

## Chapter 1

### GENERAL PROVISIONS

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**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Construction and Penalties****[Adopted 3-18-1985 by Ord. No. 5345 as §§ 1-1, 1-6, 1-20 to 1-51 and 7-1 of the 1985 Code]****§ 1-1. Designation and citation of Code.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of the City of Parsons" and may be so cited.

State law reference — Revision and codification of ordinances, K.S.A. §§ 12-3014 to 12-3016.

**§ 1-2. General penalty.**

- A. Whenever in this Code or in any other ordinance of the City or in any rule, regulation or order promulgated by any officer or agency of the City under authority duly vested in him or it any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provisions of this Code or any other ordinance of the City or such rule, regulation or order shall be punished as indicated below:
- (1) If the violation is a Class A misdemeanor, it shall be punished by a fine not exceeding \$2,500 or by confinement in the county jail for a definite term not exceeding one year, or by both such fine and confinement.
  - (2) If the violation is a Class B misdemeanor, it shall be punished by a fine not exceeding \$1,000 or by confinement in the county jail for a definite term not exceeding six months, or by both such fine and confinement.
  - (3) If the violation is a Class C misdemeanor, it shall be punished by a fine not exceeding \$500 or by confinement in the county jail for a definite term not exceeding one month, or by both such fine and confinement.
- B. If any act or omission is declared to be a Class A, Class B or Class C misdemeanor, it shall be punishable as provided in Subsection A. In the absence of any penalty being specified, an offense shall be a Class C misdemeanor.
- C. Except as otherwise provided, every day any violation of this Code or any other ordinance of the City or any rule, regulation or order shall continue shall constitute a separate offense.

**§ 1-3. Application of rules of construction.**

In the construction of this Code, and of all ordinances and resolutions passed by the governing body, the rules set out in this article shall be observed and the definitions prescribed in this article shall apply, unless such construction would be inconsistent with the manifest intent of the governing body.

**§ 1-4. General rules of construction.**

- A. The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expressions thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular mischiefs for which the

provisions were enacted. Words shall be construed according to the context and the approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

State law reference — Rules of statutory construction, K.S.A. § 77-201.

B. Rules.

- (1) City. The words "the City" or "this City" shall mean the City of Parsons, in the County of Labette and the State of Kansas.
- (2) City officers, departments, etc. Whenever reference is made to an officer, department, commission or other agency, the same shall be construed as if followed by the words "of the City of Parsons, Kansas."
- (3) Code. The term "Code" or "this Code" shall mean the Code of the City of Parsons as established and designated in § 1-1 above.
- (4) County. The term "county" or "this county" shall mean the County of Labette, Kansas.
- (5) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.
- (6) Governing body. The term "governing body" shall mean the Commission of the City of Parsons.
- (7) Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
- (8) K.S.A. The letters "K.S.A." shall mean the Kansas Statutes Annotated.
- (9) Land; real estate; real property. The word "land" and the phrases "real estate" and "real property" include lands, tenements and hereditaments and all rights thereto and interest therein, equitable as well as legal.
- (10) May. The word "may" shall be construed as permissive and not as being mandatory.
- (11) Month. The word "month" shall mean a calendar month.
- (12) Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.
- (13) Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (14) Or; and. The word "or" may be read "and," and "and" may be read "or," if the sense requires it.
- (15) Parkings. The word "parkings" shall mean the area between the roadway and right-of-way line.
- (16) Person. The word "person" shall extend and be applied to corporations, firms, partnerships and bodies politic and corporate as well as to individuals. Such word shall also include unincorporated clubs, sororities, fraternities, associations and organizations of whatever name

and nature. Where criminal prosecution may lie, the officers of any corporation shall jointly and severally be subject to prosecution as being included within the term "person."

- (17) Personal property. The words "personal property" include money, goods, chattels, evidences of debt and "things in action."
- (18) Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.
- (19) Property. The word "property" includes personal property and real property.
- (20) Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.
- (21) Shall; must. The word "shall" shall be construed as being mandatory. The word "must" shall be construed as being mandatory.
- (22) Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb or the lateral line of the roadway and the adjacent property line intended for the use of pedestrians.
- (23) Signature or subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.
- (24) State. The words "the state" or "this state" shall be construed to mean the State of Kansas.
- (25) Street or highway. The term "street" or "highway" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the City dedicated or devoted to public use.
- (26) Tense. Words used in the past or present tense include the future as well as the past and present.
- (27) Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise, except in those cases where the written signature or mark of any person is required.
- (28) Year. The word "year" shall mean a calendar year.

#### **§ 1-5. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and, unless otherwise specifically provided, they shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

#### **§ 1-6. History notes.**

The history notes appearing in brackets after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

#### **§ 1-7. Ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any of the following, and all such provisions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code:

- A. Section 4-101 of the Code of the City of Parsons, Kansas, 1963.
- B. Article 4 of Chapter 4 of the Code of the City of Parsons, Kansas, 1963.<sup>1</sup>
- C. Ordinance No. 4130, adopted on July 21, 1969, is amended to change the amount of the surety bond for house movers from \$25,000 to \$5,000.<sup>2</sup> **[Amended 5-4-1987 by Ord. No. 5443 ]**
- D. Ordinance No. 4239, adopted on November 17, 1971.
- E. Ordinance No. 4282, adopted on June 15, 1972.

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1. Editor's Note: Original § 7-1(3), listing Ord. No. 4072, and (4), listing Ord. No. 4090, which immediately followed this subsection, were deleted 7-20-2009 by Ord. No. 6189. Ordinance Nos. 4072 and 4090 were repealed by Ord. No. 5361.

2. Editor's Note: Ordinance No. 4130, as amended, was repealed 8-2-2010 by Ord. No. 6211. Original § 7-1(6), listing Ord. No. 4185, and (7), listing Ord. No. 4221, which immediately followed this subsection, were deleted 7-20-2009 by Ord. No. 6189. Ordinance Nos. 4185 and 4221 were repealed by Ord. No. 5360.

ARTICLE II  
**Adoption of Code**  
**[Adopted 7-20-2009 by Ord. No. 6189 ]**

**§ 1-8. Code adopted.**

Pursuant to the authority of and in conformity with K.S.A. §§ 12-3014 and 12-3015, the various chapters and sections of the 1985 Code of the City of Parsons and subsequent ordinances of the City of Parsons of a general and permanent nature adopted by the City Commission of the City of Parsons, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 580, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Parsons," hereinafter referred to as the "Code."

**§ 1-9. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-10. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

**§ 1-11. Copies of Code on file.**

In accordance with K.S.A. § 12-3015, at least three copies of the Code shall be kept on file in the office of the City Clerk and available for inspection by the public at all reasonable business hours.

**§ 1-12. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the City Commission to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Parsons" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in said Code as amendments and supplements thereto.

**§ 1-13. Publication; filing.**

The Clerk of the City of Parsons shall cause to be published, in the manner required by law, a copy of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-14. Code to be kept up-to-date.**

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date

the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

**§ 1-15. Sale of Code; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Commission. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-16. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Parsons to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-2 of the Code.

**§ 1-17. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

**§ 1-18. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-19. Repealer.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this ordinance, except as hereinafter provided. The repeal provided for in this section shall not be construed to revive any ordinance or part thereof that was repealed by an ordinance which has been repealed by this ordinance.

**§ 1-20. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-19 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 20, 2009.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any

legislative provision or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred and any ordinance or part thereof granting the same.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing or changing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof or creating districts for public improvements of whatever kind or nature.
- G. Any ordinance appropriating money or transferring funds, creating specific funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the duties and rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. The Comprehensive Development Plan, specifically Ordinance No. 5955, and any amendments thereto.
- O. The Subdivision Regulations, specifically Ordinance No. 5956, and any amendments thereto.
- P. The Zoning Regulations and Zoning Map, specifically Ordinance No. 5957, and any amendments thereto.
- Q. Any charter ordinance.

**§ 1-21. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for publication as the Code of the City of Parsons, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Commission that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
  - (1) References to specific chapters and sections of the Kansas Statutes Annotated are revised to reflect the numbering of the statutes as of the publication of the Code.



(2) References to "Chairman" are amended to read "Chairperson."

- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)<sup>3</sup>

**§ 1-22. When effective.**

This ordinance shall take effect upon passage and publication as required by law.

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3. Editor's Note: In accordance with § 1-21C, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Ch. 1, General Provisions, Art. II. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 7-20-2009 by Ord. No. 6189." Schedule A, which contains a complete description of all changes, is on file in the City offices.



**Chapter 8****ARTS AND HUMANITIES COUNCIL**

<b>§ 8-1.</b>	<b>Establishment.</b>	<b>§ 8-3.</b>	<b>Meetings; bylaws; officers.</b>
<b>§ 8-2.</b>	<b>Members; appointment; terms of office.</b>	<b>§ 8-4.</b>	<b>Powers and duties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 11-1-1993 by Ord. No. 5641 .  
Amendments noted where applicable.]**

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**§ 8-1. Establishment.**

The Parsons Area Arts and Humanities Council is hereby established to promote and encourage public programs to further the development and public awareness of and interest in the City in connection with the artistic and cultural development of the City.

**§ 8-2. Members; appointment; terms of office.**

The Parsons Area Arts and Humanities Council shall consist of nine members. All members shall be appointed by the governing body of the City of Parsons for three-year terms; provided, however, that three members shall be appointed for one-year terms, three members shall be appointed for two-year terms, and three members shall be appointed for three-year terms for the initial Council. No person shall be appointed for more than two successive full terms.

**§ 8-3. Meetings; bylaws; officers.**

The Parsons Area Arts and Humanities Council shall meet regularly at least once per month. The Council shall, with the approval of the governing body, adopt such bylaws as may be necessary to accomplish the purposes of its organization and appoint a Chairperson and such other officers of the Council as may be necessary.

**§ 8-4. Powers and duties.**

The Parsons Area Arts and Humanities Council shall have the following duties and powers:

- A. To hold regular public meetings and keep a written record of its proceedings which shall be public records.
- B. To annually review the financial needs of the programs for the development of the fine and performing arts.
- C. To make application and solicitation for and accept grants, gifts, and donations of money, property, or personal services from individuals, groups, or organizations or from any agency of the City, county, state or federal government granted or given for a purpose consistent with the purposes of this Council and to expend all funds so received.
- D. To initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of and interest in the fine and performing

arts.

- E. To advise and assist the City in connection with such other artistic activities as may be referred to it by the City.
- F. To serve as a clearinghouse for scheduling exhibits, concerts, recitals, lectures and other cultural events that may occur in the community.
- G. To generally stimulate, facilitate, coordinate and cooperate with existing organizations for the development of the arts and historical traditions of the City and to initiate programs for the development of the arts, culture, heritage, beauty, and tradition of the City.

## BOARDS, COMMISSIONS AND COMMITTEES

## Chapter 20

## BOARDS, COMMISSIONS AND COMMITTEES

	ARTICLE I	§ 20-20.	Membership.
	Library Board	§ 20-21.	Appointment; officers.
		§ 20-22.	Meetings.
§ 20-1.	Applicability of statutory provisions.	§ 20-23.	Quorum.
		§ 20-24.	Applicant for grants; official depository.
	ARTICLE II	§ 20-25.	Administrative support.
	Human Relations Commission	§ 20-26.	Purpose.
§ 20-2.	Creation.	§ 20-27.	General provisions.
§ 20-3.	Members; terms of office.		
§ 20-4.	Meetings.		ARTICLE VI
§ 20-5.	Functions.		Planning Commission
		§ 20-28.	Commission reestablishment.
	ARTICLE III	§ 20-29.	Membership, terms, interest and compensation.
	Regional Planning Commission	§ 20-30.	Meetings, officers and records.
§ 20-6.	Creation.	§ 20-31.	Powers and duties.
§ 20-7.	Members; terms of office; compensation.	§ 20-31.1.	Board of Zoning Appeals.
§ 20-8.	Meetings.	§ 20-32.	Budget.
§ 20-9.	Bylaws.		
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			One Stop Employment and Training Advisory Board
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§ 20-11.	Creation.	§ 20-34.	Meetings.
§ 20-12.	Membership.	§ 20-35.	Functions.
§ 20-13.	Appointment and terms of office.	§ 20-36.	Methods and procedures.
§ 20-14.	Compensation.		ARTICLE VIII
§ 20-15.	Meetings.		Building Trades Board
§ 20-16.	Officers.	§ 20-37.	Creation; membership; terms of office.
§ 20-17.	Quorum.	§ 20-38.	Qualifications.
§ 20-18.	Purpose.	§ 20-39.	Designation as appeals board.
	ARTICLE V		
	Local Redevelopment Board		
§ 20-19.	Creation.		

## PARSONS CODE

ARTICLE IX  
Historical Commission

- § 20-40.        Creation; purpose.
- § 20-41.        Membership; terms of office.
- § 20-42.        Compensation.
- § 20-43.        Powers and duties.
- § 20-44.        Grants.

ARTICLE X  
Senior Citizens Advisory Board

- § 20-45.        Creation; purpose.
- § 20-46.        Membership; terms of office.
- § 20-47.        Compensation.
- § 20-48.        Powers and duties

ARTICLE XI  
Airport Advisory Board

- § 20-49.        Establishment; purpose.
- § 20-50.        Membership; terms of office.
- § 20-51.        Meetings and officers.
- § 20-52.        Issues.
- § 20-53.        Reports.

ARTICLE XII  
Racial Profiling Advisory Board

- § 20-54.        Establishment; purpose.
- § 20-55.        Membership; terms of office.
- § 20-56.        Meetings and officers.

ARTICLE XIII  
Tourism Committee

- § 20-57.        Establishment; purpose.
- § 20-58.        Membership; terms of office.
- § 20-59.        Meetings and officers.
- § 20-60.        Issues.

ARTICLE XIV  
Farm History Advisory Board

- § 20-61.        Establishment; purpose.
- § 20-62.        Membership; terms of office.
- § 20-63.        Meetings and officers.
- § 20-64.        Issues.
- § 20-65.        Reports.

ARTICLE XV  
Economic Development Advisory Board

- § 20-66.        Establishment; purpose.
- § 20-67.        Membership; terms of office.
- § 20-68.        Officers; meetings.
- § 20-69.        Issues.
- § 20-70.        Reports.

ARTICLE XVI  
Tree Advisory Board

- § 20-71.        Purpose.
- § 20-72.        Term of office.
- § 20-73.        Organization.
- § 20-74.        Duties.

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Arts and Humanities Council — See Ch. 8.

Lake Advisory Board — See Ch. 390.

Firefighters' Relief Association — See Ch. 71.

ARTICLE I

**Library Board**

**[Adopted as § 1-801 of the 1963 Code (§ 2-86 of the 1985 Code)]**

**§ 20-1. Applicability of statutory provisions.**

The Library Board of the City, heretofore established and maintained pursuant to the provisions of Article 12 of Chapter 12 of the Kansas Statutes Annotated, shall be maintained and governed in accord with the provisions of said statutes and any amendments thereto.

State law reference — K.S.A. § 12-1222 et seq.

## ARTICLE II

**Human Relations Commission****[Adopted 3-18-1968 by Ord. No. 4078 (§§ 2-96 to 2-99 of the 1985 Code)]****§ 20-2. Creation.**

A Human Relations Commission is hereby created for the City.

**§ 20-3. Members; terms of office.**

The Human Relations Commission shall consist of 13 members drawn from diverse segments of the public and selected for their wisdom, ability and broad perspective and not for the purpose of representing specific groups. Members shall be appointed for three-year terms.

**§ 20-4. Meetings.**

The Human Relations Commission shall meet regularly at least once a month and shall hold special meetings upon the call of the Chairperson. The Commission shall prepare its own agenda and establish its own rules of order or adopt Robert's Rules of Order for the conduct of its meetings.

**§ 20-5. Functions.**

- A. The Human Relations Commission shall have advisory powers only. The Commission shall have as its purposes and objectives the following:
- (1) To further amicable relations among the various population groups of the City.
  - (2) To help preserve and further the good reputation of the City for fair play and tolerance.
  - (3) To open the way for each individual, regardless of race, creed, color or national origin, to develop according to his abilities without limitation.
  - (4) To aid the City and its people in benefiting from the fullest realization of its human resources.
  - (5) To receive and investigate reports of tension and practices of discrimination or of efforts or activities of individuals and groups tending to incite discord, tension, hate and suspicion.
- B. In carrying out the foregoing objectives, the Commission shall observe the following methods and procedures. The Commission shall:
- (1) Advise the City governing body on problems affecting human and intergroup relations and recommend such measures as it deems necessary to carry out its objectives.
  - (2) Make studies and surveys and explore problems to provide data as needed in its work.
  - (3) Function as a clearinghouse or as a source of referral when discriminatory situations arise or act as a board of mediation, when and if appropriate.
  - (4) Consult with and obtain cooperation and coordinated effort on the part of all agencies, public and private, which function in the field of human relations in the City.
  - (5) Utilize the resources of individuals and groups toward the improvement of intergroup relations.
  - (6) Enlist all potential community forces to extend and make more secure human opportunities at



both the individual and group levels.

- (7) Encourage community support for educational programs and voluntary action designed to reduce tension and eliminate discriminatory practices.

## ARTICLE III

**Regional Planning Commission****[Adopted 3-22-1972 by Ord. No. 4255 (Ch. 18, Art. III of the 1985 Code)]****§ 20-6. Creation.**

There is hereby created the Southeast Kansas Regional Planning Commission<sup>4</sup> in Bourbon, Cherokee, Crawford, Labette, Neosho, Allen, Montgomery, Wilson, and Woodson Counties.

**§ 20-7. Members; terms of office; compensation.**

- A. Any incorporated city or county government within Bourbon, Cherokee, Crawford, Labette, Neosho, Allen, Montgomery, Wilson, and Woodson Counties is eligible for membership in said Southeast Kansas Regional Planning Commission upon passage of an appropriate ordinance or resolution and acceptance by said Commission. Each county shall be represented by its County Chairperson or his or her designee from the Commission. The County Commission shall appoint one person from the county by a majority vote of each Board of County Commissioners. All member City Mayors or their designees as appointed by each Mayor shall meet together and appoint two elected officials or their designees to represent the county. The total membership from each member county shall be four persons who shall represent the county at a Regional Planning Commission meeting. All Mayors and Chairpersons of Boards of County Commissioners shall serve for their term of office. If another member of the city or county governing body is designated, he shall serve at the pleasure of the Mayor or Chairperson. All persons appointed to serve on the Regional Planning Commission shall serve for one year starting on August 1 of each year. Such members shall continue to hold office until their successors are duly appointed and qualified.
- B. All members of the Commission shall serve without compensation.

**§ 20-8. Meetings.**

Meetings shall be held at least once each three months on a date determined by the Southeast Kansas Regional Planning Commission. Special meetings may be called by the Chairperson, the Vice Chairperson in the absence of the Chairperson, or as otherwise provided, upon at least 24 hours' notice. All meetings of the Commission shall be open to the public.

**§ 20-9. Bylaws.**

The Southeast Kansas Regional Planning Commission shall adopt bylaws, including rules for the transaction of Commission business, which shall include but not be limited to:

- A. Membership.
- B. Officers.
- C. Meetings and voting.
- D. Organization of the Commission.
- E. Staff.

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4. Editor's Note: Throughout this article, references to the "SEE-KAN Regional Planning Commission" were amended to the "Southeast Kansas Regional Planning Commission" at time of adoption of Code (see Ch. I, General Provisions, Art. II).

F. Annual budget and sharing of costs.

**§ 20-10. Functions.<sup>5</sup>**

The general purpose of the Southeast Kansas Regional Planning Commission shall be to make those studies and plans for the development of the region that will guide the unified development of the region, eliminate planning duplication and promote economy and efficiency in the coordinated development of the region and the general welfare and prosperity of its people. These plans may include, but shall not be limited to, recommendations for refuse disposal systems, airports, parks and recreational areas, public institutions, prevention of blighted conditions, regulatory codes and general capital improvement programs.

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ARTICLE IV

**Accessibility Advisory Board****[Adopted 8-17-1992 by Ord. No. 5602 (§§ 2-105 to 2-112 of the 1985 Code)]****§ 20-11. Creation.**

There is hereby created the Accessibility Advisory Board (hereafter referred to as the "Board").

**§ 20-12. Membership.**

The Board shall consist of nine members appointed by the City Commission. (Persons with disabilities and persons working with persons with disabilities and those with expertise in accessibility issues will be given preference for appointment.)

**§ 20-13. Appointment and terms of office.**

A. Those persons first appointed as members of the Board shall be appointed for the following terms:

- (1) Three members for a term of one year.
- (2) Three members for a term of two years.
- (3) Three members for a term of three years.

B. Upon expiration of the term of each Board member, subsequent terms shall be for a period of three years. Any vacancy occurring among the membership of the Board shall be filled by appointment by the City Commission.

**§ 20-14. Compensation.**

The members of the Board shall serve without compensation.

**§ 20-15. Meetings.**

The Board shall meet at least quarterly and at other times when necessary.

**§ 20-16. Officers.**

The Board shall elect one of its members as Chairperson for the term of one year. The Chairperson shall preside at all meetings of the Board. The Board shall elect, in the same manner and for the same term, one of its members as Vice Chairperson who shall act as Chairperson in the absence of the Chairperson. The Board shall elect, in the same manner and for the same term, one of its members as recorder, who shall keep the official transactions of the Board.

**§ 20-17. Quorum.**

Five members of the Board shall constitute a quorum for the purpose of conducting the Board's business.

**§ 20-18. Purpose.**

The purpose of the Board shall be to:

A. Advise and make recommendations to the City Commission on such matters related to accessibility

as, from time to time, may be referred to the Board.<sup>6</sup>

- B. Evaluate projects and activities, both public and private, and to advise City staff on matters related to accessibility.
- C. Provide technical assistance to the City on matters related to the disabled population.
- D. Review City plans for projects prior to implementation.
- E. Serve as advocates for citizens with disabilities.
- F. Serve as resources on policy and/or procedure for members of the City Commission and for City staff.<sup>7</sup>
- G. Review federal and state regulations and guidelines on accessibility and report its findings to the appropriate City department, division or body.

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE V  
**Local Redevelopment Board**  
**[Adopted 1-16-1995 by Ord. No. 5681 ]**

**§ 20-19. Creation.**

There is hereby created the Local Redevelopment Board (hereafter referred to as the "LRB").

**§ 20-20. Membership.**

- A. The LRB shall consist of an Executive Committee and a general membership.
- B. The Executive Committee shall be comprised of appointees selected by the appropriate County or City Commission. Composition of this Executive Committee shall be:
  - (1) Labette County: two representatives.
  - (2) City of Parsons: two representatives.
  - (3) Crawford County: one representative.
  - (4) Cherokee County: one representative.
  - (5) Montgomery County: one representative.
  - (6) Neosho County: one representative.
- C. General membership shall be extended but not limited, within the counties affected by the layoffs, to business executives, local government officials, chambers of commerce, union representatives, economic development groups, employment and training representatives, educators, social rehabilitation representatives, Kansas Army Ammunition Plant (KAAP) officials, state and federal government representatives, and dislocated workers from the KAAP.

**§ 20-21. Appointment; officers.**

- A. Appointment of the LRB Executive Committee will follow that of its predecessor, KAAP Task Force. A Chairperson, Vice Chairperson, and Secretary/Treasurer shall be elected from the appointees by the general membership to serve a period of one year. Elections for these positions shall take place as follows: the first election for 1995 will take place in March, then each year after that the election will take place in February.
- B. General membership shall be appointed as follows: the Executive Committee shall receive all nominations on the appointment to the general membership of the LRB.
- C. General membership constitutes the voting members of this Local Redevelopment Board.

**§ 20-22. Meetings.**

Meetings will be held monthly or at the call of the Chairperson of the LRB until such time that its purpose is met or it is sooner dissolved by approval of 2/3 of the voting membership present.

**§ 20-23. Quorum.**

For the purpose of conducting business, a majority of the Executive Committee with general membership as advisory shall constitute a quorum. Majority rules. This applies to general meetings, committee meetings, and Executive Committee meetings.

**§ 20-24. Applicant for grants; official depository.**

The City of Parsons shall be designated applicant for any grant submitted on behalf of the LRB. Parsons Commercial Bank shall be official depository for the LRB.

**§ 20-25. Administrative support.**

Administrative staff support to the LRB shall be provided by the City of Parsons. The Executive Director will report to the City Manager and to the LRB Chairperson; the Administrative Assistant will report to the Executive Development Director.

**§ 20-26. Purpose.**

The mission of the Local Redevelopment Board is to use tools developed in studies commissioned by the predecessor organization and to stimulate economic activity inside and outside of KAAP, to include all areas that have suffered severe economic impact as a result of the downsizing of the KAAP. The Local Redevelopment Board will also conduct or cause to be conducted any further studies necessary to fulfill the purpose of the LRB.

**§ 20-27. General provisions.**

- A. The Executive Committee shall review and make recommendations on the use, structure, and functions of all Local Redevelopment Board standing and special purpose committees. Committees will be appointed as needed.
- B. If the LRB acts to employ personnel, individuals who have been terminated from employment due to inactivation of KAAP will be given priority consideration.
- C. The Executive Committee shall assure that minutes of the LRB and its committee meetings are kept and copies distributed to the general membership.

## ARTICLE VI

**Planning Commission****[Adopted 6-19-2017 by Ord. No. 6391 <sup>8</sup>]****§ 20-28. Commission reestablishment.**

There is hereby reestablished the Parsons City Planning Commission which is composed 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 and within Labette County. The Planning Commission was originally created by Ordinance No. 3133 which was passed on August 25, 1930.

**§ 20-29. Membership, terms, interest and compensation.**

The members of the Planning Commission, hereinafter called the "Commission," shall be appointed by the Mayor, with the consent of the City Commission, by August 1 of each year and take office at the next regular meeting of the Commission. The members of the Commission first appointed shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equal as possible between those terms. Thereafter, all members shall be appointed for terms of three years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the City do not expire within the same year. By the reestablishment of the Commission, all current members continue to serve their present terms of office. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the Commission shall be made for the unexpired term of the member leaving the membership. If any member has a conflict of interest in any matter coming before the Commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the Commission. Members of the Commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body.

**§ 20-30. Meetings, officers and records.**

The members of the Planning Commission shall meet at such time and place as may be fixed in the Commission's bylaws. The Commission shall elect one member as Chairperson and one member as Vice Chairperson from the members residing within the City limits who shall serve one year and until their successors have been elected. A Secretary shall also be elected who may or may not be a member of the Commission. Special meetings may be called at any time by the Chairperson or, in the Chairperson's absence, by the Vice Chairperson. The Commission shall adopt bylaws for the transaction of business and hearing procedures which shall be subject to the approval of the governing body. A proper record of all the proceedings of the Commission shall be kept. The Commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the Commission.

**§ 20-31. Powers and duties.**

The governing body and Planning Commission shall have all the rights, powers and duties as authorized in K.S.A. § 12-741, et seq., and amendments thereto, which are hereby incorporated by reference as part of this article and shall be given full force and effect as if the same had been fully set forth. The Commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the City and any unincorporated territory lying outside of the City but within Labette County in which the

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8. Editor's Note: This ordinance also repealed former Article VI, Planning Commission, adopted 6-2-1997 by Ord. No. 5772.



City is located, which, in the opinion of the Commission, forms the total community of which the City is a part. The Commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the Commission to undertake other assignments related to planning and land use regulations.

**§ 20-31.1. Board of Zoning Appeals.**

The Planning Commission is hereby designated to concurrently serve as the City's Board of Zoning Appeals with all the power and duties as provided for in K.S.A. § 12-759. The Board shall adopt rules in the form of bylaws for its operation, which shall include hearing procedures. Public records shall be kept of all official actions of the Board, which shall be maintained separately from those of the Commission. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions, and the vote upon each case. The governing body shall establish a scale of reasonable fees to be paid in advance by the appealing party. The present membership of the Board of Zoning Appeals shall be disbanded upon the effective date of this article.

**§ 20-32. Budget.**

The governing body may approve a budget for the Planning Commission and make such allowances to the Commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other source for such purposes.

## ARTICLE VII

**One Stop Employment and Training Advisory Board****[Adopted 10-20-1997 by Ord. No. 5795 ]****§ 20-33. Members; terms of office.**

The One Stop Employment and Training Advisory Board shall consist of nine members. Six of the Board members shall be appointed by the governing body to represent local businesses and industries. One Board member shall be the City Manager or his or her designated appointee. One Board member shall be the President of Labette Community College or his or her designated appointee, and one representative shall represent Labette County government and shall be appointed by the Board of County Commissioners of Labette County, Kansas. The Labette County Government representative shall be appointed for a one-year term. A representative of the Kansas Department of Human Resources shall serve as an ex officio member of said Board. The governing body shall appoint two members for a three-year term, two members for a two-year term, and two members for a one-year term to constitute the original Board. Upon the expiration of said terms, each shall be replaced by an appointment of three years. The Board shall upon its constitution annually elect a Chairperson.

**§ 20-34. Meetings.**

The One Stop Employment and Training Advisory Board shall meet upon the call of the Chairperson. The Commission shall prepare its own agenda, elect its own officers and establish its own rules of order or adopt Robert's Rules of Order for the conduct of its meetings.

**§ 20-35. Functions.**

The One Stop Employment and Training Advisory Board shall have advisory powers only. The Board shall have as its purpose and objectives the following functions:

- A. To advise the City Commission, Labette Community College, and other operating agencies on procedure and policies for the operation of the One Stop Employment and Training Center.
- B. To provide representation from Labette County industrial, business, and governmental communities to ensure that the Center meets its mission objectives to local industries.
- C. To provide recommendations to the City Commission, Labette Community College, and other operating agencies on long-range goals and policies for the One Stop Employment and Training Center.
- D. To evaluate the operation of the Center and make recommendations to the City Commission, Labette Community College, and other operating agencies on changes in programs and policies to improve the Center's performance.
- E. To assist in the development of a budget for the Center on an annual basis.
- F. To develop a common community employment intake forum.
- G. To assist the Center in providing career advisement for applicants and providing career/job assessment for customers.
- H. To study and assist the Center in providing education/training for employment.
- I. To provide a link with the State of Kansas One Stop Program and Services.

- J. To assist the Center in maintaining an employment database submitted by area businesses.
- K. To study ways to reduce duplication of services.

**§ 20-36. Methods and procedures.<sup>9</sup>**

In carrying out the foregoing functions, the Board shall observe the following methods and procedures. The Board shall:

- A. Advise the City governing body, Labette Community College, and other operating agencies on problems affecting employment in Parsons and address employment needs of industries and training of the workforce.
- B. Make studies and surveys and explore problems to provide data as needed in its work.
- C. Consult with and obtain cooperation and coordinated effort of all agencies, public and private, which function in the field of employment and job training.
- D. Utilize the resources of individuals and groups toward the improvement of intergroup relations.
- E. Enlist all potential community forces to extend and make more secure human opportunities at both the individual and group levels.
- F. Encourage community support for educational programs and voluntary action designed to encourage more efficient employment services and job training services for industries and businesses.

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE VIII  
**Building Trades Board**  
[Adopted 1-16-2001 by Ord. No. 5902 ]

**§ 20-37. Creation; membership; terms of office.**

There is hereby created a Building Trades Board. The Board shall consist of five members appointed by the governing body of the City of Parsons for a three-year term. A member may serve a maximum of two consecutive terms. The term shall commence on April 1 of each year.

**§ 20-38. Qualifications.**

The members of the Board shall include two persons from the construction trades, a master plumber, a master electrician and a master mechanical. The Building Inspector shall act as Secretary of the Board.

**§ 20-39. Designation as appeals board.<sup>10</sup>**

The Building Trades Board shall act as and be designated as an appeals board or board of appeals for all appeals arising out of the enforcement of the International Building Code, International Mechanical Code, International Residential Code for One- and Two-Family Dwellings, International Plumbing Code, International Fuel Gas Code, International Property Maintenance Code and National Electric Code as adopted by reference in § 225-1 of this Code and the International Fire Code adopted by reference in § 316-5 of this Code. Whenever any board of appeals is mentioned in any of the codes above mentioned, the board shall consist of the members of the Building Trades Board.

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**10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

ARTICLE IX  
**Historical Commission**  
[Adopted 6-16-2003 by Ord. No. 5974 ]

**§ 20-40. Creation; purpose.**

A Parsons Historical Commission is hereby created for the City of Parsons with the specific purpose of establishing, maintaining and operating the Parsons Historical Museum.

**§ 20-41. Membership; terms of office.**

The Parsons Historical Commission shall consist of 15 members to be appointed by the governing body of the City of Parsons. The first Commission shall be appointed as follows: five members shall be appointed for a term expiring the first April 30 following date of appointment, five members shall be appointed for a term expiring the second April 30 following date of appointment, and five members shall be appointed for a term expiring the third April 30 following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four years. Vacancies occasioned by resignation or otherwise shall be filled by appointment of the Parsons Historical Commission for the unexpired term.

**§ 20-42. Compensation.**

Members of the Parsons Historical Commission shall receive no compensation for their services as members of the Commission; provided, however, that members of the Commission may be compensated for services performed as employees of the City of Parsons in connection with the operation and maintenance of the museum and other business of the Commission.

**§ 20-43. Powers and duties.**

The Parsons Historical Commission shall have the following powers and duties:

- A. To make and adopt rules and regulations for the administration of the Parsons Historical Museum.
- B. With the approval of the governing body of the City of Parsons, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the Parsons Historical Museum.
- C. With the approval of the City Manager and within its budgeted authority, to acquire by purchase, gift or exchange books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the Parsons Historical Commission for the maintenance and extension of the Parsons Historical Museum.
- D. To employ such employees as the Commission deems necessary after approval of the City Manager and to remove them. Compensation for the employees shall be determined by the City Manager. The employees shall be under the supervision of the Commission but shall remain employees of the City of Parsons and shall have all of the obligations of such an employee.
- E. To receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing for a historical museum.
- F. To receive and accept any gift or donation to the Parsons Historical Museum or Parsons Historical Commission and administer the same in accordance with any provisions thereof. If no provisions are specified, the gift or donation shall be held by the City Clerk and invested in some authorized

municipal investment, and any dividends, interest, or income derived from the gift may be used by the Commission in the manner the Commission deems will best serve the interests of the Museum. As to money received from sources other than funds budgeted and disbursed to the Museum, in its discretion, such money shall be placed in a separate fund or funds by the City Clerk and designated for use by the Commission for historical museum purposes, unless the grantor or donor directs how and for what purpose the money shall be handled and spent.

- G. To make annual reports to the City Manager and the governing body of the City of Parsons on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to materials acquired and on hand, number of museum patrons, museum services available, and other information of general interest as the governing body requires.

**§ 20-44. Grants.**

The Parsons Historical Commission, after its creation and establishment as provided by this article, shall be vested with authority to apply for and receive any grants for historical museum purposes from the state or federal government, or any agency thereof, with the approval of the City Manager, and shall be authorized to execute any agreements necessary upon approval of the governing body of the City of Parsons, on behalf of said Parsons Historical Commission, to receive any such grants, all in the manner as is now or hereafter provided by law.

## ARTICLE X

**Senior Citizens Advisory Board**  
**[Adopted 4-29-2004 by Ord. No. 6003 ]****§ 20-45. Creation; purpose.**

A Parsons Senior Citizens Advisory Board is hereby created for the City of Parsons with the specific purpose of establishing, maintaining and operating the Parsons Senior Citizens Center.

**§ 20-46. Membership; terms of office.**

The Parsons Senior Citizens Advisory Board shall consist of nine members to be appointed by the governing body of the City of Parsons. The first Board shall be appointed as follows: three members shall be appointed for a term expiring the first April 10 following date of appointment, three members shall be appointed for a term expiring the second April 10 following date of appointment, and three members shall be appointed for a term expiring the third April 10 following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four years. Vacancies occasioned by resignation or otherwise shall be filled by appointment of the Parsons Senior Citizens Advisory Board for the unexpired term.

**§ 20-47. Compensation.**

Members of the Parsons Senior Citizens Advisory Board shall receive no compensation for their services as members of the Board; provided, however, that members of the Board may be compensated for services performed as employees of the City of Parsons in connection with the operation and maintenance of the Parsons Senior Citizens Center and other business of the Board.

**§ 20-48. Powers and duties**

The Parsons Senior Citizens Advisory Board shall have the following powers and duties:

- A. To draft and recommend the adoption by the governing body of rules and regulations for the administration of the Parsons Senior Citizens Center.
- B. To recommend for purchase by the governing body books, magazines, papers, printed materials, slides, pictures, films, and other material and equipment deemed necessary by the Parsons Senior Citizens Advisory Board for the maintenance and extension of the Parsons Senior Citizens Center.
- C. To assist in resolving conflicts resulting from the operation of the Parsons Senior Citizens Center.
- D. To provide recommendations to the governing body for programs for the Parsons Senior Citizens Center designed to increase participation in the Center programs from members of the senior citizen community.
- E. To assist the City Manager in determining the staff needs to operate the facility in the event the need for staff arises.
- F. To receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing for a Senior Citizens Center.
- G. To receive and accept any gift or donation to the Parsons Senior Citizens Center or the Parsons Senior Citizens Advisory Board and administer the same in accordance with any provisions thereof. If no

provisions are specified, the gift or donation shall be held by the City Clerk and invested in some authorized municipal investment, and any dividends, interest, or income derived from the gift may be used by the Board in the manner the Board deems will best serve the interests of the Parsons Senior Citizens Center. As to money received from sources other than funds budgeted and disbursed to the Parsons Senior Citizens Advisory Board, in its discretion, such money shall be placed in a separate fund or funds by the City Clerk and designated for use by the Board for Parsons Senior Citizens Center purposes, unless the grantor or donor directs how and for what purpose the money shall be handled and spent.

- H. To make annual reports to the City Manager and the governing body of the City of Parsons on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to materials acquired and on hand, number of patrons, services available, and other information of general interest as the governing body requires.
- I. To provide recommendations to the City Manager and the governing body of plans for long-range maintenance programs.
- J. To assist the governing body in establishing plans and programs to provide racial diversity in senior citizen activities in the Parsons Senior Citizen Center.
- K. To assist the governing body in developing programs to encourage participation in community volunteer projects from retired citizens who participate in the center's activities.



ARTICLE XI  
**Airport Advisory Board**  
**[Adopted 10-17-2005 by Ord. No. 6064 ]**

**§ 20-49. Establishment; purpose.**

There is hereby established in the City of Parsons an Airport Advisory Board for the purpose of advising the City Manager and City Commissioners on matters pertaining to the continued growth, improvement and maintenance of the Tri-City Airport. Direct responsibility for the management and operations of the airport and facilities shall be that of the City Manager or his or her designee.

**§ 20-50. Membership; terms of office.**

The City Commission shall appoint five members to said Advisory Board. At least two members shall reside within the City limits of Parsons. All members shall serve without pay. The initial appointments will consist of three members with four-year terms and two members with two-year terms. All terms thereafter shall be for four years. Any person who is contracted by the City of Parsons, either as an employee of a company or individually, to manage or operate the airport shall not be allowed to serve on the Advisory Board.

**§ 20-51. Meetings and officers.**

On or before July 1 of each year the Airport Advisory Board shall meet and organize its membership by electing one member as its Chairperson and one member as its Secretary and establish or amend operating procedures. The Board shall meet at the times and places established by the Board but at a minimum shall meet four times per year. Notice and minutes of all meetings shall be provided to the City Clerk. The Advisory Board shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>11</sup>

**§ 20-52. Issues.**

The Advisory Board shall recommend and make suggestions to the City Manager and governing body for their consideration on the following issues:

- A. Promote awareness, utilization and development of the airport.
- B. Recommend actions concerning repair, maintenance and capital improvement needs of the airport.
- C. Annually submit items for consideration in the annual budget and capital improvement plan to the City Manager by the deadline provided by the City Manager.
- D. Make recommendations concerning changes and updates to the airport improvement plan and provide recommendations in the formulation of all airport master plans.
- E. Recommend policies, rules and regulations for the airport.
- F. Such other matters as the City Manager or City Commission may direct.

**§ 20-53. Reports.**

The Airport Advisory Board shall report to the City Commission at a minimum once per year on the

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11. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. § 45-215 et seq., respectively.

activities and status of the airport.

## ARTICLE XII

**Racial Profiling Advisory Board**  
**[Adopted 3-20-2006 by Ord. No. 6080 ]****§ 20-54. Establishment; purpose.**

There is hereby established in the City of Parsons a Racial Profiling Advisory Board for the purpose of advising and assisting the Parsons Police Department and the City of Parsons in policy development, education and community outreach and communications related to racial profiling by law enforcement officers.

**§ 20-55. Membership; terms of office.**

The City Commission shall appoint three members to said Advisory Board, whose members shall reflect the racial and ethnic makeup of the community. All members shall reside within the City limits of Parsons. All members shall serve without pay. All terms shall be for two years. Any person who is employed by the City of Parsons shall not be allowed to serve on the Advisory Board.

**§ 20-56. Meetings and officers.**

On or before July 1 of each year the Racial Profiling Advisory Board shall meet and organize its membership by electing one member as its Chairperson and one member as its Secretary. The Board shall meet at the times and places established by the Board but at a minimum shall meet two times per year. The Police Chief or his or her designee shall attend all meetings. Notice and minutes of all meetings shall be provided to the City Clerk. The Advisory Board shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>12</sup>

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12. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. § 45-215 et seq., respectively.

ARTICLE XIII  
**Tourism Committee**  
[Adopted 3-5-2007 by Ord. No. 6115 ]

**§ 20-57. Establishment; purpose.**

There is hereby established in the City of Parsons the Parsons Area Tourism Committee for the purpose of advising the City Manager and City Commissioners on matters pertaining to the continued growth, improvement and maintenance of tourism within Parsons, Labette County and the surrounding area.

**§ 20-58. Membership; terms of office.**

The City Commission shall appoint no more than 15 members to said Committee. One member shall be appointed to represent each of the following cities, areas or organizations: City of Oswego, City of Altamont, City of Chetopa, Big Hill Lake area, Kansas Army Ammunition Plant Local Redevelopment Authority, and the Labette County Fair Association. The City of Parsons shall have a representative from both the Chamber of Commerce and an employee of the City of Parsons. Other appointments should represent the various tourism-related industries and organizations in Labette County. Examples of these appointments could include, but are not limited to, historical societies, museums, sporting associations, motels and restaurant associations, and community event committees. At least five members of the Committee shall be residents of Parsons or represent an organization or business from the City of Parsons. All members shall serve without pay. The initial appointments will consist of eight members with two-year terms and seven members with one-year terms. All terms thereafter shall be for two years.

**§ 20-59. Meetings and officers.**

On or before July 1 of each year the Parsons Area Tourism Committee shall meet and organize its membership by electing one member as its Chairperson and one member as its Secretary and establish or amend operating procedures. The Committee shall meet at the times and places established by the Committee but at a minimum shall meet four times per year. Notice and minutes of all meetings shall be provided to the City Clerk. The Committee shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>13</sup>

**§ 20-60. Issues.**

The Committee shall be advisory in nature and shall make recommendations and suggestions to the City Manager and governing body for their consideration on the following issues:

- A. Promote awareness, utilization and development of tourism.
- B. Recommend policies, rules and regulations that would enhance and develop tourism.
- C. Such other matters as the City Manager or City Commission may direct.

