6-403 ENCUMBERING STREETS UNDER PERMIT.

Nothing in this chapter shall prevent any person, under a permit from the city, from encumbering the streets or alleys with building materials or earth for the purposes of construction, demolition, remodeling or repairing any building or structure; provided, that in the event of such encumbering of the streets or alleys, the contractor, owner or occupant shall remove any and all materials remaining within 10 days from the completion of the work and shall leave the streets or alleys in the same condition that they were prior to his her use thereof.

6-404 KEEPING THE PREMISES CLEAN.

Owners or occupants shall maintain their premises as follows:

1. Every owner or occupant shall maintain and keep his or her premises in a clean and sanitary manner and free from any accumulations of refuse and junk of any kind except for the permissible and temporary storage thereof for purposes of collection and disposal pursuant to the provisions of this chapter.
2. Every owner or occupant of any such premises shall dispose of all garbage, rubbish and recyclables in a clean and sanitary manner by placing such in an approved storage or disposal facility which is safe and sanitary. Materials not approved for collection by the city shall be disposed of in a manner as prescribed by federal, state or local regulations.

6-405 DEAD ANIMALS

It is hereby declared to be the duty of the owner or harborer of any animal that dies within the city limits to cause proper disposal of the same immediately. In the event of the neglect or refusal to properly dispose of the animal, the city may dispose of the same and make a reasonable charge against the owner and/or harborer thereof for the disposal of such carcass. Any animal which is disposed of by burial within the city limits shall be buried with a minimum of 24 inches of earth cover.

6-406 DESIGNATION OF SOLID WASTE COLLECTION CENTER.

The landfill, solid waste collection center and any other solid waste facility or transfer station maintained and operated by the Board of County Commissioners of Dickinson County, Kansas is hereby designated for the use of the city sanitation division and the citizens of the city for the purpose of disposing of all refuse, recyclables, hazardous waste and construction and demolition waste, pursuant to the rules and regulations established on this chapter and by the Board of County Commissioners and their designees.

6-407 PROHIBITED ACTS.

It shall be unlawful for any person to commit any of the following acts:

1. To cause, allow or permit any material or matter whatsoever other than refuse, garbage or rubbish as defined in Section 6-401 to be deposited in any city provided garbage receptacles.
2. To deposit, place or leave any garbage, rubbish or trash at any collection point in any manner other than in an approved collection container, unless otherwise specifically allowed as part of the disposal preparation requirements established from time to time by the governing body.
3. To deposit, throw, place or leave any refuse or any other material or materials that are subject to be scattered by wind or otherwise, upon any property, public or private, in the city, except in an approved collection container.
4. To cause, allow or permit any refuse to burn.
5. To remove any contents of an approved collection container; provided, however, that this prohibition shall not apply to designated city officials or employees or their duly authorized agents or contractors.
6. To upset, turn over, damage, remove or carry away any approved collection container.
7. To deposit, throw, place or leave any approved collection container within the portions of any highway, street, road or alleyway maintained for vehicular traffic or parking.
8. To place concrete or large rocks in collection containers.
9. Customers who cause damage to carts will be liable for repair costs or replacement of said cart.

6-408 COLLECTION AND SUSPENSION OF SERVICE.

All bills for municipal solid waste collection services furnished by the city pursuant to this chapter shall be due and payable at such time and at such place or places as the governing body may from time to time specify. Any bill not paid within 10 days from the date the bill is rendered shall be considered delinquent and shall be subject to a late fee in the amount of 10 percent (10%) of the total amount of such bill. Notification of such delinquency shall be given by mail, and shall notify the customer that if such bill is not paid within five days thereafter then the municipal solid waste collection services shall be subject to suspension and shall not be recommenced until all charges for such service have been paid in full. All outstanding amounts owed for trash service shall constitute an encumbrance against the property so served, and the city clerk may deny the provision of any new municipal solid waste collections services to the subject property as long as delinquent charges remain outstanding, irrespective of any intervening change in the ownership or tenancy of the property, and may deny the provision of service to any other property owned or managed by the customer.

6-409 TRANSPORTATION OF BURNING MATERIALS.

It shall be unlawful for any person to transport burning materials through, over or across the streets, alleys or other public ways of the city.

6-410 AUTHORITY OF CITY SUPERINTENDENT

The city superintend shall have the authority to establish policies, rules and regulations regarding the operation of the city’s solid waste collection and disposal activities which are not inconsistent with the provisions of this chapter or with any other adopted ordinances or policies of the governing body. The superintendent shall not have the authority to establish any policy that would cause budgetary changes to the sanitation budget.

6-411 RIGHT OF THE CITY

The city shall collect and dispose of all refuse within the city limits as a municipal function as allowed by K.S.A. 12-2103. No other firm or company is herby allowed to collect residential refuse within the City of Enterprise.

6-412 FREQUENCY OF REMOVAL

Collection of refuse and recyclables shall be as follows:

1. Where type 1 service is established, refuse and recyclables shall be collected and removed once each week.
2. Where type 2 service is established, refuse and recyclables shall be collected on an established frequency as determined by agreement between the customer and the city.
3. Collection routes and the designated day of collection as to each dwelling unit shall be determined by the sanitation division and may be adjusted from time to time as deemed necessary for the efficiency or economy of operations.