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13. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. § 45-215 et seq., respectively.

ARTICLE XIV  
**Farm History Advisory Board**  
**[Adopted 10-1-2007 by Ord. No. 6133 ]**

**§ 20-61. Establishment; purpose.**

There is hereby established in the City of Parsons a Farm History Advisory Board for the purpose of advising the City Manager and City Commissioners on matters pertaining to the education of citizens and maintenance of historical buildings located at Tolen Creek Park. Direct responsibility for the management and operations of Tolen Creek Park shall be that of the City Manager or his or her designee.

**§ 20-62. Membership; terms of office.**

The City Commission shall appoint nine members to said Advisory Board. At least one member shall reside within the City limits of Parsons. All members shall serve without pay. The initial appointments will consist of five members with four-year terms and four members with two-year terms. All terms thereafter shall be for four years.

**§ 20-63. Meetings and officers.**

On or before July 1 of each year the Farm History Advisory Board shall meet and organize its membership by electing one member as its Chairperson and one member as its Secretary and establish or amend operating procedures. The Board shall meet at the times and places established by the Board but at a minimum shall meet four times per year. Notice and minutes of all meetings shall be provided to the City Clerk. The Advisory Board shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>14</sup>

**§ 20-64. Issues.**

The Advisory Board shall recommend and make suggestions to the City Manager and governing body for their consideration on the following issues:

- A. Promote awareness, utilization and development of farm history and historical structures at Tolen Creek Park.
- B. Recommend actions concerning repair, maintenance and capital improvement needs of the historical buildings located at Tolen Creek Park.
- C. Recommend policies, rules and regulations for the historical buildings and structures located at Tolen Creek Park.
- D. Such other matters as the City Manager or City Commission may direct.

**§ 20-65. Reports.**

The Farm History Advisory Board shall report to the City Commission at a minimum once per year on the activities and status of the historical buildings and other activities of the Board.

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14. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. § 45-215 et seq., respectively.

## ARTICLE XV

**Economic Development Advisory Board****[Adopted 1-19-2010 by Ord. No. 6203 ]****§ 20-66. Establishment; purpose.**

There is hereby established in the City of Parsons an Economic Development Advisory Board for the purpose of advising the City Manager and City Commissioners on matters pertaining to economic development and the economic development strategic plan. Direct responsibility for economic development shall be that of the City Manager or his or her designee.

**§ 20-67. Membership; terms of office.**

The City Commission may appoint up to 12 members to said Advisory Board, with a minimum of at least seven members required. In lieu of a specific person, the City Commission may appoint an entity, which shall have the right to provide its own representation to serve on the Advisory Board. At least four members shall reside within the City limits of Parsons. All members shall serve without pay. The term of appointment for all Board members will be for a period of three years; however the initial Board appointments should be four persons for a three-year term, four persons for a two-year term, and four persons for a one-year term. Board members may serve up to three three-year terms.

**§ 20-68. Officers; meetings.**

On or before July 1 of each year, the Economic Development Advisory Board shall meet and organize its membership by electing one member as its Chairperson and one member as its Secretary and establishing or amending operating procedures. The Board shall meet at the times and places established by the Board but at a minimum shall meet four times per year. Notice and minutes of all meetings shall be provided to the City Clerk. The Advisory Board shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>15</sup>

**§ 20-69. Issues.**

The Advisory Board shall recommend and make suggestions to the City Manager and governing body for their consideration on the following issues:

- A. Promote awareness, utilization and development of economic development.
- B. Recommend actions concerning the implementation of the economic development strategic plan.
- C. Such other matters as the City Manager or City Commission may direct.

**§ 20-70. Reports.**

The Economic Development Advisory Board shall report to City Commission at a minimum once per year on its activities and status.

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15. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. § 45-215 et seq., respectively.

ARTICLE XVI  
**Tree Advisory Board**  
**[Adopted 6-21-2010 by Ord. No. 6209 ]**

**§ 20-71. Purpose.**

There is hereby established in the City of Parsons a Tree Advisory Board for the purpose of advising the City Manager and City Commissioners on matters pertaining to the safety and general welfare of the planting, maintenance, and removal of trees, shrubs and other plants within Parsons. Direct responsibility for the enforcement and implementation of proposals and ordinances shall be that of the City Manager or his or her designee.

**§ 20-72. Term of office.**

The City Commission shall appoint seven members to said advisory board. All members shall serve without pay. The initial appointments will consist of three members with three-year terms, two members with two-year terms and two members with one-year terms. All terms thereafter shall be for three years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

**§ 20-73. Organization.**

On or before July 1 of each year the Tree Advisory Board shall meet and organize its membership by electing one member as its Chairperson, one member as its Secretary and to establish or amend operating procedures. The Board shall meet at the times and places established by the Board, but at a minimum shall meet two times per year. Notice and minutes of all meetings shall be provided to the City Clerk. The Advisory Board shall abide by the Kansas Open Meetings Act and Kansas Open Records Act.<sup>16</sup>

**§ 20-74. Duties.**

The Tree Advisory Board shall recommend and make suggestions to the City Manager and governing body for their consideration on the following issues:

- A. Promote awareness and education of tree planting, care and maintenance on both City-owned and privately owned property.
- B. Develop and maintain a list of desirable trees for planting within the City of Parsons, including three size classes: small, medium, and large. The recommended tree list shall be available to the public.
- C. Provide recommendations to the City with regards to planting trees in parks, road rights-of-way and other City-owned properties.
- D. Develop and maintain guidelines for the spacing of trees.
- E. In new subdivisions or when the development of commercial property occurs, the Tree Advisory Board shall review landscaping plans and may recommend trees to be planted along any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.
- F. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or infestations, the Tree Advisory Board

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<sup>16</sup>. Editor's Note: See K.S.A. § 75-4317 et seq. and K.S.A. 45-215 et seq., respectively.

shall at once cause written notice to be sent to the owner of the property upon which such diseased or infested tree is situated providing information to such property owner on how to eradicate, remove or otherwise control such condition.

- G. Provide for the selection, location, and identification of any trees which would be designated as a "landmark tree." A tree may qualify as a landmark tree if it meets one or more of the following criteria:
  - (1) Species rarity;
  - (2) Old age;
  - (3) Association with a historical event or person;
  - (4) Memorial trees;
  - (5) Abnormality;
  - (6) Scenic enhancement;
  - (7) Size.
- H. Such other matters as the City Manager or City Commission may direct.
- I. Annually submit items for consideration in the annual budget and capital improvement plan to the City Manager by the deadline provided by the City Manager.
- J. The Tree Advisory Board shall report to City Commission at a minimum once per year.





PARSONS CODE

**Chapter 32**

**COURT, MUNICIPAL**

ARTICLE I

**Court Costs**

**§ 32-1. Costs established; collection and disposition.**

**§ 32-2. Effect on charter ordinance.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Court Costs****[Adopted 7-5-2016 by Ord. No. 6367 <sup>17</sup>]****§ 32-1. Costs established; collection and disposition. [Amended 8-5-2019 by Ord. No. 6440 ; 11-7-2022 by Ord. No. 6530 ]**

Court costs shall be established in the amount of \$110 for every case in which a person is found guilty, pleads guilty or nolo contendere, or is placed on diversion. In each case in which court costs are collected, the assessments for the training for municipal judges and law enforcement will be collected as specified by the State of Kansas, as well as \$45 from each court cost collected shall be set aside, accumulated and carried over in a fund to assist in funding court/police liabilities arising out of operating and maintaining a municipal court and jail, including, but not limited to, miscellaneous administrative expenses associated with municipal court and the operation of the jail, such as the printing of tickets, purchase of the Standard Traffic Offense Code and Uniform Public Offense Code, the cost of housing prisoners in the county jail, and officer training expenses. Said fund shall carry over on a yearly basis.

**§ 32-2. Effect on charter ordinance.**

This article shall enhance the original court cost amount set out in Charter Ordinance No. 33.<sup>18</sup>

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17. Editor's Note: This ordinance superseded former Art. I, Court Costs, adopted 5-7-2010 by Ord. No. 6208. This ordinance also provided an effective date of 7-15-2016.

18. Editor's Note: See Ch. A600, Charter Ordinances.



ELECTIONS

Chapter 55

ELECTIONS

Part 1  
Wards and Precincts

ARTICLE I  
Wards

- § 55-1. Division of City into wards.
- § 55-2. First Ward.
- § 55-3. Second Ward.
- § 55-4. Third Ward.
- § 55-5. Fourth Ward.

- § 55-6.
- § 55-7.
- § 55-8.
- § 55-9.

ARTICLE II  
Precincts

- Precincts of First Ward.
- Precincts of Second Ward.
- Precincts of Third Ward.
- Precincts of Fourth Ward.

Part 2  
General Provisions

ARTICLE III  
Nonpartisan Elections

- § 55-10. Elections to be nonpartisan.

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

**Part 1**  
**Wards And Precincts**

**[Adopted As §§ 6-101 To 6-104 And 6-201 To 6-204 Of The 1963 Code (Ch. 11 Of The 1985 Code)]**

**ARTICLE I**  
**Wards**

**§ 55-1. Division of City into wards.**

The City is hereby divided into four wards with boundaries as provided in this article.

State law reference — Municipal elections, K.S.A.  
§ 25-2101 et seq.

**§ 55-2. First Ward.**

All of the territory within the City limits lying north of the center line of Main Street and east of the center line of the tracks of the Kansas City Division of the M-K&T Railway Company shall constitute the First Ward of the City.

**§ 55-3. Second Ward.**

All of the territory within the limits of the City lying south of the center line of Main Street and east of the center line of the tracks of the Cherokee Division of the M-K&T Railway Company shall constitute the Second Ward of the City.

**§ 55-4. Third Ward.**

All of the territory within the City limits lying south of the center line of Main Street and west of the center line of the tracks of the Cherokee Division of the M-K&T Railway Company shall constitute the Third Ward of the City.

**§ 55-5. Fourth Ward.**

All of the territory within the City limits lying north of the center line of Main Street and west of the center line of the Kansas City Division of the M-K&T Railway Company shall constitute the Fourth Ward of the City.

ARTICLE II  
**Precincts**

**§ 55-6. Precincts of First Ward.**

- A. All of that portion of the First Ward lying north of Main Street and south of Clark Avenue, and also all of that portion of the First Ward lying north of Main and east of Tenth Street, shall be Election Precinct No. One of the First Ward.
- B. All of that portion of the First Ward lying north of Clark Avenue and south of Chess Avenue shall be Election Precinct No. Two of the First Ward.
- C. All of that portion of the First Ward lying north of Chess Avenue and to the north City limits shall be Election Precinct No. Three of the First Ward.

**§ 55-7. Precincts of Second Ward.**

- A. All of that portion of the Second Ward lying south of Main Street and north of Corning Avenue, except that area south of Belmont Avenue extended and north of Corning Avenue between Thirteenth Street and Fourteenth Street, being that area on which is located Garfield School, shall be Election Precinct No. One of the Second Ward.
- B. All of that portion of the Second Ward lying south of Corning Avenue and north of Appleton Avenue and that area located south of Belmont Avenue extended and north of Corning Avenue between Thirteenth Street and Fourteenth Street on which is located Garfield School shall be Election Precinct No. Two of the Second Ward.
- C. All of that portion of the Second Ward lying south of Appleton Avenue and to the south City limits shall be Election Precinct No. Three of the Second Ward.

**§ 55-8. Precincts of Third Ward. [Amended 11-28-1969 by Ord. No. 4144 ]**

- A. All of that portion of the Third Ward lying south of Main Street and north of Corning Avenue, except the area south of Belmont Avenue and north of Corning Avenue between Twenty-Fourth Street and Twenty-Fifth Street, being that area on which is located McKinley School, shall be and is hereby established and declared to be Election Precinct No. One of the Third Ward.
- B. All of that portion of the Third Ward lying south of Corning Avenue and north of Appleton Avenue and that area located south of Belmont Avenue and north of Corning Avenue between Twenty-Fourth Street and Twenty-Fifth Street on which is located McKinley School shall be Election Precinct No. Two of the Third Ward.
- C. All of that portion of the Third Ward lying south of Appleton Avenue and north of Briggs Avenue shall be Election Precinct No. Three of the Third Ward.
- D. All of that portion of the Third Ward lying south of Briggs Avenue and to the south City limits shall be Election Precinct No. Four of the Third Ward.

**§ 55-9. Precincts of Fourth Ward.**

- A. All of that portion of the Fourth Ward lying north of Main Street and south of Crawford Avenue and also all that portion of Fourth Ward lying north of Main Street and west of Thirty-Second Street between Main Street and Crawford Avenue shall be Election Precinct No. One of the Fourth Ward.

- B. All of that portion of the Fourth Ward lying north of Crawford Avenue and south of Dirr Avenue and all that portion of Fourth Ward lying west of Thirty-Second Street between Crawford Avenue and Dirr Avenue shall be Election Precinct No. Two of the Fourth Ward.
- C. All of that portion of the Fourth Ward lying north of Dirr Avenue and to the north City limits and all that portion of Fourth Ward lying west of Thirty-Second Street between Dirr Avenue and the north City limits shall be Election Precinct No. Three of the Fourth Ward.



**Part 2**  
**General Provisions**  
**[Adopted 6-20-2016 By Ord. No. 6365 ]**

ARTICLE III  
**Nonpartisan Elections**

**§ 55-10. Elections to be nonpartisan.**

City elections shall be nonpartisan. Laws applicable to the elections occurring at the same time as City elections shall apply to City elections to the extent that the same are not in conflict with the provisions of Article 21 of Chapter 25 of the Kansas Statutes Annotated.



**Chapter 67****FINANCE**

**§ 67-1. Use of combination warrant and check.**

**§ 67-2. Investment of idle funds.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as § 1-110 of the 1963 Code (Ch. 2, Art. V of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Funds — See Ch. 75.**

**Fixed asset records and accountings — See Ch. A600, Charter Ord. No. 20.**

**Borrowing money and issuing bonds — See Ch. A600, Charter Ord. No. 18.**

**Bidding for public improvements — See Ch. A600, Charter Ord. No. 32.**

**§ 67-1. Use of combination warrant and check.**

The governing body may use a combination warrant and check as provided by K.S.A. § 10-801 upon which both a warrant and check are included, said combination warrant and check to be issued by the Director of Finance and countersigned by the City Manager and the City Treasurer.<sup>19</sup>

**§ 67-2. Investment of idle funds. [Added 3-15-1971 by Ord. No. 4208 ]**

**A. Temporary investment.**

- (1) Temporarily idle moneys of the City, not currently needed, may, in accordance with the procedure hereafter prescribed, be invested in:
  - (a) Direct obligations of the United States government which mature within one year from date of purchase and which are guaranteed as to principal by the United States government;
  - (b) Temporary notes of the City issued pursuant to K.S.A. § 10-123 as amended;
  - (c) Interest-bearing certificates of deposit of banks located in the City;
  - (d) Insured savings and loan association accounts;
  - (e) No-fund warrants of the City; or
  - (f) General obligation bonds of the City.
- (2) No funds shall be invested hereunder the investment of which is expressly limited by state law,

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**19. Editor's Note: Original § 2-72, Purchase of equipment, which immediately followed this section and was added 12-4-1975 by Ord. No. 4474, was repealed 1-16-1989 by Ord. No. 5497.**

and at all times an amount of cash equal to the subsequent thirty-day period operating requirements of the City shall remain uninvested in the depository bank of the City.

- B. The City Manager 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 and shall submit such recommendations as deemed necessary for the efficient and safe management of City finances. The recommendations of the City Manager shall provide for an investment program which shall so limit the amounts invested and schedule the maturities of investments so that the City will at all times have sufficient moneys available on demand deposit to assure prompt payment of all City obligations.
- C. Securities purchased pursuant to this section shall be under the joint care of the City Clerk, City Treasurer and City Manager and shall be held in the custody of a state or national bank or trust company or shall be kept by such officers in a safety deposit box of the City in a bank or trust company. Securities in original or receipt form held in the custody of a bank or trust company shall be held in the name of the City, and their redemption, transfer or withdrawal shall be permitted only upon the written instruction of at least two of such City officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officers 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 at least two of such officers.
- D. If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in Subsection B, it becomes necessary to transfer or sell any securities of such funds, any two or more of the officers specified in Subsection C may transfer the securities to any other 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 directions, endorsements or assignments for and on behalf of the City. Any such transfers or sales shall be reported in writing to the governing body at its next regular meeting.
- E. The interest or other earnings from investments made pursuant to this section shall be credited pro rata to the funds from which the investments were made and shall be used, insofar as possible, to relieve the ad valorem tax levies of the City. The City Clerk shall maintain a complete and detailed record at all times of all investments made pursuant to this section.

FIREFIGHTERS' RELIEF ASSOCIATION

**Chapter 71**

**FIREFIGHTERS' RELIEF ASSOCIATION**

**§ 71-1. Treasurer.**

**§ 71-2. Investment and use of funds.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 7-402 and 7-403 of the 1963 Code (Ch. 12, Art. III of the 1985 Code). Amendments noted where applicable.]**

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**§ 71-1. Treasurer.**

- A. The Treasurer of the Firefighters' Relief Association<sup>20</sup> shall receive from the State Commissioner of Insurance all money belonging to the Firefighters' Relief Fund of the Firefighters' Relief Association of the City and other money collected and shall deposit the same to the credit of the Parsons Firefighters' Relief Fund.
- B. Such Treasurer shall give bond for the safekeeping of such funds and for faithful performance in such sum with such sureties as may be approved by the governing body.

**§ 71-2. Investment and use of funds.**

Funds of the Firefighters' Relief Association of the City shall be used and invested only for the purposes and in the manner provided in Kansas Statutes Annotated Chapter 40, Article 17, as amended.

State law references — Firefighters Relief Act, K.S.A. § 40-1701 et seq.; investment of funds, K.S.A. §§ 40-1706 and 40-1707.

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20. Editor's Note: Throughout this chapter, references to the "Firemen's Relief Association" and "Firemen's Relief Fund" were amended to "Firefighters' Relief Association" and "Firefighters' Relief Fund," respectively, at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

PARSONS CODE

Chapter 75

FUNDS

ARTICLE I		§ 75-6.	Policy objective.
Capital Improvements Fund		§ 75-7.	Implementation.
		§ 75-8.	Investments.
§ 75-1.	Establishment.		
§ 75-2.	Disbursements.		
§ 75-3.	Budgeting.		
§ 75-4.	Transfer of funds.		
ARTICLE II		§ 75-9.	Establishment; purpose.
Equipment Reserve Fund		§ 75-10.	Benefits authorized for payment.
§ 75-5.	Establishment.		

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Finance — See Ch. 67.	Insurance Proceeds Fund — See Ch. 363.
Firefighters' Relief Fund — See Ch. 71.	Stormwater Utility Fund — See Ch. 517.
Lot Owners' Endowment Fund — See Ch. 246.	

ARTICLE I  
**Capital Improvements Fund**  
**[Adopted 7-21-1986 by Ord. No. 5410 ]**

**§ 75-1. Establishment.**

There is hereby established a Capital Improvements Fund for the City of Parsons, Kansas, as authorized under the provisions of Chapter 67 of the 1985 Session Laws of Kansas.<sup>21</sup>

**§ 75-2. Disbursements.**

Moneys in such Capital Improvements Fund may be used to finance, in whole or in part, any public improvement need set forth in the adopted capital improvement plan, including the repair, restoration and rehabilitation of existing public facilities. Disbursements may also be made for engineering and other advance public improvement plans, and studies and reimbursements may be made to the fund from bond proceeds, special assessments or state or federal aid available for the completed project.

**§ 75-3. Budgeting.**

Funds credited to this fund shall be budgeted annually in other funds and shall not be subject to the provisions of K.S.A. §§ 79-2925 to 79-2927, inclusive, and amendments thereto.

**§ 75-4. Transfer of funds.**

The governing body may, by resolution, transfer any funds not needed in this special fund to the general fund or to the fund from which it was derived, and such transfer and expenditure thereof shall be subject to the budget requirement provisions.

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21. Editor's Note: See K.S.A. § 12-1,118.

ARTICLE II  
**Equipment Reserve Fund**  
**[Adopted 7-21-1986 by Ord. No. 5411 ]**

**§ 75-5. Establishment.**

In accordance with the provisions of Chapter 65, 1985 Session Laws of Kansas,<sup>22</sup> there is hereby established a Municipal Equipment Reserve Fund which shall be used by the City to finance acquisition of equipment necessary for all functions and services of the City. For the purpose of this article, the word "equipment" shall mean machinery, vehicles and other equipment or personal property which has an estimated future purchase or replacement cost in excess of \$5,000 and a life expectancy of not less than three years.

**§ 75-6. Policy objective.**

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

**§ 75-7. Implementation.<sup>23</sup>**

- A. The City Manager shall prepare a plan of operation for the implementation of this article and for the achievement of the policy objectives of the governing body.
- B. Beginning in 1987, the City Manager shall annually submit, at the same time the proposed annual budget is submitted, a proposed equipment acquisition program for each of the following three years. The proposed budget shall include an amount sufficient to finance proposed acquisitions for the following year plus an amount to be reserved as set forth in the annually revised and extended equipment acquisition program.

**§ 75-8. Investments.**

Moneys in the Equipment Reserve Fund shall be invested in accordance with the provisions of K.S.A. § 10-131 and amendments thereto, with interest earnings credited to such fund.

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22. Editor's Note: See K.S.A. § 12-1,117.

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



ARTICLE III  
**Employee Benefits Contribution Fund**  
**[Adopted 6-18-1990 by Ord. No. 5527 ]**

**§ 75-9. Establishment; purpose.**

The City of Parsons, in accordance with the provision of K.S.A. § 12-16,102, as amended, does hereby establish an Employee Benefits Contribution Fund for the purpose of paying the City's share of employee benefits prescribed by § 75-10 of this article.

**§ 75-10. Benefits authorized for payment.**

The cost of employee benefits authorized for payment from the fund created by § 75-9 of this article shall include the following: employers' contributions for social security, workers' compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs.



GOVERNING BODY

Chapter 82

GOVERNING BODY

ARTICLE I		§ 82-6.	Governing body; transition to November elections.
Meetings; President; Commissioner			
Qualifications		§ 82-7.	Offices and elections.
§ 82-1.	Regular meetings.	§ 82-8.	Terms.
§ 82-2.	Special meetings.	§ 82-9.	Vacancies.
§ 82-3.	President.	§ 82-10.	Office and powers of Mayor.
§ 82-4.	Qualifications; residency requirement.	§ 82-11.	Commissioners' duties, powers and qualifications.
		§ 82-12.	City Manager.

ARTICLE II  
Form of Government; Board of Commissioners;  
Mayor; City Manager

§ 82-5. Form of government.

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Elections — See Ch. 55.

Salaries — See Ch. A600, Charter Ord. Nos. 28 and 32.

## ARTICLE I

**Meetings; President; Commissioner Qualifications****[Adopted as § 1-103 of the 1963 Code (Ch. 2, Art. II of the 1985 Code)]**

**§ 82-1. Regular meetings.**<sup>24</sup> [Added 5-2-1983 by Ord. No. 5288 ; amended 7-17-1989 by Ord. No. 5501 ; 7-20-2009 by Ord. No. 6189 ]

The governing body shall meet regularly on the first and third Mondays of each month beginning at 6:00 p.m. in the Commissioners' Room in the Municipal Building.

State law references — Governing body, K.S.A. § 12-1001 et seq.; regular meetings, K.S.A. § 12-1009.<sup>25</sup>

**§ 82-2. Special meetings.** [Added 5-2-1983 by Ord. No. 5288 ]

Special meetings of the governing body may be called as provided by law.

State law reference — Special meetings, K.S.A. § 12-1009.<sup>26</sup>

**§ 82-3. President.**

The governing body shall annually choose a President, who in the absence of the Mayor from any meeting of the governing body shall preside, and who in the absence of the Mayor from the City or his inability to perform any of the duties imposed upon his office shall exercise the duties of the office of Mayor to the end that the City shall have an official head on such occasions.

State law reference — Chairman of Commission as Mayor, K.S.A. § 12-1007.<sup>27</sup>

**§ 82-4. Qualifications; residency requirement.** [Added 5-3-2005 by Ord. No. 6040 ]

Each City Commissioner shall be a citizen of the United States and a qualified elector of Parsons, Kansas, and must reside within the City limits at the time of filing for election and thereafter for the duration of his or her term.

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24. Editor's Note: See also Charter Ordinance No. 1 in Ch. A600 of this Code.

25. Editor's Note: K.S.A. §§ 12-1001 to 12-1015 were repealed by Laws 2015, Ch. 88, § 74, effective 7-1-2015.

26. Editor's Note: K.S.A. §§ 12-1001 to 12-1015 were repealed by Laws 2015, Ch. 88, § 74, effective 7-1-2015.

27. Editor's Note: K.S.A. §§ 12-1001 to 12-1015 were repealed by Laws 2015, Ch. 88, § 74, effective 7-1-2015.

## ARTICLE II

**Form of Government; Board of Commissioners; Mayor; City Manager****[Adopted 2-1-2016 by Ord. No. 6357 ]****§ 82-5. Form of government.**

The City of Parsons, Kansas, continues to operate under the Commission-Manager form of government, as codified in L. 2015, Ch. 88, §§ 10 through 12,<sup>28</sup> and pursuant to all existing ordinances and charter ordinances relating to its form of government.

**§ 82-6. Governing body; transition to November elections.**

Those governing body positions with terms that would have expired in April 2017 shall expire on the second Monday in January of 2018, when the City officials elected in the November 2017 general election take office. Those governing body positions with terms that would have expired in April 2019 shall expire on the second Monday in January of 2020, when the City officials elected in the November 2019 general election take office.

**§ 82-7. Offices and elections.**

- A. The governing body shall consist of a board of five Commissioners to be elected to terms as set forth herein. The Commissioners shall be residents and qualified electors of the City of Parsons, Kansas.
- B. General elections shall take place on the Tuesday succeeding the first Monday in November 2017, and succeeding elections will be held every two years for all such governing body positions whose terms have expired.
- C. In accordance with K.S.A. § 25-205, and amendments thereto, any person may become a candidate for City office elected at large by having had filed on his/her behalf a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by 100 of the qualified electors of the City of Parsons.

**§ 82-8. Terms.**

- A. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. At succeeding regular City elections, there shall be elected two Commissioners for a four-year term and one Commissioner for a two-year term. The candidates receiving the largest and second largest number of votes shall be elected for four-year terms, and the candidate receiving the third largest number of votes shall be elected for a two-year term.
- B. Term of office begins. All terms for City Commissioners elected in the November elections shall begin on the first meeting in the January following said elections. **[Added 11-18-2019 by Ord. No. 6452 ]**

**§ 82-9. Vacancies.**

The laws establishing and relating to the Commission form of government shall govern the filling of vacancies in the governing body of the City of Parsons, Kansas.

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28. Editor's Note: See K.S.A. §§ 12-1039 through 12-1041.

**§ 82-10. Office and powers of Mayor. [Amended 4-17-2017 by Ord. No. 6388 ; 11-18-2019 by Ord. No. 6452 ]**

- A. The Commission shall choose its own Chairman annually and determine its own order of business. The Chairman shall have the title of Mayor during the year and his or her office, to the end that the City shall have an official head on formal occasions.
- B. Beginning in 2020, the Commission shall choose the Mayor at the first regular Commission meeting in January of every year, except that this schedule may be deviated from by a majority vote of the Commission in the event newly elected Commissioners do not take office at the first regular commission meeting in January.

**§ 82-11. Commissioners' duties, powers and qualifications.**

- A. The Commissioners elected under this article shall hold office for the terms for which elected and until their successors are elected and qualified.
- B. No distinction shall be made in title or duties among these Commissioners, except as the board shall organize itself for business. It shall be the duty of the Commission to pass all ordinances needful for the welfare of the City. The Commission shall provide for such offices as shall be necessary to carry out the provisions of this article and determine salaries for the same. It shall appoint a Manager and shall be responsible for the Manager's efficient administration of the City's business.
- C. The Commissioners may call for a special meeting if requested by a majority of the Commission.

**§ 82-12. City Manager.**

- A. The Commission shall appoint a City Manager to be responsible for the administration and affairs of the City. The City Manager shall serve at the pleasure of the governing body. The City Manager shall receive a salary to be fixed by the Commission.
- B. The City Manager shall see that all laws and ordinances are enforced. The City Manager shall appoint and remove all heads of departments and all subordinate officers and employees of the City. All appointments shall be made upon merit and fitness alone. No member of the Commission shall directly interfere with the conduct of any department, except at the express direction of the Commission.



**Chapter 120****OFFICERS AND EMPLOYEES**

<b>§ 120-1.</b>	<b>Bonds.</b>	<b>§ 120-6.</b>	<b>Deferred Compensation Plan.</b>
<b>§ 120-2.</b>	<b>Residency requirements.</b>	<b>§ 120-7.</b>	<b>Authority of Manager to create</b>
<b>§ 120-3.</b>	<b>Social security.</b>		<b>departments and assign</b>
<b>§ 120-4.</b>	<b>Functions generally.</b>		<b>directors.</b>
<b>§ 120-5.</b>	<b>Duties of City Treasurer.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 1-307, 1-501, 1-1001 and 1-1002 of the 1963 Code (Ch. 2, Art. III of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Boards, commissions and committees — See Ch. 20.**

**Governing body — See Ch. 82.**

**Elections — See Ch. 55.**

**§ 120-1. Bonds. [Amended 3-2-1987 by Ord. No. 5434 ]**

The following City officers shall, before entering upon the duties of their respective offices, give a good and sufficient surety company bond to the City, approved by their respective governing body, conditioned upon their faithful performance and discharge of their respective duties as required of them by law and ordinance, in the following amounts:

A. City Treasurer: \$250,000.

State law references — Manager to give bond, K.S.A. § 12-1013; bond of treasurer, K.S.A. § 13-526a.

**§ 120-2. Residency requirements. [Added 2-22-1983 by Ord. No. 5283 ]**

The officers and employees of the Police Department and Fire Department, and all officers and employees who have a responsibility to be subject to service during emergencies, shall reside in the area specified in a map known as the "Employee Residency Boundary Map" as established by the City Manager.<sup>29</sup>

**§ 120-3. Social security.**

The City hereby extends the benefits of Title II of the Federal Social Security Act in conformity with law, in accordance with and under the terms of the plan agreed to by the governing body on May 28, 1951, and the officers and employees of the City shall comply with and perform all the requirements of the plan.

**29. Editor's Note: Original § 2-33, Employee benefits contribution fund, which immediately followed this section and was added 4-19-1982 by Ord. No. 5257, was repealed 6-18-1990 by Ord. No. 5527. See now Ch. 75, Funds, Art. III, Employee Benefits Contribution Fund.**



State law reference — Authority to provide social security coverage for employees, K.S.A. § 13-1497a.

**§ 120-4. Functions generally.**

All appointed officers and employees of the City shall have such functions as may be provided for by law, ordinance or the City Manager.

**§ 120-5. Duties of City Treasurer.**

It shall be the duty of the City Treasurer to receive and keep all money belonging to the City and to pay out the same on combination warrants and checks issued as provided by § 67-1 of this Code. All money belonging to the City and received by any officer or agent thereof from collections, fines or any other source whatsoever shall be deposited with the City Treasurer daily. The City Treasurer shall make deposits daily of all such sums received by him as such Treasurer. The City Treasurer shall also keep a separate account of each fund and shall credit each account with the funds received therefor and charge each account with the amount legally paid out therefrom, and no money shall be paid out of any one fund for any object or purpose other than that for which the fund was created. He shall also cause to be published quarterly statements as required by K.S.A. § 12-1608. He shall have such other duties as may be required by the laws of the state and the ordinances of the City or as directed by the City Manager.

**§ 120-6. Deferred Compensation Plan. [Added 2-19-1990 by Ord. No. 5517 ]**

- A. To enable the City of Parsons to attract and retain in its employment persons of competence and to provide a means for supplementing the retirement benefits of City employees, the City of Parsons hereby elects to join and participate in the Kansas Public Employees Deferred Compensation Plan, as authorized by K.S.A. §§ 75-5529a and 75-5529b.
- B. There is hereby established a City Deferred Compensation Committee, which shall consist of a minimum of three officers and employees of the City. The City Manager shall be a member and Chairperson of the Committee. The City Clerk or Finance Director shall be a member and Secretary of the Committee. The remaining member(s) shall be appointed by the Mayor and shall serve until replaced by a new appointee.
- C. The City Clerk is hereby charged with the duties of serving as local administrator of the plan and shall provide forms to all City employees to specify the amount of any compensation voluntarily deferred, make appropriate reduction from the gross compensation of such employees, transfer to the Aetna Company the amount so deferred in accordance with the conditions established under the Plan Joinder Agreement, and serve as Secretary of the Deferred Compensation Committee established in Subsection B.
- D. The City of Parsons, being authorized to become a joint contract owner with the State of Kansas of the group annuity contract issued by Aetna Life Insurance and Annuity Company, in conjunction with the Kansas Public Employees Deferred Compensation Plan, hereby authorizes and approves execution of a Plan Joinder Agreement and a Contract Joinder Agreement to implement a Deferred Compensation Plan. Such agreements shall be signed by the Mayor.
- E. The City Clerk shall periodically cause an accounting to be made to each employee participating in the City's Deferred Compensation Plan of the amount contributed and such other information as may be required by the Committee. The City shall not be responsible for any loss incurred by an employee under the City's Deferred Compensation Plan adopted and approved by this section.

**§ 120-7. Authority of Manager to create departments and assign directors.<sup>30</sup>**

The City Manager shall create departments and assign directors for the purpose of the administration of the affairs of the City. Said directors shall have such powers and duties as provided by law or ordinance or as directed by the City Manager.

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**30. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

RECORDS

Chapter 138

RECORDS

ARTICLE I		§ 138-6.	Duties of custodians.
Public Access to Records		§ 138-7.	Requests to be directed to custodians.
§ 138-1.	Inspection and copying of open public records.	§ 138-8.	Fee administration.
§ 138-2.	Requests for inspection of records.	ARTICLE III	
§ 138-3.	Requests for copies of records.	Inspection and Copying Fees	
ARTICLE II		§ 138-9.	Statement of purpose.
Custodians		§ 138-10.	Inspection fee.
		§ 138-11.	Copying fee.
§ 138-4.	Appointment of official custodians.	§ 138-12.	Prepayment of fees.
		§ 138-13.	Payment.
§ 138-5.	Designation of additional record custodians.		

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

ARTICLE I  
**Public Access to Records**  
**[Adopted 11-6-1990 by Ord. No. 5541 ]**

**§ 138-1. Inspection and copying of open public records.**

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

- A. Consistent with the policy, duties and procedures established by the State of Kansas in K.S.A. §§ 45-215 to 45-223, all City record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.
- B. Record custodians shall adopt and apply open public record access and copy procedures consistent with the policies of the City and with the provisions of the Open Records Act. Specifically, such procedures will inform members of the public of the procedures to be followed in making a request for inspection or a copy of an open public record, including the hours during which record inspection or copy requests may be made, who a request is to be made to, the forms to be completed in making a request and the schedule of fees charged.
- C. Record custodians shall adopt and apply procedures which will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.
- D. Record custodians shall take necessary measures, not inconsistent with their duties, to provide full public access to open public records and to ensure that the essential functions of the custodian's office, department or agency are not disrupted by requests for record inspection and copying.
- E. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records.
- F. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution.
- G. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record.
- H. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian.
- I. The record custodian shall notify the record requester, prior to commencing search of the record or copies thereof, of his or her estimate of the fee which will be made for honoring the request whenever such estimate exceeds \$20.
- J. The record custodian shall demand full or partial prepayment of fees whenever his or her estimate for such fees exceeds \$50. Prepayment may or may not be required of a requester who maintains an account in good standing with the City for purposes of payment of record fees.
- K. The record custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests through the mail service.
- L. The record custodian may exercise his or her discretion to reduce or waive any inspection or copying

fees when such is in the public interest.

- M. No record inspection or copying charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties.
- N. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours. If an office keeping or maintaining public records does not have regular office hours Monday through Friday, the official custodian for such office shall establish hours for each such day when no regular office hours are kept at which time members of the public may make requests for record inspection or copies of records.
- O. Removal of open public records from the office where kept and maintained for purposes of inspection and/or the making of copies shall be permitted only with the written permission of the record custodian. It shall be unlawful for any person to fail to return such records at the time and place where such return has been promised. Violation of this subsection shall be a Class C misdemeanor subject, upon conviction, to a penalty as provided in § 1-2 of this Code.<sup>31</sup>
- P. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

### **§ 138-2. Requests for inspection of records.**

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

- A. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.
- B. All request forms must be completed by the party requesting the record. In all cases the party so requesting must be an individual person or persons. Written requests shall be made on the form provided by the record custodian and presented to the record custodian.
- C. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification.
- D. In cases where a request for a specific record gives the record custodian reason to believe that the record contains information of a personal nature which if disclosed would constitute an unwarranted invasion of personal privacy, the record custodian shall inform the requester that a seventy-two-hour waiting period must run before such record may be inspected. During that seventy-two-hour period, the record custodian shall make every reasonable effort to determine the identity of those persons whose privacy interest may be so affected by disclosure. The record custodian shall attempt to contact such persons and ascertain whether they, or any of them, will seek a court order challenging disclosure. If so, the record custodian shall deny inspection pending the outcome of litigation or an intervening court order.
- E. No inspection fee shall be charged the requester if the actual cost of locating the records pursuant to one request is less than \$5 or, in the case of multiple requests brought by the same person or on behalf of the same person, where the actual cost of locating the records pursuant to requests made over a twenty-four-hour period is less than \$5.

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31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. No inspection fee will be assessed when a denial of a request is made. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the City Attorney.

**§ 138-3. Requests for copies of records.**

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

- A. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records.
- B. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must be an individual person or persons. Written requests shall be made on the form provided by the record custodian.
- C. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record.
- D. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.
- E. No copying fee will be assessed when a denial of a request is made. The record custodian shall, upon making a denial of a copying request, forward a copy of the denial to the City Attorney.

## ARTICLE II

**Custodians****[Adopted 11-6-1990 by Ord. No. 5542 ]****§ 138-4. Appointment of official custodians.**

The following City officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act, K.S.A. §§ 45-215 to 45-223, and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- A. City Clerk. All public records kept and maintained in the City Clerk's office and all other public records not provided for elsewhere in this section.
- B. City Treasurer. All public records not on file in the office of the City Clerk and kept and maintained in the City Treasurer's office.
- C. City Engineer. All public records not on file in the office of the City Clerk and kept and maintained in the City Engineering Department.
- D. 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.
- E. Fire Chief. All public records not on file in the office of the City Clerk and kept and maintained in the City Fire Department.
- F. 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.
- G. Director of Public Works. All public records not on file in the office of the City Clerk and kept and maintained in the Public Works Department.
- H. Clerk of the Municipal Court. All public records not on file in the office of the City Clerk and kept and maintained in the Municipal Court.
- I. City Librarian. All public records not on file in the office of the City Clerk and kept and maintained in the City Library.

**§ 138-5. Designation of additional record custodians.**

- A. Each of the official custodians appointed in § 138-4 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 (K.S.A. §§ 45-215 to 45-223).
- B. Whenever an official custodian shall appoint another person as 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.

**§ 138-6. 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; ensure efficient and timely action and response to all applications for inspection of public records; and carry out the procedures adopted by this City for inspecting and copying open public records.

**§ 138-7. Requests to be directed to custodians.**

- A. All members of the public, in 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 for 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.

**§ 138-8. Fee administration.<sup>32</sup>**

The City Clerk is hereby authorized to provide the Clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the City Treasurer whenever the amount accumulated exceeds \$10, but not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of the fee charged and collected, which amounts shall be periodically audited by the Treasurer of the City.

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32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



ARTICLE III  
**Inspection and Copying Fees**  
**[Adopted 11-6-1990 by Ord. No. 5543 ]**

**§ 138-9. Statement of purpose.**

It is the purpose of this article to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the governing body such changes in this article as may be necessary to secure this purpose.

**§ 138-10. Inspection fee.**

- A. Where 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 requester.
- B. In all cases not covered by Subsection A of this section, a record inspection fee shall be charged at the rate of \$15 per hour per employee engaged in the record search. A minimum charge of \$5 shall be charged for each such request.

**§ 138-11. Copying fee.**

- A. A fee of \$0.25 per page shall be charged for photocopying public records, such fee to cover the cost of labor, materials and equipment.
- B. For copying any public records which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

**§ 138-12. 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 fulfilling the record request. Any overage or underage in the 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 \$50.
- C. Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

**§ 138-13. Payment.**

All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the City. All fees received shall be paid to the City Treasurer whenever the amount of fees collected totals \$10, but not less than monthly.



**Chapter 175****ADULT BUSINESS ESTABLISHMENTS**

<b>§ 175-1.</b>	<b>Definitions.</b>	<b>§ 175-5.</b>	<b>Renewal of license or permit.</b>
<b>§ 175-2.</b>	<b>General regulations and requirements.</b>	<b>§ 175-6.</b>	<b>Operator responsibilities.</b>
<b>§ 175-3.</b>	<b>License and permit requirements.</b>	<b>§ 175-7.</b>	<b>Inspections; right of entry.</b>
<b>§ 175-4.</b>	<b>Transfer of license or permit.</b>	<b>§ 175-8.</b>	<b>Location and distance requirements.</b>
		<b>§ 175-9.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 9-7-2004 by Ord. No. 6017 . Amendments noted where applicable.]**

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**§ 175-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADULT** — A person who has attained the age of 18 years.

**ADULT BUSINESS ESTABLISHMENT** — Any establishment having as a material portion of its business the offering of entertainment, services, stock-in-trade or materials, scenes or other representations predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature, including but not limited to depiction or description of specified sexual activities or specified anatomical areas (separately defined). The definition of "adult business establishment" also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:

- A. **ADULT ARCADE** — Any business establishment or concern to which the public is permitted or invited and where coin- or slug-operated or electronically, electrically, or mechanically controlled amusement devices, still- or motion-picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed relate to specified sexual activities or exhibition of specified anatomical areas.
- B. **ADULT ENCOUNTER PARLOR** — An establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate, or consort with employees, performers, and/or other customers or private contractors who display specified anatomical areas in the presence of such customers, with the intent of providing sexual arousal or excitement to such customers.
- C. **ADULT ENTERTAINMENT CABARET** — An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female, impersonators, or live performances or materials which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or customer.
- D. **ADULT ENTERTAINMENT STUDIO** (includes the term "rap studio," "exotic dance studio," "sensitivity studio" or "encounter studio") — An establishment whose premises is physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of

the premises and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

- E. ADULT MEDIA OUTLET — See below.
- F. ADULT MOTEL — An enterprise where a regular and substantial portion of its business is offering public accommodations for the purpose of viewing closed-circuit television transmissions, films, movies, motion pictures, videocassettes, videotapes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas and which rents room accommodations for less than six hours at a time.
- G. ADULT MOTION-PICTURE THEATER — An enclosed building used for presenting or showing, for money consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (separately defined) for observation by customers therein.
- H. ADULT NEWSRACK — Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- I. ADULT RETAIL ESTABLISHMENT — A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an adult media outlet as defined in this section, if a substantial or significant portion of such items is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the presumptions relative to what constitutes a "substantial or significant" portion of business set forth in the definition of "adult media outlet" shall apply here.
  - (1) In determining whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:
    - (a) Expert testimony as to the principal use of the item.
    - (b) Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business.
    - (c) National and local advertising concerning the use of the item.
    - (d) Evidence of advertising concerning the nature of the business establishment.
    - (e) Instructions, graphics or other material contained on the item itself or on the packaging materials for the item.
    - (f) The physical or structural characteristics of the item.
    - (g) The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.
  - (2) Any person may request an interpretive ruling from the Police Chief, or his designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with specified sexual activities. An application for an interpretive ruling shall be

made in writing on a form provided by the Police Chief and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Police Chief shall issue a written interpretive ruling within 10 business days following submission of a completed application. The decision of the Police Chief may be appealed to the governing body within 15 days following the interpretive ruling by submitting a written notice of appeal to the City Clerk.

- J. **ADULT THEATER** — An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by customers.
- K. **BATHHOUSE** — An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.
- L. **BODY PAINTING STUDIO** — An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique, or process when the subject's body displays for the customer's view specified anatomical areas.
- M. **ESCORT BUREAU** — Any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts or persons who, for hire or reward, accompany others to or about social affairs, entertainment or places of amusement or who consort with others, for hire or reward, about any place of public resort or within any private quarters.

**ADULT ENTERTAINMENT** — Any exhibition, dance, pantomime, modeling or other performance predominantly distinguished by or characterized by emphasis on depiction or description of an erotic nature, including but not limited to depiction or description of specified sexual activities or specified anatomical areas (separately defined).

**ADULT MEDIA** — Magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (separately defined).

**ADULT MEDIA OUTLET** — An establishment that rents, sells or offers for viewing or other use any adult media and which meets at least one of the following tests. For purposes of this definition, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of such items if any one or more of the following criteria are satisfied:

- A. More than 30% of the floor area is devoted to adult media (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public);
- B. More than 30% of the gross sales (including rentals) result from the sale or rental of adult media;
- C. Thirty percent or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
- D. Thirty percent or more of all inventory consists of adult media at any time;
- E. Thirty percent or more of the merchandise displayed for sale consists of adult media; or
- F. Thirty percent or more of the stock-in-trade consists of such items at any time.

**CUSTOMER** — Any person who:

- A. Is allowed to enter an adult business establishment in return for the payment of an admission fee or any other form of consideration or gratuity;
- B. Enters an adult business establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- C. Is a member of or on the premises of an adult business establishment operating as a private club.

DAY-CARE FACILITY — Any establishment that provides, on a regular basis, supervision, protection, and care for individuals away from their primary residences for less than 24 hours per day.

EMPLOYEE — Any person who renders any service whatsoever to the customers of an adult business establishment or who works in or about an adult business establishment and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. "Employee" includes, but is not limited to, managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult business establishment.

ENTERTAINER — Any person who provides adult entertainment within an adult business establishment, whether or not a fee is charged or accepted for the entertainment.

EROTIC — Devoted to or tending to arouse or excite sexual desires.

FOOTCANDLE — A unit of illumination lighting a surface on which there is uniformly distributed a light flux of one lumen over an area of one square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One candela directed perpendicular to a surface one foot away generates one footcandle of light. A light source of one candela emits a total of 12.57 lumens. For the purposes of this chapter, the lumen output values shall be the initial lumen output ratings of a lamp.

MANAGER — Any person who manages, directs, administers, or is in charge of the affairs of or conduct of any portion of any activity of any adult business.

NUDITY — Exposing any of the human male or female genitals, pubic hair, pubic area, anal cleft or cleavage of the buttocks, the female vulva, or the nipple of the female breast with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state.

OPERATOR — Any person, partnership or corporation operating, conducting or maintaining an adult business establishment.

PARK — Any public or private land designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar land.

RELIGIOUS INSTITUTION — A structure or site such as a church, synagogue, chapel, sanctuary, or cathedral used primarily for religious activity or worship and related religious activities.

RESIDENTIAL ZONE — Any property within the City which is designated as a residential district pursuant to the City Zoning Regulations, as may be amended from time to time, including any property in the City which is zoned A-1 (Agricultural), R (Single-Family Residential), R-1 (Single-Family Residential District), R-2 (Two-Family Residential), R-3 (Multiple-Family Residential), MH-1 (Manufactured Home Subdivision), and MH-2 (Manufactured/Mobile Home Park).<sup>33</sup>

SCHOOL — Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Kansas Board of Regents or which is maintained pursuant to

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33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

standards set by the Kansas Board of Regents. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school, and senior high school.

**SPECIFIED ANATOMICAL AREAS —** These include:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES —** These include:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or arousal;
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- D. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain;
- E. Human excretion, urination, menstruation, or vaginal or anal irrigation; and/or
- F. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**§ 175-2. General regulations and requirements.**

- A. Age restriction. No person under the age of 18 shall be employed in or around an adult business establishment. No person under the age of 18 shall be permitted to enter or remain in an adult business establishment.
- B. Hours of operation. It shall be unlawful for any adult business establishment to be conducted, operated or otherwise open to the public, customers or members between the hours of 12:00 midnight and 11:00 a.m. No adult business establishment shall be open on any Sunday.
- C. Exterior display. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside, and all exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.
- D. Nudity prohibited. No manager, employee, server, entertainer or patron in an adult business establishment other than a licensed bathhouse shall be nude.
- E. Sale or consumption of alcohol prohibited. No alcoholic liquor or cereal malt beverage shall be sold or consumed on the premises of an adult business establishment.
- F. Protective barrier required. Any adult business establishment engaging in the display or performance of live models, dancers, entertainers or other performers in an erotic manner, or which is otherwise intended to provide sexual stimulation or to appeal to arouse or excite the sexual desires or interests of patrons, shall erect a platform at least two feet above the primary level of the customer floor level on which the employee or entertainer must be contained and shall not permit customers within six feet of the employee or entertainer. Further, it shall be unlawful for any customer to be upon any portion of the stage during a performance or for an owner, operator, or manager to permit a customer to be upon any portion of the stage during the performance.

- G. Erotic touching prohibited. No employee, dancer or entertainer of an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals of any person with the intent to arouse or gratify the sexual desires of any other person whether or not such sexual or genital part of such other person is clothed, unclothed, covered or exposed. Likewise, no customer in an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals of any person with the intent to arouse or gratify the sexual desires of any employee, dancer or performer, whether or not such sexual or genital part of such dancer or performer is clothed or unclothed, covered or exposed.
- H. Display or performance. No adult business establishment shall permit any employee, entertainer, model, dancer or other performer to participate in any entertainment, live display or performance which depicts, describes or simulates specified sexual activities or contains any acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- I. Devices. No employee, model, dancer, entertainer or other performer shall wear or use any device or covering exposed to view which simulates any specified anatomical area, nor shall any employee, model, dancer, entertainer or other performer use artificial devices or inanimate objects to depict any of the prohibited activities described in this chapter.
- J. Entertainer payment or gratuity. No model, dancer, entertainer or other performer, while on the premises of an adult business establishment, shall solicit, demand or receive any payment or gratuity from any customer.
- K. Lighting. All adult business establishments shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than two footcandles as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.
- L. Outdoor vending machines prohibited. No coin- or token-operated vending machine which sells adult media may be located in a place open to the public.
- M. Closed booths or rooms prohibited. The premises of all adult business establishments shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms, or stalls is visible from a public common area of the premises.
- (1) Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.
  - (2) The entire body of any viewing person must also be visible from the public, common area, without the assistance of mirrors or other viewing aids.
  - (3) No booth shall be occupied by more than one customer at a time.
  - (4) No holes shall be permitted between booths or individual viewing areas.
- N. Manager on premises.
- (1) A manager shall be on duty at all adult business establishments at all times the premises is open for business. The name of the manager on duty shall be prominently posted during business hours.
  - (2) It shall be the responsibility of the manager to verify that any person who provides adult



entertainment or works as a server within any adult business establishment possess a current and valid permit.

- O. General prohibitions. No owner, operator, manager, or other person in charge of the premises of an adult business establishment shall:
- (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises;
  - (2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
  - (3) Knowingly allow or permit any person under the age of 18 to be in or upon the premises of an adult business establishment;
  - (4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by state law or City ordinance;
  - (5) Knowingly allow or permit a violation of this chapter or any other City ordinance provision or state law; or
  - (6) Knowingly allow any entertainer, employee, manager, or operator to perform any work, service, or entertainment directly related to the operation of an unlicensed adult business.
- P. Facilities necessary. No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the appropriate City official, or his/her authorized representative, reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:
- (1) The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the business operation shall be maintained in a clean and sanitary condition. Towels, linen, and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron. No activity related to an adult business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment which is fitted with a door capable of being locked.
  - (2) Toilet facilities shall be provided in convenient locations. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
  - (3) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary towels.
- Q. The appropriate City official shall certify that the proposed business establishment complies with all of the requirements of this section and shall give or send such certification to the City Clerk; provided, however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of the premises nor to preclude authorized inspection thereof. The appropriate City official may recommend the issuance of a license contingent upon compliance with any requirements in this section.

**§ 175-3. License and permit requirements.****A. Adult business establishment license.**

- (1) License required. No adult business establishment shall operate without having first obtained an annual adult business license from the City Clerk. A separate license shall be required for each and every separate place of business conducted by any one applicant. Such license shall be valid only from January 1 to December 31. Every person licensed as an adult business establishment shall post such license in a conspicuous place and manner on the adult business establishment premises. The failure to post an adult business license in the manner required herein shall be prima facie evidence that an adult business has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager, or owner who performs any business, service, or entertainment in an adult business in which an adult business license is not posted in the manner required herein had knowledge that such business is not licensed.<sup>34</sup>
- (2) License application. When making application to the City for an adult business establishment license, the applicant shall provide the following information which shall be signed by the applicant and notarized and be accompanied by a nonrefundable, nonprorated application fee in the amount of \$200 which shall be in addition to any other applicable tax, license or fee:
  - (a) The name, residence address, home telephone number, date and place of birth and social security number of the applicant and his relationship to the business.
  - (b) The business name, address and telephone number of the establishment and the tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.
  - (c) The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any stockholder, partner, or member who owns more than 25% interest in such entity.
  - (d) The name, address and telephone number of the owner of the property at which the business will be located.
  - (e) A statement from the applicant, and any stockholder, partner, or member who owns more than 25% interest in such entity, that each such person has not been convicted of or released from confinement for conviction of any felony or diverted from prosecution of any felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of or diverted from prosecution on a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses or controlled substance or illegal drugs or narcotics offenses as defined in the Kansas Statutes or City ordinances.
  - (f) If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Kansas Secretary of State.
  - (g) On applications requesting a license to operate a bathhouse or body painting studio, the applicant shall provide for each employee a health certificate from a duly licensed Kansas

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34. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

physician stating that, within 90 days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease as defined herein. This shall be a continuing requirement. For each person who is employed, the above-described health certificate shall be submitted to the City Clerk within 48 hours of the time such person begins employment.

- (h) A statement signed under oath that the applicant has personal knowledge and that the information therein is true and correct and that the applicant has read the provisions of this chapter regulating adult business establishments.

B. Employee permit.

- (1) Permit required. All persons employed in an adult business establishment as a manager or operator or as a model, dancer, entertainer or other performer must annually obtain an adult business employee permit. This permit will be valid from January 1 until December 31.
- (2) Permit application. Any person desiring an adult business employee permit shall provide the following information which shall be signed by the applicant and notarized and be accompanied by a nonrefundable, nonprorated application fee in the amount of \$20, which shall be in addition to any other applicable tax, license or fee:
  - (a) The applicant's name, home address, home telephone number, date of birth, social security number, and any stage names or nicknames used in entertaining or performing.
  - (b) The name and address of each business at which the applicant intends to work as a manager, operator, employee, or dancer, model, entertainer or other performer.
  - (c) A statement from the applicant that he has not been convicted of or released from confinement for conviction of or diverted from prosecution on any felony, whichever event is later, within five years immediately preceding the application or has not been convicted of or diverted from prosecution on a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses or controlled substance or illegal drugs or narcotics offenses as defined in the Kansas Statutes or City ordinances.
  - (d) The applicant shall provide documentation that he/she has attained the age of 18 years.
  - (e) A statement signed under oath that the applicant has personal knowledge and that the information therein is true and correct and that the applicant has read the provisions of this chapter regulating adult business establishments.

- C. Application processing. Upon receipt of an application for an adult business establishment license or adult business employee permit, the City Clerk shall immediately transmit one copy of the application to the Police Chief for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Planning and Zoning Administrator. It shall be the duty of the Police Chief to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements herein for issuance of the license or permit for which the application is made. The Police Chief shall report the results of the investigation to the City Clerk not later than 10 working days from the date the application is received by the City Clerk. It shall be the duty of the Fire Chief or Building Inspector to determine whether

the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Fire Chief or Building Inspector shall report the results of his/her investigation to the City Clerk not later than 10 working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Police Chief and the Fire Chief or Building Inspector, the City Clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with the notification requirements established by law, provided that the application for an adult business establishment license or adult business employee permit shall be approved or disapproved within 30 days from the date the application is received by the City Clerk. The applicant shall be notified in writing of the date when the governing body will consider the application and shall be afforded an opportunity to be heard at that meeting.<sup>35</sup>

- D. Criteria for approval. A license or permit will be issued within 30 days of the date application is made if the City finds that:
- (1) The business for which a license is required will be conducted in a building, structure and location which comply with the requirements and standards of the applicable zoning and building codes of the City, as well as the requirements of this chapter.
  - (2) The applicant has not made any knowingly false, misleading or fraudulent statement of material fact in the application for a license or permit or in any report or record which may be required to be filed with the City Clerk.
  - (3) The applicant and all employees, agents, partners, directors, officers or managers have attained the age of 18 years of age.
  - (4) The applicant or any partner or any stockholder, partner, or member who owns more than 25% interest in such entity has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five years immediately preceding the application or has not been convicted of or diverted from prosecution of a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses or controlled substance or illegal drugs or narcotics offenses as defined in the Kansas Statutes or City ordinances.
- E. Disapproval of application. If an application for a license or permit is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license or permit application may seek judicial review in the Labette County District Court in a manner provided by law. Such appeal shall be filed within 30 days of the final decision of the governing body.<sup>36</sup>
- F. Suspension and revocation of license. Whenever the City has information as set forth in Subsection F(1) to (7), then the City may, upon five days of posting notice on the adult business establishment's principal entrance, suspend the business license for a period not to exceed 60 days. Within 14 days of the date of the notice, the City Commission shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the business and shall be served upon the business in person or by registered or

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35. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

certified mail to the applicant's last known business address. In the event that the City is not able to serve notice upon the business in person and any notice sent by mail is returned by the postal service, the City shall cause such notice to be posted at the principal entrance of the adult business establishment, and such posting shall be a valid means of service. If the City finds and concludes from the evidence that the licensee has violated any of the above provisions, it may suspend, revoke or, in the case of a renewal application, refuse to renew such license. In case of revocation or nonrenewal, no new license shall be issued to such business for a period of six months after the revocation becomes effective. Following the entry of an order by the City Clerk suspending or revoking a license issued pursuant to this chapter, such licensee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed 30 days pending the filing and/or final disposition of proceedings for judicial review.

- (1) The owner or operator of an adult business establishment has violated or knowingly allowed or permitted the violation of any of the provisions of this chapter;
  - (2) There have been recurrent violations of provisions of this chapter that have occurred under such circumstances that the owner or operator of an adult business establishment knew or should have known that such violations were committed;
  - (3) The adult business establishment license was obtained through knowingly false statements in the application for such license or renewal thereof;
  - (4) The adult business establishment knowingly failed to make a complete disclosure of all information in the application for such license or renewal thereof;
  - (5) The owner or operator or any stockholder, partner, or member who owns more than 25% interest in such entity has become disqualified from having a license by a conviction described in this chapter;
  - (6) Any cost or fee required to be paid by this chapter is not paid; or
  - (7) An operator employs an entertainer who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer without a permit.
- G. Suspension and revocation of permit. Whenever the City has information as set forth in Subsection G(1) to (6), then the City may, five days after sending notice to the permittee by placing such notice in the United States mail to the home address provided on the permittee's application, suspend the permit for a period not to exceed 60 days. Within 14 days of the date of the notice, the City Commission shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the permittee and shall be served upon the permittee in person or by registered or certified mail to the address provided on the permittee's application. In the event that the City is not able to serve notice upon the permittee in person and any notice sent by mail is returned by the postal service, service shall still be considered valid. An appeal taken from an order of suspension shall not suspend the order of suspension during the pendency of any such appeal. If the City finds and concludes from the evidence that the permittee has violated any of the above provisions, it may suspend, revoke or, in the case of a renewal application, refuse to renew such permit. In case of revocation or nonrenewal, no new permit shall be issued to such individual for a period of six months after the revocation becomes effective. Following the entry of an order by the City Clerk suspending or revoking a permit issued pursuant to this chapter, such permittee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed 30 days pending the

filing and/or final disposition of proceedings for judicial review.<sup>37</sup>

- (1) The permittee has violated or knowingly allowed or permitted the violation of any of the provisions of this chapter;
  - (2) There have been recurrent violations of provisions of this chapter that have occurred under such circumstances that the permittee knew or should have known that such violations were committed;
  - (3) The adult business employee permit was obtained through knowingly false statements in the application for such permit or renewal thereof;
  - (4) The permittee knowingly failed to make a complete disclosure of all information in the application for such permit or renewal thereof;
  - (5) The permittee has become disqualified from having a permit by a conviction described in Subsection D of this section; or
  - (6) The adult business establishment license for the business in which the permittee is working has been suspended or revoked.
- H. Existing businesses. Any adult business lawfully operating on the date of enactment of this chapter shall have 90 days to apply for a license. All fees required under this section shall not apply for the initial application and renewals thereafter as long as the business has not increased, enlarged, extended or altered from its original use. A license shall not be denied for an adult business lawfully operating at the time of the passing of this chapter for violation of zoning restrictions imposed herein. This is not intended to exempt any said adult business from the zoning rules and regulations existing under the Zoning Regulations of the City of Parsons at the time of the enactment of this chapter.

#### **§ 175-4. Transfer of license or permit.**

- A. Business licenses and employee permits are not transferable, and such authority as a license or permit confers shall be conferred only on the individual or business named therein.
- B. Any applications made, fees paid and licenses or permits obtained under any of the provisions of this chapter shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinance of this City.
- C. All adult business licenses shall be issued only for the one adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

#### **§ 175-5. Renewal of license or permit.**

- A. A license or permit may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses and permits shall expire on December 31 of each calendar year, and renewal applications for such licenses shall be submitted between December 1 and December 31.
- B. Upon timely application and review as provided for a new license or permit, a license or permit issued under the provisions of this chapter shall be renewed by issuance of a new license or permit in the manner provided herein.<sup>38</sup>

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37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. If the application for renewal of a license or permit is not made during the time provided herein, the expiration of such license or permit shall not be affected, and a new application shall be required.
- D. Following the entry of an order by the City Clerk disapproving the renewal application for a license or permit, such licensee, permittee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed 30 days pending the filing and/or final disposition of proceedings for judicial review.<sup>39</sup>

#### **§ 175-6. Operator responsibilities.**

In addition to the other requirements set out in this chapter, the operator of an adult business establishment shall also have the following responsibilities:

- A. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed an act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- B. The operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for the purposes of determining whether the license for the adult business establishment shall be suspended, revoked or renewed.
- C. The operator shall maintain a register of all employees showing the name of and aliases used by the employee, home address, age, birth date, sex, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of one year following termination. The operator shall make the register of employees available immediately upon demand of any law enforcement officer at all reasonable times.

#### **§ 175-7. Inspections; right of entry.**

- A. Any duly authorized officer of the City may, from time to time, make an inspection of each adult business establishment for the purposes of determining that the provisions of this chapter are complied with. Such inspections shall be at reasonable times and in a reasonable manner. It shall be unlawful for anyone to fail to allow such officer immediate access to the premises or to hinder such officer in any manner.
- B. Any business that engages in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an adult business establishment as defined herein. This entry and inspection shall take place during

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38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

39. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

hours when such business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of business.

**§ 175-8. Location and distance requirements.**

- A. Location. Adult business establishments may be located in any property zoned C-4 (Heavy Commercial District), I-1 (Light Industrial District), and I-2 (Heavy Industrial District). No adult business establishment shall be located in any zoning district other than these listed. Location of an adult business establishment shall also be controlled by the distance restrictions listed in this section regardless of zoning and regardless if such business is located in an allowed zone.
- B. Residential. Adult business establishments may not be located within 500 feet of any residentially zoned property.
- C. Schools, parks and religious institutions. No adult business establishment shall be permitted to locate or expand within 500 feet of any private or public school, public park, day-care facility or religious institution or place of worship. Any school, religious institution, or day-care facility located within commercially zoned property pursuant to a special use permit shall not be included as a protected use.
- D. Other adult uses. No adult business establishment shall be permitted to locate or expand within 500 feet of another adult business establishment or adult use.
- E. Facilities with a liquor license. No adult business establishment shall be permitted to locate or expand within 500 feet of any business licensed to sell or serve alcoholic or cereal malt beverages, whether or not such business is also an adult business establishment as defined in this chapter.
- F. Measurement of distance.
  - (1) The distance between any adult business establishment and any religious institution, school, public park or day-care facility or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult business use to the closest property line of the religious institution or place of worship, private or public school, public park, day-care facility or property zoned for residential use.<sup>40</sup>
  - (2) The distance between any two adult business establishments or between any adult business establishment and a business licensed to sell or serve alcoholic or cereal malt beverages shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
- G. Existing businesses. Any adult business lawfully operating on the date of enactment of this chapter that is in violation of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue as long as the business has not increased, enlarged, extended or altered from its original use, except that the use may be changed to a conforming use. This is not intended to exempt any said adult business from the zoning rules and regulations existing under the Zoning Regulations of the City of Parsons at the time of the enactment of this chapter.

**§ 175-9. Violations and penalties.**

- A. Any person who violates the provisions of this chapter shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than \$1 but no more than \$1,000 or by

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40. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).



imprisonment for not more than one year or shall be both so fined and imprisoned. In addition, any violation of this chapter shall be grounds for the City Commission to revoke any or all licenses or permits issued by the City.<sup>41</sup>

- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense for each day of violation.
- C. The conduct of any business within the City in violation of any of the terms of this chapter is hereby found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal, and enjoinder thereof, in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult business establishment and restrain and enjoin any person from conducting, operating, or maintaining an adult business establishment contrary to the provisions of this chapter.

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41. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

PARSONS CODE

**Chapter 181**

**AIRPORT**

**ARTICLE I  
Fixed-Base Operators**

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|-----------------|---|
| <b>§ 181-1.</b> | <b>Definition.</b>  |
| <b>§ 181-2.</b> | <b>Agreements with federal agencies to control; exceptions.</b> |
| <b>§ 181-3.</b> | <b>General requirements.</b>                                    |
| <b>§ 181-4.</b> | <b>Optional activities.</b>                                     |
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**ARTICLE II  
Special Hunting Permits**

- |                  |   |
|------------------|---|
| <b>§ 181-6.</b>  | <b>Permit required.</b>                     |
| <b>§ 181-7.</b>  | <b>Manager authorized to issue permits.</b> |
| <b>§ 181-8.</b>  | <b>Limitations on equipment.</b>            |
| <b>§ 181-9.</b>  | <b>Permit fee.</b>                          |
| <b>§ 181-10.</b> | <b>Administration; restricted zones.</b>    |
| <b>§ 181-11.</b> | <b>Additional restrictions.</b>             |
| <b>§ 181-12.</b> | <b>Violations and penalties.</b>            |

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Fixed-Base Operators****[Adopted 8-19-1968 by Ord. No. 4099 (Ch. 6, Art. II of the 1985 Code)]****§ 181-1. Definition.**

As used in this article the term "fixed-base operator" shall mean a person who engages in one or more of the following activities on the grounds used for, or connected with, the Parsons Tri-City Airport:

- A. Transporting passengers by aircraft, for hire.
- B. Providing flight instruction, for hire.
- C. Renting aircraft.
- D. Renting hangar space for storage of aircraft.
- E. Servicing, repairing, rebuilding or remodeling aircraft for hire.
- F. Selling aviation gasoline or other aviation fluid products.
- G. Selling aircraft, aircraft parts or other accessories.
- H. Engaging in any other commercial activities or services which are connected with, or related to, aviation or any other aeronautical activities.

State law reference — City ordinances applicable to airports outside City limits, K.S.A. § 3-117.

**§ 181-2. Agreements with federal agencies to control; exceptions.**

The provisions of this article and any lease agreement executed subject hereto shall be subordinate to any existing or future agreements by and between the City and the Federal Aviation Administration<sup>42</sup> and any other agency of the United States. No exception shall be made to this article except by express approval of the City.

**§ 181-3. General requirements.**

No person shall carry on one or more activities of a fixed-base operator at the Tri-City Airport grounds unless he:

- A. Executes a lease with the City;
- B. Agrees to pay minimum monthly rent or, in the alternative, a percentage of his gross income, or a combination thereof, in an amount to be determined by agreement with the City;
- C. Agrees to provide sufficient and appropriate liability insurance subject to City approval;
- D. Keeps true and accurate records and books of his operation which shall be available for inspection and examination by the City during ordinary business hours; and

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42. Editor's Note: Throughout this article, references to the "Federal Aviation Agency" were amended to "Federal Aviation Administration" at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Complies with the minimum standards for aviation services, buildings and improvements, hereinafter required of a fixed-base operator, which standards shall include but not be limited to the following:
- (1) Providing for and maintaining an office, lounge, and rest room facilities for the use and convenience of the public.
  - (2) Providing for and maintaining adequate tie-down facilities which can be utilized in such tie-down areas as provided by the City.
  - (3) Rendering, at such days and hours as specified by the City Manager, public information services, receiving and making phone calls, and providing for the public other similar services connected with aviation.
  - (4) Furnishing on the premises aviation maintenance services, including but not limited to the repair and related services for aircraft, aircraft engines, and other associated parts, and including facilities for painting of aircraft, parts and accessories. Any and all work done on aircraft or any parts thereof shall be carried out only by full-time, duly licensed airframe and power plant mechanics.
  - (5) Providing and maintaining ramp and line service during daylight hours every day, including Sundays and holidays.

**§ 181-4. Optional activities.**

- A. Subject to prior approval by the City Manager and the Federal Aviation Administration (FAA) therefor, a fixed-base operator may engage at his option in one or more of the following activities upon compliance with the requirements of this article:
- (1) Operating and conducting a flight school which is approved by the Federal Aviation Administration, provided that at least one full-time chief flight instructor, as designated by the FAA, is in charge of either said flight school or the fixed-base operation.
  - (2) Selling aircraft or aircraft parts, new or used, on his premises.
  - (3) Renting aircraft for private or commercial flight purposes.
  - (4) Operating a charter passenger or freight service from the Tri-City Airport by using aircraft based on the premises.
  - (5) Selling aviation fuel and other aviation products.
- B. The City Manager shall have the power to supervise and control, in a manner consistent with Federal Aviation Administration regulations, every operator in the carrying out of the above-named activities.

**§ 181-5. Buildings and other improvements.**

- A. Any buildings, hangars, structures or other improvements placed on the grounds connected with the Tri-City Airport shall comply with the building, electrical, and zoning ordinances, as well as all other pertinent laws and regulations of the City. Prior to the construction or placing of any building, hangar, structure or other improvement, the plans and specifications for any building, structure or other improvement shall be submitted to and be approved by the City Manager and the Building Inspector or by their authorized agents.
- B. All buildings, hangars, structures or other improvements shall be in compliance with all requirements

and regulations of the Federal Aviation Administration or any other federal agency or board having jurisdiction over the Tri-City Airport.

- C. In the event that any provision of any of the ordinances and the laws or other regulations of the City, as mentioned above, conflicts with any requirements or regulations of either the Federal Aviation Administration or any other agency of the United States, the laws or regulations of the Federal Aviation Administration or any other agency of the United States shall apply and City regulations shall be subordinate thereto.

ARTICLE II  
**Special Hunting Permits**  
**[Adopted 3-4-1985 by Ord. No. 5341 ]**

**§ 181-6. Permit required.<sup>43</sup>**

It shall be unlawful for any person, firm or corporation to engage in hunting on the following described real estate owned by the City of Parsons and known as the "Parsons Tri-City Airport" without first obtaining a proper hunting permit and paying the required fee therefor: Section 23, Township 31S, Range 17E; Northeast 1/4, Section 26, Township 31S, Range 17E, except east 61 acres; and west 60 acres of South 1/2, Southeast 1/4, Section 14, Township 31S, Range 17E. A permit shall be issued only to the holder of a hunting license under K.S.A. § 32-919.

**§ 181-7. Manager authorized to issue permits.**

The City Manager or the City Manager's designee shall be authorized to issue a permit for hunting on the land described in § 181-6 of this article.

**§ 181-8. Limitations on equipment.**

Hunting permitted by a hunting permit shall be limited to the use of a black powder rifle, shotgun, or archery equipment. No other rifles, handguns, or other hunting equipment may be used.

**§ 181-9. Permit fee.**

The fee for the hunting permit shall be \$5 for the first day and \$2 for each day thereafter that the permit is issued. A permit may be issued for each hunting season for a fee of \$20.

**§ 181-10. Administration; restricted zones.**

- A. The City Manager shall be authorized to establish rules and regulations to safely administer permitted hunting on the property described in § 181-6 of this article.
- B. No hunting shall be permitted by any person, firm or corporation, including those granted a permit, in any area that may endanger the safety of the aircraft, passengers or patrons of the Parsons Tri-City Airport. The City Manager, Airport Manager, or any law enforcement officer is hereby authorized to direct any permittee to cease hunting in a particular area of the described property in § 181-6. The City Manager shall designate areas on said property that are no-hunting zones for permittees.

**§ 181-11. Additional restrictions.**

The City Manager, the Airport Manager, or any law enforcement officer is hereby authorized to restrict the number of permittees hunting the airport property on particular days and may totally restrict hunting on any given day or season.

**§ 181-12. Violations and penalties.<sup>44</sup>**

Any person, firm or corporation violating this article shall, upon conviction thereof, be guilty of a Class A

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43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

44. Editor's Note: See § 1-2, General penalty.

misdemeanor and any permit issued hereunder shall be revoked by the City Manager.





**Chapter 185****ALARM SYSTEMS**

<b>§ 185-1.</b>	<b>Definitions.</b>	<b>§ 185-4.</b>	<b>Automatic dialing devices.</b>
<b>§ 185-2.</b>	<b>General regulations.</b>	<b>§ 185-5.</b>	<b>Violations and penalties.</b>
<b>§ 185-3.</b>	<b>False alarm fees.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 2-19-1996 by Ord. No. 5722 .  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

Fire prevention — See Ch. 316.

Noise — See Ch. 436.

**§ 185-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ALARM SYSTEM** — Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police and/or fire personnel would be expected to respond.<sup>45</sup>

**ALARM USER** — The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility who or which purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system and therefore contracts with or hires an alarm business to monitor and/or service the alarm device.

**ANSWERING SERVICE** — A telephone answering business providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communication center of the Parsons, Kansas Police Department.

**AUTOMATIC DIAL PROTECTION DEVICE** — An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion or an emergency message indicating a need for emergency response.

**BURGLARY ALARM SYSTEM** — An alarm system signaling an entry or attempted entry into an area protected by the system.

**CALENDAR YEAR** — Those dates than run from January 1 through December 31 of each year.<sup>46</sup>

**CENTRAL STATION PROTECTIVE SYSTEM** — A system or group of systems operated by a person, firm or corporation in which the operations of electrical protection circuits and devices are transmitted to, recorded in, maintained and supervised from a central station having operators in attendance at all times.

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45. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

46. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

CHIEF OF POLICE — The Chief of Police of the City of Parsons, Kansas, or his or her designee.

CITY — The City of Parsons, Kansas.

COORDINATOR — The individual designated by the Chief of Police to enforce the provisions of this chapter.

FALSE ALARM — An alarm signal eliciting an urgent response by police and/or fire personnel when a situation requiring an urgent response does not, in fact, exist, but does not include an alarm signal caused by violent conditions of nature. A false alarm may be the result of, but not limited to, mechanical or electronic failure, malfunction, improper installation, improper adjustment, accidental tripping, misoperation, misuse, defect or negligence of a person. The burden of proving that such alarm was not a false alarm shall be on the alarm business or alarm user.<sup>47</sup>

LOCAL ALARM SYSTEM — An alarm system which when activated causes an audible and/or visual signaling device to be activated and is intended to be seen and/or heard by others outside of the protected premises.

NOTICE — Written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon completion of personal service or upon placing of the same in the custody of the United States Postal Service.

PRIMARY TRUNKLINE — A telephone line leading into the communications center of the Parsons, Kansas, Police Department that is for the purpose of handling emergency calls on a person-to-person basis and which line is identified by a specific listing among the emergency numbers by the telephone company serving the City.

PROPRIETARY SYSTEM — An alarm system sounding and/or recording alarm and supervisory signals to a control center located within the protected premises, the control center being under the supervision of the proprietor of the premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a police communication system, a central station protective system or answering service, it thereby becomes an alarm system as defined in this section.

RESIDENTIAL EMERGENCY ALARM (also known as "panic alarms") — An alarm system installed or maintained in a residence for the purpose of summoning police assistance to an actual or attempted burglary, robbery or medical emergency requiring an urgent or emergency response by fire, medical or police personnel and equipment.

ROBBERY ALARM SYSTEM — An alarm system signaling a robbery or attempted robbery.

SECONDARY TRUNKLINE — A telephone line leading into the central switchboard of the Parsons, Kansas, Police Department that is identified by a specific listing in the telephone directory for handling administrative and other calls on a person-to-person basis.

## **§ 185-2. General regulations.**

- A. The Chief of Police or his or her designee may require inspection of any or all alarm systems installed within the City.
- B. Local alarm systems installed within 30 days after the effective date of this chapter shall not emit a sound similar to that of an emergency vehicle siren or a civil defense warning system.
- C. Local alarm systems shall be equipped to automatically discontinue emitting an audible sound within

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47. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15 minutes of activation.

- D. Alarm users shall notify the police communications center prior to any service, test, repair, maintenance, adjustment, alteration or installation of a local or police-monitored alarm system which might activate a false alarm. Upon the completion of such service, test, repair, maintenance, adjustment, alteration or installation, the alarm user shall notify the police communications center of such completion.
- E. An alarm business, alarm user, employee of a central station protective system or employee of an answering service charged with the responsibility of relaying a live voice request for police response upon the activation of an alarm system shall give the following information to the police communications center at the time of such request: address of alarmed location; type of alarm that has been activated; name of commercial business or resident; specific location of the building, structure or facility protected by the activated alarm; name of the alarm business making request if applicable; name of person making the request; and a telephone number where the requesting party can be contacted. Unless specifically requested, it is the sole responsibility of the person making such request to notify authorized persons in control of such alarmed building, structure or facility that such alarm has been activated.
- F. The Chief of Police or his or her designee shall be responsible for determining which alarms constitute false alarms as defined by this chapter. A record of all false alarms shall be maintained by the Chief of Police.
- G. At the time of the first false alarm within a calendar year, the Chief of Police or his or her designee will notify the alarm user of the premises where the alarm activated by first-class mail of such occurrence and that additional false alarms during the current calendar year could require the payment of fees as per this chapter.
- H. It is unlawful for any person to activate any burglary, robbery or residential emergency alarm for the purpose of summoning police except in the event of an actual or attempted burglary, robbery or medical emergency or for such persons notifying the police of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system to fail to notify the police communication center of such malfunction.
- I. It shall be unlawful to have or maintain an alarm system on any premises without providing address numbers which are clearly visible from a distance of 100 feet or more. The address numbers shall be posted to the left, right or overhead of the main entrance of the building, structure or facility, and if such building, structure or facility is on a corner lot, address numbers shall face the street named in the official address as designated by the United States Postal Service.
- J. The Chief of Police shall establish, distribute and cause the enforcement of rules and regulations, subject to the provisions of the section, as from time to time he deems it necessary for the implementation of this chapter.

### **§ 185-3. False alarm fees.**

- A. Any alarm system which has recorded more than five false alarms within the calendar year shall be subject to the following fees:
  - (1) The fees for the sixth through the 14th false alarm shall be \$25.
  - (2) The fee for the 15th and all subsequent false alarms shall be \$50.

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- B. The payment of the fees provided for in Subsection A(1) and (2) shall be submitted to the City Clerk's office within 30 days of receiving notice that such fee is due.
- C. Alarm users with newly installed alarm systems shall receive one additional excused false alarm during the first 45 days of use, beginning with the date of activation, for the purpose of adjustments and corrections in the alarm system. Upon request, the alarm user shall provide proof of alarm system acquisition and installation. This one additional excused false alarm shall be in addition to the five nonchargeable false alarms permitted each alarm user during the calendar year.
- D. Any alarm user who has been assessed a fee as provided for in Subsection A herein may appeal such assessment to the Chief of Police or his or her designee by filing a written notice of appeal with the Chief of Police within 10 days of receipt of the notice that such fee is due. The filing of such notice shall stay the effect of such assessment until a hearing is held before the Chief of Police or his or her designee. The Chief of Police or his or her designee shall have the power to uphold or set aside the assessment of such fees. An alarm user found to be in disagreement with the decision of the Chief of Police may appeal the decision to the City Commission.

**§ 185-4. Automatic dialing devices.**

- A. It is unlawful for any person to program an automatic dialing device to select a primary or secondary trunkline.
- B. It is unlawful for an alarm owner or user to fail to disconnect or reprogram any automatic dialing device which is programmed to select a primary or secondary trunkline within 12 hours of receipt of written notice from the Chief of Police that an automatic dialing device is so programmed.

**§ 185-5. Violations and penalties.<sup>48</sup>**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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48. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ALCOHOLIC BEVERAGES

## Chapter 189

## ALCOHOLIC BEVERAGES

	ARTICLE I	§ 189-28.	Term of license; no proration of fee.
	Alcoholic Liquor	§ 189-29.	License not transferable.
§ 189-1.	State license required.	§ 189-30.	Display of license.
§ 189-2.	Occupation tax.	§ 189-31.	Revocation or suspension of license.
§ 189-3.	Location restrictions.		
§ 189-4.	Days and hours of retail sale.		
§ 189-5.	Restrictions on retailers.		ARTICLE III
§ 189-6.	Consumption in public places.		Private Clubs
§ 189-7.	Open saloon.	§ 189-32.	Inapplicability of certain ordinances.
§ 189-8.	Violations and penalties.	§ 189-33.	General regulations.
	ARTICLE II	§ 189-34.	Occupation tax on Class B clubs.
	Cereal Malt Beverages	§ 189-35.	Violations and penalties.
§ 189-9.	Definitions.	§ 189-36.	License required.
§ 189-10.	Hours and days of sale; standards; prohibited acts.	§ 189-37.	Application for and issuance of license.
§ 189-11.	Exits; obstructions to view; lighting.	§ 189-38.	Term of license.
§ 189-12.	Sanitation and inspections.	§ 189-39.	Revocation.
§ 189-13.	Gambling on premises.		
§ 189-14.	Intoxicated persons.		ARTICLE IV
§ 189-15.	Records of special retailers.		Sale and Consumption
§ 189-16.	Samples for testing.	§ 189-40.	Definitions.
§ 189-17.	Curb service.	§ 189-41.	Restriction on location.
§ 189-18.	State license for wholesalers and distributors.	§ 189-42.	Minors on premises.
§ 189-19.	Public possession of open container.	§ 189-43.	Consumption on public property.
§ 189-20.	Restrictions as to brewers, manufacturers, distributors, agents and wholesalers.	§ 189-44.	Violations and penalties.
§ 189-21.	Violations and penalties.		ARTICLE V
§ 189-22.	Retail license required.		Drinking Establishment Licenses
§ 189-23.	Application for license.	§ 189-45.	License required.
§ 189-24.	Persons eligible.	§ 189-46.	Annual license tax.
§ 189-25.	Location restrictions.	§ 189-47.	Application for license; issuance of license.
§ 189-26.	License fees.	§ 189-48.	License period.
§ 189-27.	Issuance of license.	§ 189-49.	Display of license.

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**§ 189-50. State regulations.****ARTICLE VI  
General Regulations**

- § 189-51. License fees; application for and issuance of license; posting of license.**
- § 189-52. Qualifications for issuance of license.**
- § 189-53. Temporary permit.**
- § 189-54. Violations and penalties.**
- § 189-55. Additional licensing requirements.**
- § 189-56. Revocation or suspension of license.**
- § 189-57. Habitual public nuisances.**

**ARTICLE VII  
Common Consumption Area**

- § 189-58. Establishment of Common Consumption Area; Downtown Overlay District.**
- § 189-59. Special event permit required; streets; hours.**
- § 189-60. State permit required.**
- § 189-61. Authorized alcoholic liquor containers.**
- § 189-62. Purchases outside CCA.**
- § 189-63. Purchases within CCA.**
- § 189-64. Inappropriate conduct.**
- § 189-65. Compliance with regulations.**
- § 189-66. Authorization of actions.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 3-101 to 3-113, 3-115 to 3-117, 3-201 to 3-208 and 3-210 to 3-212 of the 1963 Code (Ch. 3 of the 1985 Code). Amendments noted where applicable.]**

ARTICLE I  
**Alcoholic Liquor**

**§ 189-1. State license required.**

Any person who keeps for sale, offers for sale or exposes for sale any alcoholic liquor, as defined by the laws of the state, without first having procured a license to sell the same as provided by such laws, shall be guilty of a misdemeanor and shall, upon conviction for a first offense, be fined a sum not exceeding \$500 and for second and subsequent offenses shall be fined a sum not exceeding \$1,000 or be confined in jail for a period not more than six months, or be both so fined and confined. Each day any person engages in business without a license is in violation of the provisions of this section and shall constitute a separate offense.

State law references — Kansas Liquor Control Act, K.S.A. § 41-101 et seq. Authority of City to enact ordinances regulating alcoholic liquor which do not conflict with state law, K.S.A. § 41-208. State licensing provisions, K.S.A. § 41-301 et seq. Penalty under state law, K.S.A. § 41-901.

**§ 189-2. Occupation tax.**

A. There is hereby imposed upon all holders of licenses for the sale of liquor under the provisions of the Kansas Liquor Control Act an occupation tax in the following amounts:

- (1) For a license to manufacture alcohol and spirits: \$2,500.
- (2) For a license to manufacture beer (regardless of alcoholic content). As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no such basis for comparison exists, the manufacturing licensee shall pay in advance for the first year's operation a fee of \$1,000.