6-413 CONTAINERS

It shall be the duty of every person in possession, charge or control of any place, premises, building or structure from which refuse accumulates to keep or cause to be kept collection containers provided by the city for the collection and holding of such refuse pursuant to the provisions of this chapter.

6-414 PLACING, MAINTAINING AND GENERAL USE OF CONTAINERS.

1. Type 1 service. It shall be the responsibility of the owner or occupant of each dwelling unit designated for type 1 service to adhere to the following practices:
   * 1. To place collection containers at the collection point not sooner than 5:00 p.m. on the day prior to scheduled collection, nor later than 7:00 a.m. on the day of scheduled collection, and to remove the collection containers to their normal storage location at a point behind the front building line within twenty four (24) hours after collection.
     2. To maintain the collection containers in a serviceable and sanitary condition, which shall be used exclusively for the placement of approved refuse for collection and disposal by the city. Customers who damage or misuse containers shall be billed the actual cost of replacement of such container.
     3. To remove or cause to be removed any refuse or litter remaining
     4. to adhere to the provisions of this chapter.
2. Type 2 Service. It shall be the responsibility of the common owner or management of multiple dwelling units designated for type 2 service to adhere to the following practices:
3. To establish, in consultation with the sanitation division, one or more collection points which are readily accessible to the city collection vehicles.
4. To maintain the collection containers in a serviceable and sanitary condition, which shall be used exclusively for the placement of approved refuse for collection and disposal by the city.
5. To remove or cause to be removed any refuse or litter remaining at the collection point which is not collected because of any failure to adhere to the provision of this chapter.

6-415 FEES.

Fees for the collection and disposal of refuse and recyclables in the city shall be as follows:

1. Type 1 service.
2. Curbside or alley collections. A base monthly fee shall be charged of $15.00 for each dwelling unit.
3. Additional containers. There shall be an additional monthly rental fee of $15.00 for each additional refuse container required by a customer.
4. Walk-up collections. Where it is the choice of the customer to have refuse collected adjacent to the dwelling, rather than at the collection point meeting the requirements of this chapter, the base monthly fee shall be increased to $17.00; unless, however, the city superintendent has waived the application of such an increased fee due to it being established to the city superintendents satisfaction that there is no regular resident of the dwelling unit who is not incapacitated by reason of age of infirmity sufficiently to make it unreasonably difficult to place the collection containers at the otherwise designated collection point for collection. Walk-up collection shall only be provided to the nearest line of the dwelling to the street or alley from which collection services are rendered, unless an alternative location is designated by the sanitation division.
5. Per-bag tag service. Customers who generate only small amounts of rubbish/trash may purchase pre-paid tags to be placed on a bag of trash/refuse not exceeding 40 gallons size and shall be placed at the curb for collection the same as type 1 service.
6. Type 2 service.
7. Base monthly fee. The city superintendent is hereby authorized to maintain, and change from time to time as deemed necessary, a base monthly fee for type 2 service which shall be determined for each facility based upon such factors as the number and sizes of collection containers and the frequency of collection required, as well as such other factors as determined by the city superintendent to impact the costs of providing such collection services; provided, however, that the base monthly fee shall not exceed an amount equal to the number of dwelling units within the facility multiplied by the base monthly fee applicable to type 1 service multiplied by the number of collection provided to the facility per week.

6-416 RIGHT OF COMMERCIAL ESTABLISHMENT.

It shall be the option of any commercial establishment located within the city to use the services of the city sanitation division or to select and use a privately owned sanitation service.

6-417 FREQUENCY OF REMOVAL.

Collection of refuse from commercial establishments may be provided on a weekly, or twice weekly upon the needs of the customer as established on consultation with the sanitation department.

6-418 CONTAINERS.

Containers used by commercial establishments shall be provided by the city. The container size shall be agreed upon by the commercial customer and the city sanitation department and not exceed a total capacity of 8 cubic yards. Commercial establishments utilizing the same containers as provided for residential collection shall be entitled to service under the residential fee schedules set forth in article 6-415 A. of this chapter, provided that the commercial establishment accepts and adheres to a residential collection pick-up schedule and complies with all of the requirements applicable to residential collection.

6-419 PLACING, MAINTAINING AND GENERAL USE OF CONTAINERS.

It shall be the responsibility of the owner or management of any commercial establishment receiving service under this article to adhere to the following:

* + - 1. To place or cause to be placed the collection container or containers at a suitable location, determined in consultation with the sanitation division, which is readily accessible to city collection vehicles.
      2. To maintain the collection containers in a serviceable and sanitary condition, which shall be used exclusively for the placement of approved refuse for collection and disposal by the city.
      3. To remove or cause to be removed any refuse, litter remaining at the collection point which is not collected because of any failure to adhere to the provisions of this chapter.

6-420 REFUSE NOT IN CONTAINERS

The sanitation division shall be under no obligation to collect any refuse or recyclables which are not in an approved collection container. If the sanitation division dies collect any such refuse, the commercial establishment shall pay an additional charge equal to the minimum monthly charge for each increment in volume of such refuse or recyclables, equal to or less than the volume of the containers for which the commercial establishment’s monthly minimum charge is determined.

6-421 FEES.

|  |  |  |
| --- | --- | --- |
| Size of container | Once a week pickup | Twice a week pickup |
| 2 cubic yard | $40.00 | $80.00 |
| 4 cubic yard | $75.00 | $150.00 |
| 6 cubic yard | $105.00 | $210.00 |
| 8 cubic yard | $125.00 | $250.00 |
| Prices above are a "per month charge" | | |

6-422 LICENSURE AND REGULATION OF COMMERCIAL WASTE COLLECTORS.

1. Except as otherwise provided herein, it shall be unlawful for any person or party to engage in the business of the collection of waste, trash or rubbish as defined in section 6-401 of this code within the city unless such person or party is licensed therefor in the manner hereinafter provided.
2. All such licenses shall be issued by the city clerk upon proper application therefor, upon the presentation of the proof of the satisfaction of all requirements therefor, and upon the payment of the annual license fee, All such licenses shall be issued for a term not to exceed one year from the date if issuance. All such licenses shall expire on the 31st day of December in the year as to which such license is effective.
3. No such license shall be issued unless the applicant therefor has satisfied the following requirements:
   1. All applicants for such license shall pay a non-refundable license application fee in the amount of $500.00;
   2. All applicants for such a license shall obtain and exhibit satisfactory proof of insurance, with the provision for a 10 day notice to the city clerk prior to cancellation, covering (i) all such licensed activities for comprehensive general liability in an amount not less than $100,000 for each occurrence, and (ii) all vehicles utilized in such collection and disposition activities for such vehicular liability insurance as is then required under the laws of the State of Kansas; and
   3. All applicants for such a license shall exhibit and permit the photocopying by the city clerk the certificate of title of all vehicles to be utilized in such collection and disposition activities.

6-423 ADDITIONAL RULES

(RESERVED)

6-424 PENALTIES AND SAVINGS CLAUSE

6-425 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not less than $10.00 and nor more than $100.00, and by imprisonment for not more than thirty (30) days, with each day of failure to comply with any such provisions of this chapter constituting a separate violation.

6-426 SAVINGS CLAUSE

If any clause, sentence or section of this chapter shall be declared void by any court, the same shall not affect the remainder of this chapter.

**CHAPTER VII. ZONING AND BUILDING REGULATIONS**

Article 1. Planning Commission

Article 2. Board of Zoning Appeals

Article 3. Zoning Regulations

Article 4. Flood Plain Zoning Regulations

Article 5. Building Code

Article 6. Plumbing Code

Article 7. Electrical Code

Article 8. Building Relocation

Article 9. Building Demolition

Article 10. House Numbering

Article 11. Emergency Expense Recovery

Article 12. Fire Insurance Proceeds Fund

**ARTICLE 1. PLANNING COMMISSION**

7-101 CITY PLANNING COMMISSION CREATED. There is hereby created a city planning commission for the City of Enterprise, Kansas, which shall consist of seven members of which five members shall be residents of the city and two members shall reside outside the city but within three miles of the corporate limits of the city.

7-102 MEMBERSHIP; APPOINTMENT. The members of the city planning commission shall be appointed by the mayor by and with the consent of the council. The members of the planning commission first appointed shall serve respectively for terms of one year, two years and three years, divided equally or so nearly equal as possible between those terms. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the planning commission shall serve without compensation.

* 1. MEETINGS. The members of the planning commission shall meet annually or as needed. They shall select one member as chairperson and one as vice chairperson who shall serve one year or until their successor has been selected. The city clerk shall serve as secretary. Special meetings may be called at any time by the chairperson or in his or her absence by the vice chairperson. A majority of the planning commission shall constitute a quorum for the transaction of business. The planning commission shall cause a proper record to be kept of its proceedings.
  2. POWERS AND DUTIES. The planning commission and city governing body shall have all the powers and duties set forth in K.S.A. 12-701 et seq. and amendments thereto and such other powers and duties as are now or may hereafter be prescribed by law.

**ARTICLE 2. BOARD OF ZONING APPEALS**

7-201 BOARD OF ZONING APPEALS; CREATED. There is hereby created a board of zoning appeals for the city, which shall consist of three members all of whom shall be residents of the city. None of these members shall hold any other public office of the city except that one member may be a member of the planning commission. (K.S.A. 12-714)

7-202 MEMBERS APPOINTMENT; TERMS; COMPENSATION. The members of the board of zoning appeals shall be appointed by the mayor with the consent of the council. The members of the board of zoning appeals first appointed shall serve respectively for terms of one, two and three years each. Vacancies shall be filled by appointment of the unexpired term. Members of the board of zoning appeals shall serve without compensation. (K.S.A. 12-714)

7-203 CHAIRPERSON. The board of zoning appeals shall annually elect one of its members as chairperson. The city clerk shall serve as secretary. The board of zoning appeals shall adopt rules in accordance with this article and any supplementary ordinances or amendments thereto. Meeting of the board shall be held at the call of the chairperson and at such other times as the board may determine.