Daily Capacity (barrels)	Tax
1 to 100	\$200
100 to 150	\$400
150 to 200	\$700
200 to 300	\$1,000
300 to 400	\$1,300
400 to 500	\$1,400
500 or more	\$1,600

- (3) For a wine manufacturer's license: \$500.
- (4) For a farm winery license: \$250.<sup>49</sup>

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49. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (5) For a distributor's license for the first and each additional distributing place of business operated in this City by the same licensee and wholesaling and jobbing alcoholic liquors, except beer: \$600.
- (6) For a beer distributor's license for the first and each additional wholesale distributing place of business operated in this City by the same licensee and wholesaling or jobbing beer: \$150.
- (7) For a retailer's license: \$300.
- (8) For a nonbeverage user's license:
  - (a) Class 1: \$10.
  - (b) Class 2: \$50.
  - (c) Class 3: \$100.
  - (d) Class 4: \$200.
  - (e) Class 5: \$500.
- B. Upon the exhibition to the City Clerk of a certified copy of the applicant's license from the State Director of Alcoholic Beverage Control and the payment of the fees set forth in Subsection A, the City Clerk shall issue to the license holder a receipt showing that the occupation tax has been paid and that the payment shall be the payment in full for the term of the license as shown by the certified copy of the license as presented to the City Clerk. The receipt shall show the expiration date of the license and shall recite that the occupation tax or license fee levied by the City has been paid.

State law reference — Local occupation or license tax authorized, K.S.A. § 41-310.

### **§ 189-3. Location restrictions.**

No retailer shall sell any alcoholic liquor on premises, nor shall any activity for which a farm winery license is required be conducted on premises, which:

- A. Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church shall be established within 200 feet of any licensed premises after such premises have been licensed then such premises shall be an eligible location for a license; and
- B. Do not conform to the building or zoning ordinances of the City.

State law reference — Similar provisions, K.S.A. § 41-710.

### **§ 189-4. Days and hours of retail sale. [Amended 9-17-2007 by Ord. No. 6131 ; 3-18-2019 by Ord. No. 6428 ]**

No person shall sell at retail any alcoholic liquor:

- A. On Easter, Thanksgiving Day or Christmas Day; and
- B. Before 12:00 noon or after 8:00 p.m. on Sundays; or before 9:00 a.m. or after 11:00 p.m. on other days.



**§ 189-5. Restrictions on retailers.**

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

- A. Permit any person to mix drinks in or on the licensed premises;
- B. Employ any person under the age of 21 years in connection with the operation of such retail establishment; or
- C. Employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.<sup>50</sup>

State law reference — Similar provisions,  
K.S.A. § 41-713.

**§ 189-6. Consumption in public places. [Amended 2-26-1990 by Ord. No. 5518 ]**

- A. Except as provided in Subsection C, no person shall drink, consume or have in his/her possession an open container of alcoholic beverage upon the public streets, alleys, roads or highways; in beer parlors, taverns, pool halls or places to which the general public has access, whether or not an admission or other fee is charged or collected; or upon property owned by the state or any governmental subdivision thereof, except that open containers located in motor vehicles shall be governed by the Standard Traffic Ordinance as in effect and adopted by the City of Parsons.<sup>51</sup>  
**[Amended 9-17-2007 by Ord. No. 6131 ]**
- B. No person shall drink or consume alcoholic liquor on private property except:
  - (1) On premises where the sale of liquor by the individual drink is authorized by the Club and Drinking Establishment Act;<sup>52</sup>
  - (2) Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. § 41-803 and amendments thereto takes place;
  - (3) In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. § 41-803 and amendments thereto takes place;
  - (4) In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. § 41-803 and amendments thereto takes place; or
  - (5) On the premises of a microbrewery or farm winery, if authorized by K.S.A. § 41-308a or 41-308b and amendments thereto.
- C. No person shall drink or consume alcoholic liquor on public property except:

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50. Editor's Note: Original § 3-21, Transactions involving minors or incompetents, which immediately followed this section, was repealed 11-15-1999 by Ord. No. 5872. Original § 3-22, Transportation in open containers, was repealed 9-17-2007 by Ord. No. 6131.

51. Editor's Note: See Ch. 565, Vehicles and Traffic.

52. Editor's Note: See K.S.A. § 41-2601 et seq.

- (1) On real property leased by the City to others under the provisions of K.S.A. §§ 12-1740 through 12-1749 and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.
  - (2) In any state-owned or -operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.
  - (3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.
  - (4) The Carnegie Arts Center and Arboretum, except that only wine and cereal malt beverages may be served subject to compliance with the Carnegie Arts Center Alcohol Service Policy and Arboretum Alcohol Service Policy as approved by the governing body. **[Added 10-7-2013 by Ord. No. 6296 ]**
- D. Any violation of this section shall be a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 or by imprisonment for not more than six months, or both.

State law reference — Similar provisions,  
K.S.A. § 41-719.

#### **§ 189-7. Open saloon.**

- A. It shall be unlawful for any person to own, maintain, operate or conduct, either directly or indirectly, an open saloon.
- B. As used in this section, "open saloon" means any place, public or private, where alcoholic liquor is sold or offered or kept for sale by the drink or in any quantity of less than 100 milliliters (3.4 fluid ounces) or sold or offered or kept for sale for consumption on the premises where sold, but does not include any premises where the sale of liquor is authorized by the Club and Drinking Establishment Act<sup>53</sup> or, on and after January 1, 1988, any microbrewery or farm winery, if authorized by K.S.A. § 41-308a or 41-308b and amendments thereto. **[Amended 9-17-2007 by Ord. No. 6131 ; 7-20-2009 by Ord. No. 6189 ]**
- C. Any violation of the provisions of this section is a misdemeanor punishable by a fine of not more than \$500 and by imprisonment for not more than 90 days.

State law reference — Similar provisions,  
K.S.A. 41-803.

#### **§ 189-8. Violations and penalties.**

Unless another penalty is specifically provided in this article, any person who shall violate any provision of this article shall, upon conviction thereof, be punished by a fine of not to exceed \$500 or by imprisonment for not to exceed 30 days, or by both such fine and imprisonment.

State law reference — Penalty for violation of state liquor laws, K.S.A. § 41-901.

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53. Editor's Note: See K.S.A. § 41-2601 et seq.

## ARTICLE II

**Cereal Malt Beverages****[Amended 10-17-1968 by Ord. No. 4103 ; 9-5-1974 by Ord. No. 4435 ]****§ 189-9. Definitions.**

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

**CEREAL MALT BEVERAGE** — Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. § 41-2729 and amendments thereto, but does not include any such liquor which is more than 6.0% alcohol by weight.**[Amended 7-20-2009 by Ord. No. 6189 ; 3-18-2019 by Ord. No. 6428 ]**

**GENERAL RETAILER** — A licensee who has a license to make general retail sales of cereal malt beverages.

**LICENSEE** — A person who has a license as required by this article.

**LIMITED RETAILER** — A licensee who has a license to sell only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises.

**PLACE OF BUSINESS** — Any place at which cereal malt beverages are sold.

**SELL AT RETAIL, SALE AT RETAIL and RETAIL SALE** — Refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits. "Sell at retail," "sale at retail" and "retail sale" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.**[Amended 7-20-2009 by Ord. No. 6189 ]**

**SPECIAL RETAILER** — A licensee who has a license to make retail sales of cereal malt beverages for consumption on the premises; provided, however, that over 50% of the licensee's income from the licensed premises is derived from the operation of a cafe or dining room where food for human consumption is prepared, cooked, and sold.

**WHOLESALE or DISTRIBUTOR** — Persons who sell or offer for sale any beverage referred to in this article to persons authorized by this article to sell cereal malt beverages at retail.

State law references — Cereal malt beverages generally, K.S.A. § 41-2701 et seq. Definitions, K.S.A. §§ 41-2701 and 41-102.

**§ 189-10. Hours and days of sale; standards; prohibited acts. [Amended 3-8-1982 by Ord. No. 5251 ; 10-18-1982 by Ord. No. 5268 ; 12-28-1987 by Ord. No. 5468 ; 12-4-1995 by Ord. No. 5714 ]**

- A. No cereal malt beverages may be sold, distributed, served or consumed on the premises between the hours of 12:00 midnight and 6:00 a.m., or on Sunday before 12:00 noon or after 8:00 p.m., or on Easter. **[Amended 9-17-2007 by Ord. No. 6131 ; 6-2-2014 by Ord. No. 6315 ]**
- B. No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club pursuant to the Club and Drinking Establishment Act.<sup>54</sup>

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54. Editor's Note: See K.S.A. § 41-2601 et seq.

- C. Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the Club and Drinking Establishment Act shall be open to law enforcement officers and not to the public.
- D. Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage if: **[Amended 7-20-2009 by Ord. No. 6189 ]**
- (1) The licensee's place of business is licensed only to sell at retail cereal malt beverage in the original package and not for consumption on the premises; or
  - (2) The licensee's place of business is a licensed food service establishment, as defined by K.S.A. § 36-501 and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.
- E. No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the Club and Drinking Establishment Act.
- F. Cereal malt beverages may be sold on premises which are licensed pursuant to both the act contained in Article 27 of Chapter 41 of the Kansas Statutes Annotated and the Club and Drinking Establishment Act at any time when alcoholic liquor is allowed by law to be served on the premises.

State law reference — Similar provisions,  
K.S.A. § 41-2704.

#### **§ 189-11. Exits; obstructions to view; lighting.**

The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked, and there shall be no partitions, curtains, private rooms, closed booths, or other obstructions in the room in which such business is operated that will prevent an unobstructed view of the entire premises in which the customers are received. The premises shall be well lighted during business hours.

#### **§ 189-12. Sanitation and inspections.**

The place of business licensed and operating under this article 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.

State law reference — Authority to so require, K.S.A. § 41-2704(a).

#### **§ 189-13. Gambling on premises. [Amended 12-28-1987 by Ord. No. 5468 ]**

No gambling device and no gambling shall be permitted in any place of business licensed and operating under this article except for legally authorized State Lottery games.

State law reference — Authority to so require, K.S.A. 41-2704(a).

**§ 189-14. Intoxicated persons.**

No cereal malt beverages shall be sold to any intoxicated person, nor shall any intoxicated person be allowed to drink such beverages in any place licensed and operating under this article.

State law reference — Authority to so require, K.S.A. 41-2704(a).

**§ 189-15. Records of special retailers.**

All premises licensed as special retailer shall maintain at all times records and books of account showing the source of income of said place of business. The books and records shall be available for inspection by the police or other City employees authorized by the City Manager to inspect them.

**§ 189-16. Samples for testing.**

Any person engaged in retailing cereal malt beverages under the terms of this article shall, upon demand by the Chief of Police, his agent or any police officer, furnish samples of any cereal malt beverages in his possession for the purpose of testing the alcoholic content thereof.

**§ 189-17. Curb service.**

No person while in or upon a motor vehicle in or about a place of business licensed to sell cereal malt beverages shall be served any cereal malt beverages for consumption therein or thereon, nor shall any person while in or upon a motor vehicle located or situated in or about a place of business licensed to sell cereal malt beverages drink or consume any cereal malt beverages.

**§ 189-18. State license for wholesalers and distributors.**

It shall be unlawful for any wholesaler, distributor, or agent or employee thereof to sell or deliver cereal malt beverages within the City unless such wholesaler or distributor has first obtained a license from the state authorizing such sale.<sup>55</sup>

**§ 189-19. Public possession of open container.**

It shall be unlawful for any person to drink cereal malt beverage or have in his possession an open container of cereal malt beverage on any public street, alley, sidewalk, or place to which the general public has access in the City.

**§ 189-20. Restrictions as to brewers, manufacturers, distributors, agents and wholesalers.**

- A. It shall be unlawful for any individual brewer or group of brewers to sell, deliver or distribute cereal malt beverages or malt products except to a licensed wholesaler or distributor of such.
- B. Except as provided in Subsection C, no manufacturer, distributor, agent or wholesaler shall:
  - (1) Directly or indirectly sell, supply, furnish, give, pay for, loan or lease any furnishings, fixture or equipment on the premises of a place of business of a retailer;
  - (2) Directly or indirectly pay for any retailer's license or advance, furnish, lend or give money for

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55. Editor's Note: Original § 3-51, Transportation in opened containers, which immediately followed this section, was repealed 9-17-2007 by Ord. No. 6131.

- payment of such license;
- (3) Purchase or become the owner of any note, mortgage or other evidence of indebtedness of a retailer or any form of security therefor;
  - (4) Directly or indirectly be interested in the ownership, conduct or operation of the business of any retailer; or
  - (5) Be directly or indirectly interested in or owner, part owner, lessee or lessor of any premises upon which cereal malt beverages are sold at retail.
- C. A distributor, agent or wholesaler may sell tapping and dispensing equipment, as defined by rules and regulations adopted under Article 27 of Chapter 41 of the Kansas Statutes Annotated, at not less than the cost paid for such equipment by the distributor, agent or wholesaler. The terms of any such sale shall comply with the provisions of K.S.A. § 41-2706. Such sales shall not be subject to any repurchase agreement.
- D. No manufacturer, distributor or wholesaler shall, directly or indirectly or through a subsidiary or affiliate, or by any officer, director or firm of such manufacturer, distributor or wholesaler, furnish, give, lend or rent any interior decorations, other than signs, costing in the aggregate more than \$100 in any one calendar year for use in or about or in connection with any one establishment on which products of the manufacturer, distributor or wholesaler are sold.
- E. No person engaged in the business of manufacturing, distributing or wholesaling cereal malt beverages shall, directly or indirectly, pay for or advance, furnish or lend money for the payment of any license for another.
- F. Any licensee who shall permit or assent or be a party in any way to any violation or infringement of the provisions of this section shall be deemed guilty of a misdemeanor.
- G. No wholesaler or distributor shall sell any cereal malt beverage to any person who has not secured a license as provided for in this article, and no wholesaler or distributor shall sell any cereal malt beverage to any retailer located outside the geographic area designated in the wholesaler's or distributor's application for a state license, except that if any wholesaler or distributor shall refuse to sell any cereal malt beverage or provide service in connection with that sale to any retailer located within such wholesaler's or distributor's geographic territory, it shall be lawful for any other wholesaler or distributor to sell any such cereal malt beverage to such retailer.
- H. Except as provided in Subsection I, no individual brewer or group of brewers shall directly or indirectly, or through a subsidiary or affiliate, or by any officer, director or firm of such brewer or group of brewers:
- (1) Furnish, give or lend money for the payment of any license for any wholesaler;
  - (2) Have or own any financial interest directly or indirectly in the ownership, conduct or operation of the business of any wholesaler in the state;
  - (3) Be directly or indirectly interested in or owner, part owner, lessee or lessor of any premises upon which cereal malt beverages are sold at wholesale; or
  - (4) Engage in the wholesale distribution of cereal malt beverages or malt products.
- I. Nothing in this section shall be construed to prohibit any brewer from making sale and deliveries of cereal malt beverages or malt products to licensed wholesalers, or to a branch, subsidiary or affiliate

located in the State of Kansas, from which, on or before January 14, 1947, the brewer had been dispensing at wholesale cereal malt beverage or malt products and for which the brewer holds, directly or indirectly, a license and pays a license tax as provided for by state law.

- J. Nothing contained in this section shall make it unlawful for any person to be a member of a licensed club.
- K. No brewer or other supplier shall enter into an agreement for the distribution of a brand of cereal malt beverage with more than one wholesaler or distributor of cereal malt beverages for all or part of any designated geographic territory. No supplier or distributor shall terminate or modify an agreement for the distribution of a brand of cereal malt beverage or alter the geographic territory designated in an agreement unless such supplier or distributor files written notice thereof with the state not less than 30 days prior to the termination, modification or alteration.

State law reference — Similar provisions,  
K.S.A. § 41-2705.

#### **§ 189-21. Violations and penalties.**

Except as otherwise provided in this article, any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500 or by imprisonment in the City jail for not more than one year, or by both such fine and imprisonment. Each day's violation shall be deemed a separate offense.

State law reference — Penalty for violation of state act regulating cereal malt beverages, K.S.A. § 47-2711.

#### **§ 189-22. Retail license required.**

No person shall sell any cereal malt beverages at retail without first having secured a license for each place of business which such person desires to operate within the City. A person having a limited retailer's license shall sell only at retail cereal malt beverages in original and unopened containers and not for consumption on the premises and shall not sell such beverages in any other manner. A person having a special retailer's or general retail license may make retail sales of cereal malt beverages for consumption on the premises.

State law reference — License required, K.S.A. § 41-2702(a) and (f).

#### **§ 189-23. Application for license.**

Any person desiring a license required by this article shall make an application to the governing body and accompany the application by the required license fee for each place of business for which the person desires a license. The application shall be verified and upon a form prepared by the Attorney General of the state and shall contain:

- A. The name and residence of the applicant and how long he has resided within the state.
- B. The particular place for which a license is desired.
- C. The name of the owner of the premises upon which the place of business is located.
- D. A statement that the applicant is a citizen of the United States and not less than 21 years of age and

that he has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States, provided that each application for a special retailer's license shall, in addition to the foregoing, contain a statement that the applicant will derive over 50% of the applicant's income from the licensed premises from the operation of a cafe or dining room where food for human consumption is prepared, cooked and sold.

State law reference — License application,  
K.S.A. § 41-2702(c).

**§ 189-24. Persons eligible. [Amended 3-8-1982 by Ord. No. 5251 ; 12-20-1999 by Ord. No. 5875 ]**

No license required by this article shall be issued to:

- A. A person who is not a resident and who has not been a resident of good faith of the state for at least one year prior to the application and a resident of the county for at least six months.
- B. A person who is not of good character and reputation in the county in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude or been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- E. A partnership unless one of the partners is a resident of the county and unless all the members of such copartnership shall otherwise be qualified to obtain a license.
- F. A corporation, if any manager, officer or director thereof or any stockholder owning in the aggregate more than 25% of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than nonresidence within the county.
- G. A person whose place of business is conducted or to be conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee. The licensee shall register in writing with the Chief of Police the name, address, and date of birth of each and every manager or agent or employee employed by the licensee.

State law reference — Persons eligible for retail  
licenses, K.S.A. § 21-2703(b).

**§ 189-25. Location restrictions.**

No license shall be issued as a general retailer or a special retailer of cereal malt beverages for a place of business located or to be located within 800 feet of any school grounds upon which there is a public or parochial school. No license shall be issued for a place of business located or to be located as a limited retailer of cereal malt beverages within 200 feet of any school grounds upon which there is a public or parochial school.

State law reference — Location restrictions authorized, K.S.A. § 41-2704(a).



**§ 189-26. License fees.**

- A. The fees which shall be paid to the City for licenses required by this article shall be as follows:<sup>56</sup>
- (1) For a general retailer's license, \$100 per calendar year.
  - (2) For a special retailer's license, \$100 per calendar year.
  - (3) For a limited retailer's license, \$100 per calendar year.
- B. No part of the license fee paid for any license, after issuance of the license, shall be refunded or rebated under any conditions or circumstances or for any reason.

State law reference — License fees, K.S.A.  
§ 41-2702(d) and (f).

**§ 189-27. Issuance of license.**

If the application for the license required by this article is in proper form and accompanied by cash in the amount of the license fee, the governing body shall, if the applicant is qualified as provided by law, issue a license to the applicant. The action taken by the governing body in issuing a license shall be entered, by the City Clerk, upon the journal of the proceedings of the governing body. If the governing body votes to issue a license, it shall direct the officers charged by law to issue other licenses under the general licensing power of the City to execute and issue the license.

**§ 189-28. Term of license; no proration of fee.**

All licenses issued pursuant to this article shall expire at 12:00 midnight on December 31 following their issuance, and the full amount of the license fee shall be paid regardless of the time of year in which the license is issued. A license shall state the calendar year for which it is issued.

**§ 189-29. License not transferable.**

A license issued pursuant to this article shall be nontransferable, and the license shall so state.

State law reference — License not transferable, K.S.A. § 41-2702(h).

**§ 189-30. Display of license.**

A license issued pursuant to this article shall be kept posted in a conspicuous place in the licensed place of business.

**§ 189-31. Revocation or suspension of license. [Amended 10-25-1978 by Ord. No. 5123 ]**

- A. The governing body, upon five days' notice to the licensee, shall revoke or suspend the license for any of the following reasons:
- (1) If a licensee has fraudulently obtained the license by giving false information in the application therefor;

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<sup>56</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) If the licensee has violated any of the provisions of this article or any other ordinance or any law of the state relating to cereal malt beverages;
  - (3) If the licensee has become ineligible to obtain a license under this article;
  - (4) Drunkenness of the licensee or permitting any intoxicated person to remain in the licensee's place of business;
  - (5) The sale or serving of cereal malt beverages to any person under 21 years of age; **[Amended 9-17-2007 by Ord. No. 6131 ]**
  - (6) The nonpayment of any license fees;
  - (7) Permitting any gambling in or upon his place of business;
  - (8) Permitting any person to mix drinks with materials purchased in the place of business or brought in for this purpose;
  - (9) Employing any person under 18 years of age in dispensing cereal malt beverages;
  - (10) The employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States; **[Amended 1-22-2002 by Ord. No. 5945<sup>57</sup>]**
  - (11) For purchasing or displaying a federal retail liquor tax stamp, expiring after June 30, 1937, issued by the United States Treasury Department, except where issued for industrial, mechanical, scientific and medicinal purposes;
  - (12) For the sale or possession of or for permitting any person to use or consume upon or in said premises alcoholic liquor as defined by the laws of the State of Kansas relating thereto; or
  - (13) In the case of a special retailer license, upon the showing that less than 50% of the licensee's income from the licensed premises is derived from the operating of a cafe or dining room where food for human consumption is prepared, cooked and sold.
- B. Within 20 days after the order of the governing body revoking or suspending any license, the licensee may appeal to the district court of the county, in the manner as now provided by law in appeals from the probate court, provided that any appeal taken from an order revoking or suspending any such license shall not suspend the order of revocation or suspension during the pendency of such appeal. In case of revocation of the license of any licensee, no new license shall be issued to such person or any person acting for or on his behalf for a period of six months thereafter.

State law reference — Similar provisions,  
K.S.A. § 41-2708.

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57. Editor's Note: Section 2 of this ordinance provided as follows: "On the 1st day of each month each licensee of cereal malt beverages shall supply to the chief of police the names, addresses and dates of birth of all employees of the licensee who engage in the sale, serving or dispensing of cereal malt beverages. Failure to supply the statement shall be grounds for revocation or suspension of the cereal malt beverage license."

## ARTICLE III

**Private Clubs****[Added 9-7-1965 by Ord. No. 3982 ]****§ 189-32. Inapplicability of certain ordinances.**

Article II of this chapter shall not be applicable or have any force and effect in regard to licenses issued under this article or the operation of the club premises by the licensee.

State law reference — Authority to regulate private clubs, K.S.A. § 41-2631.

**§ 189-33. General regulations. [Amended 9-17-2007 by Ord. No. 6131 ; 3-18-2019 by Ord. No. 6428 ]**

No cereal malt beverages shall be sold with only a cereal malt beverage license in any private club between the hours of 12:00 midnight and 6:00 a.m., or on Sunday before 12:00 noon or after 8:00 p.m., or on Easter. The club shall be open to the police at all times during business hours. No person under 21 years of age shall be permitted to buy or drink any of such beverages in or about said place of business. Any person under 21 years of age who purchases or attempts to purchase any cereal malt beverages in any licensed place of business shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

**§ 189-34. Occupation tax on Class B clubs. [Added 10-30-1967 by Ord. No. 4070 ]**

- A. There is hereby imposed upon all holders of Class B club licenses issued by the Director of Alcoholic Beverage Control of the state an annual occupation tax of \$250.
- B. All holders of Class B club licenses issued by the Director of Alcoholic Beverage Control of the State of Kansas for premises located within the City shall exhibit the license to the City Clerk and pay the occupation tax. The City Clerk shall issue a receipt for the payment of the tax, and said payment shall be in full payment of the tax for the term of the license issued by the State Director of Alcoholic Beverage Control.
- C. It shall be unlawful for the holder of any Class B club license to operate the club in the City without first paying the occupation tax herein levied. Any person violating the provisions of this section shall be punished by a fine of not to exceed \$500 or by imprisonment not to exceed three months, or by both such fine and imprisonment, and the club shall be subject to being enjoined from operating.

**§ 189-35. Violations and penalties.**

Unless specifically provided otherwise, any person issued a license pursuant to this article who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of no more than \$500 or imprisoned for a term not to exceed six months, or both such fine and imprisonment, and the judge hearing the case shall certify such conviction to the governing body, which may cancel the license as provided in this article and notify the State Director of Alcoholic Beverage Control of such cancellation.

State law reference — Penalty for violation of state act, K.S.A. § 41-2633.

**§ 189-36. License required.**

No club located within the corporate limits of the City which has been licensed as a club by the State Director of Alcoholic Beverage Control under the provisions of Article 26 of Chapter 40 of the Kansas Statutes Annotated shall sell any cereal malt for use or consumption on the club premises or otherwise without first having secured a license from the City for the club premises.

**§ 189-37. Application for and issuance of license.**

Any club desiring a license required by this article shall make an application to the governing body and submit proof that it is a club licensed by the State Director of Alcoholic Beverage Control. Upon payment of the required fee for the license, it shall be issued.<sup>58</sup>

**§ 189-38. Term of license.**

All licenses issued pursuant to this article shall expire at 12:00 midnight on December 31 following their issuance.

**§ 189-39. Revocation.**

The governing body, upon five days' notice to the licensee, shall revoke a license issued pursuant to this article for any one of the following reasons:

- A. If a licensee has fraudulently obtained the license by giving false information in the license application;
- B. If the licensee has violated any of the provisions of this article or any other ordinance or any law of the state relating to cereal malt beverages;
- C. If the licensee has become ineligible to obtain a license under this article;
- D. The sale or serving of cereal malt beverages to any person under 21 years of age;<sup>59</sup>
- E. The nonpayment of any occupation tax;<sup>60</sup>
- F. Employing any person under 18 years of age in dispensing cereal malt beverages;
- G. Employing any person who has been adjudged guilty of a felony or of any violation of the intoxicating liquor law.

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58. Editor's Note: Original § 3-103, Fee, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

59. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ARTICLE IV

**Sale and Consumption****[Added 11-2-1987 by Ord. No. 5460 ]****§ 189-40. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ALCOHOLIC LIQUOR** — Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

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

**CEREAL MALT BEVERAGE** — Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined in K.S.A. § 41-2729 and amendments thereto, but does not include any such liquor which is more than 6.0% alcohol by weight. **[Amended 7-20-2009 by Ord. No. 6189 ; 3-18-2019 by Ord. No. 6428 ]**

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

**CLASS B CLUB** — A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

**CLUB** — A Class A or Class B club.

**DRINKING ESTABLISHMENT** — Premises which may be open to the general public where alcoholic liquor by the individual drink is sold.

**TEMPORARY PERMIT** — A permit issued in accordance with the laws of the State of Kansas which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

**§ 189-41. Restriction on location.**

- A. No alcoholic liquor shall be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within 800 feet of any school grounds upon which there is a public or parochial school, said distance to be measured from the nearest property line of such school to the nearest portion of the building occupied by the premises.
- B. The distance location of Subsection A above shall not apply to a club, drinking establishment, caterer or temporary permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the governing body. The governing body shall grant such a waiver only following public notice and hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.
- C. No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not

meet the Zoning Ordinance requirements of the City or conflicts with other City laws, including building and health codes.

**§ 189-42. Minors on premises.**

- A. It shall be unlawful for any person under the age of 21 years to remain on any premises where the sale of alcoholic liquor is licensed for on-premises consumption or where a caterer or temporary permit holder is serving alcoholic liquor.
- B. It shall be unlawful for the operator, person in charge or licensee of any premises licensed for on-premises consumption of alcoholic liquor or a caterer or temporary permit holder who is serving alcoholic liquor to permit any person under the age of 21 years to remain on the premises.
- C. This section shall not apply if the person under the age of 21 years is accompanied by his or her parent or guardian or if the licensed or permitted premises derives not more than 50% of its gross receipts in each calendar year from the sale of alcoholic liquor for on-premises consumption.
- D. The Carnegie Arts Center and Arboretum, except that only wine and cereal malt beverages may be served subject to compliance with the Carnegie Arts Center Alcohol Service Policy and Arboretum Alcohol Service Policy as approved by the governing body. **[Added 10-7-2013 by Ord. No. 6296 ]**

**§ 189-43. Consumption on public property.**

No person shall drink or consume any alcoholic liquor on City-owned public property. However, this prohibition shall not apply to:

- A. Real property leased by the City to others under the provisions of K.S.A. §§ 12-1740 to 12-1749, inclusive and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.
- B. In any state-owned or -operated building or structure, and upon the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.
- C. In a club which is licensed by the Director and which is located upon property owned or operated by an airport authority created pursuant to Chapter 27 of the Kansas Statutes Annotated.

**§ 189-44. Violations and penalties.**

If the licensee or permit holder has violated any of the provisions of this article, the governing body of the City, upon five days' written notice to a person holding a license or permit to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than 30 days such license or permit, and the individual holding the license or permit may be charged in Municipal Court with a violation of the alcoholic liquor laws of the City and upon conviction shall be punished by:

- A. A fine of not more than \$499; or
- B. Imprisonment in jail for not more than 179 days; or
- C. Both such fine and imprisonment not to exceed Subsection A and B above.

## ARTICLE V

**Drinking Establishment Licenses**  
**[Added 1-23-1997 by Ord. No. 5759 ]****§ 189-45. License required.**

From and after the effective date of this article, it shall be unlawful for any persons granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the City without first obtaining a local license form the City Clerk.

**§ 189-46. Annual license tax.**

There is hereby levied an annual license tax on each drinking establishment located in the City which has a drinking establishment license granted by the State of Kansas, which tax must be paid before business is begun under a state license and within five days after renewal of a state license. Drinking establishments doing business on the effective date of this article must pay the tax within five days after such effective date. The City annual license tax is \$250.

**§ 189-47. Application for license; issuance of license.**

To apply for a new or renewal City license submit payment of the license tax and a copy of the state license. The City Clerk must issue a City license for the period covered by the state license if there are no conflicts with any zoning or alcoholic beverage ordinances of the City.

**§ 189-48. License period.**

The City license extends for the time period covered by the state license. No license tax, nor any part of the license tax, is refundable for any reason.

**§ 189-49. Display of license.**

Every licensee must display the City license in a conspicuous place on the licensed premises adjacent to the state license.

**§ 189-50. State regulations.**

All City licensees must comply with all state regulations applicable to a state licensee. Failure to do so is a misdemeanor for which the minimum penalty is the same as the minimum penalty for violation of such state regulations and the maximum penalty is the same as the maximum penalty for the violation of such state regulations.

ARTICLE VI  
**General Regulations**  
[Adopted 9-17-2007 by Ord. No. 6131 ]

**§ 189-51. License fees; application for and issuance of license; posting of license.**

- A. There is hereby levied an annual license fee in the amount fixed by City ordinance on each caterer, Class A club, Class B club, drinking establishment, alcoholic liquor retailer, and temporary permit holder. Such fee shall be paid before business is begun under an original state or City license and within five days after any renewal of a state or City license and thereafter in accordance with the provisions of the City Code. The completed and executed written application for such license shall be filed with the City Clerk at the time such fee is paid.
- B. All applications for new or renewal City licenses shall be submitted to the City Clerk. Upon presentation of a state license issued by the State Director of Alcoholic Beverage Control, payment of the City license fee and filing the completed license application, the City Commission shall issue a City license if the applicant complies with all applicable provisions of this Code, the City Zoning Ordinance and other applicable ordinances of the City.
- C. Every licensee shall cause the City license to be placed in plain view next to or below the state license in a conspicuous place on a licensed premises.

**§ 189-52. Qualifications for issuance of license.**

- A. The governing body of the City shall, if the applicant is qualified by law, issue a license to the applicant.
- B. A City license shall not be issued to an applicant unless such applicant is in compliance with the provisions of K.S.A. § 41-2601 et seq. for private clubs and drinking establishments and K.S.A. § 41-2701 et seq. for cereal malt beverage retailers.
- C. A City license shall not be issued to an applicant unless such applicant is in compliance with the provisions of this Code.

**§ 189-53. Temporary permit.**

- A. It shall be unlawful for any person to conduct an event under a state-issued temporary permit without first applying for a local temporary permit at least seven days before the event. Written application for the local temporary permit shall be made to the City Clerk and shall clearly state:
  - (1) The name of the applicant.
  - (2) The group for which the event is planned.
  - (3) The location of the event.
  - (4) The date and time of the event.
  - (5) Any anticipated need for police, fire or other municipal services.
- B. Upon presentation of a state temporary permit, payment of the City's temporary permit fee and a written application as provided for in Subsection A, the City Clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the City.



- C. The City Clerk shall notify the Chief of Police whenever a temporary permit has been issued and forward a copy of the permit and application to the Chief of Police.

**§ 189-54. Violations and penalties.**

If any licensee violates any of the provisions of this article, the governing body of the City, upon 10 days' written notice to the licensee, may, upon hearing, permanently revoke or cause to be suspended for a period of not more than six months the license, or, in the alternative, the individual holding the license may be charged in the Municipal Court with a violation of the alcoholic liquor or cereal malt beverage laws of the City and upon conviction shall be found guilty of a misdemeanor.

**§ 189-55. Additional licensing requirements.**

- A. The City Commission may require additional conditions for the issuance of a City license or continued retention of an existing City license for a private club or drinking establishment or cereal malt beverage license upon a finding that the public health, safety, or welfare requires such conditions. The City Manager shall recommend conditions for licensure, as appropriate. Such conditions of licensure may include but are not limited to the following:
- (1) Exterior lighting requirements.
  - (2) Exterior fencing requirements.
  - (3) Appropriate structural additions, deletions or changes to the premises to reduce loitering by patrons outside the premises, reduce noise from the premises, and reduce littering by employees and patrons or such other structural changes that may be necessitated in the interest of public health, safety or welfare.
  - (4) Posting in the premises or outside the premises appropriate notices or signs advising patrons to leave the area after closing and to respect property rights of neighbors and other appropriate notices and signs which the City Commission may require.
  - (5) Reduced hours of operation from those provided by ordinance.
  - (6) Such other conditions as may be appropriate for the protection and preservation of public health, safety or welfare.
- B. Additional requirements for City licensure of a private club, drinking establishment or cereal malt beverage retailer as set out in Subsection A shall only be imposed after the license holder or applicant has been mailed, to the address on the license or application, by certified mail, return receipt requested, notice of the proposed conditions. After the posting of the certified mail, the license holder or applicant shall have 10 days to submit a written request to the City Clerk for a hearing before the City Commission on the proposed conditions.
- C. The City Commission may issue a City license conditioned upon the licensee complying with all requirements within 30 days after license issuance or such time as established by the City Commission.
- D. During the duration of a City license, the City Commission may require additional conditions on a City license under procedures and requirements set forth under this section.

**§ 189-56. Revocation or suspension of license.**

The City Commission may revoke or suspend the license of a private club, drinking establishment or cereal malt beverage retailer for any one or more of the following reasons:

- A. Suspension or revocation of state license.
- B. Violation of any provisions of K.S.A. § 41-2601 et seq. or 41-2701 et seq.
- C. Violation of any provisions of this Code dealing with alcoholic liquor or cereal malt beverages.
- D. Habitual violations of occupancy limits established by the City, which shall be defined as three or more violations within a twelve-consecutive-month period. Revocation or suspension of a license for habitual violations of occupancy limits shall require a finding by the City Commission that the occupancy limit violations represented a substantial threat, in either the number of violations or the excess above the occupancy limit, to the safety of club or establishment employees and patrons.
- E. Determination that the private club, drinking establishment or cereal malt beverage retailer is a habitual public nuisance as defined by § 189-57.

**§ 189-57. Habitual public nuisances.**

- A. A drinking establishment, private club or cereal malt beverage retailer is a habitual public nuisance when it operates in a manner that habitually harms the public health, safety or welfare of the general public, neighboring properties or occupants of neighboring properties, or patrons. Habitual public nuisances are hereby prohibited.
- B. A habitual public nuisance as defined by Subsection A shall only be determined to exist if the City Commission makes the following findings:
  - (1) The harm to the public health, safety or welfare can be fairly attributed to the operation of the private club, drinking establishment and cereal malt beverage retailer. The proximity of other licensed premises or similar facilities shall be considered by the Commission in making this finding.
  - (2) The harm to the public health, safety or welfare is of a habitual nature and not limited to isolated incidents of an infrequent occurrence.
- C. In determining the penalty for a drinking establishment, private club or cereal malt beverage retailer that is a habitual public nuisance, the City Commission shall consider:
  - (1) Whether the owners and operators of the drinking establishment or private club have taken actions to mitigate or eliminate the harm to public health, safety or welfare; and
  - (2) Whether the harm to public health, safety or welfare includes violations of law on the part of the private club or drinking or cereal malt beverage retailer establishment owners, operators, employees, or patrons.
- D. Nothing in this article shall be interpreted as penalizing a drinking establishment, private club or cereal malt beverage retailer, or the owner or employees of such drinking establishment, private club or cereal malt beverage retailer, solely for requesting assistance or reporting an incident to the Police Department. The City encourages drinking establishments, private clubs or cereal malt beverage retailer owners and employees to promptly report to the Police Department harmful or potentially harmful acts or conduct on the part of patrons.

ARTICLE VII  
**Common Consumption Area**  
**[Added 12-2-2019 by Ord. No. 6453 ]**

**§ 189-58. Establishment of Common Consumption Area; Downtown Overlay District.**

The governing body hereby establishes a Common Consumption Area (hereinafter referred to as "CCA") during special events and civic events, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act.<sup>61</sup> The Common Consumption Area is defined as 17th Street on the east, Broadway Avenue on the south, Central Avenue on the west and Washington Avenue on the north. Properties which are located on each side of the street of the above boundary streets are included in the Downtown Overlay District for purposes of this article.

**§ 189-59. Special event permit required; streets; hours.**

During a special event or civic event which requires a special permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the CCA during a special event or civic event will only be allowed between the hours of 12:00 noon and 12:00 midnight, Sunday through Saturday.

**§ 189-60. State permit required.**

The governing body hereby authorizes the possession and consumption of alcoholic liquor in the CCA during a special event or civic event with clearly demarcated boundaries provided that a Common Consumption Area permit ("permit") has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control ("Director"), in accordance with K.S.A. § 41-2659 and amendments thereto.

**§ 189-61. Authorized alcoholic liquor containers.**

All alcoholic liquor removed from a licensed premises, with a valid CCA permit and authorized to participate in the special event, shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No alcoholic beverage removed from a licensed premises shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.

**§ 189-62. Purchases outside CCA.**

The possession or consumption of alcoholic liquor purchased outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA.

**§ 189-63. Purchases within CCA.**

No open container of alcoholic liquor purchased within the CCA shall be removed from the boundaries of the CCA and special event or civic event.

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61. Editor's Note: See K.S.A. § 41-101 et seq. and K.S.A. § 41-2601 et seq.

**§ 189-64. Inappropriate conduct.**

Inappropriate conduct shall not be permitted within the boundaries of the CCA and special event or civic event in the Downtown Overlay District, and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

**§ 189-65. Compliance with regulations.**

All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state laws and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

**§ 189-66. Authorization of actions.**

The governing body hereby authorizes the City Manager or his or her designee to take all necessary actions, including, but not limited to, the execution of all the documents or instruments required to obtain a CCA permit for the CCA on behalf of the City.



**Chapter 198****AMUSEMENT DEVICES, COIN-OPERATED**

§ 198-1.	<b>Definition.</b>	§ 198-7.	<b>Transfer of license.</b>
§ 198-2.	<b>Use as gambling device.</b>	§ 198-8.	<b>Determination of good moral character.</b>
§ 198-3.	<b>Violations and penalties.</b>	§ 198-9.	<b>Other eligibility requirements.</b>
§ 198-4.	<b>License required; display.</b>	§ 198-10.	<b>Application for license.</b>
§ 198-5.	<b>Annual license fee.</b>	§ 198-11.	<b>Revocation of license.</b>
§ 198-6.	<b>Term of license.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 10-5-1964 by Ord. No. 3942 (Ch. 4, Art. II of the 1985 Code). Amendments noted where applicable.]**

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**§ 198-1. Definition.**

For the purpose of this chapter, the term "coin-operated amusement device" shall mean a machine or device which, upon insertion of a coin, slug or similar object or by any other method, operates or may be operated or used for a game, contest or amusement of any description whereby a score is established, the object of which is to secure a special number or numbers or a high total score, whether a prize is offered or not. Such term shall not include the following:

- A. A machine or device which has been designated by the federal government or any department thereof as a gaming device and for which a federal gaming device license is required; or
- B. A machine or device which is so constructed mechanically that its operation violates any of the laws of the state.

**§ 198-2. Use as gambling device.**

The issuance of a license required by this chapter for any device shall not in any way be construed as an authorization to keep, maintain or operate the licensed device if the same is or can be used in any manner as a gambling device, and no licensee under this chapter shall use or permit the use of the licensed device in any manner as a gambling device.

**§ 198-3. Violations and penalties.<sup>62</sup>**

Any person violating any of the provisions of this chapter, in addition to the revocation of his license, shall be guilty of a Class C misdemeanor and shall be punished as provided in § 1-2 of this Code. Each day any person violates the provisions of this chapter shall constitute a separate offense.

**§ 198-4. License required; display.**

It shall be unlawful for any person to keep or maintain, operate, allow or permit to be kept or maintained in any place of business or any other public place or private club or fraternal organization in the City

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62. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

any coin-operated amusement device without at all times maintaining firmly attached to the device, in the manner specified in this section, a stamp to be furnished by the City evidencing a valid license procured from the City Clerk and authorizing the maintenance and operation of the device. The responsibility and obligation to so keep and maintain the stamp attached to the device shall be binding on the owner, manager and operator of the place where the device is located, as well as upon the owner, keeper or operator of the device, regardless of whether or not the device is owned by the owner, manager or operator of the place where the device shall be kept and maintained. The City stamp shall be kept firmly attached to the device and under the glass thereof in a manner so as to be plainly visible to police and other City officials and to the public generally.

**§ 198-5. Annual license fee.<sup>63</sup>**

The annual license fee for keeping and maintaining a coin-operated amusement device shall be \$10. The proprietors of the establishment where an amusement device is located shall be held responsible for the payment of the license fee for all equipment located on the premises; however, where the equipment is owned and serviced by an operator, the fees may be paid by the operator, provided that the operator files with the City Clerk such forms as the City Clerk may require.

**§ 198-6. Term of license. [Amended 12-16-1985 by Ord. No. 5388 ]**

Licenses issued pursuant to the provisions of this chapter shall expire on December 31 each year.

**§ 198-7. Transfer of license.**

- A. It shall be unlawful to transfer a license issued pursuant to this chapter from one location to another, the license number being permanently assigned to the address stated in the license application, but upon the removal of one machine from the location assigned and the substitution of another device of a similar nature, the license may be transferred from one machine to another as long as the license remains at the same location or assignment. No license shall be transferable or assignable from one person to another. The sale or disposal of the device to which the license is attached shall not amount to a transfer, assignment, or change of ownership of the license and shall not authorize the new owner of the device to keep or maintain the same without procuring a new license.
- B. An application shall be made out in duplicate, with one copy being retained by the City Clerk and one copy referred to the Chief of Police. The Chief of Police shall investigate the location where it is proposed to operate the amusement device and ascertain whether the applicant and the owner of the machine are persons of good moral character.