7-204 MINUTES; FEE FOR FILING A NOTICE OF APPEAL. The board of zoning appeals shall keep minutes of its proceedings showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in the city clerks office and shall be a public record. The board shall require the payment to the secretary of the board by the party appealing, at the time of the filing of the notice of appeal, a fee of $50 to cover all costs of appeal to the board. None of such sum is refundable to the party appealing and in the event the secretary determines such sum is inadequate to cover the costs of appeal, he or she may require a deposit of such additional sum as will cover the cost of appeal. (K.S.A. 12-714)

7-205 POWERS AND DUTIES. The board of zoning appeals, any aggrieved person appealing to such board including any officer of the city or any governmental agency, and the officer from whom an appeal is taken, shall have all the powers and duties set forth in K.S.A. 12-715 and such other powers and duties as are now and may hereafter be prescribed by law. (K.S.A. 12-715)

**ARTICLE 3. ZONING REGULATIONS**

7-301 ZONING REGULATIONS INCORPORATED BY REFERENCE. There is hereby incorporated for the purpose of establishing regulations and restrictions concerning the location, construction and use of land, buildings and structures within the city limits of the City of Enterprise, Kansas, dividing the city into districts and in accordance with a zoning district map, adopting a map of the city showing boundaries and the classification of the districts, defining certain of the terms used in the regulations, establishing a board of zoning appeals, providing for changes and amendments to the regulations, and prescribing penalties for the violation of the regulations that certain ordinance known as the “Zoning Ordinance for the City of Enterprise, Kansas,” Ordinance No. 1311, and the whole thereof, of which no fewer than three copies have been and are now filed in the office of city clerk of city as provided by law and the same is hereby adopted by reference and incorporated as part of this section as if set out at length herein.

**ARTICLE 4. FLOOD PLAIN ZONING REGULATIONS**

7-401 FLOOD PLAIN ZONING REGULATIONS INCORPORATED. There is hereby adopted and incorporated by reference Ordinance 1161, Flood Plain Zoning Regulations, such regulations being made as a part of the ordinances and code of the city as if the same had been set out full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Flood Plain Zoning Regulations shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Enterprise,” and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business. Any person violating any provision of such regulations shall be punished upon conviction as provided in section 1-111 of this code.

**ARTICLE 5. BUILDING CODE**

7-501 UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the Uniform Building Code, 1997 Edition as recommended by the International Conference of Building Officials, such code being made as part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including amendments thereto. One copy of the Uniform Building Code marked or stamped “Official Copy as Incorporated by the Code of the City of Enterprise,” and shall be filed with the city clerk to be open and available to the public at all reasonable hours of business. Any person violating any provision of such code, upon conviction, shall be punished as provided in section 1-111 of this code.

7-502 BUILDING PERMIT FEE REQUIRED. No building shall be erected, enlarged, altered, removed or demolished within the city without a permit therefore from the code enforcement officer, who shall require a plan of the proposed work, together with a statement of the materials to be used in writing, and obtaining a formal permit to proceed with such work. Where it appears to the code enforcement officer that the proposed work is in violation of the provisions of the Uniform Building Code incorporated in section 7-501 of this code and in effect at the time of the application, the permit shall be denied. The applicant may appeal this decision to the governing body. Such permit shall be issued upon the payment of a permit fee and conditioned upon the compliance with the provisions of this article. Fees for building permits shall be based on the estimated cost of the work to be done and shall be as follows:

1. First $1,000 - $10.00
2. For each additional $1,000 or fraction thereof - $1.00.

**ARTICLE 6. PLUMBING CODE**

7-601 UNIFORM PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water systems the Uniform Plumbing Code, 2000 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. Maintain one copy of the Uniform Code marked or stamped “Official Copy as Incorporated by the Code of the City of Enterprise,” and shall be filed with the city clerk to be open to inspection and available to the public during normal hours of business. Any person violating any provisions of such code, upon conviction, shall be punished as provided in section 1-111 of this code.

7-602 PLUMBER OR PLUMBING CONTRACTOR; DEFINED. A plumber or plumbing contractor shall mean any person engaged in the business of installing, altering, maintaining or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building.

7-603 PLUMBERS LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of plumbing in the city without having first obtained a license therefore from the city clerk. Such license shall expire December 31 each year. License fee shall be $75.00 annually. (2/13/14)

7-604 PLUMBERS BOND; INSURANCE. (a) Any person, firm or corporation engaged in the business of plumbing within the city shall, before doing any such work, file with the city clerk a surety bond in the sum of $1,000. Such bond shall be approved by the city attorney as to form and by the city council as to surety and shall be conditioned that the principal therein will have the city free and harmless from all damages to all persons or property resulting from his or her negligence or the negligence of his or her agents or employees and further conditioned that he or she will restore all streets, alleys, and sidewalks to the condition existing before commencement of any work and that he or she will maintain the streets, alleys and sidewalks in such condition for six months subsequent to the completion of such work. No bond for the purpose of this article shall run for a longer period of time than two years and the bond shall remain in full force and effect as to any piece of work or excavation for six months after the same has been completed; provided, that no such bond may be extended by a renewal certificate but a new bond shall be given to the city in every case where an existing bond expires.

1. In lieu of a bond, such person, firm or corporation may file with the city clerk, a certificate of liability insurance covering the work to be performed. The certificate shall show that such person, firm or corporation is covered by a liability insurance policy issued by a corporation authorized to do business in Kansas and that the policy has a comprehensive general liability coverage with minimum limits of $50,000 for injuries, including accidental death to any one person, and subject to the same limits for each person, in an amount of not less than $100,000 on account of injuries sustained in any one accident and property damage insurance in an amount of not less than $50,000 for each accident. The certificate of insurance shall contain a provision and the policy so endorsed, that the company shall notify the city in writing of any change or cancellation at least 30 days prior thereto.

7-605 PERMIT REQUIRED; FEE. (a) Any person, firm or corporation desiring to install any system of plumbing or to alter, reconstruct or renew any plumbing or to connect any building sewer to the sewer system of the city or to a private sewage disposal system shall first apply to the city clerk for a permit to do such work and pay the permit fee of $10.00 to the city clerk.

(b) No permit shall be required for minor repair work, by which is meant repair of leaks in pipes; faucets, traps or drains or replacing broken fixtures when waste pipes are not disturbed and replacing frozen pipes inside of buildings.

7-606 INSPECTION. Upon completion of any work for which a permit has been issued under the provision of this article, it shall be the duty of the person installing the same to notify the utilities superintendent, and if the work shall be found to comply with the provisions of this article, the utilities superintendent shall then issue a certificate of satisfactory inspection.

**ARTICLE 7. ELECTRICAL CODE**

7-701 NATIONAL ELECTRICAL CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the installation of electrical wiring and apparatus the National Electrical Code, 2004 Edition, NFPA 70-2004, a publication of the National Fire Protection Association, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. Maintain one copy of the National Electrical Code marked or stamped “Official Copy as Incorporated by the City of Enterprise,” and shall be filed with the city clerk to be open to inspection and available to the public during normal hours of business. Any person violating any provision of such code shall, upon conviction, be punished as provided in section 1-111 of this code.

7-702 ELECTRICIAN OR ELECTRICAL CONTRACTOR; DEFINED. An electrician or electrical contractor shall mean any person engaged in the business of installing, repairing or maintaining electrical wiring and apparatus, which shall include all wiring, materials, devices, machinery, appliances, fixtures, motors or conductors used in connection with the transmission or consumption of current used in electrical light, heat or power.

* 1. ELECTRICIAN’S LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to place any wires of any kind or description in or about any building in the city which are intended for the purpose of conveying current for light, heat or power, without first having made application to the city clerk and secured from him or her a license authorizing such person, firm or corporation to engage in the business of electrical wiring within the city. The license shall expire December 31 each year. License fee shall be $75.00 annually. (2/13/14)
  2. ELECTRICIAN’S BOND; INSURANCE. (a) No permit to do electrical work within the city shall be issued until a bond in the sum of $1,000 has been filed with the city clerk. The bond, to be approved as to its sufficiency by the city attorney and the terms and conditions of this article and all ordinances of the city governing excavations, and will indemnify and hold the city blameless against all costs, expenses, damages or injuries, by reason of the carelessness or negligence of the person or any agent or employee thereof. No bond for this purpose shall run longer than two years, and shall remain in full force and effect as to any work done or excavation made for six months after such work or excavation has been completed.

(b) In lieu of a bond, such person, form or corporation may file with the city clerk, a certificate of liability insurance covering the work to be performed. The certificate shall show that such person, firm or corporation is covered by a liability insurance policy issued by a corporation authorized to do business in Kansas and that the policy has a comprehensive general liability coverage with minimum limits of $50,000 for injuries, including accidental death to any one person, and subject to the same limits for each person, in an amount not less than $100,000 on account of injuries sustained in any one accident and property damage insurance in an amount not less than $50,000 for each accident. The certificate of insurance shall contain a provision and the policy so endorsed that the company shall notify the city in writing of any change or cancellation at least 30 days prior thereto.

* 1. PERMIT REQUIRED; FEE. No person, firm or corporation shall make material alteration or addition in the existing wiring of any building nor shall any building be wired for electric lights, motors, heating devices or any apparatus requiring the use of electric current before making application to the city clerk therefore and paying a fee of $10.00 to the city clerk. No permit shall be required for maintenance or minor repairs.
  2. INSPECTION. Upon completion of any work for which a permit has been issued under the provisions of this article, it shall be the duty of the person installing the same to notify the utilities superintendent, and if said work shall be found to comply with all the provisions of this article, the utilities superintendent shall then issue a certificate of satisfactory inspection.

**ARTICLE 8. BUILDING RELOCATION**

7-801 PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to move, haul, or transport, upon or across any street, alley or sidewalk in this city, any house, building, or other structure which exceeds the height, width, size or weight limitations provided by the laws of the State of Kansas for motor vehicles, after having been placed in final position for moving, without first obtaining a permit to do so as hereinafter provided.

7-802 BUILDINGS TO CONFORM TO EXISTING STRUCTURES IN AREA. No permit shall be issued therefore, and no building shall be moved into, or from one location to another in the city unless the general height and outward appearance of such building conforms to other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall have no substantial adverse effect on property values in the neighborhood.

7-803 APPLICATION FOR PERMIT. All applications for moving permits shall be made in writing, upon forms provided by the city clerk and shall be filed in the office of the city clerk. The application shall include the day and hour the proposed moving is to commence and the route to be traveled. If it is to be necessary to cut, raise, or in any way interfere with any wires, poles, or other equipment, and the application shall state the name of the owners of such wires, poles or equipment, and the time and place when and where the removal of said poles or the cutting, raising or otherwise interfering with wires or other equipment will be necessary. The application shall be made not less than 48 hours before the moving is to commence. The application shall be accompanied by a permit fee of $50.00 plus the amount of actual cost (expenses incurred by the city). Appeals may be taken from the decisions of the city superintendent to the board of zoning appeals.