**§ 198-8. Determination of good moral character.**

- A. No license shall be issued pursuant to this chapter for any machine if the applicant for the license or the owner of the machine is not of good moral character.
- B. The phrase "good moral character" shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.
- C. A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the

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63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

evidence by showing that at the current time he has the ability to and is likely to serve the public in a fair, honest, and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.

- D. The following criminal records shall not be used, examined, or requested by the City in a determination of good moral character:
- (1) Records of an arrest not followed by a conviction.
  - (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.
  - (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner.
  - (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.
- E. When a person is found to be unqualified for a license because of a lack of good moral character or similar criteria, the person shall be furnished by the City Clerk with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the City Clerk if he has relevant evidence not previously considered regarding his qualifications.

#### **§ 198-9. Other eligibility requirements.**

No license shall be issued pursuant to this chapter if the license applicant or owner of the machine has paid a current federal occupational tax for the use or permit to use on the place or premises where the machine or device is to be displayed a coin-operated amusement or gaming device under the Federal Internal Revenue Code.

#### **§ 198-10. Application for license.**

An application for the license required by this chapter shall be made to the City Clerk upon a form supplied by the Clerk. The application shall contain, but not be limited to, the following information:

- A. The name and address of the applicant and his date and place of birth and the name and address of the owner of the machine.
- B. The place where the device is to be displayed or operated and the business conducted at the place.
- C. A description of the machine to be licensed, its mechanical and operating features, the name of the manufacturer and its serial number.
- D. Whether the applicant or owner has paid a current federal occupational tax for the use or permit to use on any place or premises in the City a coin-operated amusement or gaming device under the Federal Internal Revenue Code.

#### **§ 198-11. Revocation of license.**

A license issued pursuant to this chapter may be revoked by the governing body after written notice to the licensee, which notice shall specify the reason for the same, and if after a hearing the governing body finds that:



§ 198-11

AMUSEMENT DEVICES, COIN-OPERATED

- A. The licensee has, directly or indirectly, permitted the licensed device to be operated in violation of this chapter.
- B. The license has violated any of the provisions of this chapter.
- C. The licensee or the owner of the machine is no longer a person of good moral character.

## PARSONS CODE

## Chapter 205

## ANIMALS

ARTICLE I  
General Regulations

		§ 205-21.	Rabies vaccination of cats and dogs.
		§ 205-22.	Emergency treatment of sick or injured cats and dogs.
§ 205-1.	Definitions.	§ 205-23.	Confinement of cats and dogs in heat.
§ 205-2.	Violations and penalties.	§ 205-24.	Running at large.
§ 205-3.	Duties of City Manager.	§ 205-25.	Vicious and dangerous animals.
§ 205-4.	Duty of Police Department.	§ 205-26.	Guard dogs.
§ 205-5.	Enforcement procedure.	§ 205-27.	Harboring vicious animal.
§ 205-6.	Owners to comply with regulations.		
§ 205-7.	Reports of violations by veterinarians.		
§ 205-8.	Animals in public places.		
§ 205-9.	Removal of animal feces required.		
§ 205-10.	Removal and disposal of dead animals.	§ 205-28.	General provisions.
§ 205-11.	Prohibited animals.	§ 205-29.	Registration of cats and dogs.
§ 205-12.	Keeping of dogs.	§ 205-30.	Licensing of commercial animal establishments.
§ 205-13.	Keeping of livestock.		
§ 205-14.	Limitation on numbers of animals owned.		
§ 205-15.	Location of yard housing for animals.	§ 205-31.	Notification of capture and impoundment.
§ 205-16.	Maintenance of animal yard structures and pens required.	§ 205-32.	Prosecution for violations authorized.
§ 205-17.	Animal nuisance activities prohibited.	§ 205-33.	Time period for holding animals.
§ 205-18.	Excessive animal noise prohibited.	§ 205-34.	Procedure and fees for recovery of animals.
§ 205-19.	Animal care and animal cruelty.	§ 205-35.	Procedure and fees for adopting animals.
§ 205-20.	Proper identification of dogs and cats required.		

ARTICLE II  
License and RegistrationARTICLE III  
Impoundment

[HISTORY: Adopted by the City Commission of the City of Parsons 8-16-1999 by Ord. No. 5860 (Ch. 5 of the 1985 Code). Amendments noted where applicable.]

## ANIMALS

### GENERAL REFERENCES

Noise — See Ch. 436.

Nuisances — See Ch. 441.

Parks and recreation — See Ch. 450.

Peace and good order — See Ch. 459.

ARTICLE I  
**General Regulations**

**§ 205-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ANIMAL** — Any live, vertebrate creature, domestic or wild, other than humans, and including all fowl, fish and reptiles.

**ANIMAL CONTROL OFFICER** — The person duly authorized by the City Manager to perform the duties authorized by this chapter or any law enforcement officer who may act through the Chief of Police to perform any duty under this chapter unless otherwise specifically stated.

**ANIMAL HOSPITAL** — Any facility which has the primary function of providing medical and surgical care for animals and is operated by a currently licensed veterinarian.

**ANIMAL NUISANCE** — Any nuisance arising out of the keeping, maintaining, owning, or failure to exercise sufficient control of an animal.

**ANIMAL SHELTER** — The facility or facilities operated by the authorized agents of the City of Parsons for the purpose of impounding or caring for animals under the authority of this chapter or state law.

**AT LARGE** — Any animal off of the premises of the owner and without a leash under the immediate control of a person physically capable of restraining the animal.

**CAT** — Any member of the *Felis catus* family, male or female, regardless of age.

**CATTERIE** — Any establishment where more than four purebred cats, registered under any nationally recognized cat fancy group, society, or association, are kept as a hobby or for profit, where the breeding of such animals is for the improvement of the breed, and where such cats are kept in a specific, indoor, enclosed area at all times.

**CITY CLERK** — The City Clerk for Parsons, Kansas and/or his/her authorized agent or designee. **[Added 9-7-2004 by Ord. No. 6016 ]**

**COMMERCIAL ANIMAL ESTABLISHMENT** — Any pet shop, grooming shop, auction, riding stable, guard dog service, kennel, hobby breeder, catterie, animal shelter, other than that operated by the City, animal hospital, business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

**DOG** — Any member of *Canis familiaris*, male or female, regardless of age.

**DOMESTIC ANIMAL** — Includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hare and rabbit, pheasant and other birds and animals raised and/or maintained in confinement.

**EXOTIC ANIMAL** — Live monkey, alligator, crocodile cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the reptile family measuring over eight feet in length, member of the feline species other than the domestic cat (*Felis domesticus*), member of the canine species other than the domestic dog (*Canis familiaris*) or any other animal that would require a standard of care and control greater than required for customary household pets or domestic farm animals.

**FOWL** — Any animal that is included in the zoological class Aves.

**HOBBY BREEDER** — Any person who owns more than four purebred dogs over five months of age, where such dogs are habitually lodged or fed within such person's house or premises, for the purpose of

improving the breed, and who raises no more than two litters of pups per year.

**HOUSEHOLD** — All persons living in the same dwelling unit.

**HUMANELY EUTHANIZED** — The proper injection of a substance that quickly and painlessly terminates the life of an animal or any method approved by the American Veterinary Medical Association or the American Humane Society.<sup>64</sup>

**IMPOUNDMENT** — The taking into custody of an animal by a law enforcement officer, Animal Control Officer or any authorized representative thereof.

**INHUMANE OR CRUEL TREATMENT OR MANNER** — Any treatment of any animal which deprives the animal of necessary sustenance, including sufficient wholesome food, potable water and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing or other abnormal treatment that causes suffering to such animal.

**KENNEL** — Any premises upon which five or more cats or dogs are kept, boarded, bred, trained for a fee, bought and/or sold, except for commercial animal establishments otherwise enumerated in this chapter.

**LARGE ANIMAL** — Any swine, bovine, horse, mule, donkey and other equine, goat, sheep, beast of burden, or any other domestic or wild animal of similar or larger size.

**NEUTERED** — Any male or female cat or dog that has been permanently rendered sterile.

**OWNER** — Any person who feeds or shelters any unowned animal for 24 or more consecutive hours or who professes ownership of such animal. If a minor owns an animal, then any household head of which such minor is a member shall be deemed the owner of such animal under this chapter and shall be responsible as the owner, whether or not such household head is himself/herself a minor. If not a member of a household, such minor shall be directly subject to the provisions of this chapter.

**PREMISES** — Any parcel of land and any structure(s) thereon in which any animal regulated by this chapter is housed and/or confined.

**PUBLIC NUISANCE ANIMAL** — Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include but not be limited to any animal that is repeatedly found running at-large or any animal that makes excessive noise. Refer to § 205-18.

**REGISTRATION TAG** — Any system of animal identification approved by the City Manager which does not involve alteration or permanent marking of any animal.

**RESIDENTIAL STRUCTURE** — All or part of any building which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, mobile homes, dormitories, sororities and fraternities.

**SMALL ANIMAL** — Any animal not within the definition of "large animal," but including all dogs without reference to size.

**SUMMONS** — A notice of violation requiring the accused to appear before the Municipal Judge to answer the charge of violation of this chapter.

**UNDER RESTRAINT** — An animal secured by a leash under control of a person physically capable of restraining the animal or securely enclosed within the real property limit of the owner's premises.

**VICIOUS OR DANGEROUS ANIMAL** — Any animal that attacks, bites, or physically injures human

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64. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

beings, domesticated animals, or livestock without adequate provocation or which, because of temperament or training, has a known propensity to attack, bite or physically injure a human being, domesticated animal or livestock. Any animal without provocation that has bitten or attacked a human being or other animal shall be prima facie presumed to be vicious or dangerous.<sup>65</sup>

State law reference — Livestock and domestic animals, K.S.A. Ch. 47.

#### **§ 205-2. Violations and penalties.**

Whenever, in this chapter, any act is prohibited or is declared to be unlawful or the performance of any act is required or the failure to do any act is declared to be unlawful and no specific penalty or penalty range is provided by another section of this chapter, the violation of any provision in this chapter shall be punished by fine of not more than \$500 or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, at the discretion of the court. Each day any violation of this chapter continues shall constitute a separate offense.

#### **§ 205-3. Duties of City Manager.**

- A. Except where otherwise provided, it shall be the duty of the City Manager to administer and enforce the provisions of this chapter directly and/or through staff assigned. The Chief of Police or his/her designee shall keep a record of all enforcement and investigative activities.
- B. The City Manager is authorized to develop administrative regulations necessary to implement the provisions of this chapter, including procedures for animal enumerations, animal shelter operation, and such other fees required by this chapter but not specified herein.

#### **§ 205-4. Duty of Police Department.**

It shall be the duty of the Police Department officers to enforce the provisions of this chapter and any regulations issued by the City Manager and to assist the Animal Control Officer in enforcing the provisions of this chapter.

#### **§ 205-5. Enforcement procedure.**

- A. The Animal Control Officer and the Chief of Police are hereby authorized to issue a summons to the owner of any animal in violation of any provision of this chapter. Such person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provisions of this chapter.
- B. The Animal Control Officer and Police Department officers are hereby authorized to take up and impound any animal in violation of any provision of this chapter if the person owning such animal cannot be issued a summons because such person is not known or present or to impound any animal that is prohibited under § 205-11 or 205-27. Such animal shall be confined in a humane manner and shall be released upon proof that the party claiming the animal is entitled to possession thereof and upon satisfying the requirements of § 205-34. **[Amended 9-7-2004 by Ord. No. 6016 ]**
- C. In the interest of animal welfare, any person owning any animal in the City by so doing does thereby authorize the Animal Control Officer or Chief of Police to enter upon private property, other than within any residence, where such animal is kept, if the officer has probable cause to believe the animal

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65. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

is being kept in a cruel or inhumane manner, for the purpose of examining such animal and impounding such animal at the animal shelter when, in said examiner's opinion, it is being kept in an unlawfully cruel or inhumane manner.

- D. Any animal that has bitten a person shall be removed from the property of its owner by the Animal Control Officer or any police officer and confined until an identification microchip has been implanted in the animal (if feasible) at the cost of the owner. This microchip requirement shall also apply to any animal that was running at large at the time of the bite. Said animal shall continue to be impounded for the applicable observation period if such animal's owner is unable to provide proof of vaccination. Said animal shall only be returned to the owner upon the payment of all vet fees. Upon the completion of the observation period and approval by the City of the release of the animal, the owner shall have three business days from the end of the observation period to pay all vet fees. Failure to pay all vet fees and recover the animal by its owner within the three business days shall allow the animal to become the property of the City and it may be adopted, transferred to a duly incorporated humane society, or humanly euthanized. All impoundment costs shall be the responsibility of the dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit. **[Amended 6-15-2020 by Ord. No. 6467 ; 1-18-2022 by Ord. No. 6510 ; 2-7-2022 by Ord. No. 6511 ]**
- E. The Animal Control Officer and any police officer are hereby authorized to use humane live traps or tranquilizer guns to capture any animal whose presence on private or public property constitutes a nuisance to persons. In the event that there is a threat to the public health or the health of domestic animals, the Chief of Police may authorize other means to capture or destroy animals deemed to be dangerous.
- F. It is unlawful for any person to interfere with the duty of the Animal Control Officer or any police officer by removing or causing to be removed the identification tag of any cat or dog without the consent of the owner thereof, refusing to identify himself upon the request of the Animal Control Officer or any police officer when such officer has probable cause to believe that such person has violated this chapter, or in any other manner preventing the lawful discharge of enforcement duties prescribed by this chapter.
- G. Any animal that the Animal Control Officer, a police officer, or City Attorney files a complaint against to declare it vicious may be impounded by the Animal Control Officer or any police officer and confined until the first hearing on said complaint as described in § 205-25C. Said animal shall continue to be impounded until released by the Court or agreed to by the City. The owner of said animal shall be responsible for all vet fees unless the Court orders otherwise. Said animal shall only be returned to the owner upon the payment of all vet fees. When eligible for release, the owner shall have three business days from when notified to pay all vet fees. Failure to pay all vet fees and recover the animal by its owner within the three business days shall allow the animal to become the property of the City and it may be adopted, transferred to a duly incorporated humane society, or humanly euthanized. All impoundment costs shall be the responsibility of the dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit. **[Added 1-18-2022 by Ord. No. 6510 ; amended 2-7-2022 by Ord. No. 6511 ]**

#### **§ 205-6. Owners to comply with regulations.**

Any owner of any animal shall also meet any requirements for the reporting of animal bites, the confinement of animals that have bitten persons, or any other duties prescribed by the Animal Control Officer through regulations issued to protect the public health.

**§ 205-7. Reports of violations by veterinarians.**

It shall be unlawful for any veterinarian within the City to fail to report to the Animal Control Officer the examination or treatment of any animal that is owned or maintained in violation of this chapter.

**§ 205-8. Animals in public places.**

No animals shall be allowed to enter any theater, store or other public building in the City, whether accompanied by its owner or person in charge or otherwise, except with the approval of the building's owner or manager. Dogs trained to assist the blind, deaf or handicapped are exempt from this section.

**§ 205-9. Removal of animal feces required.**

The owner of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas, or private property, and it shall be a violation of this provision for such owner to fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

**§ 205-10. Removal and disposal of dead animals.**

- A. The Animal Control Officer shall be responsible for the removal of any dead, small animal found within the City, except as otherwise provided in this chapter. In this chapter, the term "dead, small animal" shall exclude any animal lawfully and humanely killed for food.
- B. No person having in his possession any dead animal shall permit the same in or upon any private or public place without at once, upon the death or the discovery of the animal, giving notice to the Animal Control Officer.
- C. Large dead animals shall be removed and appropriately disposed of by the owner or proprietor of the premises promptly after the death or discovery of such animal. If not so removed or properly disposed of, such animal shall be removed by the Animal Control Officer at actual cost to the property owner or proprietor.
- D. Except as prescribed in this chapter, any small dead animal upon private property shall be removed by the Animal Control Officer as soon as possible after notice is given. For the occasional removal of small animals from private premises there shall be no charge.
- E. For the removal of small dead animals from animal hospitals, the animals shall be reported to the Animal Control Officer and held under conditions satisfactory to the Animal Control Officer pending pickup. If a charge is assessed, the fee will be established by the governing body of the City of Parsons.

**§ 205-11. Prohibited animals. [Amended 12-20-2021 by Ord. No. 6508 ]**

- A. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City:
  - (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, as defined herein.
  - (2) Any animal having poisonous bites.
  - (3) Any fowl, other than domestic chickens and pigeons, except for caged birds kept as pets within a residence structure; provided, however, that domestic geese and domestic ducks may be kept on any pond, lake or waterway normally containing three acres feet of water or normally



impounding water covering 1 1/2 acres of water surface area so long as the total population of fowl does not exceed eight in total number; provided, further, that the number prescribed above may be exceeded during the annual spring hatching season. When the hatchlings reach 10 weeks of age, the excess population shall be reduced on a pond known as "Prairie West Pond" to a total of two adult pair of domestic geese and two adult pair of domestic ducks. The excess population on all other qualified areas shall be reduced to four adult pairs of ducks and/or geese based upon the owner's preference. The City of Parsons shall be responsible for the population control of the domestic geese and ducks.

- B. Dangerous wild animals, wild animals, and exotic animal are allowed within the City only under the following circumstances:
- (1) During exhibitions or a temporary auction when under the direct supervision and presence of a person with the appropriate USDA license or the State of Kansas license, if any license is required under those circumstances, and in accordance with the requirements of either USDA or the State of Kansas;
  - (2) While being transported through the city during the normal course of traveling when under the direct supervision and presence of a person with the appropriate USDA license or State of Kansas license, if any license is required under those circumstances, and in accordance with the requirements of either USDA or the State of Kansas; or,
  - (3) While being transported directly to or from a veterinary clinic in accordance with the requirements the USDA or State of Kansas, if any, and while being held at a veterinary clinic.
- C. Violations and penalties. Any person violating or permitting the violation of any provision of this section shall, upon conviction in the Municipal Court, be fined a sum of 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 county jail for a period not to exceed 30 days. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by enforcement of this section.

#### **§ 205-12. Keeping of dogs.**

Any person keeping, harboring, owning or in any way possessing within the corporate limits of the City any dog must control the dog by one of the following means:

- A. In a securely enclosed pen or fenced area sufficient to contain the animal.
- B. On a chain sufficient to contain the animal.
- C. On a suitable leash and under restraint and the control of a person capable of restraining the animal.

#### **§ 205-13. Keeping of livestock.**

- A. No livestock, including but not limited to horses, mules, cattle, sheep, goats and swine, shall be owned or maintained within the corporate City limits, except as provided below:
- (1) Horses which are used for riding purposes only may be stabled within the City limits, provided that no more than one horse shall be kept for each 20,000 square feet of contiguous gross land area. Horses shall be kept only where permitted by the zoning regulations. No shelter or stable for horses shall be permitted closer than 100 feet to any occupied residential structure other than on the same tract or within 100 feet of any lot line in any residential zoning district.

- (2) Bovine (beef and dairy cattle) shall be kept only where permitted by the zoning regulations. No more than a combination of two cows, heifers, calves and steers shall be kept for each acre of contiguous gross land area. Bulls for the purpose of breeding shall not be pastured within the City limits. No shelter or barn shall be permitted closer than 100 feet to any occupied residential structure other than on the same tract or within 100 feet of any lot line in any residential zoning district.
  - (3) No feeding or watering troughs or tanks or storage of animal waste material shall be located within 100 feet of a property line. All occupied stalls shall be cleaned at least once each day.
  - (4) Designated areas, for the purpose of health and sanitation, shall be under the supervision of the City Manager or his/her designee. If at any time such designated areas become a nuisance or a fly-breeding or rat-infested area, the City Manager or his/her designee shall have the authority to order the property cleaned and the horses and/or bovine removed until the nuisance is abated.<sup>66</sup>
- B. The provisions of this section shall not apply to any person engaged in the packing house business or in selling or shipping cows, calves, goats, horses, mules or swine insofar as it may be necessary for such parties to bring such livestock into the City and keep the same in the City in the legitimate transaction and carrying on of their business.

**§ 205-14. Limitation on numbers of animals owned.**

- A. It shall be unlawful for any person in charge of a residence to own more than four dogs or four cats, or any combination of such animals exceeding four in number, over the age of 120 days at such residence unless the residence or all of the dogs and cats kept therein are within one or more of the following exemptions:
- (1) The residence is licensed as a commercial animal establishment.
  - (2) The residence is zoned Heavy Commercial (C-4), Light Industrial (I-1) or Heavy Industrial (I-2).
  - (3) All dogs and cats are properly vaccinated and were owned and kept at this residence prior to June 1, 1984.
- B. It shall be unlawful for any person in charge of a residence to own more than 15 domestic chickens or pigeons, or combination thereof.
- C. Any kennel, catterie or hobby breeding establishment shall be limited in size to no more than 20 animals over 120 days of age.
- D. A hobby breeder may reside only in C-3 Service Commercial, C-4 Heavy Commercial, I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts of the City, except that any hobby breeder residing in any residential zoning district of the City on May 14, 1984, shall be permitted to continue operation at such location, provided that the hobby breeder is in existence and continuously operated prior to June 1, 1984.
- E. Any catterie owner shall reside only in C-3 Service Commercial, C-4 Heavy Commercial, I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts of the City, except any person operating a catterie

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66. Editor's Note: Original § 5-13(b), which immediately followed this subsection and provided for maintenance of livestock at existing locations until January 1, 1985, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

in any residential zoning district of the City on May 14, 1984, shall be permitted to continue catterie operation at such location, provided that such catterie is in existence and continuously operated prior to June 1, 1984.

- F. Any kennel shall be located only in C-4 Heavy Commercial, I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts of the City, except that any person operating a kennel for cats or dogs in any residential zoning district of the City on May 14, 1984, shall be permitted to continue kennel operations at such location, provided that such kennel is in existence and is continuously operated prior to June 1, 1984.
- G. When animals in excess of the limits established by this chapter are found at a residence, all of the animals found at the residence may be removed by the Animal Control Officer and impounded, except that the person in charge of the residence may designate and retain up to those limits established in this chapter.

#### **§ 205-15. Location of yard housing for animals.**

It shall be unlawful for any person to maintain any chicken coop, pigeon cote or rabbit hutch within 100 feet of any lot line. Any yard housing for animals shall be subject to the maintenance prescribed in §§ 205-13 and 205-16 of this chapter, and any yard enclosure shall be so constructed and maintained that any animal kept therein is securely confined and prevented from escaping therefrom.

#### **§ 205-16. Maintenance of animal yard structures and pens required.**

- 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 any pen or yard area where animals are kept and, if stored on the premises of any animal owner, shall be stored in adequate containers with flytight lids.
- C. All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.
- D. All earthen yards or runways wherein chickens are kept shall be spaded, then limed once every three months from the month of April through the month of December. All structures or pens wherein chickens are kept shall be sprayed to control flies and other insects.
- E. All premises on which animals are kept shall be subject to inspection by the Animal Control Officer. If the Animal Control Officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on him/her prior to filing a complaint in Municipal Court. Any animal kept under any condition which could endanger the public's or animal's health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

#### **§ 205-17. Animal nuisance activities prohibited.**

The owner of any animal shall take all reasonable measures to keep such animals from becoming a nuisance.

**§ 205-18. Excessive animal noise prohibited.**

It shall be unlawful for the owner of any animal to permit such animal to make excessive noise that disturbs a neighbor. The following definitions and conditions shall apply to this section:

- A. The phrase "excessive noise" shall mean any animal noise which is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.
- B. The term "neighbor" shall mean any person residing in a residence structure which is within 100 yards of the property on which the animal is owned.
- C. If a summons is issued charging violation of this provision, a subpoena shall also be issued to the disturbed neighbor to testify to the disturbance under oath.

**§ 205-19. Animal care and animal cruelty.**

- A. It shall be unlawful cruelty to animals for any person to own any animal and:
  - (1) Fail to provide such sufficient and wholesome food; potable water; shade and protection from the weather, which shall include a structurally sound, weatherproof enclosure large enough to accommodate the animal with adequate bedding; opportunity for exercise, veterinary care when needed to treat injury or illness, unless the animal is instead humanely euthanized; or other care as needed for the health or well-being of such kind of animal;
  - (2) Abandon or leave any animal in any place. For the purpose of this provision, "abandon" means for the owner or keeper to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than 12 hours without providing for adequate food, potable water and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded; or
  - (3) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability or death to such animal.
- B. Any animal impounded for being kept in violation of this chapter may be humanely euthanized by the Animal Control Officer if he deems it necessary to relieve suffering. The owner of any animal that is not euthanized shall be entitled to regain custody of such animal only after such custody is authorized by the court. All expenses accrued for the treatment or care of such animal shall be paid by the owner, whether or not he/she seeks to regain custody of such animal.
- C. No person shall willfully and wantonly kill, beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal or cause, instigate or permit any dog fight, cock fight or other combat between animals or between animals and humans, nor shall any person attend such unlawful exhibition or be umpire or judge at such.
- D. The operator of a motor vehicle which strikes any animal shall, as soon as possible, report the accident to the Animal Control Officer or the Police Department and shall report the accident to the animal's owner, if the owner can be ascertained.
- E. No person shall offer to give any live animal as a prize or as a business inducement.
- F. It shall be unlawful for any person to sell within the City any animal whose owning is prohibited by this chapter or to sell or display any animal that has been artificially dyed or colored. Chicks or rabbits younger than eight weeks of age may not be sold or offered for sale in quantities fewer than five to

an individual purchaser.

- G. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his own property, poison mixed with only vegetable substances, except for commercial exterminators.
- H. It shall be unlawful for any person to use a spring steel trap in the City limits, except rat, mice, and mole traps.
- I. It shall be unlawful for any person to willfully kill any songbird or to molest the nest of such birds.
- J. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner for more than 24 hours without first reporting the possession of such animal to the Animal Control Officer.
- K. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on a performing animal shall not harm or injure the animal.

**§ 205-20. Proper identification of dogs and cats required.**

It shall be unlawful for any person owning any cat or dog to permit such animal to be outside the residence structure of such owner without a current City registration tag attached to the collar or harness of such animal. It shall be unlawful for any person to permit a City registration or rabies vaccination tag to be worn by any animal other than the animal for which such tag is issued.

**§ 205-21. Rabies vaccination of cats and dogs.<sup>67</sup>**

Any person owning any cat or dog over 120 days of age shall be required to have such animal currently immunized or vaccinated against rabies. For the purpose of this section, "currently immunized or vaccinated against rabies" shall mean that such dog has been inoculated against rabies by a licensed veterinarian within the past 24 months and such cat has been inoculated against rabies by a licensed veterinarian within the past 12 months; however, dogs under six months of age which are inoculated must receive a second rabies inoculation within 12 months. This section shall not apply to any catterie breeder duly licensed under the provisions of this chapter.

**§ 205-22. Emergency treatment of sick or injured cats and dogs.**

- A. Any sick or injured cat or dog found at large in the City wearing a current City registration or rabies vaccination tag shall be taken at once by the Animal Control Officer or any police officer to a veterinarian for examination and treatment, and the owner of such animal shall be promptly notified. All charges for veterinary services shall be borne by such owner.
- B. Any sick or injured cat or dog found at large in the City without such identifying tag or tattoo shall be examined at once by the Animal Control Officer and held at the animal shelter or animal hospital as defined in this chapter.

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67. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 205-23. Confinement of cats and dogs in heat.**

The owner of any female cat or dog shall, during the period that such animal is in heat, keep it securely confined and enclosed within a building except when off such person's premises briefly for toilet purposes.

**§ 205-24. Running at large. [Amended 9-7-2004 by Ord. No. 6016 ]**

It shall be unlawful for the owner of any animal to permit such animal to run at large within the City at any time. Any animal shall be deemed running at large when such animal is not inside a residence structure, secure fence, or pen; on a leash held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting onto public rights-of-way or another's property. This provision shall not apply to domestic pigeons or to cats, which shall, however, be kept under reasonable restraint to prevent such nuisance activities. If while said animal is at large it bites an individual, the owner shall have a minimum fine of \$150 in addition to the penalties allowed under § 205-2.

**§ 205-25. Vicious and dangerous animals. [Amended 7-20-2009 by Ord. No. 6189 1-18-2022 by Ord. No. 6510 ; 2-7-2022 by Ord. No. 6511 ]**

- A. Complaints. A written and signed complaint must be made to the Municipal Court that identifies the possible vicious animal and the animal's owner. Said complaint may be made by the Animal Control Officer or a Parsons police officer or the City Attorney.
- B. Notice. The owner of the complained of animal shall be served a notice of such complaint. The person shall be advised at least five days in advance by the City of the time and place of the first hearing on the complaint. The notice shall be delivered either by certified mail, postage prepaid, return receipt requested, or personally served by a public officer or a law enforcement officer.
- C. Hearing. On the day and time of the first hearing, the Court shall explain the motion and the consequences of the dog being declared vicious. The owner may stipulate to the animal being vicious or request an evidentiary hearing be held by the Municipal Court. At any evidentiary hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Municipal Judge. In the event the animal owner fails to appear at either the first hearing or the evidentiary hearing, if the Court determines proper notice was given, the Court may declare the owner in default and declare the dog vicious with any other applicable findings.
- D. Evidence. For purposes of this section, an animal that bites any person or has a history of attacking or wounding of persons or other domestic animals shall be prima facie evidence that the animal is vicious or dangerous.
- E. Authority of Court. At the hearing, the Municipal Court shall have the authority to declare an animal vicious by making the finding as to the inherently dangerous nature of the animal as to persons or other domestic animals, its history of attacking or wounding of persons or other domestic animals, the seriousness of these attacks or wounds against a person or other domestic animal, and its potential to inflict wounds in the future or otherwise meets the definition contained in § 205-01 defining a vicious animal.
- F. Penalties. Declaration of an animal as vicious shall be grounds for the impoundment and humane euthanizing of the animal, removal from the City within the time prescribed by the court or the animal may remain within the City if approved by the Court with any conditions the Court may require, which at a minimum must include an inspection of the premises the animal will be residing at to determine if said residence is secure enough to keep the animal from running at large. All dogs that

have been declared vicious and are allowed to remain within the City limits shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed with their owner or other person. Such pen, kennel or structure must have secure sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure.

- G. Any animal impounded pending a hearing to determine if said animal is vicious and is not ordered euthanized shall be required to be microchipped for identification purposes at the expense of the owner with the cost of said microchip being paid by the owner. All impoundment costs shall be the responsibility of the dog owner and may be assessed as restitution in any criminal case involving said dog or collected by a civil lawsuit.

**§ 205-26. Guard dogs.**

- A. Any person owning a trained guard dog (for the purpose of this provision, meaning a dog used to guard public or private property) in the City shall register such dog with the Chief of Police, who shall verify that such animal is confined in a manner that will not endanger persons not on the premises guarded.
- B. A conspicuous notice shall be posted on the premises where any guard dog is kept to warn persons of the nature of the dog therein confined.
- C. Any person operating a guard dog service in the City shall register such business with the Chief of Police and shall list all premises to be guarded with the Chief of Police before such service begins.

**§ 205-27. Harboring vicious animal. [Added 9-7-2004 by Ord. No. 6016 ; amended 6-15-2020 by Ord. No. 6467 ; 1-18-2022 by Ord. No. 6510 ; 2-7-2022 by Ord. No. 6511 ]**

It shall be unlawful for any person to allow an animal to run at large as defined by § 205-24, keep, own, harbor or possess in any way within the corporate limits of the City any animal that has been declared to be vicious under § 205-25 or fits the definition of "vicious animal" under § 205-1 unless said animal is lawfully allowed within the corporate limits of the City pursuant to § 205-25 and is compliant with any orders issued by the Court therein. Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than \$500 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. The Animal Control Officer shall immediately impound any animal that has previously been declared vicious under § 205-25 and is not lawfully allowed within the City or is running at large, to be held until a hearing can be held in Parsons Municipal Court. All costs and expenses associated with said impoundment shall be the responsibility of the person violating this section. It shall be grounds for euthanization if an animal has previously been declared vicious under § 205-25 and is subsequently found illegally within the City limits.

ARTICLE II  
**License and Registration**

**§ 205-28. General provisions.**

- A. Withholding or falsifying information on an application for a license or registration required by this chapter shall be grounds for denial or revocation of such license or registration.
- B. Any person having been denied a license or registration may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee established by resolution.
- C. No person who has been convicted of cruelty to animals shall be issued a registration or a license.
- D. It shall be a condition of the issuance of any license or registration that the Animal Control Officer shall be permitted to inspect all animals and all premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license or registration.
- E. Any license or registration issued shall be subject to revocation in the event such license or registration or the activity licensed becomes a nuisance, health hazard, or detriment to the safety and welfare of residents of the City.
- F. Any person whose license or registration is revoked shall, within 10 days thereafter, surrender any animal owned or kept to the Animal Control Officer, who shall determine its disposition, and no part of the license or registration fee shall be refunded.
- G. The City Manager may revoke any license or registration upon 10 days' notice to the licensee or registrant. No license or registration shall be revoked except after a hearing the date and time of which shall be specified in the notice.
- H. Any person aggrieved by the denial or revocation of a license or registration may appeal to the governing body upon written statements within 10 days of said revocation or denial, which body may, upon a hearing and reasonable notice to interested parties, either issue, reinstate or affirm the denial of such license or registration.

**§ 205-29. Registration of cats and dogs.**

- A. It shall be the duty of any person owning in the City any cat or dog over 120 days of age to register such cat or dog with the City Clerk or his/her designee. The City Clerk may delegate authority to the Animal Control Officer to enforce any sections of this chapter requiring registration.
- B. Any other section of this chapter notwithstanding, the registration provision of this section shall not apply to any nonresident owner of any cat or dog while such person is passing through the City, provided that such cat or dog shall remain on a leash or otherwise effectively restrained while within the City.
- C. The registration fees for cats and dogs shall be determined by resolution. As proof of neutering and/or tattooing, an applicant shall present to the City Clerk a validation signed by a licensed veterinarian. No registration fee shall be charged to any owner of a dog trained as being used as a seeing eye or hearing dog.
- D. Registration shall be accomplished at the office of the City Clerk, either in person or by mail, at any time during the year that a cat or dog reaches the age of required registration, within 30 days after an owner acquires a cat or dog of required registration age, or within 30 days after a person owning a cat



or dog of required registration age moves into the City.

- E. The City Clerk shall register the dog or cat and issue a license to said owner upon: **[Amended 7-20-2009 by Ord. No. 6189 ]**
- (1) Presentation of a certificate of vaccination issued by a licensed veterinarian; and
  - (2) Payment of the prescribed registration fees.
  - (3) For dogs only, proof of the installation of an identification microchip and the corresponding information necessary for scanning said chip. **[Added 3-21-2022 by Ord. No. 6515 ]**
- F. All cats and dogs so owned in any household shall be registered in the name of the same household head.
- G. The receipt issued for the registration shall constitute a certificate of registry and evidence of authorization for the keeping of such cat or dog within the City. Said registration shall be good for the length of time the immunization is effective as indicated on the rabies vaccination certificate presented at the time of registration. In no event shall the registration be good for more than three years from the date of vaccination. **[Amended 7-20-2009 by Ord. No. 6189 ; 3-16-2020 by Ord. No. 6462 ]**
- H. At the time of the issuance of any certificate of registry, the City Clerk shall deliver therewith a registration tag bearing the registration number of such certificate. The tag shall be kept on the animal as required by this chapter. A replacement tag shall be furnished by the City Clerk to any registrant upon application satisfactory to the City Clerk and payment of a fee to be established by resolution. Upon change of animal ownership, any person acquiring any cat or dog currently registered with the City shall apply to the City Clerk to transfer such registration to his name and no fee shall be charged.
- I. Any veterinarian practicing with the City, upon the examination or treatment of any cat or dog that is required by this chapter to be registered but whose owner cannot validate current registration, shall issue to the owner of such animal a registration application and instructions for accomplishing such registration by mail. The City Clerk shall provide to all veterinarians the aforementioned registration forms upon request by such veterinarian.
- J. The City Clerk shall keep on file a copy of all certificates of registry issued within the preceding 36 months. Such certificates shall include but not be limited to the following information:
- (1) The owner's name, address and telephone number and an alternate telephone number;
  - (2) A description of the cat or dog, including name, breed, color, age, weight, sex and neutered or unneutered status;
  - (3) The number of the registration certificate and tag issued; and
  - (4) The expiration date of the registration.
- K. The City Clerk shall provide duplicate registration records to the Animal Control Officer, which shall include monthly reports of new registrations and reports of licenses issued to commercial animal establishments.
- L. This section shall not apply to commercial animal establishments.

**§ 205-30. Licensing of commercial animal establishments.**

- A. It shall be unlawful for any person, either as owner or agent, representative, employee or bailee of an owner, to operate a commercial animal establishment without being licensed for that activity. Any person desiring to obtain or annually renew a license to operate a commercial animal establishment shall file an application with the City Clerk and pay the appropriate fee, as prescribed by resolution.
- B. No license fee shall be required of the animal shelter. No license fee shall be required of any animal hospital.
- C. Upon the receipt of the license application and fee, the City Clerk shall refer such application to the Animal Control Officer, who shall investigate the premises and file a written report and recommendation with the City Clerk. If the application is approved by the Animal Control Officer, the City Clerk shall issue the applicant a license to operate the activity under such conditions as the Animal Control Officer shall specify in the report.
- D. All licenses shall expire one year from the date of issuance. Licensees shall be advised by written notice of the City Clerk 60 days prior to the license expiration date, for the purpose of license renewal. The licensee shall then apply to the City Clerk for the license renewal at least 30 days prior to the license expiration date to assure continuous licensing.
- E. Any person for the first time beginning to operate a commercial animal establishment shall pay the applicable license fee at least 30 days prior to the start of such operation.
- F. Licenses for commercial animal establishments shall not be transferable.

ARTICLE III  
**Impoundment**

**§ 205-31. Notification of capture and impoundment.**

Upon the taking and impoundment of any cat or dog wearing a current City registration or rabies vaccination tag, the Animal Control Officer shall notify the owner of such animal of its impoundment and conditions under which the animal can be recovered. Such notice shall be given by telephone or in writing within 48 hours of the impoundment of such animal.

**§ 205-32. Prosecution for violations authorized.<sup>68</sup>**

The owner of any impounded animal who does not recover such animal may still be proceeded against for violation of any provision of this chapter.

**§ 205-33. Time period for holding animals. [Amended 12-1-2003 by Ord. No. 5992 ]**

- A. The owner of any impounded cat or dog properly identified as prescribed in § 205-31 of this chapter shall be given three business days to recover such animal. The owner of any impounded cat or dog not so identified shall be given three business days to recover such animal. Exemptions to these holding periods shall be authorized when:
- (1) Any cat or dog is given to be disposed of by its owner;
  - (2) Any owner, upon notification of impoundment, declares his intention not to recover such animal; or
  - (3) Any cat or dog not having proper identification arrives at the animal shelter in such a condition that, in the judgment of the Animal Control Officer, compassion requires that such animal be promptly and humanely euthanized.
- B. The owner of any animal given to the Animal Control Officer to be disposed of shall be required to make payment of a fee established by resolution.
- C. Any cat or dog not recovered by its owner within the prescribed holding period shall become the property of the City and may be adopted, transferred to a duly incorporated humane society, or humanly euthanized.

**§ 205-34. Procedure and fees for recovery of animals. [Amended 9-7-2004 by Ord. No. 6016 ; 11-1-2004 by Ord. No. 6021 ]**

- A. Except as provided by § 205-11, any owner of an impounded animal shall be entitled to recover such animal if, within the prescribed holding period, such person shall appear to claim such animal and shall make payment of the required fees and comply with all other requirements of this section.
- B. Any person desiring to retrieve and obtain possession of any animal impounded by the City of Parsons, Kansas, under provisions of § 205-5 of this chapter shall be required to reimburse the City for any expenses for veterinary services with regard to the impoundment of such animal. The cost of veterinary services shall be payable directly to the provider of said services. Proof of registration as required under § 205-29 and proof of rabies immunization, unless the species of animal cannot be

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68. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

immunized as determined by the impounding veterinarian or entity, shall be provided at the time of release from impoundment. If said animal is not registered under § 205-29 and/or proof of rabies immunization is not provided, no animal shall be released from impoundment until these are obtained at the owner's expense.<sup>69</sup> [Amended 7-20-2009 by Ord. No. 6189 ; 3-16-2020 by Ord. No. 6462 ]

**§ 205-35. Procedure and fees for adopting animals.**

- A. Any cat or dog not recovered by its owner within the prescribed holding period may be offered for adoption by a new adult owner.
- B. The Animal Control Officer, veterinarian, or other impounding entity shall collect such fees for animal adoption as are established by resolution. [Amended 9-7-2004 by Ord. No. 6016 ]
- C. Such rabies vaccination as is prescribed in this chapter shall also be required.
- D. If any dog or female cat is under six months of age, or any male cat is under 10 months of age, such owner shall agree in writing to return such animal at a specified place and date for neutering. Such owner shall be required to have such animal currently rabies immunized by a licensed veterinarian before neutering. Any neutering fee shall be forfeited by any owner who fails to accomplish such neutering within 30 days after the specified neutering date.

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69. Editor's Note: Former Subsection C, regarding waiving of fee, which immediately followed, was repealed 1-18-2022 by Ord. No. 6510.



**Chapter 218****BOWLING ALLEYS**

<b>§ 218-1.</b>	<b>License required; tax.</b>	<b>§ 218-5.</b>	<b>Posting of license.</b>
<b>§ 218-2.</b>	<b>Term of license.</b>	<b>§ 218-6.</b>	<b>Records.</b>
<b>§ 218-3.</b>	<b>Form of license.</b>	<b>§ 218-7.</b>	<b>Revocation of license.</b>
<b>§ 218-4.</b>	<b>Transfer of license.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 1-6-1982 by Ord. No. 5246 (Ch. 4, Art. III of the 1985 Code). Amendments noted where applicable.]**

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**§ 218-1. License required; tax.**

No person shall operate any bowling alley without a license issued by the City Clerk upon payment to the City of a license tax of \$75, provided that a person beginning business prior to July 1 of any year shall pay the full amount of the fee and a person beginning business after June 30 of any year shall pay 1/2 of the annual tax. An affidavit by the applicant stating when he began business shall accompany the payment and shall be filed with the City Clerk.

**§ 218-2. Term of license.**

A license issued pursuant to this chapter shall expire on the last day of December of each year.

**§ 218-3. Form of license.**

All licenses issued pursuant to this chapter shall be signed by the Mayor and attested by the City Clerk, and the City Clerk shall affix the Corporate Seal of the City thereto. All licenses shall be dated on the day they are issued and shall state the name of the applicant, the kind of business he desires to engage in, the amount paid and the time the license shall expire.

**§ 218-4. Transfer of license.**

No license issued pursuant to this chapter shall be transferable or assignable.