7-804 APPLICATION; DETAILED DESCRIPTION. In making application to move a building, the applicant shall furnish a detailed description of the building and the improvements, repairs or alterations to be made to it (including type and size of foundation, type of exterior siding and roofing, extent of plumbing and electrical work), which shall, upon approval, become part of the building permit. Buildings shall be inspected for structural stability before structural members (including floor joists, bearing walls and partitions, ceiling joists and roof trusses) are covered up. Structural members found to be unsafe shall be replaced and a re-inspection conducted. Plumbing and electrical shall meet all of the applicable requirements of city codes.

7-805 NOTIFICATION OF WIRE OWNERS. Upon the filing of such application the city clerk shall give not less than 24 hours notice, with all pertinent information, to the owners of the wires, poles, or other equipment to be affected by such moving.

7-806 DUTY OF OWNERS OF WIRES, POLES AND OTHER EQUIPMENT. It shall be the duty of the person, firm or corporation owning or operating any of said poles, wires or other equipment to furnish sufficient and competent linemen or workmen to remove such poles or raise or move such wires or other equipment as may be necessary to facilitate the moving of such house by the holder of the moving permit, unless the wires be less than 18 feet above the street, in which case the owners of the wires shall stand the expense of moving them.

7-807 NOTIFICATION; CHIEF OF POLICE. The chief of police shall be notified by the city clerk upon the filing of any application hereunder and shall examine the proposed route. If it shall appear that no other route may be used equally well and with less danger to persons or property then the chief may designate such other route as the one to be used. The police chief may also require such other safety measures to be taken, as he or she shall deem advisable. The police chief shall inspect from time to time, the progress of such moving to see that it is being done properly and in accordance with the provisions of this article and other applicable ordinances and laws.

7-808 DUTIES OF MOVER. The holder of a moving permit granted hereunder shall observe all statutes, ordinances, rules and regulations relating to his or her operations and the relocating of the building in the city, including the cutting and trimming of trees.

7-809 BOND; INSURANCE. All applications for a permit hereunder shall be accompanied by a bond, to be approved by the city attorney executed by a bonding company or surety company authorized to do business in the State of Kansas, in an amount of not less than $25,000, conditioned upon saving harmless the City of Enterprise from any and all claims for personal injury or property damage caused directly or indirectly by the applicant’s operations under a permit granted hereunder, and conditioned further upon the payment by the applicant of any and all damage to persons or property caused by the negligence of the applicant, his or her agents or employees. A public liability insurance, issued by an insurance company authorized to do business in the State of Kansas, and conforming to this section may be permitted in lieu of a bond.

7-810 STANDARDS FOR ISSUANCE OF PERMIT. The code enforcement officer shall refuse to authorize issuance of a permit hereunder if he or she finds that any application requirement has not been complied with or that for any reason persons or property in the city would be endangered by the moving of the building or other structure, or that the building code, or other ordinances would be violated by the building in its new location.

**ARTICLE 9. BUILDING DEMOLITION**

7-901 PERMIT. It shall be unlawful for the owner or owners of any house, building or structure to wreck or tear down, or cause to be wrecked or torn down any house, building or structure in any manner whatsoever, or for any person, firm or corporation to assist in the wrecking, dismantling, or tearing down of any house, building or other structure without first obtaining a permit for such work from the city office. The permit fee shall be $10.00.

7-902 PERMIT APPLICATIONS. Applications for permits to wreck, tear down, or dismantle any structure shall be filed with the city clerk and shall set out the description of the structure and its location and detail plans of the proposed work.

* 1. BOND. No permit to wreck, dismantle, or tear down any house, building or structure shall be issued or granted until the owner or owners shall have filed with the city clerk a bond in the amount of the estimated demolition costs. The bond shall be signed by not less than two sureties to be approved by the city attorney or until, in the alternative, the owner or owners shall have paid to the city clerk a cash deposit in an amount equal to the estimated demolition costs. The bond or cash deposit shall be for the protection of the city, the public, and adjacent lot owners and shall be to secure the payment of all damages of any kind or nature arising from the operations of wrecking, dismantling, or tearing down of the house, building or other structure and to secure the strict compliance of the owner or owners and the person, form or corporations assisting in such operations with the provisions of this article regulating wrecking, dismantling or tearing down of such house, building or other structure. A public liability insurance policy, issued by an insurance company authorized to do business in the State of Kansas, and conforming to this section may be permitted in lieu of a bond.
  2. DEMOLITION; REQUIREMENTS. Every person or persons, who shall wreck, dismantle, or tear down any house, building, or other structure, shall within 90 days from the start of the work of wrecking, dismantling, or tearing down, unless a shorter time is specified by the permit, clear or cause to be cleared from the lot, lots, or tract left vacant by such removal, all trash, debris, junk, and discarded building materials not to be used immediately in the rebuilding and shall remove all foundations or parts of foundations at least one foot below ground level unless another house, building, or other structure is to be erected immediately upon the foundations, as specified in the application for the permit; and shall fill in all open wells, and cisterns and all cellars, basements, or other excavations remaining on such lot, lots, tract, unless the same are to be used immediately in conjunction with other structures to be erected.
  3. PUBLIC SAFETY. It shall be unlawful for the owner or any person, firm or corporation assisting in the work of wrecking, dismantling, or tearing down any house, building, or other structure, to leave any structure, or portion of structure, building materials, or any excavation in such a condition as to constitute a menace to the public health or safety or to constitute a fire hazard or which may be or may become a nuisance.
  4. FAILURE TO COMPLETE WORK. Upon the failure or neglect of the owner or owners of such house, building, or other structure or of any person, firm or corporation assisting in the work of wrecking, dismantling, or tearing down of such house, building or other structure to fully comply with the provisions of section 7-904, and the bond furnished under the provisions of this article shall secure the payment of the expense thereof or if a cash deposit has been made, such expense shall be deducted from such cash deposit.
  5. PENALTY. Any person, firm or corporation violating any of the provisions of this article or failing or refusing to perform any duty imposed by this article shall, upon conviction thereof, be subject to the penalties provided by section 1-111.