**§ 218-5. Posting of license.**

Every license issued pursuant to this chapter shall be posted in a conspicuous place in the place of business for which it is issued and shall be kept posted in such place during the time that it is in force.

**§ 218-6. Records.**

The City Clerk shall keep a book in which shall be entered the name of each person licensed pursuant to this chapter, his address, the date of the license, the purpose for which it is granted, the amount paid therefor and the time when the same shall expire.

**§ 218-7. Revocation of license.**

Any license issued pursuant to this chapter may be revoked by the governing body if the licensee in the conduct of the licensed business violates any law of the state or ordinance of this City. In any case where a license is revoked because of violation of law as herein stated no part of the amount paid for the license shall be refunded by the City. Conviction of the licensee in any court or the forfeiture of bond furnished by any licensee for his release pending the hearing of any case wherein the licensee is charged with having committed an offense under the law in the conduct of the business for which he obtained the license shall be sufficient evidence to authorize the governing body to revoke the license, and a certified copy of the judgment of the court showing such conviction or forfeiture shall authorize the governing body to forfeit the license. In case of the revocation of the license of any licensee, no new license shall be issued to such person or any person acting for his or on his behalf for a period of six months thereafter.

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**Chapter 225**

**BUILDING CONSTRUCTION**

<b>§ 225-1.</b>	<b>Adoption and incorporation of codes.</b>	<b>§ 225-2.</b>	<b>Repealer.</b>
		<b>§ 225-3.</b>	<b>Publication; effective date.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 5-20-2019 by Ord. No. 6438 .<sup>70</sup> Amendments noted where applicable.]**

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**§ 225-1. Adoption and incorporation of codes.**

There is hereby adopted and incorporated by reference the 2018 edition of the International Building Code, 2018 edition of the International Mechanical Code, 2018 edition of the International Existing Building Code, 2018 edition of the International Residential Code for One- and Two-Family Dwellings, 2018 edition of the International Plumbing Code, 2018 edition of the International Fire Code, 2018 edition of the International Fuel Gas Code, and the 2017 National Electric Code. No fewer than one copy of these codes shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Parsons" and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

**§ 225-2. Repealer.**

All previous codes previously adopted by Ordinance 6138 are hereby repealed.

**§ 225-3. Publication; effective date.**

This chapter shall take effect and be in full force and effect immediately following its adoption and publication as provided by law, but no sooner than July 1, 2019.

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70. Editor's Note: This ordinance also repealed former Ch. 225, Building Construction, adopted 11-5-2007 by Ord. No. 6138 .



**Chapter 230****BUILDINGS, MOVING OF**

§ 230-1.	Permit required; fee.	§ 230-5.	Removal of wires and poles along route.
§ 230-2.	Route and manner of moving.	§ 230-6.	Licensing of building movers.
§ 230-3.	Planking of pavement.	§ 230-7.	Violations and penalties.
§ 230-4.	Danger signals at night; notice to City.		

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 4-801 to 4-809 of the 1963 Code (Ch. 21, Art. V of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 225.

Streets and sidewalks — See Ch. 520.

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**§ 230-1. Permit required; fee.**

- A. It shall be unlawful for any person to move any house or other structure or object weighing in excess of 10 tons without a permit issued by the Building Inspector.
- B. No such permit shall be issued until an application is filed with the Building Inspector. The applicant shall give the following information:
  - (1) A description of the house, object or structure to be moved.
  - (2) The route upon which the house, object or structure is to be moved.
- C. If a building is to be moved such permit shall be issued only to a person who holds a license issued pursuant to § 230-6 of this chapter.
- D. A permit fee of \$25 shall be paid to the City at the time of applying for the permit.

**§ 230-2. Route and manner of moving.**

A structure or object shall be moved only upon or along the route and in the manner as provided by the Building Inspector, and the movement of the structure or object shall be made under the supervision and direction of the Building Inspector, and all reasonable orders or directions that may be given by the Building Inspector must be complied with by the person moving the structure or object.

**§ 230-3. Planking of pavement.**

In case the City Engineer shall deem it necessary for the protection of the pavement, macadam or other street paving, crossings, culverts, drains or bridges on the route, he shall require the applicant for the permit required by this chapter to properly plank places liable to be damaged.

**§ 230-4. Danger signals at night; notice to City.**

Any person who shall engage in moving any building, derrick, or other high or heavy structure, machine or thing along, across or over any street, avenue, alley or other public property shall keep and maintain red lights at night visible to anyone approaching such building or other structure from either direction and shall also notify the Chief of the Fire Department and Chief of Police where the building or structure is stopped for the night.

**§ 230-5. Removal of wires and poles along route.**

- A. It shall be the duty of the Building Inspector, upon the issuance of any permit required by this chapter, to notify, in writing, all persons owning or operating wires, conduits, poles, or other material likely to be affected by the moving of the structure or thing of the issuance of the permit, the date the structure will be moved and the route to be used. Such notice shall be given at least 24 hours prior to the object being moved.
- B. No person moving any object for which a permit is required by this chapter shall raise, cut or in any way interfere with any such poles or wires, unless the person owning or having control of the same shall neglect or refuse so to do after having been notified as required in this section. Only competent workmen and linemen shall be employed in such work, and the necessary and reasonable expense shall be paid by the owner of the poles and wires handled. The work shall be done in a careful and workmanlike manner and the poles and wires shall be promptly replaced and the damages thereto promptly repaired.
- C. Persons owning or operating such wires shall do the work necessary and furnish the materials necessary for removing, raising, cutting and restoring the wires. Such persons shall keep a record of the expenses incurred in so doing and shall present a bill for the same to the person who moved the object or who was issued the permit pursuant to this chapter. The person to whom the bill is presented shall pay all reasonable charges incurred by the person owning or operating the wires in removing, raising and restoring the wires.

**§ 230-6. Licensing of building movers.**

- A. License required. It shall be unlawful for any person to engage in the business of moving buildings within the City without a license issued by the governing body.
- B. Fee. A person required by this section to obtain a license shall pay a fee to the City in the amount established by ordinance.
- C. Bond. Before a house mover's license is issued, the person making application shall have in effect on file with the City Clerk a surety bond in favor of the City in the sum of \$25,000, in a form acceptable to the City Attorney, conditioned that the principal in the bond will comply with all provisions of all ordinances of the City relating to house moving and further conditioned that the City or any persons who may deem themselves injured or damaged by the principal's failure to comply with such ordinances may sue on such bond to recover their damages. **[Amended 8-19-1991 by Ord. No. 5571]**
- D. Term of license. A license issued pursuant to this section shall expire at the end of the calendar year for which it was issued.

**§ 230-7. Violations and penalties.<sup>71</sup>**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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**71. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

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**Chapter 235**

**BUILDINGS, UNSAFE**

**§ 235-1. Enforcing officer.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as § 4-901 of the 1963 Code (§ 7-2 of the 1985 Code). Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction — See Ch. 225.

Nuisances — See Ch. 441.

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**§ 235-1. Enforcing officer.**

The City Manager shall be the enforcing officer within the meaning of K.S.A. §§ 12-1750 through 12-1756 and shall be charged with the administration of such sections.

**Chapter 237****BUILDINGS, WRECKING OF**

§ 237-1.	Application; license.	§ 237-4.	Exemptions.
§ 237-2.	Wrecking permit.	§ 237-5.	Sanitary sewer.
§ 237-3.	Bond.		

**[HISTORY: Adopted by the City Commission of the City of Parsons 8-2-2010 by Ord. No. 6211 .<sup>72</sup>  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 225.

Unsafe buildings — See Ch. 235.

Moving of buildings — See Ch. 230.

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**§ 237-1. Application; license.**

- A. It shall be unlawful for any person, firm, or corporation to engage in the business of wrecking houses or other buildings or structures or any object within the City limits of the City of Parsons, Kansas, without first having made written application to the Parsons City Commission and having secured a license to engage in said business.
- B. Before a wrecking license is issued, the person or entity making application shall have in effect and on file with the City Clerk proof of liability insurance in the amount of \$300,000, along with a surety bond in favor of the City in the sum of \$5,000, in a form acceptable to the City Attorney, conditioned that the principal in the bond will comply with all provisions of all ordinances of the City relating to the wrecking of houses and any requirements contained in the wrecking permits when issued.
- C. Such license shall be issued by the City Clerk and dated to terminate on the 31st day of December of each calendar year and for which said license shall pay a fee of \$50. Insurance and bonds shall remain in full force and effect during the duration of the license. Failure to maintain these shall be immediate grounds for revocation of said license.

**§ 237-2. Wrecking permit.**

It shall be unlawful for any person, firm or corporation to wreck any house or other structure or object as herein provided without first having made a written application to the Building Inspector for a permit, which said application shall accurately describe the house or other structure or object proposed to be wrecked and such information as the City of Parsons may require, and the payment of a fee of \$25. Said fee shall be paid to the City Clerk and credited to the General Fund of the City. If more than one structure is requested to be torn down in the permit application, only one fee of \$25 shall be required per application. The permit shall only be issued if the proper bonds are in place as required by this chapter and the applicant has a valid wrecking license issued by the City of Parsons, unless specifically exempted

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72. Editor's Note: This ordinance also repealed Ord. Nos. 4130, 5097 and Section 6 of 5571.

herein. The Building Inspector shall have the right to issue the permit with conditions and requirements the Building Inspector feels are necessary, including but not limited to time requirements to have the structure completely removed by. Failure to comply with these conditions can be grounds for the forfeiture of the bonds required herein.

### **§ 237-3. Bond.**

Before a wrecking permit is issued, the person or entity making the application shall have in effect and on file with the City Clerk all applicable bonds, including those required to obtain a license. Persons or entities exempt from the license requirement shall have in effect and on file with the City Clerk a surety bond in favor of the City in the sum of \$100 for garages or similar structures, and \$500 for residential structures and churches. Said bonds shall be in a form acceptable to the City Attorney, conditioned that the principal in the bond will comply with all provisions of all ordinances of the City relating to the wrecking of houses, buildings or other structures as well as the conditions contained in the permit when issued, and further conditioned that the City or any person who may deem himself injured or damaged by the principal's failure to comply with such ordinances may sue on such bond to recover the damages. In the event cash is posted as the bond, the City Manager may forthright forfeit the bond for damages created to the City or ordinances or permit conditions not followed, upon written notice to the person or individual who posted said bond. In the event of forfeiture, the party whose bond is forfeited may have this decision reviewed by the City Commission upon written request received by the City Clerk within 10 days of the forfeiture notice being mailed.

### **§ 237-4. Exemptions.**

The following shall be exempt from the requirement of having a wrecking license before a wrecking permit shall be issued:

- A. Plumbers, electricians or other specialized trades for which special licenses or bonds are required;
- B. A person removing or wrecking a residential building, including garage or outbuilding, owned by said person. Said owner can have other individuals assist with said removal as long as said owner is directly supervising the removal by being on site at all times;
- C. A church whose members are removing or wrecking a church building without compensation or payment.

### **§ 237-5. Sanitary sewer.**

All sanitary sewers shall be plugged in a satisfactory manner and before being covered shall be inspected by the Building Inspector of the City of Parsons.

## CABLE TELEVISION

## Chapter 240

## CABLE TELEVISION

	ARTICLE I	§ 240-22.	Periodic review, evaluation and modification.
	Rate Regulation	§ 240-23.	Damage caused by franchisee.
§ 240-1.	Definitions.	§ 240-24.	Removal of facilities upon request.
§ 240-2.	Initial review of basic cable rates.	§ 240-25.	Transfer of ownership.
§ 240-3.	Review of request for increase in basic cable rates.	§ 240-26.	Purchase by City.
§ 240-4.	Cable operator information.	§ 240-27.	Geographical coverage.
§ 240-5.	Automatic rate adjustments.	§ 240-28.	Multiple franchises.
§ 240-6.	Refunds; violations and penalties.	§ 240-29.	City's right of intervention.
§ 240-7.	Cumulative effect.	§ 240-30.	Discriminatory or preferential practice.
		§ 240-31.	Subscriber privacy.
	ARTICLE II	§ 240-32.	Permits and authorizations.
	Compliance with FCC Rules	§ 240-33.	Annual reports.
§ 240-8.	Commitment to abide by rules.	§ 240-34.	Emergency alert system.
		§ 240-35.	Amendments.
		§ 240-36.	Indemnification; security funds; insurance.
	ARTICLE III	§ 240-37.	Operational standards.
	Franchise Procedure	§ 240-38.	Continuity of service.
§ 240-9.	General provisions.	§ 240-39.	Safety requirements.
§ 240-10.	Definitions and word usage.	§ 240-40.	Customer surveys and procedures.
§ 240-11.	Franchise required.	§ 240-41.	Customer service standards.
§ 240-12.	Selection of initial franchisee.	§ 240-42.	Subscriber rates.
§ 240-13.	Application for franchise renewal.	§ 240-43.	Records required and City's right to inspect.
§ 240-14.	Franchise fees.	§ 240-44.	Abandonment or removal of franchise property.
§ 240-15.	Term and termination of franchise.	§ 240-45.	Rights reserved to City; waiver of franchise provisions.
§ 240-16.	Franchise provisions.	§ 240-46.	Violators.
§ 240-17.	Franchise agreement.	§ 240-47.	Jurisdiction of court.
§ 240-18.	Access channels.	§ 240-48.	Force majeure.
§ 240-19.	Public service installation.	§ 240-49.	Nonenforcement not estoppel.
§ 240-20.	Construction standards and requirements.	§ 240-50.	Severability.
§ 240-21.	Technical standards.		

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article

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**histories. Amendments noted where applicable.]**



ARTICLE I  
**Rate Regulation**  
[Adopted 2-7-1994 by Ord. No. 5650 ]

**§ 240-1. Definitions.**

In this article, the following terms shall have the meanings indicated:

**BASIC CABLE RATES** — The monthly charges for a subscription to the basic service tier and the associated equipment.

**BASIC SERVICE TIER** — A separately available tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels, and all domestic television signals other than superstations.

**BENCHMARK** — A per-channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.

**CABLE ACT OF 1992** — The Cablevision Television Consumer Protection and Competition Act of 1992.

**CABLE OPERATOR** — Any person or group of persons who:

- A. Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or
- B. Otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

**CHANNEL** — A unit of cable service identified and selected by a channel number or similar designation.

**CITY COMMISSION** — The governing body of the City of Parsons, Kansas.

**COST-OF-SERVICE SHOWING** — A filing in which the cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

**FCC** — The Federal Communications Commission.

**INITIAL BASIC CABLE RATES** — The rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the City notifies the cable operator of the City's qualification and intent to regulate basic cable rates.

**MUST-CARRY SIGNAL** — The signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.

**PEG CHANNEL** — The channel capacity designated for public, educational, or governmental use and facilities and equipment for the use of that channel capacity.

**PRICE CAP** — The ceiling set by the FCC on future increases in basic cable rates regulated by the City, based on a formula using GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

**REASONABLE RATE STANDARD** — A per-channel rate that is at, or below, the benchmark or price cap level.

**SUPER STATION** — Any non-local broadcast signal secondarily transmitted by satellite.

**§ 240-2. Initial review of basic cable rates.**

- A. Notice. Upon the adoption of this article and the certification of the City by the FCC, the City shall immediately notify all cable operators in the City, by certified mail, return receipt requested, that the City intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.
- B. Cable operator response. Within 30 days of receiving notice from the City, a cable operator shall file with the City its current rates for the basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.
- C. Expedited determination and public hearing.
  - (1) If the City Commission is able to expeditiously determine that the cable operator's rates for the basic service tier and associated equipment are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the City Commission shall:
    - (a) Hold a public meeting at which interested persons may express their views; and
    - (b) Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the City.
  - (2) If the City Commission takes no action within 30 days from the date the cable operator filed its basic cable rates with the City, the proposed rates will continue in effect.
- D. Extended review period.
  - (1) If the City Commission is unable to determine whether the rates in issue are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City Commission shall, within 30 days from the date the cable operator filed its basic cable rates with the City and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:
    - (a) Ninety days if the City Commission needs more time to ensure that a rate is within the FCC's reasonable rate standard; or
    - (b) One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.
  - (2) If the City Commission has not made a decision within the ninety- or one-hundred-fifty-day period, the City Commission shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.
- E. Public hearing. During the extended review period and before taking action on the proposed rate, the City Commission shall hold at least one public hearing at which interested persons may express their views and record objections.
- F. Objections. An interested person who wishes to make an objection to the proposed initial basic rate may request the City Clerk to record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the City Clerk with the objector's name and address.
- G. Benchmark analysis. If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC's reasonable rate standard, the City Commission shall review the rates using

the benchmark analysis in accordance with the standard form authorized by the FCC. Based on the City Commission's findings, the initial basic rates shall be established as follows:

- (1) If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rates will be capped at that level.
- (2) If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per-channel rate on September 30, 1992, reduced by 10%, or the applicable benchmark, adjusted for inflation and any change in the number of channels occurring between September 30, 1992 and the initial date of regulation.
- (3) If the current basic cable rates exceed the benchmark but the cable operator's per-channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.

H. Cost-of-service showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify initial basic cable rates above the FCC's reasonable rate standard. The City Commission will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The City Commission may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus 10% will prescribe the cable operator's new rates.

I. Decision.

- (1) By formal resolution. After completion of its review of the cable operator's proposed rates, the City Commission shall adopt its decision by formal resolution. The decision shall include one of the following:
  - (a) If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the City Commission shall approve the initial basic cable rates proposed by the cable operator; or
  - (b) If the proposal is not within the FCC's reasonable rate standard and a cost-of-service analysis, if any, does not justify the proposed rates, the City Commission shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.
- (2) Rollbacks are refunds. If the City Commission determines that the initial basic cable rates as submitted exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the City Commission may order the rates reduced in accordance with Subsections G and H above, as applicable. In addition, the City Commission may order the cable operator to pay to subscribers refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the City Commission's decision resolution.
- (3) Statement of reasons for decision and public notice. If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the City Commission must give

public notice of its decision. Public notice will be given by advertisement once in the official newspaper of the City.

- J. Appeal. The City Commission's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable federal regulations.

**§ 240-3. Review of request for increase in basic cable rates.**

- A. Notice. A cable operator in the City who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the City and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.
- B. Expedited determination and public hearing.
- (1) If the City Commission is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the City Commission shall:
    - (a) Hold a public hearing at which interested persons may express their views.
    - (b) Act to approve the rate increase within 30 days from the date the cable operator filed its request with the City.
  - (2) If the City Commission takes no action within 30 days from the date the cable operator filed its request with the City, the proposed rates will go into effect.
- C. Extended review period.
- (1) If the City Commission is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the City Commission shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:
    - (a) Ninety days if the City Commission needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and
    - (b) One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.
  - (2) The proposed rate increase is tolled during the extended review period.
  - (3) If the City Commission has not made a decision within the ninety- or one-hundred-fifty-day period, the City Commission shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.
- D. Public hearing. During the extended review period and before taking action on the requested rate increase, the City Commission shall hold at least one public hearing at which interested persons may express their views and record objections.
- E. Objections. An interested person who wishes to make an objection to the proposed rate increase may request the City Clerk to record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part

of the record, the objector must provide the City Clerk with the objector's name and address.

- F. Delayed determination. If the City Commission is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the City Commission later issues a decision disapproving any portion of the increase.
- G. Price cap analysis. If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the City Commission shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the City Commission's findings, the basic cable rates shall be established as follows:
  - (1) If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.
  - (2) If the proposed basic cable rate increase exceeds the price cap established by the FCC, the City Commission shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.
- H. Cost-of-service showings. If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the City Commission will review the submission pursuant to the FCC standards for cost-of-service review. The City Commission may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.
- I. Decision. The City Commission's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person requesting the City Clerk to record the objection or may be submitted in writing at any time before the decision resolution is adopted.
- J. Refunds.
  - (1) The City Commission may order refunds of subscribers' rate payments with interest if:
    - (a) The City Commission was unable to make a decision within the extended time period as described in Subsection C above;
    - (b) The cable operator implemented the rate increase at the end of the extended review period; and
    - (c) The City Commission determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing and the City Commission disapproves any portion of the rate increase.
  - (2) The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the City Commission's decision resolution.
- K. Appeal. The City Commission's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable federal regulations.

**§ 240-4. Cable operator information.****A. City may require.**

- (1) In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the City Commission may require the cable operator to produce information in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section.
- (2) In cases where initial or proposed rates comply with the reasonable rate standard, the City Commission may request additional information only in order to document that the cable operator's rates are in accord with the standard.

**B. Request for confidentiality.**

- (1) A cable operator submitting information to the City Commission may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.
- (2) If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.
- (3) Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.
- (4) Casual requests which do not comply with the requirements of this Subsection B shall not be considered.

**C. City Commission action.** Requests which comply with the requirements of Subsection B will be acted upon by the City Commission. The City Commission will grant the request if the cable operator presents, by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from public inspection. If the request does not present a case for nondisclosure and the City Commission denies the request, the City Commission shall take one of the following actions:

- (1) If the information has been submitted voluntarily without any direction from the City, the cable operator may request that the City return the information without considering it. Ordinarily, the City will comply with this request. Only in the unusual instance that the public interest so requires will the information be made available for public inspection.
- (2) If the information was required to be submitted by the City Commission, the information will be made available for public inspection.

**D. Appeal.** If the City Commission denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working days of the City Commission's decision, and the release of the information will be stayed pending review.**§ 240-5. Automatic rate adjustments.**

- A. Annual inflation adjustment. In accordance with the FCC regulations, the cable operator may adjust its capped base per-channel rate for the basic service tier annually by the final GNP-PI index.
- B. Other external costs.
  - (1) The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the GNP-PI. These factors include retransmission consent fees, programming costs, state and local taxes applicable to the provision of cable television service, and costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per-channel rate without regard to its relation to the GNP-PI.
  - (2) For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per-channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per-channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.
- C. Notification and review. The cable operator shall notify the City at least 30 days in advance of a rate increase based on automatic adjustment items. The City shall review the increase to determine whether the item or items qualify as automatic adjustments. If the City makes no objection within 30 days of receiving notice of the increase, the increase may go into effect.

**§ 240-6. Refunds; violations and penalties.**

- A. Refunds. The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:
  - (1) A portion of the previously paid rates has been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or
  - (2) The cable operator failed to comply with a valid rate order issued by the City.
- B. Penalties. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500 for each day the cable operator fails to comply and shall be subject to those remedies provided in the franchise of the cable operator as may be applicable.

**§ 240-7. Cumulative effect.**

This article is intended and shall be cumulative of the rules and regulations adopted by the FCC pursuant to the 1992 Cable Act.

ARTICLE II  
**Compliance with FCC Rules**  
**[Adopted 2-7-1994 by Ord. No. 5651 ]**

**§ 240-8. Commitment to abide by rules.**

The City of Parsons, Kansas, as franchising authority for cable television franchises within the City, does hereby commit to abide by all of the rules and regulations of the Federal Communications Commission adopted with respect to cable television rate regulations as prescribed from time to time by the Federal Communications Commission.



ARTICLE III  
**Franchise Procedure**  
**[Adopted 6-1-1998 by Ord. No. 5827 ]**

**§ 240-9. General provisions.**

- A. The City of Parsons, pursuant to the applicable federal and state law, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain, and reconstruct cable television systems within the City limits. Unless otherwise permitted by applicable laws, this franchise shall not extend to services beyond cable service, such as telephone service or other telecommunications services. A franchisee does not waive its rights to offer telephone service or other telecommunications services subject to applicable local, state or federal law.
- B. The Commissioners of the City of Parsons find that the development of cable television systems has the potential of having great benefit and impact upon the residents of Parsons. Because of the complex and rapidly changing technology associated with cable television, the City Commissioners further find that the public convenience, safety, and general welfare can best be served by establishing regulatory powers which should be vested in the City or such persons the City shall designate. It is the intent of this article and subsequent amendments to provide for and specify the means to obtain the best possible cable television service for the public, and any franchises issued pursuant to this article shall be deemed to include this finding as an integral part thereof.
- C. The City shall not discriminate in awarding franchises pursuant to this article. Entities which request a franchise to provide substantially similar services to substantially similar groups of City residents on substantially similar terms shall receive comparable franchises. The terms and conditions of any additional franchise shall be no less burdensome nor more favorable than those contained in any other franchise, based upon a review of the provisions of each franchise as a whole.
- D. This article shall be known as the "Cable Television Ordinance."

**§ 240-10. Definitions and word usage.<sup>73</sup>**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

**ACCESS CHANNELS** — Those channels which, by the terms of this article or the franchise agreement, are required to be kept available by the franchisee for partial or total dedication to noncommercial educational or governmental access use.

**AFFILIATE** — Any person controlling, controlled by, or under common control with the franchisee.

**BASIC CABLE SERVICE** — Any service tier which includes the retransmission of local television broadcast signals and access channels. This definition shall be consistent with and deemed to change pursuant to any changes in applicable federal law or the FCC rules.

**CABLE ACT** — The Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984) [codified at 47 U.S.C. §§ 521 to 611 (1982 and Supp. V 1987)], as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, and the Telecommunications Act

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73. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

of 1996, Pub. L. No. 104-104, as may, from time to time, be amended.

**CABLE SERVICE** — The one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

**CABLE TELEVISION SYSTEM, CABLE SYSTEM or SYSTEM** — A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community. Such term does not include:

- A. A facility that serves only to retransmit the television signals of one or more television broadcast station;
- B. A facility that serves subscribers without using any public right-of-way;
- C. A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. § 201 et seq., except that such facility shall be considered a cable system [other than for purposes of 47 U.S.C. § 541(C)] to the extent such facility is used in the transmission of video programming directly to subscribers; or
- D. Any facilities of any electric utility used solely for operating its electric utility system.

**CHANNEL or CABLE CHANNEL** — A six-megahertz portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission.

**CITY** — The City of Parsons, Kansas, and all territory within its existing and future territorial corporate limits or jurisdiction for purposes of this article.

**CITY COMMISSIONERS** — The governing body of the City of Parsons, Kansas.

**COMPLAINT** — Any verbal or written inquiry, allegation or assertion made by a person requiring subsequent corrective action to the system or any portion thereof.

**FCC** — The Federal Communications Commission, its designee, or any successor thereof.

**FRANCHISE** — An initial authorization or renewal thereof issued by the City, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of the cable system. "Franchise" shall include both the franchise granted pursuant to this article and the franchise agreement, or granting ordinance, and all rights, powers and privileges thereunder.

**FRANCHISE AGREEMENT** — The separate agreement or granting ordinance by which the franchise is granted to the franchisee, as required by this article.

**FRANCHISEE** — Includes all persons having any rights, powers, privileges, duties, liabilities, or obligations under this article and the franchise agreement (herein collectively called the "franchise") and any lawful successor, transferee, or assignee of the original franchisee.

**FRANCHISOR** — The City of Parsons, as represented by the Commissioners of the City of Parsons or any delegate acting within the scope of its jurisdiction.

**GROSS REVENUES** — All revenues received directly or indirectly by the franchisee arising from or in connection with the provision of cable service in the City and consistent with local, state, and federal law, including but not limited to subscriber revenues (including pay TV), advertising income, home shopping programs, rentals of equipment, antenna, or signal space, and any and all other gross revenues received by

the franchisee from the provision of cable service in the area under the jurisdiction of the City of Parsons. The franchisee is not required to include revenues recorded as received but which are bad debt, but it must include any recoveries of bad debt. This definition of "gross revenues" also does not include any sales, excise or other taxes collected by the franchisee on behalf of a federal, state, county, city, or other governmental unit.

**INSTALLATION** — The act of connecting the system from the feeder cable to the subscriber terminal so that cable service may be received by the subscriber.

**NORMAL BUSINESS HOURS** — Those hours during which most similar businesses in the community are open to serve customers. At the request of the City, "normal business hours" will include some evening hours at least one night per week and/or some weekend hours, but the franchisee shall not be required to exceed 40 hours in any week.

**NORMAL OPERATING CONDITIONS** — Those service conditions which are within the control of the franchisee. Those conditions which are not within the control of the franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the franchisee include, but are not limited to, special promotions, pay TV events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the system.

**OTHER PROGRAMMING SERVICE** — Information that a franchisee makes available to all subscribers generally.

**PAY TV** — The delivery over the system of per-channel or per-program programming to subscribers for a separate fee or charge from basic cable service.

**PERSON** — Any natural person or any association, firm, individual, partnership, joint-stock company, joint venture, corporation, or other legally recognized entity, public or private, whether for profit or not for profit.

**SERVICE AREA** — The entire geographic area within this City as it is now constituted or may in the future be constituted, unless otherwise specified in the franchise agreement.

**SERVICE INTERRUPTION** — The loss of picture or sound on one or more cable channels.

**STATE OF THE ART** —

A. Equipment and/or activation of two-way capability that:

- (1) Is readily available with reasonable delivery schedules from two or more sources of supply;
- (2) Has the capability to perform the intended functions demonstrated within communities with similar characteristics (including but not limited to population, density, and subscriber penetration) under actual operating conditions for purposes other than test or experimentation; and
- (3) Can be implemented by the franchisee in an economically feasible manner.

B. "State of the art" does not include equipment or facilities associated with public, educational, or governmental access.

**STREET** — Each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the City limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way and similar public property and areas that the City shall permit to be included within the definition of "street" from time to

time.

SUBSCRIBER — Any person who lawfully receives the cable service provided by the franchisee.

SUBSCRIBER SERVICE DROP — The extension wiring from the franchisee's distribution lines to a subscriber's building.

VIDEO PROGRAMMING — Programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

#### **§ 240-11. Franchise required.**

No person shall own or operate a cable system, as defined herein, in the City except by franchise granted by the City in the form of a franchise agreement between the City and the franchisee which shall comply with all the specifications of this article.

#### **§ 240-12. Selection of initial franchisee.**

- A. In selecting an initial franchisee pursuant to this article, the City shall prepare a request for proposals to seek bids for a cable system to be established under franchise by the City. This request for proposals will contain information and instructions relating to the preparation and filing of proposals; conditions regarding the installation, operation and maintenance of a cable system; and the criteria to be used in evaluating applicant proposals. The provisions of this section shall not be applicable to the renewal of any franchise.
- B. Applicants may be evaluated according to the following criteria, among others:
- (1) Installation plan. Consideration may be given to an installation plan that would provide the flexibility needed to adjust to new developments, maintenance practices, and services that would be available to the subscriber and the community immediately and in the future.
  - (2) Rate schedule. Consideration may be given to applicants with the most reasonable installation and subscriber rate schedule.
  - (3) Financial soundness and capability. The evidence of financial ability required in the applicant's proposal shall be such as to assure ability to complete the entire system within a maximum of three years from the date the franchise is granted. The City will also consider the applicant's ability to operate the system and provide the necessary services.
  - (4) Demonstrated experience in operating a cable system. Consideration may be given to evidence of the applicant's experience in operating a cable system, where such evidence would show or tend to show or confirm the ability of the applicant to furnish sufficient and dependable service to the potential public and private users.
  - (5) Technical capability. The City may consider the quality of service offered, including signal quality, response to subscriber complaints, and billing practices.
  - (6) Future needs. Consideration may be given to the franchisee's ability to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
  - (7) Additional considerations. The City may consider any additional information that it deems applicable.

- C. Initial application fee. A reasonable, nonrefundable application fee established by the City in its request for proposals shall accompany the application. Such application fee shall not be deemed to be a franchise fee within the meaning of Section 622 of the Cable Act (47 U.S.C. § 542), and such payments shall not be deemed to be payments in kind or any involuntary payments chargeable against the compensation to be paid by the franchisee to the City.

**§ 240-13. Application for franchise renewal.**

Franchise renewals shall be according to applicable law. The City and franchisee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise. The City reserves any rights it may have to be compensated for funds expended as a result of the franchise renewal process as allowed by local, state, and federal laws. Such compensation, when combined with the franchise fee imposed by the franchise agreement, shall not exceed 5% of the franchisee's gross revenues for that year. In the event that the costs incurred by the City will not be fully compensated in a given year due to the five-percent limit, such amount may be carried forward for compensation in future years. However, such amounts may not be carried forward for more than three years after the year the costs are incurred. This provision does not constitute an agreement by the franchisee to reimburse the City for the cost of the application process.

**§ 240-14. Franchise fees.**

- A. During the term of any franchise granted pursuant to this article, the franchisee shall pay to the City for the use of its streets an annual franchise fee in an amount up to 5% of the annual gross revenues. This payment shall be in addition to any other tax or payment owed to the City by the franchisee and does not include rental of poles or underground conduits.
- B. Sales tax or other taxes levied directly on a per-subscription basis and collected by the franchisee shall be deducted from the gross revenues before computation of sums due the City is made. Franchise fees shall be deducted from gross revenues to the extent allowed by federal or state law. Payments due the City under the terms of this article shall be computed quarterly as of September 30, December 31, March 31, and June 30 for the preceding quarter and shall be paid on or before the 30th calendar day from each said computation date to the City. The City shall be furnished a statement with each payment, certified as correct by the franchisee, reflecting the total amount of gross revenues, and the above charges, deductions and computations, for the three-month payment period covered by the payment. With the payment each year for the quarter ending on December 31, a statement certified by the controller or substantially similar position of the franchisee shall be submitted certifying that the statements filed and payments made by the franchisee for the preceding year were correct. Upon 10 days' prior written notice, the City shall have the right to conduct an independent audit of the franchisee's records, in accordance with generally accepted accounting principles, and if such audit indicates a franchise fee underpayment of 5% or more, the franchisee shall assume all reasonable costs of such an audit. Any additional amount due the City as a result of such audit shall be paid within 30 days following written notice by the City to the franchisee, which notice shall include a copy of the audit report.
- C. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee under this article or for the performance of any other obligation hereunder.
- D. Failure to pay any fees required by this section within 10 days of receipt of written notice of such failure from the City shall be grounds for termination of the franchise, and reinstatement thereof may be had only upon resolution by the City Commissioners and payment of the delinquent fee or fees plus any interest or penalties as may be required.

- E. In the event that any franchise fee payment or recomputed amount is not made on or before the dates specified above, the franchisee shall pay as additional compensation an interest charge, computed from such due date, at an annual rate equal to the prime lending rate plus 1 1/2% during the period for which payment was due and unpaid.
- F. Each franchisee shall file with the City quarterly reports of gross revenues certified as correct by the franchisee and prepared in a form acceptable to the City.

**§ 240-15. Term and termination of franchise.**

- A. The term of the franchise shall be stated in the franchise agreement.
- B. In addition to all other rights and powers of the City by virtue of the franchise or this article, the City may terminate and cancel the franchise and all rights and privileges of the franchisee thereunder in the event that the franchisee either:
  - (1) Substantially violates any provision of the franchise agreement or this article;
  - (2) Attempts to dispose of any of the facilities or property of its cable system to prevent the City from purchasing the same, as provided for herein; or
  - (3) Attempts to evade any of the provisions of this article or the franchise agreement or practices any fraud or deceit upon the City.
- C. If the City believes that grounds for termination exist or have existed, the City shall notify the franchisee, in writing, setting forth the nature and facts of such noncompliance. If, within the 30 days following such written notification, the franchisee has not furnished reasonably satisfactory evidence that corrective action has been taken or is being actively and expeditiously pursued, or that alleged violations did not occur, or that the alleged violations were beyond the franchisee's direct control, the City may, following notice of the grounds for termination, pursuant to this section, and the holding of a public hearing with the City Commission, revoke a franchise. The franchisee shall be afforded a fair opportunity for participation at the public hearing, including the right to introduce evidence and question witnesses. The franchisee shall have the right to appeal any such decision to a state or federal court, and the termination shall not become effective until any such appeal has become final or the time for taking such appeal has expired.

**§ 240-16. Franchise provisions.**

- A. All franchises granted pursuant to this article shall be subject to the following provisions:
  - (1) Any franchise granted hereunder shall be subject to the right of the City to revoke the franchise pursuant to this article.
  - (2) Any franchise granted hereunder shall contain provisions mutually agreed upon and by which the City may:
    - (a) Repeal the same for misuse, non-use, or the failure to substantially comply with the material provisions of this article or the franchise agreement.
    - (b) Require proper and adequate extension of the plant and service and maintenance thereof at the highest practicable standard of efficiency and require extension of service to all residents of the City, as specified in the franchise agreement.

- (c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (e) Impose such other regulations of general applicability through lawful exercise of its police powers as may be determined by the City Commissioners to be conducive to the health, safety, and welfare of the public.
- (f) Control and regulate the use of its streets.
- (g) Inspect all construction or installation work performed subject to the provisions of the franchise and this article and make such inspections as it shall find necessary to ensure compliance with the terms of the franchise, this article, and other pertinent provisions of law.
- (h) Inspect the books, records, maps, plans, income tax returns, and other like materials of the franchisee upon reasonable notice to ensure compliance with the terms of the franchise, this article and other pertinent provisions of law.
- (i) At the expiration of the term for which this franchise is granted or upon the termination and cancellation as provided herein, require the franchisee to remove at its own expense any and all portions of the cable system from the streets within the City.

**B. Federal, state and City jurisdiction.**

- (1) This article shall be construed in a manner consistent with all applicable federal and state laws.
- (2) In the event that the state or federal government shall discontinue preemption in any area of cable television over which it currently exercises jurisdiction in such a manner as to expand rather than limit municipal regulatory authority, the City may, if it so elects, adopt rules and regulations in these areas to the extent permitted by law.
- (3) This article shall apply to all franchises granted or renewed from and after the effective date of this article.
- (4) The franchisee shall not be relieved of its obligation to comply with any of the provisions of this article or any franchise agreement granted pursuant to this article by reason of any failure of the City to enforce prompt compliance.
- (5) This article and any franchise agreement granted pursuant to this article shall be construed and enforced in accordance with the substantive laws of the State of Kansas.

**§ 240-17. Franchise agreement.**

- A. The applicant awarded a franchise by the City Commission shall execute a franchise agreement, agreeing to the terms and provisions of the franchise and specifications of the franchise as may be incorporated into the franchise agreement in writing.
- B. In addition to those matters required elsewhere in this article to be included in the franchise agreement, it must contain the following express representations by the franchisee:
  - (1) That it accepts and agrees to all of the provisions of this article and any supplementary

specification as to construction, operation, or maintenance of the system which the City may include in the franchise agreement subject to applicable state and federal law.

- (2) That it has examined all of the provisions of this article and agrees that the provisions thereof are valid, binding at this time, and enforceable as of the effective date of the franchise.
  - (3) That it recognizes the right of the City to adopt such additional regulations of general applicability as it shall find necessary in the exercise of its police power.
- C. No franchise shall be exclusive.
- D. Every franchise shall specifically delineate the territorial extent of the City in which the franchisee is authorized to operate.
- E. The franchise agreement shall contain such further conditions or provisions as may be included in the request for proposal and negotiated between the City and the franchisee, except that no such conditions or provisions shall be such as to conflict with any provisions of this article or other law. In case of such conflict or ambiguity between any terms or provisions of the franchise agreement and this article, the words of this article shall control.

#### **§ 240-18. Access channels.**

A franchisee must provide access channels. If there are one or more franchisees under this article, any new franchisee must provide at a minimum the same number of channels as the franchisee with the lowest number of access channels.

#### **§ 240-19. Public service installation.**

The franchisee shall, without charge for installation, maintenance, or monthly service, provide one outlet of its basic cable service at each fire and police station, public school, secondary private school with students receiving funding under Title I of the Education and Secondary School Act of 1965, City Hall, public library, rescue squad building, recreation center, and other City facility, provided that such locations are within 150 feet of the franchisee's cable system and serviceable through a standard aerial drop. Such installations shall be made at such reasonable locations as shall be requested by the respective units of government or educational institutions. Any charge for relocation of such installations shall, however, be charged at actual cost. Additional installations at the same location may be made at cost. No monthly service charges shall be made for distribution of the franchisee's signals within such publicly owned buildings. The franchisee shall provide a converter box, if necessary, for receipt of basic cable service at no cost to each of the above entities. The franchisee shall also wire any rooms in the above-described buildings to receive cable at no more than the cost to the franchisee.

#### **§ 240-20. Construction standards and requirements.**

- A. The franchisee shall not construct any cable system facilities until the franchisee has secured the necessary permits from the City or other cognizant public agencies.
- B. All of the franchisee's plant and equipment, including but not limited to the antenna site, head end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures, and appurtenances, shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced pole line construction crews and so as not to endanger or interfere with the safety of any person or property, or to interfere with improvements the municipality may deem proper



to make, or to interfere in any manner with the right of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

- C. Any opening or obstruction in or disturbance of the streets or other municipal properties made by the franchisee in the exercise of its rights under a franchise agreement shall be done in compliance with City ordinances which regulate work in the public ways of the City, except that any bond requirements therein may be waived in cognizance of the bond requirements of this article.
- D. The franchisee shall comply with the minimum standards provided for by the applicable ordinances of the City adopted from time to time containing construction or building standards of general applicability.
- E. The franchisee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other street, or remove from the street any property of the franchisee when required by the City Commissioners or their designee by reason of traffic conditions, public safety, street excavation, freeway and street construction, change or establishment of street grade, or installation of sewers, drains, water pipes, power lines, signal lines and tracks, or any other type of structures or improvements by public agencies. If the City compensates any utility for such work, the City must similarly compensate the franchisee for such work.
- F. The franchisee shall, on the request of any private party holding an appropriate permit issued by the City, temporarily raise or lower its lines to permit the moving of any building or other structure, and the actual expense of the same shall be paid in advance by the party requesting the same.
- G. The franchisee shall have the right, with the prior approval of the City, to remove, trim, cut and keep clear of its poles, wires or cables the trees in and along the streets of the City, but in the exercise of such right, the franchisee shall not cut or otherwise injure said trees to any greater extent than is reasonably necessary for the continued integrity of its poles, wires or cables.
- H. The franchisee, in the exercise of any right granted to it by the franchise, shall reconstruct, replace, restore, or repair any street and any sewer, gas, or water main, pipe, electric, fire alarm, or police communications, off or on City property, or right-of-way or traffic control facility of the City which may be damaged or destroyed by the exercise of any such right to a condition as good as that prevailing before said work to the reasonable satisfaction of the City. The City reserves the right to determine whether the franchisee has properly complied with the provisions of this subsection, and in the event it is determined that the franchisee has failed to do so, the City shall have the right, following notice to the franchisee and reasonable opportunity for the franchisee to cure, to carry out such provisions, and the franchisee shall reimburse the City in full for all expenses incurred by the City in carrying out all or part of such provisions.
- I. Upon failure of the franchisee to commence, pursue, or complete any work required by law or by the provisions of this article to be done in any street within the time prescribed and to the satisfaction of the City Commissioners or their designee, the City Commissioners or their designee may, following notice to the franchisee and reasonable opportunity for the franchisee to cure, at its option, cause such work to be done, and the franchisee shall pay to the City the cost thereof in the itemized amounts reported by the City Commissioners or their designee to the franchisee within 30 days after receipt of such itemized report.
- J. The City shall have the right to install and maintain upon the poles and within the underground pipes and conduits of the franchisee any wires and fixtures desired by the City, provided that:
  - (1) Such use by the City does not interfere with existing or future use by the franchisee;

- (2) The City shall take reasonable precautions to prevent any use of the franchisee's facilities in any manner which results in the inappropriate use of such facilities or any loss or damage to the system;
- (3) To the extent provided by the Kansas Tort Claims Act and amendments thereto, the City holds the franchisee harmless against and from all claims, demands, costs, or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits;
- (4) The City shall be able to use the poles at no cost; and
- (5) At the franchisee's sole discretion, the City may be required either to pay a reasonable rental fee or otherwise reasonably compensate the franchisee for the use of such conduit or other equipment; provided, however, that the franchisee agrees that such compensation or charge shall not exceed that paid by it to public utilities.

**§ 240-21. Technical standards.**

- A. All construction practices will be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, as well as all other applicable local, state and federal laws and regulations.
- B. All installation of electronic equipment shall be installed in accordance with the provisions of the National Electrical and Safety Code and National Electrical Code, as amended.
- C. Antennas and their supporting structures (towers) shall be painted, lighted, erected, and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other local, state and federal laws and regulations.
- D. The results of tests required by the FCC must be filed with the City within 30 days of a request by the City.
- E. At any time after commencement of service to subscribers, the City may require the franchisee to perform additional tests, full or partial repeat tests, or tests involving a specific subscriber's drop. Such additional tests may be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests will be limited to the particular matter in controversy. The City shall be able to designate a representative to be present during the testing. If a test indicates that the franchisee is in compliance with FCC standards and requirements, the City shall bear the expense of such test. If a test indicates that the franchisee is not in compliance with FCC standards and requirements, the franchisee shall bear the expense of such test. The City shall endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to the franchisee or to the subscriber.
- F. Upon request, the franchisee shall provide annual reports to the City of the following statistical information:
  - (1) Statistics compiled on a quarterly basis recording service calls in which a technician or repairman is dispatched to a residence to correct a reception problem.
  - (2) Service interruption logs, in which service interruptions to multiple addresses are recorded.
  - (3) Franchisee's leakage log.
  - (4) New services to be offered to residents of the City or technology to be deployed in the City

within the next 30 days.

- (5) Records of policy concerns and complaints called or written into the system and kept in the ordinary course of business.

- G. Technical standards. The City and franchisee will negotiate in good faith to develop technical standards for the operation of the franchisee's system. If the parties are unable to reach agreement as to such technical standards, the franchisee shall comply with the most recent applicable technical standards promulgated by the FCC.

**§ 240-22. Periodic review, evaluation and modification.**

The City has determined that cable television technology, programs and services are subject to continuing change. This includes changes in law and regulations as well as technological and service advancements. For this reason, it is essential that any franchise which is granted pursuant to this article must include provisions for periodic review, evaluation and modification and procedures and requirements relating to evaluation of the state of the art technology and services, permitting the City to require appropriate upgrade and changes based upon its review and in accordance with the procedures outlined in the franchise agreement.

**§ 240-23. Damage caused by franchisee.**

Any damage caused to the property of building owners or users or any other person by the franchisee's negligence shall be repaired fully to a condition as good as that prevailing before said work by the franchisee.

**§ 240-24. Removal of facilities upon request.**

Upon termination of service to any subscriber, the franchisee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his or her request.

**§ 240-25. Transfer of ownership.**

- A. The franchisee shall not sell, transfer, lease, assign, sublet or dispose of any franchise awarded under this article or any of the rights or privileges granted by the franchise to any person, other than an affiliate of the franchisee, without the prior consent of the City Commissioners, which consent shall not be unreasonably withheld. Further, any sale or transfer and the consent thereto shall comply with applicable law requirements. Any attempt to sell, transfer, lease, assign or otherwise dispose of the franchise and/or the cable system without the consent of the City, except as otherwise provided herein, shall be null and void. The granting of a security interest in any of franchisee's assets, or any mortgages or other hypothecation, shall not be considered a transfer for the purposes of this section.
- B. Any change of control of the franchisee shall be deemed to be a sale or transfer of the franchise. A change of control shall include any stock sale by the franchisee to, or any merger or consolidation with, any person (or group of persons acting in concert) who is not an affiliate of the franchisee before such transaction.
- C. The franchisee must comply with provisions of the Cable Act regarding transfers of ownership and any other state, federal, or local laws which are applicable.
- D. The franchisee shall notify the City in writing of any foreclosure or any other judicial sale of all or a substantial part of the property of the franchisee or upon the termination of any lease or interest

covering all or substantial part of said franchised property. Such notification shall be considered by the City as notice that a change in control or ownership of the franchise has taken place, and the provisions under this section governing the consent of the City to such change in control or ownership shall apply.

- E. For the purpose of determining whether it shall consent to such a change, transfer, or acquisition of control, the City may inquire into the qualifications of the prospective transferee or controlling party, and the franchisee shall assist the City in any such inquiry. In seeking the City's consent to any change in ownership or control, the franchisee shall have the responsibility of ensuring that the transferee completes an application, which application shall include the information required under state and federal law. The transferee shall be required to establish that it possesses the legal, technical, and financial qualifications to operate and maintain the system and comply with all franchise requirements for the remainder of the term of the franchise. The City can consider the legal, technical, and financial qualifications of the transferee as well as whether the proposed transfer will adversely affect the City's subscribers. The City can also consider the ability of the proposed transferee to complete any system upgrade as specified in the franchise agreement. After considering the legal, financial, and technical qualifications of the applicant, as well as the effect upon the City's subscribers, and determining that they are satisfactory, the City shall approve the transfer of rights and obligations of said franchise.
- F. The franchisee shall reimburse the City for all reasonable costs incurred by the City as a result of the transfer process, including outside consultants' fees. Such reimbursement, when combined with the franchise fee imposed by a franchise agreement, shall not exceed 5% of the franchisee's gross revenues for that year. In the event that the costs incurred by the City will not be fully reimbursed in a given year due to the five-percent limit, such amount may be carried forward for reimbursement in future years. However, such amounts may not be carried forward for more than three years after the year the costs are incurred.
- G. Any financial institution having a pledge of the franchisee or its assets for the advancement of money for the construction and/or operation of the franchise shall have the right to notify the City that it or its designee satisfactory to the City shall take control of and operate the cable television system in the event of a franchisee default in its financial obligations. Further said financial institution shall also submit a plan for such operation within 30 days of assuming such control that will assure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year unless extended by the City in its discretion, and during said period of time it shall have the right to petition the City to transfer the franchise to another franchisee.
- H. Notwithstanding anything to the contrary contained herein, no such prior consent shall be required for any transfer or assignment to any person controlling, controlled by or under the same common control as the franchisee.

#### **§ 240-26. Purchase by City.**

- A. If, subject to the provisions of the Cable Act, a renewal of a franchise is denied, the City may, to the extent permitted by local law, purchase, upon payment to the franchisee of the cable system's fair market value as a going concern, exclusive of any value allocated to the franchise itself, that portion of the franchisee's cable system serving the City.
- B. Subject to the Cable Act, if a franchise is revoked for cause, the City may, to the extent permitted by local law, acquire that portion of the cable system serving the City upon payment of an equitable

price.

**§ 240-27. Geographical coverage.**

- A. Subject to any geographical coverage policy outlined in a franchise agreement, the franchisee shall design, construct, and maintain the cable television system to have the capability to serve every dwelling unit in the service area that receives public water or sewer service and that has a minimum density of 20 homes per mile.
- B. After service has been established by activating trunk and/or distribution cables for any part of the service area, the franchisee shall provide cable service to any requesting subscriber within that service area within 30 days from the date of the request, provided that the franchisee is able to secure all rights-of-way necessary to extend service to such subscriber within such thirty-day period on reasonable terms and conditions.

**§ 240-28. Multiple franchises.**

- A. The City may grant one or more franchises for a service area. The City may, in its sole discretion, limit the number of franchises granted based upon, but not necessarily limited to, the requirements of applicable laws and specific local considerations, such as:
  - (1) The capacity of the public rights-of-way to accommodate multiple coaxial cables in addition to the cables, conduits, and pipes of the utility systems, such as electrical, power, telephone, gas, and sewerage.
  - (2) The impact on the community of having multiple franchises.
  - (3) The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property and a disruption arising from numerous excavations of the streets.
  - (4) The legal, technical, and financial capabilities of the applicant and its guaranteed commitment to make the necessary investment to erect, maintain, and operate the proposed system for the duration of the franchise term.
- B. Each franchisee awarded a franchise to serve the entire City shall offer service to all residences in the City in accordance with construction and service schedules mutually agreed upon between the City and the franchisee and consistent with applicable law.

**§ 240-29. City's right of intervention.**

The franchisee shall not oppose intervention by the City in any suit or proceeding to which the franchisee is a party.

**§ 240-30. Discriminatory or preferential practice.**

- A. The franchisee shall not, in its rates or charges, or in making available the services or facilities of its system, or in its rules or regulations, or in any other respect, make or grant preferences or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system, and shall not subject any such persons to any prejudice or disadvantage. The foregoing shall not be deemed to prohibit or preclude promotional rates or charges.
- B. The franchisee shall not deny service, deny access, or otherwise discriminate against subscribers on

the basis of race, color, religion, national origin or sex. The franchisee shall comply at all times with applicable equal employment opportunity requirements and all other applicable federal, state and local laws and regulations and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this article by reference.

#### **§ 240-31. Subscriber privacy.**

The franchisee shall comply with the subscriber privacy standards located in 47 U.S.C. § 551. If the standards in 47 U.S.C. § 551 cease to exist, the City shall have the right to implement the following:

- A. No signal shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the monitoring and acknowledging the provisions. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever; provided, however, that the franchisee shall be entitled, without permission, to conduct system-wide or individually addressed sweeps for the purpose of verifying system integrity, controlling return transmission or billing for services.

#### **§ 240-32. Permits and authorizations.**

The franchisee or applicant for franchise shall diligently apply for all necessary permits and authorizations required in the conduct of its business and shall diligently pursue the acquisition thereof, including necessary pole attachment contracts and necessary authorizations from the Federal Aviation Administration to construct such receiving antenna towers as may be required and any necessary authorizations or waivers from the FCC. After the franchisee has diligently pursued the acquisition of necessary pole attachment contracts or other necessary easements, and where such necessary contracts have not been entered or easements obtained after a reasonable period of time, the franchisee may submit the matter to the City Commissioners and the City Commissioners may thereupon provide assistance that may be necessary to arrive at a solution so that scheduled construction of the system will not be impaired.

#### **§ 240-33. Annual reports.**

- A. Each franchisee shall file an annual report. Such report shall include:
  - (1) An ownership report, identifying all persons who at any time during the preceding year controlled or benefited from an interest in the franchisee of 5% or more.
  - (2) Copies of all rules, regulations, terms, and conditions the franchisee has adopted for the conduct of its business.
  - (3) A summary of any customer surveys conducted that year, including surveys conducted pursuant to § 240-40.
  - (4) A summary of the previous year's (or in the case of the initial reporting year, the initial year's) activities in development of the cable system, including but not limited to services begun or discontinued during the reporting year.
  - (5) A list of the franchisee's officers, board members, and other principals.
- B. Upon request, a franchisee shall allow the City Manager or his or her designee to review a detailed plan (map) of its local system at its offices.

**§ 240-34. Emergency alert system.**

A franchisee shall at all times comply with the emergency alert system requirements of the FCC. The franchisee shall, in the case of any emergency or disaster, make its entire system available without charge to the City or to any other governmental or civil defense agency that the City shall designate.

**§ 240-35. Amendments.**

The City Commissioners may amend this article whenever necessary to enable the franchisee to take advantage of any developments in the field of transmission of communication signals and upgrade the system which will afford it an opportunity to more effectively, efficiently or economically serve its customers, provided that this section shall not be construed to require the City to make any such amendment.

**§ 240-36. Indemnification; security funds; insurance.**

- A. Liability and indemnification. The franchisee shall indemnify, hold harmless, release and defend the City, its officers, agents and employees from and against any and all lawsuits, claims, causes of action, actions, liability, demands, damages, disability losses, expenses, including reasonable attorneys' fees, and costs or liabilities of any nature that may be asserted by any person or entity from any cause whatsoever, including another's concurring negligence, arising from injury to persons or damages to property to the extent caused by any conduct undertaken by the franchisee, its officers, agents or employees by reason of its construction, operation or maintenance of its system. Such damages and penalties shall include, but not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation or maintenance of the cable system authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by the franchisee, except that a franchisee shall not be liable for payment of damages and penalties arising solely from any acts or omissions by the City, its agents or employees. If a lawsuit is filed against the City, either independently or jointly with the franchisee, to recover for any claim or damages, the franchisee, upon notice to it by the City, shall, at its sole cost and expense, defend and fully control the defense of the City against the action, and in the event of a final judgment being obtained against the City, either independently or jointly with the franchisee, solely by reason of the acts of the franchisee, the franchisee shall pay said judgment and all costs and hold the City harmless therefrom. However, the franchisee may not enter into any compromise, settlement, resolution, or disposition of a claim or proceeding that may create or impose liability for the City without obtaining the City's written consent thereto. In order for the City to assert its rights to be indemnified and held harmless, the City must:
- (1) Notify the franchisee of any claim or legal proceeding which gives rise to such right;
  - (2) Afford the franchisee the opportunity to participate in and fully control any compromise, settlement, resolution, or disposition of such claim or proceeding; and
  - (3) Fully cooperate in the defense of such claim and make available to the franchisee all such information which it may lawfully furnish to the franchisee and relating to the claim.
- B. Security funds. The City may require the franchisee to file with the City Clerk, concurrently with its acceptance of the franchise and at the franchisee's sole expense, a corporate surety bond, construction bond, performance bond and/or letter of credit. Such bond and/or letter of credit shall be in an amount specified in the franchise agreement, issued by a responsible company licensed to do business in Kansas and conditioned upon the faithful performance of the franchisee to meet its obligations under

this article and the franchise.

C. Insurance.

- (1) During the course of the franchise, the franchisee shall be required to maintain liability insurance to protect the City and the franchisee from and against any and all claims, injury, or damage to persons or property, both real and personal, caused by the construction, erection, operation, or maintenance of any aspect of the system. The amount of insurance shall be specified in the franchise agreement.
- (2) The franchisee shall provide workers' compensation insurance as required by state law.
- (3) All such insurance coverage shall provide a thirty-day notice to the City Manager in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective.
- (4) Copies of all certificates evidencing insurance shall be furnished to and filed with the City Manager prior to the commencement of operations or the expiration of prior policies, as the case may be.
- (5) It shall be the obligation of the franchisee to promptly notify the City of any pending or threatened litigation that would be likely to affect the franchisee's insurance coverage.

- D. Non-waiver. Neither the provisions of this section nor any bonds accepted by the City pursuant thereto nor any damages recovered by the City thereunder shall be construed to excuse unfaithful performance by the franchisee or limit the liability of the franchisee under this article or the franchise for damages, either to the full amount of the bond or otherwise.

**§ 240-37. Operational standards.**

The franchisee shall:

- A. Limit failures to a minimum by locating and correcting malfunctions properly, but in no event longer than 24 business hours after notification.
- B. Notify subscribers affected 24 hours prior to any planned service interruption. Such notice may be made through the cable system itself.
- C. Demonstrate to subscribers upon request, by instruments and otherwise, that a signal of adequate strength and quality is being delivered.

**§ 240-38. Continuity of service.**

- A. It shall be the right of all subscribers to continue receiving cable services insofar as their financial and other obligations to the franchisee are honored. In the event that the franchisee elects to rebuild, modify, or sell the system or the City gives notice of intent to terminate or fails to renew this franchise, the franchisee shall act so as to ensure that all subscribers receive continuous, uninterrupted service.
- B. In the event of a change of the franchisee, or in the event a new operator acquires the system, the franchisee shall cooperate with the City's new franchisee or operator in maintaining continuity of cable service to all subscribers. During such period, the franchisee shall be entitled to the revenues for any period during which it operates the system and shall be entitled to reasonable cost for its



services when it no longer operates the system.

- C. In the event that the franchisee fails to operate the system for three consecutive days without approval of the City, the City may, at its option, operate the system or designate an operator until such time as the franchisee restores cable service under conditions acceptable to the City or a permanent operator is selected. This subsection shall not apply if the cable operator is unable to operate the system due to force majeure as defined in § 240-48. If the City is required to fulfill this obligation for the franchisee, the franchisee shall reimburse the City for all reasonable costs or damages in excess of revenue from the system received by the City that are a result of the franchisee's failure to perform.

**§ 240-39. Safety requirements.**

- A. The franchisee shall at all times employ ordinary care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
- B. The franchisee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Safety Code of the Institute of Electrical and Electronic Engineers, the National Electrical Code of the National Fire Protection Association, the Bell System Code of Pole Line Construction and applicable federal, state and local regulations.
- C. All structures and all lines, equipment and connections in, over, under, and upon the streets of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

**§ 240-40. Customer surveys and procedures.**

- A. Every three years after the effective date of a franchisee's franchise agreement, the City may request the franchisee to conduct a statistically valid random survey of City subscribers. Such survey shall be provided to the City at least 30 days before its use for the City's review and input. Each questionnaire shall be prepared and conducted in good faith so as to provide reasonably reliable measures of subscriber satisfaction with:
- (1) Audio and signal quality.
  - (2) Response to subscriber complaints.
  - (3) Billing practices.
  - (4) Programming services.
  - (5) Installation practices.
- B. The survey shall be conducted in conformity with such requirements, including supervision and review of raw data, as the City may prescribe. The franchisee may satisfy this requirement through a telephone survey conducted by an independent person in the business of regularly conducting telephone surveys or by inserting the survey instrument in the regular monthly subscriber invoices.
- C. The franchisee shall make available to the City for review the results of the survey and shall report in writing what steps, if any, the franchisee is taking to implement the findings of the poll survey, such as correcting problems and expanding services, to the extent the City can maintain the confidentiality of the results. The City shall be able to review the survey results at the franchisee's office during normal business hours.

- D. If the franchisee is ever subject to "effective competition" as defined by applicable federal law, it shall not be required to comply with this survey requirement.

**§ 240-41. Customer service standards.**

- A. The franchisee shall maintain a staffed local office in the City which will be open at least during normal business hours.
- B. FCC standards. A franchisee shall at all times comply with the customer service standards of the FCC as they may from time to time be amended. In the absence of FCC customer service standards, the franchisee shall comply with the standards below.
- C. Cable system office hours and telephone availability:
- (1) The franchisee will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.
    - (a) Trained franchisee representatives will be available to respond to customer telephone inquiries during normal business hours.
    - (b) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained franchisee representative on the next business day.
    - (c) The franchisee shall further maintain a maintenance service which shall be promptly available to subscribers 24 hours a day upon telephone request.
  - (2) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis.
  - (3) The franchisee will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless a historical record of complaints indicates a clear failure to comply.
  - (4) Under normal operating conditions, the customer will receive a busy signal less than 3% of the time.
- D. Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than 95% of the time measured on a quarterly basis:
- (1) Standard installations will be performed within seven business days after an order has been placed. Standard installations are those that are located up to 150 feet from the existing distribution system.
  - (2) Excluding conditions beyond the control of the franchisee, the franchisee's representatives will be available to begin working on service interruptions within 24 hours, upon request. The franchisee must begin actions to correct other service problems the next business day after notification of the service problem.
  - (3) The appointment window for installations, service calls, and other installation activities will be either at a specific time or, at a maximum, within a four-hour time block during normal business

hours. (The franchisee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

- (4) The franchisee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
- (5) If the franchisee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

E. Communications between franchisee and cable subscribers.

(1) Notifications to subscribers.

- (a) The franchisee shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:
  - [1] Products and services offered;
  - [2] Prices and options for programming services and conditions of subscription to programming and other services;
  - [3] Installation and service maintenance policies;
  - [4] Instructions on how to use the cable service;
  - [5] Channel positions for programming carried on the system; and
  - [6] Billing and complaint procedures, including the address and telephone number of the City official who handles cable issues.
- (b) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of 30 days in advance of such changes if the change is within the control of the franchisee. In addition, the franchisee shall notify subscribers 30 days in advance of any significant changes in the other information required by the preceding subsection.

(2) Billing.

- (a) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates, and credits.
- (b) In case of a billing dispute, the franchisee must respond to a written complaint from a subscriber within 30 days.

(3) Refunds. Refund checks will be issued promptly but no later than either:

- (a) The customer's next billing cycle following resolution of the request or 30 days, whichever is earlier; or
- (b) The return of the equipment supplied by the franchisee if service is terminated.

- (4) Credits. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

**§ 240-42. Subscriber rates.**

- A. All rates and charges for basic cable service and any other cable programming services, as defined by the Cable Act and applicable FCC regulations, shall, to the extent not preempted by state or federal law, be subject to regulation by the City.
- B. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.

**§ 240-43. Records required and City's right to inspect.**

- A. The franchisee shall at all times maintain:
- (1) A full and complete set of plans, records and as-built maps showing the location of the cable television system installed or in use in the City, exclusive of subscriber service drops and equipment provided in subscribers' homes.
  - (2) If requested by City, a summary of service calls, identifying the number, general nature and disposition of such calls, on a monthly basis to the extent kept in the regular course of business.
- B. Upon 48 hours' written notice, the franchisee shall permit examination by any duly authorized representative of the City of all franchisee property and facilities, together with any appurtenant property and facilities of the franchisee situated within or outside the City, and all records relating to the franchisee, provided that they are necessary to enable the City to ascertain the franchisee's compliance with this article and the franchise agreement. Such records include all books, records, maps, plans, engineering reports and related contracts, financial statements, service complaint logs, performance test results, records of requests for service, and other like materials of the franchisee. The franchisee shall have the right to be present at any such examination.
- C. If any of the records described in the previous subsection are proprietary in nature or must be kept confidential by state, federal, or local law, upon proper request by the franchisee, such information obtained during such an inspection shall be treated as confidential, making it available only to those persons who must have access to perform their duties on behalf of the City, including but not limited to the Division of Finance, the Law Department and Commission members. To the extent any state or federal requirement for privacy applies to the information to be submitted, said law shall control.
- D. The City shall have the right to request copies of any petitions, applications, communications, and reports submitted by the franchisee or on its behalf to the FCC, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction with respect to any matters affecting the cable system authorized pursuant to this article and any franchise, as such documents relate to the franchisee's operation of its system under the franchise. Copies of responses from the regulatory agencies to the franchisee shall likewise be furnished to the City upon request.

**§ 240-44. Abandonment or removal of franchise property.**

- A. In the event that the use of any property of the franchisee within the franchise area or a portion thereof is discontinued for a continuous period of 12 months, the franchisee shall be deemed to have

abandoned that franchise property.

- B. The City, upon such terms as City may impose, may give the franchisee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated, or maintained under the franchise. Unless such permission is granted or unless otherwise provided in this article, the franchisee shall remove all abandoned aboveground facilities and equipment upon receipt of written notice from the City and shall restore any affected street, alley, or public property to its former state at the time such facilities and equipment were installed, so as not to impair its usefulness. In removing its plant, structures and equipment, the franchisee shall refill, at its own expense, any excavation that shall be made by it and shall leave all streets in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. The City shall have the right to inspect and approve the condition of the streets, cables, wires, attachments, and poles prior to and after removal. The liability, indemnity, and insurance provisions of this article and the security fund as provided herein shall continue in full force and effect during the period of removal and until full compliance by the franchisee with the terms and conditions of this section.
- C. Upon abandonment of any franchise property in place, the franchisee, if required by the City, shall submit to the City an instrument, satisfactory in form to the City, transferring to the City the ownership of the franchise property abandoned.
- D. At the expiration of the term for which the franchise is granted and a denial of any renewal, or upon its revocation or earlier expiration, as provided for herein, in any such case without renewal, extension, or transfer, the City shall have the right to require the franchisee to remove, at its own expense, all aboveground portions of the cable television system from all streets within the City within a reasonable period of time, but which shall not be less than 180 days.
- E. Notwithstanding anything to the contrary set forth in this article, the franchisee may abandon any underground franchise property in place so long as it does not materially interfere with the use of the street in which such property is located or with the use thereof by any public utility or other cable franchisee.

**§ 240-45. Rights reserved to City; waiver of franchise provisions.**

- A. In addition to any rights specifically reserved to the City by this article, the City reserves to itself every right and power which is required to be reserved by a provision of any ordinance or under the franchise.
- B. Waiver.
  - (1) The City shall have the right to waive any provision of the franchise, except those required by federal or state regulation, if the City determines that:
    - (a) It is in the public interest to do so; and
    - (b) The enforcement of such provision will impose an undue hardship on the franchisee or the subscribers.
  - (2) To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of the City. Waiver of any provision in one instance shall not be deemed a waiver of such provision subsequent to such instance nor be deemed a waiver of any other provision of the franchise unless the statement so recites.

- C. The City shall have the right to delegate its administrative authority unless specifically preempted by federal, state, or local law.

**§ 240-46. Violators.**

All persons, including officers of any franchisee, causing, participating in, or permitting any violation of any provision of this article shall be severally or jointly liable therefor.

**§ 240-47. Jurisdiction of court.<sup>74</sup>**

Any proceeding relating to enforcement or interpretation of the provisions of this article or any franchise granted pursuant to it shall, if brought in state court, be venued in the County of Labette, in the State of Kansas, or if brought in federal court shall be in the Federal District Court in the State of Kansas.

**§ 240-48. Force majeure.**

- A. In the event that the franchisee's performance of any of the terms, conditions, or obligations required by this article or a franchise granted hereunder is prevented by a cause or event not within the franchisee's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof.
- B. For the purpose of this section, causes or events not within the control of the franchisee shall include but not be limited to acts of God, strikes, sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

**§ 240-49. Nonenforcement not estoppel.**

The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the City to enforce prompt compliance.

**§ 240-50. Severability.**

If any provision of this article is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal or state law, rule, or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule, or regulation, such provision shall be considered a separate, distinct, and independent part of this article, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed, so that the provision hereof which had been held invalid or modified is no longer in conflict with such law, rule, or regulation, said provision shall thereupon return to full force and effect and shall thereafter be binding on the City and franchisee, provided that the City shall give the franchisee 30 days' written notice of such change before requiring compliance with said provision or such longer period of time as may be reasonably required for the franchisee to comply with such provision.

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74. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



PARSONS CODE

**Chapter 246**

**CEMETERY**

**ARTICLE I  
General Regulations**

- § 246-1. Control of Oakwood Cemetery; regulations.**
- § 246-2. Appeals.**
- § 246-3. Closing streets and establishing grades; additional regulations.**
- § 246-4. Schedule of fees.**
- § 246-5. Permit required.**
- § 246-6. Activities prohibited.**
- § 246-7. Violations and penalties.**

**ARTICLE II  
Sale of Lots**

- § 246-8. Charges for lots and grave spaces.**
- § 246-9. Issuance of deeds.**
- § 246-10. Failure to pay purchase price.**
- § 246-11. Sexton to report sales and charges.**

**ARTICLE III  
Lot Owners' Endowment Fund.**

- § 246-12. Establishment.**
- § 246-13. Record of fund.**
- § 246-14. Disbursement of funds.**

**[HISTORY: Adopted by the City Commission of the City of Parsons 3-2-1998 by Ord. No. 5813 (Ch. 8 of the 1985 Code). Amendments noted where applicable.]**



ARTICLE I  
**General Regulations**

**§ 246-1. Control of Oakwood Cemetery; regulations.**

The general care, management and control of Oakwood Cemetery shall be under supervision of the City Manager of the City of Parsons, Kansas. The City Manager shall formulate rules and regulations governing and relating to maintenance, improvement and the interment of remains or parts of remains of deceased persons, to be approved by the governing body of the City of Parsons.

**§ 246-2. Appeals.**

Any person aggrieved by a decision of the City Manager or the City Clerk is authorized by this article to appeal to the governing body. The governing body shall hear and decide appeals when any person is aggrieved by any requirement, decision, or determination made by the City Manager or the City Clerk in the enforcement or administration of this article. The appeal shall be in writing by the aggrieved person and shall be presented to the governing body at a regular meeting within two weeks of the receipt of the written appeal by the City Clerk. A decision on the appeal must be made by the governing body not later than its next regular meeting after the appeal is heard.

**§ 246-3. Closing streets and establishing grades; additional regulations.**

The governing body reserves the right to:

- A. Close any walkway, street or driveway now existing in the cemetery, provided that sufficient access is left to all lots;
- B. Establish grades; and
- C. Make any additional rules and regulations for the government and operation of the cemetery.

**§ 246-4. Schedule of fees.<sup>75</sup>**

The City Manager shall establish a schedule of fees and charges for the opening and closing of graves and the performance of other services by City personnel in Oakwood Cemetery. The schedule of fees shall be approved by the governing body of the City of Parsons and a copy thereof kept permanently on file in the office of the City Clerk for distribution to all interested persons at such times and in such manner as the City Clerk deems appropriate.

**§ 246-5. Permit required.**

It shall be unlawful for any person, firm or corporation to open any grave or inter the remains or parts of remains of deceased persons at Oakwood Cemetery without first obtaining a permit from the City Clerk. The City Clerk shall issue the permit upon application from any interested persons after being satisfied that the interment will comply with all laws and any regulations issued by the federal or state government and the City of Parsons issued by the City Manager.

**§ 246-6. Activities prohibited.**

It shall be unlawful:

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75. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. For any person or persons to throw or cause to be thrown any paper, grass, rubbish or other material in or upon the grounds of Oakwood Cemetery.
- B. To operate a motor vehicle at a speed greater than 15 miles per hour on cemetery grounds and streets.
- C. For any person other than military personnel or members of veterans' organizations or authorized persons while participating in memorial services or military funerals or law enforcement officers to discharge or possess any firearms or discharge or possess fireworks on cemetery grounds.

**§ 246-7. Violations and penalties.<sup>76</sup>**

Any person violating any of the foregoing rules and regulations shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished as provided in § 1-2 of this Code.

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76. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II  
**Sale of Lots**

**§ 246-8. Charges for lots and grave spaces.**

The City Manager shall establish charges for lots and grave space or spaces. The schedule of charges shall be approved by the governing body of the City of Parsons and a copy thereof kept permanently on file in the office of the City Clerk for distribution to all interested persons at such times and in such manner as the City Clerk deems appropriate. Fifty percent of the amount charged for lots and grave space or spaces shall be placed in the Lot Owners' Endowment Fund of the City of Parsons.

**§ 246-9. Issuance of deeds.**

All certificates or deeds for cemetery lots shall be signed by the Mayor and City Clerk under the Seal of this City, and the City Clerk shall keep a record of each and every lot or part of a lot sold. No deed or certificate shall be delivered until the purchase price is paid in full.

**§ 246-10. Failure to pay purchase price.**

In case a lot has been sold or conveyed to any purchaser and such purchaser shall fail for a period of one year following the date of the agreement to pay the purchase price thereof, such agreement, at the option of the City, shall be and remain canceled, void and of no effect; however, if within the period of one year the purchaser shall cause any dead person to be buried upon the lot so agreed to be sold, that portion of the lot actually occupied by the grave of the dead person so buried and a strip of ground one foot wide adjacent to and surrounding the grave shall not be sold again to any person or persons. If the person or persons shall voluntarily remove or cause to be removed the dead person so buried in such grave, the City may then sell and dispose of such grave and the ground surrounding the same as herein described to any person or persons.

**§ 246-11. Sexton to report sales and charges.**

The sexton of the Oakwood Cemetery shall report sales and entombment, burial and disinterment charges in a regular report to the City Clerk and Public Works Director.

ARTICLE III  
**Lot Owners' Endowment Fund.**

**§ 246-12. Establishment.**

The Oakwood Lot Owners' Endowment Fund is hereby established. Whenever any person, organization or society shall desire to place or deposit with the City of Parsons any money or securities to be used in improving, maintaining and caring for any lot, grave, monument, vault or other cemetery property in Oakwood Cemetery, the donor shall file with the City Clerk an instrument in writing describing the money or property so placed or deposited with the City and describing the lot, grave, monument, vault or other cemetery property desired to be improved, maintained and cared for, together with directions as to the improvement and maintenance thereof, and said instrument in writing shall authorize the City to invest or reinvest such money or the proceeds of any such securities in municipal investments authorized by the State of Kansas and to use the income therefrom for the purpose mentioned in such instruments.

**§ 246-13. Record of fund.<sup>77</sup>**

The City Clerk shall keep suitable records relating to any funds placed or deposited with the City of Parsons in accordance with the provisions of this article and shall record therein all written instruments filed as provided in § 246-12 hereof and the approval of the same by the City Manager and shall deliver to the City treasury any moneys or securities so deposited or placed with the City.

**§ 246-14. Disbursement of funds.**

All such funds shall be invested and the interest from said funds expended as provided by K.S.A. § 12-1410 and for no other purpose.

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77. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



PARSONS CODE

**Chapter 260**

**CURFEW**

<b>§ 260-1.</b>	<b>Curfew established; exception.</b>	<b>§ 260-2.</b>	<b>Responsibility of parents/ guardians.</b>
		<b>§ 260-3.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 10-7-2013 by Ord. No. 6296 .<sup>78</sup>  
Amendments noted where applicable.]**

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**§ 260-1. Curfew established; exception.**

It shall be unlawful for any child under the age of 18 years to wander, loiter, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, sidewalks, vacant lots, public place or other place normally accessible to the general public for public use, whether on foot, or in a vehicle or by any means between the hours of 12:30 a.m. and 6:00 a.m. unless accompanied by a parent, legal guardian, or other person exercising legal custody of such child. Such prohibition shall not apply to such children under the age of 18 years who are en route by the most direct and accessible route between their homes and authorized places of employment, authorized school activities, authorized religious activities or when the minor is on interstate travel through the City.

**§ 260-2. Responsibility of parents/guardians.**

It shall be unlawful for any parent, legal guardian or other person lawfully entitled to the care, custody, or control of any child under the age of 18 years, to suffer, permit or allow any such child to wander, loiter, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, sidewalks, vacant lots, public place or other place normally accessible to the general public for public use, whether on foot, or in a vehicle or by any means between the hours of 12:30 a.m. and 6:00 a.m. unless accompanied by a parent, legal guardian or other person legally entitled to the care, custody and control of such child. Such prohibition shall not apply to such children under the age of 18 years who are en route by the most direct and accessible route between their homes and authorized places of employment, authorized school activities, authorized religious activities or when the minor is on interstate travel through the City.

**§ 260-3. Violations and penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200 or by imprisonment not to exceed 10 days, or by both fine and imprisonment.

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78. Editor's Note: This ordinance also repealed former Ch. 260, Curfew, adopted 11-6-1995 by Ord. No. 5709, as amended.

DISCRIMINATION

Chapter 269

DISCRIMINATION

ARTICLE I  
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§ 269-6.

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ARTICLE III  
Discrimination in Employment

ARTICLE II  
Discrimination in Housing or Public  
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§ 269-7.

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§ 269-10.

Discrimination by City or  
persons contracting with City.

§ 269-4.

Prohibited practices.

§ 269-5.

Exemptions.

[HISTORY: Adopted by the City Commission of the City of Parsons 5-26-1977 by Ord. No. 5040 (Ch. 9 of the 1985 Code). Amendments noted where applicable.]

ARTICLE I

**General Provisions**

**[Added 2-21-1978 by Ord. No. 5087 ]**

**§ 269-1. Administration.**

The Human Relations Commission shall be the administrative agency of this chapter and shall promulgate rules of practice to govern, expedite and effectuate the provisions of this chapter and its own action thereunder, subject, however, to approval by the governing body. A copy of such approved rules shall be filed with the City Clerk.

State law references — Kansas Act Against Discrimination, K.S.A. § 44-1001 et seq.; discriminatory housing practices, K.S.A. § 44-1015 et seq.; discrimination in places of public accommodation, K.S.A. § 44-1009.



## ARTICLE II

**Discrimination in Housing or Public Accommodations****[Added 2-21-1978 by Ord. No. 5087 ]****§ 269-2. Policy.**

It is hereby declared that discriminatory practices as defined in this article are against the public policy of the City.

**§ 269-3. Definition.<sup>79</sup>**

As used in this article the term "discriminate" shall mean to make distinctions in treatment because of race, color, religion, sex, disability, national origin or ancestry of any person.

**§ 269-4. Prohibited practices. [Amended 8-3-1981 by Ord. No. 5235 ]**

It shall be an unlawful discriminatory practice:

- A. For any person, having the right, responsibility, or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to refuse to sell, negotiate for sale, rent, negotiate for rent, lease, assign, or sublease any dwelling unit, commercial unit, real property or part or portion thereof or interest therein because of the race, color, religion, sex, disability, national origin or ancestry of the person.<sup>80</sup>
- B. For any person having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to impose upon any person because of the race, color, religion, sex, disability, national origin or ancestry of such person unusual, extraordinary owner's terms, conditions, or privileges in the sale, rental, leasing, assignment or subleasing of any dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein.<sup>81</sup>
- C. For any person having the right, responsibility, or authority to rent, sell, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to directly or indirectly advertise or in any other manner indicate or publicize that the purchase, rental, lease, sublease or assignment, listing, showing or lending of funds in connection with any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein by persons of any particular race, color, religion, sex, disability, national origin or ancestry is unwelcome, objectionable, not acceptable, or not solicited.<sup>82</sup>
- D. For any person engaged in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to discriminate because of the race, color, religion, sex, disability, national origin or ancestry of any person applying for loans or guarantees or mortgages in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real

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79. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

80. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

81. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

82. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

property or any part or portion thereof or interest therein or to place unusual, extraordinary, or onerous rates of interest, terms or conditions on the lending of said money, the guaranteeing of said loans, the acceptance of said mortgages or the availability of such funds.<sup>83</sup>

- E. For any person to discriminate in furnishing any facilities or services to any dwelling unit, commercial unit, real property or part or portion thereof because of the race, color, religion, sex, disability, national origin or ancestry of any person making application for such facilities or services.<sup>84</sup>
- F. For any person in the real estate business, whether a dealer or broker or regardless of the capacities in which serving, to discriminate in the selling, renting, leasing, assigning or subleasing of any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein against any person because of the race, color, religion, sex, disability, national origin or ancestry of such person and further to indicate in any way that any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein is not available for inspection, sale, rental, lease, assignment or sublease, or to otherwise deny or withhold any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein from any person because of the race, color, religion, sex, disability, national origin or ancestry of such person.<sup>85</sup>
- G. For any person to include in any agreement relating to the sale, rental, lease, assignment or sublease of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, as a condition of said transaction, that the purchaser, renter, tenant, occupant, or assignee does agree not to sell, rent, lease, assign or sublease said dwelling unit, commercial unit or real property or any part or portion thereof or interest therein to any person because of the race, color, religion, sex, disability, national origin or ancestry of such person.<sup>86</sup>
- H. For any person to discriminate or to engage in economic or other reprisals against another person because such person complies with the provisions of this article or has opposed any practice forbidden under this article or has filed complaint, testified, or assisted in any proceeding under this article.
- I. For any person to aid, abet, incite, compel, coerce, cooperate, or participate in the doing of any act declared to be a discriminatory practice under the provisions of this article, or to obstruct or prevent compliance with the provisions of this article, or to attempt directly or indirectly to commit any act declared by this article to be a discriminatory practice.
- J. For any person to induce or attempt to induce the sale or listing for sale of any dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein by representing that a change has occurred or will or may occur with respect to the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located, or to induce or attempt to induce such sale by representing that the presence or anticipated presence of persons of any particular race, color, religion, or national origin or ancestry in the area will or may result in:<sup>87</sup>
  - (1) The lowering of property values.
  - (2) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.

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83. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

84. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

85. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

86. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

87. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) An increase in criminal or antisocial behavior in the area.
- (4) A decline in the quality of the schools serving the area.
- K. To make any representations to any prospective seller, real estate broker, salesman, agent, or owner or to any financial institution for the purpose of obtaining facts or evidence when such representation is not made for a bona fide purchase, rental, or lease; provided, however, that this subsection shall not apply to any person employed by the City or the state whose duty it is to discover or prosecute violations of civil rights relating to open housing.
- L. For any person to refuse, deny or make a distinction, directly or indirectly, in offering his or her goods, services, facilities, or accommodations to any person, in any hotel, motel, cabin, camp, restaurant, trailer court, barbershop, beauty shop, amusement park, recreation area, bowling alley, billiard parlor, theater, skating rink, swimming pool, lake, gymnasium, mortuary, cemetery, or educational institution which is open to the public or any public transportation facility or other public accommodation, because of race, color, religion, sex, disability, national origin or ancestry.<sup>88</sup>

**§ 269-5. Exemptions. [Amended 8-3-1981 by Ord. No. 5235 ]**

The provisions of this article shall not apply to the following:

- A. Any bona fide religious institution with respect to any qualifications it may impose based upon religion when such qualifications are related to a bona fide religious purpose.
- B. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two families, living independently of each other, if the owner resides in such dwelling.
- C. A rental or leasing to fewer than five persons living in a dwelling unit by the owner if the owner resides therein.
- D. A nonprofit private club, not open to the public, which, incident to the primary purpose, provides certain public accommodation, for other than commercial purposes.

**§ 269-6. Complaints.**

- A. Any person claiming to be aggrieved by an unlawful discriminatory practice which is prohibited by this article, hereinafter referred to as a "complainant," may on his own behalf or by his attorney make, sign and file with the Human Relations Commission a complaint in writing, under oath, which shall state the name and address of the person alleged to have committed an unlawful discriminatory housing or public accommodation practice. The complaint shall set forth the particulars thereof and contain such other information as may be required by the Human Relations Commission.
- B. Alternatively the Human Relations Commission may issue, in like manner, a verified complaint of an alleged unlawful discriminatory housing or public accommodation practice as defined in this article.
- C. Any complaint filed pursuant to this section must be filed with the Human Relations Commission within 60 days after the date of the alleged incident.
- D. In the event of a complaint being filed pursuant to this section, a true copy of such complaint shall forthwith be transmitted by certified United States mail, postage prepaid, addressed to the person complained against.