**ARTICLE 10. HOUSE NUMBERING**

7-1001 NUMBERING REQUIRED. All persons owning, occupying or having control of houses or buildings fronting on or facing any of the public avenues or streets of the city are hereby required to number the same in conformity of the provisions of this article.

7-1002 METHOD OF NUMBERING. (a) For the purpose of this article, the city is hereby divided into an east and west side and Factory Street is hereby declared to be the dividing line. The numbers to be given any house or building fronting on any street running east and west shall be ascertained by commencing at Factory Street with the number 100 and numbering thence east and west allowing 100 numbers for each block or fraction thereof and placing even numbers on the north side of the street and odd numbers on the corresponding south side of the streets west of Factory Street and east of Factory Street.

(b) For the purpose of this article, the city is hereby divided into an north and south side and First Street is hereby declared to be the dividing line. The numbers to be given any house or building fronting on any street running north and south shall be ascertained by commencing at First Street with the number of 100 and numbering thence north and south allowing 100 numbers for each block or fraction thereof and placing even numbers on the east side of the street and odd numbers on the corresponding west side of the streets north of First Street and South of First Street.

7-1003 SIZE OF NUMBERS. The figures of each number shall be not less than three inches high and two inches wide and shall be legible and conspicuously placed in the front of each house or building, and all houses which may hereafter be erected facing or fronting on any of the streets or avenues of the city shall be numbered by the owner, occupant or agent of the owner as provided in this article within 30 days after the same shall have been completed.

7-1004 EXCEPTION TO THE SYSTEM. The city code enforcement officer is authorized to establish such exceptions to the numbering system described in this article as may be necessary by the irregular routing of any street or avenue of the city.

**ARTICLE 11. EMERGENCY EXPENSE RECOVERY**

7-1101 DEFINITIONS. (a) Emergency Action. Emergency action shall mean all exigent activities conducted in order to prevent or mitigate harm to the public health and safety and the environment from a release or threatened release of any material into or upon land, water or air.

(b) Person. Person shall include any individual, corporation, association, partnership, firm, trustee, legal representative, or any combination thereof.

(c) Recoverable Expenses. Recoverable expenses shall include those expenses of the city that are recoverable, necessary and allocable to an emergency action. Recoverable expenses shall not include normal budgeted expenditures that are incurred in the course of providing what are traditionally city services and responsibilities, such as routine firefighting protection. Expenses allowable for recovery may include, but are not limited to:

* 1. Disposable materials and supplies consumed and expended specifically for the purpose of the emergency action.
  2. Compensation of employees for the time and efforts devoted specifically to the emergency action.
  3. Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment).
  4. Replacement costs for equipment owned by the city that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (e.g., self contained breathing apparatus irretrievably contaminated during the response).
  5. Decontamination of equipment contaminated during the response.
  6. Special technical services specifically required for the response. (e.g., costs associated with the time and efforts of technical experts or specialists not otherwise provided for or by the city).
  7. Other special services specifically required for the emergency action.
  8. Laboratory costs of analyzing samples taken during the emergency action.
  9. Any costs of cleanup, storage, or disposal of the released material.
  10. Costs associated with the services, supplies and equipment procured for a specific evacuation of persons or property.
  11. Medical expenses that may be incurred as a result of response activities.
  12. Legal expenses that may be incurred as a result of response activities including efforts to recover expenses pursuant to this article.

1. Release. Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon land, water or air, of any material which the city determines may be harmful to the public health and welfare or to the environment.
2. Threatened Release. Threatened release shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the city to undertake an emergency action.

7-1102 STRICT LIABILITY. Any person causing or responsible for a release or threatened release resulting in emergency action shall be strictly liable to the city for the recoverable expenses resulting from the emergency action. There shall be a rebuttable presumption that any person owning or controlling property causing a release or threatened release is responsible for such release or threatened release.

7-1103 RECOVERY OF EXPENSES. (a) Itemization of recoverable expenses. City personnel and departments involved in an emergency action shall keep an itemized record of recoverable expenses resulting from an emergency action. Promptly after completion of an emergency action, the appropriate city department shall certify those expensed to the city clerk.

(b) Submission of claim. The city shall submit a written itemized claim for the total expenses incurred by the city for an emergency action to the responsible person and a written notice that unless the amounts are paid in full within 30 days after the date of the mailing of the claim and notice, the city will file a civil action seeking recovery for the stated amount.

(c) Lien on property. The city may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the city owned by the person causing or responsible for the emergency action.

1. Civil Suit. The city may bring a civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action.

7-1104 CONFLICTS. Nothing in this article shall be construed to conflict with state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activities and/ or paying the costs thereof.

**ARTICLE 12. FIRE INSURANCE PROCEEDS FUND**

7-1201 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 or explosion, 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.

7-1202 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 on 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 or explosion, 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 undischarged for at least one year prior to the filing of proof of loss.

7-1203 SAME; INCUMBRANCES. Prior to final settlement on any claim covered in section 7-1202, the insurer or insurers shall contact the county treasurer, Dickinson 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, Dickinson County, Kansas.

7-1204 SAME; PRO RATA BASIS. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

7-1205 PROCEDURE. (a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insured’s and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering the building or other 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 $5,000 or 10 percent of the covered claim payment, whichever is less, 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 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 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 insured’s, 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 insured’s, whereupon the chief building inspector shall contact the names insured or insured’s by registered mail, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

7-1206 FUND CREATED; DEPOSIT OF MONEYS. The city treasurer is hereby authorized and shall create a fund to be known as the “Fire 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.

7-1207 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 20 days of the receipt of the 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 20 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 30 days after receipt of the moneys by the city treasurer.

1. 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 insured’s as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

7-1208 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 or insured’s.

7-1209 SAME; DISPOSITION OF FUNDS. If the chief building inspector, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 7-1205 (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 section 7-1205(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in the amount equal to such excess expenses incurred.

7-1210 EFFECT ON 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.

7-1211 INSURERS; LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil or criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding of payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.

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**APPENDIX A. CHARTER ORDINANCES**

Note: The charter ordinances included herein are for information only. Each one referenced contains the opening clause of the ordinance. The balance of each ordinance has been left out. Complete copies of each charter ordinance are on file in the office of city clerk.

CHARTER ORDINANCE No. 1

A CHARTER ORDINANCE EXEMPTING THE CITY OF ENTERPRISE, KANSAS FROM K.S.A. 79-1953 AND AMENDMENTS THERETO AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED TANGIBLE VALUATION AND PRESCRIBING AN AGGREGATE FOR ALL CITY WIDE TAX LEVIES. (Repealed by Charter Ordinance No. 2)

CHARTER ORDINANCE No. 2

A CHARTER ORDINANCE EXEMPTING THE CITY OF ENTERPRISE, KANSAS FROM K.S.A. 79-1953, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AUTHORIZING AND LIMITING TAX LEVIES IN ANY ONE YEAR ON EACH DOLLAR OF ASSESSED TANGIBLE VALUATION; AND PRESCRIBING AN AGGREGATE FOR ALL CITY WIDE TAX LEVIES; AND REPEALING CHARTER ORDINANCE No. 1.

CHARTER ORDINANCE No. 3

NO ORDINANCE RECORDED.

CHARTER ORDINANCE No. 4

A CHARTER ORDINANCE EXEMPTING THE CITY OF ENTERPRISE, KANSAS, FROM K.S.A. 1967 SUPP. 79-1953; PROVIDING SUBSITIUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REMOVING CERTAIN LIMITATIONS OF TAX LEVY.

CHARTER ORDINANCE No. 5

A CHARTER ORDINANCE EXEMPTING THE CITY OF ENTERPRISE, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1953 AND K.S.A. 79-5001 TO 79-5018, AS AMENDED.

CHARTER ORDINANCE No. 6

A CHARTER ORDINANCE EXEMPTING THE CITY OF ENTERPRISE, KANSAS, FROM THE PROVISIONS OF K.S.A. 79-1963, AS AMENDED, WHICH RELATES TO LIMITATIONS ON TAX LEVIES FOR CERTAIN MUNICIPAL FUNDS.

CHARTER ORDINANCE No. 7

A CHARTER ORDINANCE RELATING TO THE IMPOSITION, COLLECTION, AND DISBURSEMENT OF MUNICIPAL COURT COSTS AND RELATED FEES.

CHARTER ORDINANCE No. 8

A CHARTER ORDINANCE RELATING TO THE IMPOSITION, COLLECTION, AND DISBURSEMENT OF MUNICIPAL COURT COSTS AND RELATED FEES. (REPEALING CHARTER ORDINANCE No.7)

CHARTER ORDINANCE No. 9

A CHARTER ORDINANCE RELATING TO THE IMPOSITION, COLLECTION, AND DISBURSEMENT OF MUNICIPAL COURT COSTS AND RELATED FEES. (REPEALING CHARTER ORDINANCE No. 8)

CHARTER ORDINANCE No.10

A CHARTER ORDINANCE RELATING TO THE IMPOSITION, COLLECTION, AND DISBURSEMENT OF MUNICIPAL COURT COSTS AND RELATED FEES. (REPEALING CHARTER ORDINANCE No. 9)