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88. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Upon the filing of a complaint, the Human Relations Commission shall designate one or more of its members to make a prompt and full investigation of the unlawful discriminatory housing or public accommodation practice alleged. Upon request of the Human Relations Commission, the Equal Opportunity Officer of the City shall conduct said investigation. The Human Relations Commissioner or Equal Opportunity Officer shall make an investigation and report to the full Commission of the findings of the investigation within 30 days after original receipt of such complaint by the Human Relations Commission, provided that, for good cause shown, the Chairperson of the Human Relations Commission may grant one additional thirty-day period to make findings. The investigating Commissioner or Equal Opportunity Officer may attempt to eliminate any suspected discriminatory housing or public accommodation practice by conciliation, mediation or persuasion during the investigation. If the suspected unlawful discriminatory housing or public accommodation practice is eliminated to the satisfaction of the parties prior to the time for filing the report of the investigation with the Commission, a report stating the elimination shall be filed with the Commission by the investigating Commissioner or Equal Opportunity Officer.
- F. If it is determined by the Human Relations Commission upon the presentation of the report that no probable cause exists for such complaint, the Human Relations Commission shall authorize the Chairperson of the Commission to notify in writing the complainant and the respondent of such determination.
- G. If the Human Relations Commission determines upon the review of the investigation that probable cause exists for crediting the allegations of the complaint, the Chairperson of the Commission shall direct a copy of said report to the respondent and inform the respondent of the finding by the Commission of probable cause by certified mail.
- (1) The respondent may request a full evidentiary hearing before the Human Relations Commission to determine whether any unlawful discriminatory housing or public accommodation practices have been committed. The Chairperson of the Commission shall notify the respondent of the respondent's right to request such hearing upon the finding by the Commission that there is probable cause to credit the complaint and that conciliation by the investigating Commissioner or the Equal Opportunity Officer was unsuccessful. The respondent shall, within 10 days of the receipt of said notice, notify the Chairperson of the Commission in writing of the respondent's request for a hearing. If a request for a hearing is received, the Chairperson shall schedule the hearing of the matter within 30 days after the request is received. The Chairperson may grant continuances to the complainant or respondent for good cause shown.
  - (2) After a hearing has been held, the Commission, by majority vote of the Commissioners present at the hearing, shall make a finding no later than the next regular Commission meeting after such hearing has been held of whether or not the respondent has committed the unlawful discriminatory housing or public accommodation practice stated in the complaint.
    - (a) In the event that the Commission finds no unlawful discriminatory housing or public accommodation practices were committed, the case shall be closed and all parties notified of the findings of the Commission by the Chairperson.
    - (b) In the event that the Commission finds that unlawful discriminatory housing or public accommodation practices were committed, all the parties shall be notified of the finding by the Commission by the Chairperson, and the Equal Opportunity Officer or other Commission members designated by the Chairperson shall immediately endeavor to eliminate the unlawful discriminatory housing or public accommodation practice by means of conciliation or persuasion.

- (3) The Human Relations Commission shall not make public any conciliation proceeding, provided that the Human Relations Commission may make public the terms of conciliation if it has been so authorized by the person against whom the complaint was made.
  - (4) In the event no request for a hearing shall be timely filed by the respondent, the Commission shall make a finding of an unlawful discriminatory housing or public accommodation practice and attempt to eliminate the unlawful discriminatory practice by conciliation and persuasion.
- H. Nothing contained in this article shall prohibit the Human Relations Commission, or any member thereof, or the Equal Opportunity Officer from attempting to eliminate any unlawful discriminatory housing or public accommodation practice at any stage of the proceedings by mediation, conciliation or persuasion.
- I. In the event that, by majority vote, the Human Relations Commission determines that the unlawful discriminatory housing or public accommodation practice has been eliminated within 30 days of the findings that a discriminatory practice had been committed, the Human Relations Commission shall take no further action regarding the complaint. In the event that the unlawful discriminatory housing or public accommodation practice is not eliminated by means of conciliation and persuasion within 30 days of the findings of the Commission that an unlawful housing or public accommodation practice has been committed, the Human Relations Commission, by majority vote, may request the City Attorney to prosecute the respondent for violation of this article in the Municipal Court.
- J. The Human Relations Commission may at any time, by majority vote, request the City Attorney to file an action seeking appropriate injunction relief against a respondent, including orders or decrees restraining or enjoining the respondent from selling or renting to anyone other than the complainant or otherwise making unavailable to the complainant any housing accommodation or real property with respect to which the complaint is made.

ARTICLE III  
**Discrimination in Employment**

**§ 269-7. Complaints generally. [Amended 3-6-1978 by Ord. No. 5089 ]**

Any citizen complaining of a violation of any of the provisions of this article may submit such complaint to the Human Relations Commission.

State law reference — Employment discrimination,  
K.S.A. § 44-1009 et seq. and § 44-1110 et seq.

**§ 269-8. Complaints of discrimination by City.**

- A. In the event that the Human Relations Commission receives a complaint that the City refused to hire, discharged, failed to promote or discriminated against any person in compensation or conditions of employment because of race, color, religion, sex, disability, national origin or ancestry, the Human Relations Commission may investigate after the complaint has followed the formal grievance procedure of the City. After the grievance procedure has been complied with and the complaint is not resolved, the Chairperson of the Commission shall designate one or more Commissioners to investigate the complaint. The investigation shall be completed within 30 days and submitted to the full Commission.<sup>89</sup>
- B. In the event that the full Commission, at its next regular meeting after the submission of the investigation, finds there is probable cause for crediting the allegations of the complaint, the Commission shall designate three members to attempt to conciliate and mediate. In the event that no probable cause is found, the complainant shall be informed in writing by the Chairperson and a report made to the governing body of the City.
- C. In the event that probable cause is found by the Commission, then within 15 days after conciliation and mediation have begun the Commissioners charged with the responsibility shall issue a report to the governing body stating the nature of the complaint and the state of the negotiations. If, 30 days after conciliation and mediation have begun, no final resolution of the complaint has been reached, the complainant shall be advised of his opportunity to file a complaint with an appropriate state or federal agency, and the Human Relations Commission shall cease its attempts to conciliate or mediate the complaint and render a full report of its activity in regard to the complaint to the governing body forthwith.

**§ 269-9. Complaints of discrimination by private persons.**

- A. In the event that the Human Relations Commission receives a complaint that any person, firm or corporation in the City of Parsons, other than the City of Parsons, refused to hire, discharged, failed to promote or discriminated against any person in compensation or conditions of employment because of race, color, religion, sex, disability, national origin or ancestry, or any employment agency refused to list and properly classify for employment or refused to refer an individual for employment because of race, color, religion, sex, disability, national origin or ancestry, or any labor organization excluded or expelled from its membership any individual or discriminated against any individual in the admission, hiring, assignment, upgrading, transfer, promotion, layoff, dismissal, apprenticeship, or training of any individual because of race, color, religion, sex, disability, national origin or

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89. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ancestry, the Human Relations Commission may investigate said complaint.<sup>90</sup>

- B. The Chairperson of the Human Relations Commission shall designate one or more Commissioners or may request the Equal Opportunity Officer to investigate the complaint. The investigation shall be completed within 30 days and submitted to the full Commission.
- C. In the event that the full Commission, at its next regular meeting after the submission of the investigation, finds there is probable cause for crediting the allegations of the complaint, the Commission shall designate three members to attempt to conciliate and mediate the complaint with the parties. In the event that no probable cause is found by the Commission, the complainant and respondent shall be informed in writing by the Chairperson and the investigation closed.
- D. In the event that probable cause is found by the Commission within 30 days after conciliation and mediation have begun, the Commissioners charged with the responsibility shall issue a report to the Human Relations Commission concerning the results of the mediation and conciliation. In the event that no final resolution of the complaint has been reached within said 30 days, the complainant shall be advised of his opportunity to file a complaint with the appropriate state or federal agency, and the Commission shall cease to attempt to mediate and conciliate and close its investigation.

**§ 269-10. Discrimination by City or persons contracting with City.**

- A. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates:

DISCRIMINATE — To make distinctions in treatment because of the race, color, religion, sex, disability, national origin or ancestry of any person.<sup>91</sup>

ETHNIC MINORITY GROUP — As defined in K.S.A. § 74-3284(e).<sup>92</sup>

- B. Policy. The policy of the City shall be to provide equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, disability, national origin or ancestry and, to the greatest extent feasible, to provide opportunities for employment and training to lower-income residents of the City. **[Amended 9-22-1977 by Ord. No. 5067<sup>93</sup>]**
- C. Prohibited. No person who is a citizen of the United States shall be refused or denied employment in any capacity on the ground of race, color, religion, sex, disability, national origin or ancestry or be discriminated against in any manner by reason thereof in connection with any employment or public work on behalf of the City. The provisions of this subsection shall apply to and become a part of any contract hereafter made by or on behalf of the City which may involve the employment of laborers, workmen, mechanics, or any other type or types of employees whatsoever on any public work and shall apply to contractors, subcontractors, or other persons doing or contracting to do the whole or a part of any public work contemplated by the contract.<sup>94</sup>
- D. Affirmative action program.
  - (1) Affirmative actions shall be taken to ensure the implementation of the policy stated in this article concerning City employment.

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90. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

91. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

92. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

93. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

94. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (a) This policy and the obligation to provide equal employment opportunity include, but shall not be limited to:
    - [1] Recruitment, advertising, or solicitation for employment.
    - [2] Hiring, placement, promotion, transfer, or demotion.
    - [3] Treatment during employment.
    - [4] Rates of pay or other form of compensation.
    - [5] Selection for training.
    - [6] Layoff, termination or reinstatement.
  - (b) Competition among individuals for a specific job, training, or promotion will be based on qualifications and demonstrated ability.
- (2) Minorities and females are encouraged to apply for jobs, seek further training, and compete for promotions, and all will be afforded equal opportunity for development, advancement, and job security. Supervisors, at all levels, will ensure that all actions affecting the individual employee will be accomplished without discrimination. All personnel responsible for these functions will plan and take affirmative action to achieve improvement of the status of minority and female employees to the maximum extent possible. These policies are designed to ensure against practices of discrimination directed toward minority and female employees; however, this does not imply preferential employment for racial minorities or females but is designed to accomplish a positive, continuing and affirmative equal employment opportunity program for all citizens.
- E. Antidiscrimination clause in construction contracts. Every construction contract entered into by the City shall include the following provisions as part of the contract: **[Amended 9-22-1977 by Ord. No. 5067 <sup>95</sup>]**
- (1) The contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin or ancestry. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, national origin or ancestry.
    - (a) Such action shall include, but not be limited to, the following:
      - [1] Recruitment, advertising, or solicitation for employment.
      - [2] Hiring, placement, promotion, transfer, or demotion.
      - [3] Treatment during employment.
      - [4] Rates of pay or other form of compensation.
      - [5] Selection for training, including apprenticeship.
      - [6] Layoff, termination or reinstatement.
    - (b) The contractor agrees to post in conspicuous places, available to employees and applicants

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95. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



for employment, notices to be provided by the contracting officer setting forth the provisions of this equal opportunity clause.

- (2) The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all applicants will receive consideration for employment without regard to race, color, religion, sex, disability, national origin or ancestry.
- (3) The City of Parsons may direct that any bidder or prospective contractor or subcontractor shall submit a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex, disability, national origin or ancestry and that the signer will affirmatively cooperate in the implementation of the policy and provisions of this section of the Code of the City of Parsons. In the event that the union or the agency shall refuse to execute such a statement, the bidder or prospective contractor or subcontractor shall certify such fact to the City and shall further certify and set forth what efforts have been made to secure such statement and such additional factual material as the governing body of the City may require.
- (4) The contractor shall, to the greatest extent feasible, give opportunities for employment and training to lower-income residents of the project area and award contracts for work in connection with the project to business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.

F. City may require persons awarded construction contracts to submit affirmative action program.

- (1) In any invitation for bids, or other solicitation used for any proposed construction contract by the City, the City may require a written statement to be signed by the bidder and submitted with his bid stating that in the event he becomes the successful bidder he will submit to the City an acceptable affirmative action program in writing, consisting of matters hereinafter specified, whether or not the work or any part thereof is subcontracted, prior to the issuance of the work order.
- (2) An acceptable affirmative action program shall include:
  - (a) A statement of equal employment policy, signed by the contractor, which statement shall contain identification of the contract, the amount of the contract, project identification number, and any such other identification as may hereinafter be requested and shall show that said contractor intends to, and will, exert positive effort to assure equal opportunity in employment in the performance of the contract.
  - (b) An estimate of the number of the total work force (both administrative and craft) to be employed upon the project.
  - (c) Specific goals as to number of ethnic minority groups and females to be employed upon the project and percentage of total payroll applicable to such ethnic minority groups and females.<sup>96</sup>
  - (d) A timetable for accomplishment of the goals in Subsection F(2)(c) above.
  - (e) A statement that the contractor will maintain support data to show the progress toward said

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96. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

goals and that the contractor will furnish from time to time, upon reasonable request, a report of progress to the Equal Employment Officer of the City.

- (f) A statement that in any contract with a subcontractor, the contractor shall require that the subcontractor comply with Subsection F(2)(a) through (e) above; provided, however, that failure by a subcontractor to comply with such subsections shall not excuse the contractor from his duties with respect to the whole contract.
- G. Any violation of the provisions of Subsection C of this section, and any willful violation of the terms of the required affirmative action program, shall be cause for cancellation, termination or suspension of the contract, in whole or in part. Any violation of this article shall be considered in determining whether the contractor is a responsible person or bidder in the awarding of any further contracts by the City.



**Chapter 276**

**DRIVEWAYS**

<b>§ 276-1.</b>	<b>Permit required; fee.</b>	<b>§ 276-3.</b>	<b>Construction specifications.</b>
<b>§ 276-2.</b>	<b>Relocation and repairs after construction.</b>	<b>§ 276-4.</b>	<b>Repairs.</b>
		<b>§ 276-5.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 17-403, 17-404 and 17-405 of the 1963 Code (Ch. 21, Art. IV of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Streets and sidewalks — See Ch. 520.

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**§ 276-1. Permit required; fee.**

No driveway or approach in the business or industrial sections of the City or any driveway in excess of 12 feet in width in any other section of the City shall be constructed without a permit issued by the City Engineer. No such permit shall be issued until plans and specifications for the work are submitted to the City Engineer and a fee of \$25 is paid to the City.

**§ 276-2. Relocation and repairs after construction.**

Any person constructing a driveway or approach, including approaches to gasoline filling stations, garages, or other business structures, shall pay the expense of relocating sidewalks, curbing, repairing pavement, leveling parkways and other changes made necessary by such construction. The City Engineer, at the time of issuing the permit, shall designate the relocation and repairs to be made by the applicant for such permit.

**§ 276-3. Construction specifications.**

All driveways or approaches constructed in residential districts of the City shall be paved from the curb to the property line, and no driveway or approach constructed in the City shall extend into the street beyond the curbline above the level of the street. No bridge or culvert of any kind shall be constructed or maintained over the curb and gutter.

**§ 276-4. Repairs.**

All driveways or approaches, including approaches to gasoline filling stations, garages or other business structures, shall be kept in good repair by the owner of abutting property served thereby, and if the property owner shall fail to keep the same in good repair, the City shall have authority to repair or rebuild said driveways or approaches in the same manner as now provided by law for the repair and rebuilding of sidewalks. If the use of any such driveway or approach is discontinued, the owner, if directed in writing by the City Engineer, shall remove the driveway or approach and rebuild or replace the sidewalk and curb. If the owner shall fail to rebuild or replace any sidewalk or curb after 10 days' notice in writing from the City Engineer, the City shall proceed to rebuild or replace the same and charge the expense and cost thereof to the abutting property as provided by law for the repair of sidewalks.

**§ 276-5. Violations and penalties.<sup>97</sup>**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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**97. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

PARSONS CODE

**Chapter 280**

**DRUGS AND DRUG PARAPHERNALIA**

ARTICLE I		§ 280-4.	Exceptions.
Methamphetamine Precursor Drugs		§ 280-5.	Prima facie evidence.
§ 280-1.	Findings.	§ 280-6.	Reporting theft.
§ 280-2.	Definitions.	§ 280-7.	Violations and penalties.
§ 280-3.	Sale prohibited.	§ 280-8.	Effective date.

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Alcoholic beverages — See Ch. 189.

## ARTICLE I

**Methamphetamine Precursor Drugs**  
**[Adopted 4-4-2011 by Ord. No. 6231 ]****§ 280-1. Findings.**

The Commission of the City of Parsons has found the manufacture, transportation, possession and sale of methamphetamine to be inherently dangerous and that the chemical precursors of methamphetamine and the by-products and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the City. Regulation of the sale of the chemical precursors to methamphetamine production, such as ephedrine products and pseudoephedrine products, is necessary to protect the citizens of the City.

**§ 280-2. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

EPHEDRINE — All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

METHAMPHETAMINE PRECURSOR DRUG — Any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.

PACKAGE — Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

PERSON — Any individual, corporation, partnership, trust, limited-liability company, firm, association or other entity.

PSEUDOEPHEDRINE — All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

SELL — To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

**§ 280-3. Sale prohibited.**

It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine, and pseudoephedrine- or ephedrine-containing products, their salts, their optical isomers or salts of their optical isomers except as set forth in the specific exceptions contained in § 280-4 of this article.

**§ 280-4. Exceptions.**

- A. Ephedrine, pseudoephedrine and pseudoephedrine- or ephedrine-containing products, their salts, their optical isomers or salts of their optical isomers may be sold by a Kansas-licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.
- B. Ephedrine, pseudoephedrine and pseudoephedrine- or ephedrine-containing products, their salts, their optical isomers or salts of their optical isomers may be distributed by a licensed physician within the physician's office, or any clinic, nursing home or other licensed healthcare facility upon the orders of a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.

- C. This section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

**§ 280-5. Prima facie evidence.**

It shall be prima facie proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.

**§ 280-6. Reporting theft.**

- A. All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the Police Department of the City of Parsons within 24 hours of discovery.
- B. Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the Police Department of the City of Parsons within 24 hours of discovery.

**§ 280-7. Violations and penalties.**

Every act or omission constituting a violation of any of the provisions of this article by any agent or employee of any person shall be deemed and held to be an act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this article shall be considered a separate offense. Violation of this article shall be considered and punished as a Class A misdemeanor.

**§ 280-8. Effective date.**

This article shall be in full force and effect on and after June 1, 2011 and publication in the official City newspaper.





PARSONS CODE

**Chapter 290**

**ELECTRICAL STANDARDS**

**ARTICLE I  
General Provisions**

- § 290-1.       **Definitions.**  
§ 290-2.       **Civil liability.**  
§ 290-3.       **Removal of defective wiring.**

**ARTICLE II  
Administration and Enforcement**

- § 290-4.       **Electrical Inspector.**  
§ 290-5.       **Special rulings.**  
§ 290-6.       **Appeals.**  
§ 290-7.       **Revocation of license or  
                    certificate.**  
§ 290-8.       **Persons eligible for permit.**  
§ 290-9.       **Liability.**

**ARTICLE III  
Electricians**

- § 290-10.      **Ratio of apprentice to  
                    journeyman or master.**  
§ 290-11.      **License and certificate  
                    required.**  
§ 290-12.      **Examination; proof of  
                    competency.**  
§ 290-13.      **Fees.**  
§ 290-14.      **Electrical contractor's bond.**  
§ 290-15.      **Expiration and renewal of  
                    license.**  
§ 290-16.      **Transfer of license or use by  
                    another.**  
§ 290-17.      **Display of license.**  
§ 290-18.      **Electrical contractor's  
                    insurance.**

**[HISTORY: Adopted by the City Commission of the City of Parsons 4-8-1981 by Ord. No. 5224 (Ch. 7, Art. III of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building Trades Board — See Ch. 20, Art. VIII.**

**Fire prevention — See Ch. 316.**

**Adoption of National Electric Code — See Ch. 225.**

**Mechanical systems — See Ch. 420.**

**Fees — See Ch. 307.**

ARTICLE I  
General Provisions

**§ 290-1. Definitions. [Amended 12-18-1989 by Ord. No. 5514 ; 1-16-2001 by Ord. No. 5902 ]**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**APPRENTICE ELECTRICIAN** — Any person who is working at the trade in the employment of a licensed electrical contractor and is under the direct supervision of a certified master electrician or certified journeyman electrician or a certified residential electrician.

**ELECTRICAL CONTRACTOR** — Any person, firm, company or corporation who or which undertakes with or for another to do any electrical wiring or other work for which a permit is required under this chapter for a fixed price, fee, percentage of cost, or other compensation, other than wages, or who or which advertises or otherwise represents to the public to have the capacity or ability to undertake the installation, alteration, or renewal of electric wiring, lighting, or power fixture and electrical apparatus of any nature (except measuring equipment and devices installed by and remaining the property of the utility company supplying the service) in or on any building, structure, sign, or premises. A public utility service company operating under franchise from the City shall not be deemed an electrical contractor insofar as such franchise affects property owned or controlled by the utility. No person, firm, company or corporation shall perform the duties of an electrician for hire or with or for another unless said person possesses a valid electrical contractor's license or is an employee of a person, firm, company or corporation that possesses such a license.

**ELECTRICAL WIRING** — The installation, repair, connection, alteration, or replacement of wiring in buildings and structures for the use of electrical current for electrical fixtures, appliances, motors, or other apparatus.

**ELECTRICIAN** — Any person who directs, supervises, controls, or performs acts necessary for installation, alteration, repair, or maintenance of electric equipment, wires, or apparatus.

**JOURNEYMAN ELECTRICIAN** — A person possessing the necessary qualifications, training, experience and technical knowledge, under the direct supervision of a master electrician, to wire, install and repair electrical apparatus and equipment for light, heat, power and other purposes in accordance with rules and regulations adopted by the Building Trades Board.

**MASTER ELECTRICIAN** — A person possessing the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of wiring apparatus and equipment for electric light, heat, power and other purposes in accordance with the rules and regulations adopted by the Building Trades Board.

**RESIDENTIAL ELECTRICIAN** — A person possessing the necessary qualifications, training, experience and technical knowledge to wire, install and repair electrical apparatus and equipment for light, heat, power and other purposes in not more than a six-family dwelling in accordance with rules and regulations adopted by the Building Trades Board.

**§ 290-2. Civil liability.**

Nothing in this chapter shall in any way relieve any electrician from responsibility for materials he furnishes or installs, or impair in any way his liability for failure to use due care in protecting life and property in the subsequent use of electrical installations made by him, nor shall the City be held as assuming liability by reason of any inspection authorized herein or certificate issued.

**§ 290-3. Removal of defective wiring.<sup>98</sup>**

In case any work which the Electrical Inspector is required to inspect by the provisions of this chapter is found not to comply with the requirements hereof and to be unsafe and defective, he shall at once notify the party doing such work of the defect and order him to change, rearrange or remove the same, and upon such person's failure or refusal to do so within a reasonable time such person shall be deemed guilty of a Class C misdemeanor. Each day which shall elapse after the expiration of such reasonable time, as the same shall be fixed by the Electrical Inspector, without compliance with such order shall be considered a separate offense.

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98. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II  
**Administration and Enforcement**

**§ 290-4. Electrical Inspector.**

- A. The City Manager shall appoint an Electrical Inspector and may appoint assistant inspectors when necessary. The Electrical Inspector shall not engage in the electrical business, either directly or indirectly, in the City and shall have no financial interest in any concern so engaged in the City while holding the office of Electrical Inspector.
- B. The Electrical Inspector shall keep complete records of all permits issued, inspections made and certificates issued and all other official work performed under the provisions of this chapter. All necessary blanks and record books shall be provided by the City.
- C. The Electrical Inspector or his authorized assistant shall inspect all electric light, heat and power wires, fixtures, appliances, conductors and apparatus hereinafter installed in or upon any buildings, shops, sheds and other structures in the City and shall enforce or cause to be enforced the provisions of this chapter, and for that purpose he shall have and is hereby given special police powers necessary therefor. Subject to constitutional limitations, he shall have the right, during reasonable hours, to enter any building for the purpose of making any inspection required by this chapter.
- D. The Electrical Inspector or any fireman shall have power to at once cause removal of all wires or the turning off of all electricity where the same shall interfere with the work of the Fire Department during the progress of a fire.

**§ 290-5. Special rulings.**

The Electrical Inspector shall decide all questions relating to the installation or use of electrical wires, appliances or apparatus which are not provided for in this chapter.<sup>99</sup>

**§ 290-6. Appeals. [Amended 1-16-2001 by Ord. No. 5902 ]**

An appeal may be taken from an order or decision of the Electrical Inspector to the Building Trades Board. The decision of the Board shall be final and binding. No appeal shall be allowed from any order or decision of the Electrical Inspector unless the same is requested within 30 days of the order or decision.<sup>100</sup>

**§ 290-7. Revocation of license or certificate. [Added 12-18-1989 by Ord. No. 5514 ; amended 1-16-2001 by Ord. No. 5902 ]**

The Building Trades Board, upon five days' notice to the person holding a license or certificate under the provisions of this chapter, may revoke such license or certificate if said licensee has been convicted in court of violating any of the provisions of this license, or if said license or certificate has been fraudulently obtained, for failure to maintain insurance as required by this chapter or for other good cause shown. In the case of revocation of the license or certificate of any such licensee, no new license or certificate shall be issued to such person or any person on his behalf for a period of 90 days thereafter. Upon written notice filed in the City Clerk's office within 10 days after action taken by the Building Trades Board, said action

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99. Editor's Note: Original § 7-43, Board of electrical examiners, which immediately followed this section and was amended 12-18-1989 by Ord. No. 5514, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

100. Editor's Note: Original §§ 7-56 to 7-61, which immediately followed this section and dealt with permits and inspections, were repealed 7-1-1985 by Ord. No. 5357. Original § 7-71, National Electrical Code, was also repealed by Ord. No. 5357. Original § 7-72, Conduits, etc., § 7-73, Minimum size of wire, and § 7-74, When copper wiring required, were repealed 6-20-1994 by Ord. No. 5660. Section 7-73 was repealed again 8-21-2006 by Ord. No. 6095.

may be appealed to the governing body of the City of Parsons for hearing and review of any approved party.

**§ 290-8. Persons eligible for permit. [Added 11-15-2004 by Ord. No. 6023 <sup>101</sup>]**

A permit required by this chapter shall only be issued to:

- A. A licensed electrician.
- B. Any property owner of residential property personally performing any improvements, alterations or electrical construction within or upon residential property owned by him or her, provided that the owner of residential property shall secure a permit, pay required fees, do work in accordance with this chapter, apply for an inspection and receive approval. Personal electrical construction by an owner of residential property under this section shall be by himself or herself, for himself or herself, on his or her own property, without compensation, and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the City.

**§ 290-9. Liability. [Added 11-15-2004 by Ord. No. 6023 ]**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any electrical construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

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101. Editor's Note: This ordinance purported to amend original § 7-58, Persons eligible for permit, which was repealed 7-1-1985 by Ord. No. 5357.

ARTICLE III  
Electricians

**§ 290-10. Ratio of apprentice to journeyman or master. [Amended 12-18-1989 by Ord. No. 5514 ]**

There shall be one licensed journeyman or master electrician for each apprentice electrician on a job.

**§ 290-11. License and certificate required. [Amended 1-16-2001 by Ord. No. 5902 ]**

It shall be unlawful for any person to engage in business as an electrical contractor without a license from the City or as a journeyman, master or residential electrician without a certificate issued by the City. An apprentice electrician must possess at all times documentation that clearly identifies the electrical contractor employing the apprentice and the name and address of the certified journeyman, master or residential electrician that is responsible for directly supervising the work of the apprentice.

**§ 290-12. Examination; proof of competency. [Amended 1-16-2001 by Ord. No. 5902 <sup>102</sup>]**

No person shall be issued an original or initial certificate unless he/she successfully passes an examination with a score of 75% or greater designated by K.S.A. § 12-1525 and amendments thereto. A certificate of competency from such examination shall be valid proof of the competency of a master, journeyman or residential electrician, and the applicant shall be issued the appropriate license, after which time a person has paid the appropriate fee as listed in § 290-13. Any person who holds a valid license or certificate issued by the City of Parsons on the effective date of this section as an electrical contractor or master or journeyman electrician shall be considered to have valid proof of competency, and said person shall be allowed to renew the license or certificate so issued if the license or certificate to be renewed is otherwise current and shall be exempt from the examination requirements.<sup>103</sup>

**§ 290-13. Fees. [Amended 12-18-1989 by Ord. No. 5514 ; 1-16-2001 by Ord. No. 5902 ]**

- A. No person shall be issued a license or certificate unless he/she pays the appropriate fee listed below to the City:
- (1) Electrical contractor's license: \$50.
  - (2) Master electrician certificate: \$35.
  - (3) Journeyman electrician certificate: \$25.
  - (4) Residential electrician certificate: \$20.
- B. All fees shall be paid at the office of the City Clerk. The full amount of the required fee shall be paid at the time of issuance of the license irrespective of the date of issuance.<sup>104</sup>

**§ 290-14. Electrical contractor's bond. [Amended 8-19-1991 by Ord. No. 5571 ]**

Prior to the issuance of an electrical contractor's license, the person making application for an electrical contractor's license shall have in effect on file with the City Clerk a surety bond in favor of the City of

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<sup>102</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>103</sup>.Editor's Note: Original § 7-98, Special qualifications for journeymen and master electricians, which immediately followed this section and was amended 12-18-1989 by Ord. No. 5514, was repealed 1-16-2001 by Ord. No. 5902.

<sup>104</sup>.Editor's Note: Original § 7-100, Examination, which immediately followed this section and was amended 12-18-1989 by Ord. No. 5514, was repealed 1-16-2001 by Ord. No. 5902.

Parsons of \$5,000, in a form acceptable to the City Attorney, and conditioned that the principal in the bond will comply with all provisions of all ordinances of the City relating to the construction, erection or installation of wire or other apparatus and mediums for the transmission of electric current for heat, power, or light purposes, and further conditioned that the City or any person who may deem himself injured or damaged by the principal's failure to comply with such ordinances may sue on such bond to recover the damages.

**§ 290-15. Expiration and renewal of license.**

All licenses issued pursuant to this chapter shall expire at the end of the calendar year for which they were issued. A license which is not renewed within 30 days after expiration shall not be subject to renewal without passing the required examination and payment of the fees for an initial license.

**§ 290-16. Transfer of license or use by another.**

Licenses issued pursuant to this chapter shall be nontransferable. It shall be unlawful for any person to allow or permit his license to be used by another for the purpose of securing any permit required by this chapter.

**§ 290-17. Display of license.**

All electrical contractors licensed by the City shall display or post the required license in their place of business, and all electricians licensed by the City shall carry their licenses on their persons and exhibit the same on the demand of the City Electrical Inspector, his assistant, or any officer of the City.

**§ 290-18. Electrical contractor's insurance. [Added 12-18-1989 by Ord. No. 5514 ; amended 1-16-2001 by Ord. No. 5902 ]**

Prior to the issuance of an electrical contractor's license, the person making the application for an electrical contractor's license shall have on file with the City Clerk a certificate of insurance with an insurance company authorized to do business in Kansas insuring against liability for negligent installation and work of the contractor and for products liability with completed operations endorsement with limits of at least \$300,000 for all claims. Said certificate shall require the insurance company to notify the City Clerk in the event of cancellation.<sup>105</sup>

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**105.**Editor's Note: Original § 7-108, Expiration and renewal, and § 7-109, Transfer or use by another, which immediately followed this section and were added 1-16-2001 by Ord. No. 5902, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). For similar subject matter see §§ 290-15 and 290-16.





Chapter 307

FEEES

§ 307-1.	Building Code.	§ 307-3.	Mechanical Code.
§ 307-2.	Electrical Code.	§ 307-4.	Plumbing Code.

[HISTORY: Adopted by the City Commission of the City of Parsons 7-1-1985 by Ord. No. 5363 .  
Amendments noted where applicable.]

§ 307-1. Building Code.<sup>106</sup>

The fees to be assessed in accordance with the provisions of the Building Code in effect in the City of Parsons shall be as follows:

A. Building permit fees.

Total Valuation	Fee
\$1.00 to \$500.00	\$5.00
\$501.00 to \$2,000.00	\$5.00 for the first \$500.00 plus \$0.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$16.25 for the first \$2,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$85.25 for the first \$25,000.00 plus \$2.25 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$141.50 for the first \$50,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$216.50 for the first \$100,000.00 plus \$1.25 for each additional \$1,000.00 or fraction thereof

B. Other inspection fees.

- (1) Inspections outside of normal business hours: \$15 per hour (minimum charge: two hours).

106.Editor's Note: See Ch. 225, Building Construction. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Reinspection fee assessed under provisions of Section 305(b): \$15 each.
- (3) Inspections for which no fee is specifically indicated: \$15 per hour (minimum charge: 1/2 hour).
- (4) Additional plan review required by changes, additions or revisions to approved plans: \$15 per hour (minimum charge: 1/2 hour).

**§ 307-2. Electrical Code.<sup>107</sup>**

The fees to be assessed in accordance with the provisions of the Electrical Code in effect in the City of Parsons shall be as follows:

**A. Permit issuance.**

- (1) For issuing each permit: \$5.
- (2) For issuing each supplemental permit: \$3.

**B. Private swimming pools.**

- (1) For new private, residential, in-ground swimming pools for single-family and multifamily occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each: \$10.
- (2) For other types of swimming pools, therapeutic whirlpools, spas and alterations to existing swimming pools use the unit fee schedule.<sup>108</sup>

**C. Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions.**

- (1) For electric generators and electrically driven rides, each: \$10.
- (2) For mechanically driven rides and walk-through attractions or displays having electric lighting, each: \$3.
- (3) For a system of area and booth lighting, each: \$3.
- (4) For permanently installed rides, booths, displays and attractions use the unit fee schedule.<sup>109</sup>

**D. Temporary power service.**

- (1) For a temporary service power pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each: \$10.
- (2) For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative light, Christmas tree sales lots, fireworks stands, etc., each: \$5.

**E. Receptacle, switch and lighting outlets.**

- (1) For receptacle, switch, lighting or other outlets at which current is used or controlled, except

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**107.Editor's Note: See Ch. 290, Electrical Standards. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**108.Editor's Note: See §§ 307-3B and 307-4B.**

**109.Editor's Note: See §§ 307-3B and 307-4B.**

services, feeders and meters:

- (a) First 20, each: \$0.30.
- (b) Additional outlets, each: \$0.15.
- (2) Note: For multi-outlet assemblies, each five feet or fraction thereof may be considered as one outlet.

F. Lighting fixtures.

- (1) For lighting fixtures, sockets or other lamp-holding devices:
  - (a) First 20, each: \$0.30.
  - (b) Additional fixtures, each: \$0.15.
- (2) For pole or platform-mounted lighting fixtures, each: \$0.30.
- (3) For theatrical-type lighting fixtures or assemblies, each: \$0.30.

G. Residential appliances.

- (1) For fixed residential appliances or receptacle outlets for the same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditioners; space heaters, food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each: \$2.
- (2) Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Subsection I, Power apparatus.

H. Nonresidential appliances.

- (1) For residential appliances and self-contained, factory-wired, nonresidential appliances not exceeding one horsepower (HP), kilowatt (KW), or kilovolt-ampere (KVA) in rating, including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each: \$2.
- (2) Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Subsection I, Power apparatus.

I. Power apparatus. For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

- (1) Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (KVA), or kilovolt-amperes-reactive (KVAR):
  - (a) Up to and including one, each: \$2.
  - (b) Over one and not over 10, each: \$2.
  - (c) Over 10 and not over 50, each: \$5.

- (d) Over 50 and not over 100, each: \$10.
  - (e) Over 100, each: \$15.
- (2) Note:
  - (a) For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
  - (b) These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.
- J. Busways.
  - (1) For trolley and plug-in-type busways, each 100 feet or fraction thereof: \$3.
  - (2) Note: An additional fee will be required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. No fee is required for portable tools.
- K. Signs, outline lighting and marquees.
  - (1) For signs, outline lighting systems or marquees supplied from one branch circuit, each: \$10.
  - (2) For additional branch circuits within the same sign, outline lighting system or marquee, each: \$2.
- L. Services.
  - (1) For services of 600 volts or less and not over 200 amperes in rating, each: \$12.50.
  - (2) For services of 600 volts or less and over 200 amperes to 1,000 amperes in rating, each: \$25.
  - (3) For services over 600 volts or over 1,000 amperes in rating, each: \$50.
- M. Miscellaneous apparatus, conduits and conductors.
  - (1) For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth: \$7.50.
  - (2) Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.
- N. Other inspections and fees.
  - (1) Inspections outside of normal business hours: \$15 per hour (minimum charge: two hours).
  - (2) Reinspection fee assessed under provisions of Section 305(h): \$15 each.
  - (3) Inspections for which no fee is specifically indicated: \$15 per hour (minimum charge: 1/2 hour).
  - (4) Additional plan review required by changes, additions or revisions to approved plans: \$15 per hour (minimum charge: 1/2 hour).

**§ 307-3. Mechanical Code.<sup>110</sup>**

The fees to be assessed in accordance with the provisions of the Mechanical Code in effect in the City of Parsons shall be as follows:

**A. Permit issuance.**

- (1) For issuing each permit: \$5.
- (2) For issuing each supplemental permit: \$3.

**B. Unit fee schedule.**

- (1) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h: \$6.
- (2) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 Btu/h: \$7.50.
- (3) For the installation or relocation of each floor furnace, including vent: \$6.
- (4) For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater: \$6.
- (5) For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit: \$3.
- (6) For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code: \$6.
- (7) For the installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 Btu/h: \$6.
- (8) For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower or each absorption system over 100,000 Btu/h and including 500,000 Btu/h: \$11.
- (9) For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h: \$15.
- (10) For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h: \$22.50.
- (11) For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower or each absorption system over 1,750,000 Btu/h: \$37.50.
- (12) For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto: \$4.50. Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.

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**110.Editor's Note: See Ch. 420, Mechanical Systems. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

- (13) For each air-handling unit over 10,000 cfm: \$7.50.
- (14) For each evaporative cooler other than portable type: \$4.50.
- (15) For each ventilation fan connected to a single duct: \$3.
- (16) For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit: \$4.50.
- (17) For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood: \$4.50.
- (18) For the installation or relocation of each domestic-type incinerator: \$7.50.
- (19) For the installation or relocation of each commercial or industrial-type incinerator: \$30.
- (20) For each appliance or piece of equipment regulated by this code but not classed in other appliance categories or for which no other fee is listed in this code: \$4.50.

C. Other inspections and fees.

- (1) Inspections outside of normal business hours: \$15 per hour (minimum charge: two hours).
- (2) Reinspection fee assessed under provisions of Section 305(h): \$15 each.
- (3) Inspections for which no fee is specifically indicated: \$15 per hour (minimum charge: 1/2 hour).
- (4) Additional plan review required by changes, additions or revisions to approved plans: \$15 per hour (minimum charge: 1/2 hour).

**§ 307-4. Plumbing Code.<sup>111</sup>**

The fees to be assessed in accordance with the provisions of the Plumbing Code in effect in the City of Parsons shall be as follows:

A. Permit issuance.

- (1) For issuing each permit: \$3.
- (2) For issuing each supplemental permit: \$2.

B. Unit fee schedule [in addition to Subsection A(1) or (2) above].

- (1) For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefor): \$2.
- (2) For each building sewer and each trailer park sewer: \$5.
- (3) Rainwater systems, per drain (inside building): \$2.
- (4) For each cesspool (where permitted): \$15.
- (5) For each private sewage disposal system: \$30.

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111.Editor's Note: See Ch. 467, Plumbing. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) For each water heater and/or vent: \$2.
  - (7) For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps: \$2.
  - (8) For installation, alteration, or repair of water piping and/or water-treating equipment, each: \$2.
  - (9) For repair or alteration of drainage or vent piping, each fixture: \$2.
  - (10) For each lawn sprinkler system on any one meter, including backflow protection devices therefor: \$2.
  - (11) For atmospheric-type vacuum breakers not included in Subsection B(2):
    - (a) One to five: \$2.
    - (b) Over five, each: \$0.50.
  - (12) For each backflow protective device other than atmospheric-type vacuum breakers:
    - (a) Two inches and smaller: \$2.
    - (b) Over two inches: \$5.
  - (13) For each gas piping system of one to four outlets: \$2.
  - (14) For each gas piping system of five or more outlets, per outlet: \$0.50.
- C. Other inspections and fees:
- (1) Inspections outside of normal business hours: \$15 per hour (minimum charge: two hours).
  - (2) Reinspection fee assessed under provisions of Section 305(h): \$15 each.
  - (3) Inspections for which no fee is specifically indicated: \$15 per hour (minimum charge: 1/2 hour).
  - (4) Additional plan review required by changes, additions or revisions to approved plans: \$15 per hour (minimum charge: 1/2 hour).



**Chapter 311****FENCES AND WALLS**

<b>§ 311-1.</b>	<b>Barbwire or electrified fences.</b>	<b>§ 311-2.</b>	<b>Height limitations.</b>
		<b>§ 311-3.</b>	<b>Fence permit required.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 6-2-1975 by Ord. No. 4451 (§ 7-4 of the 1985 Code). Amendments noted where applicable.]**

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**§ 311-1. Barbwire or electrified fences. [Amended 7-20-2009 by Ord. No. 6189 ]**

It is unlawful for any person to have or maintain a barbwire or electrified fence along or near any sidewalk, street, or public place within the City of Parsons. Any person violating this section shall be notified by the City to remove the fence within 24 hours after notice to do so from the City. A person violating this section shall be guilty of a Class C misdemeanor and subject to a penalty as provided in § 1-2 of this Code, and each day the violation shall continue shall be a separate offense.

**§ 311-2. Height limitations. [Added 9-25-1978 by Ord. No. 5121 (§ 7-3 of the 1985 Code)]**

- A. No fence or wall shall be built or maintained on any lots in the City which is more than four feet in height in the front yard or more than six feet in height in the side or rear yard; provided, however, that a fence which is not more than 25% of solid or unopen construction may be constructed to any height. The terms "front yard," "side yard" and "rear yard" shall be defined for the purpose of this section as they have been defined in the City Zoning Regulations.
- B. This section shall not apply to fences or walls located on or inside the required building setback line for the lot.
- C. The height limitation for a fence or wall in a side yard on a corner lot shall be no more than four feet in height in the required front and rear yard setback and no more than six feet in height otherwise, provided that the height may be six feet in the rear yard setback where no alley is platted.
- D. The height limitation for a fence or wall in a side interior lot shall be no more than four feet in height in the required front yard setback and no more than six feet in height otherwise.
- E. Violation of this section shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code. **[Added 7-20-2009 by Ord. No. 6189 ]**

**§ 311-3. Fence permit required. [Added 10-7-2013 by Ord. No. 6296 ]**

- A. A permit shall be required whenever erecting a new fence or retaining wall, extending an existing fence or wall, or replacing more than 50% of an existing fence within the City. A fence permit application must be completed, submitted to the Building Inspector and approved prior to the commencement of erecting a fence. There shall be no fee charged to obtain a fence permit. A permit will be issued if the proposed fence meets all applicable zoning regulations, requirements of the applicable building code and requirements of the Parsons City Code. It shall be unlawful to erect a fence without a permit. A person or entity violating this section shall be guilty of a Class C

misdemeanor and subject to a fine of \$50 and not more than 10 days in jail if the fence constructed without a permit meets all applicable zoning regulations, requirements of the applicable building code and requirements of the Parsons City Code. In the event the constructed fence does not meet the applicable zoning regulations, requirements of the applicable building code or requirements of the Parsons City Code, the applicable fine shall not be less than \$1,000 unless the fence becomes compliant by a deadline set by the municipal court judge. In the event the fence becomes compliant by said deadline, the fine shall be reduced to \$50. The City reserves the right to also pursue any and all civil remedies, including injunctive relief, in addition to the penalties and provisions contained herein.

- B. A fence shall be defined as a freestanding structure of metal, masonry, glass, plastic or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes, but which does not pose a threat to public safety or health.

FIRE PREVENTION

Chapter 316

FIRE PREVENTION

ARTICLE I		§ 316-6.	Revisions.
Propane Tanks and Providers		§ 316-7.	Geographical limits.
§ 316-1.	Location of propane tanks restricted.	§ 316-8.	Repealer.
		§ 316-9.	Construal of provisions.
§ 316-2.	Existing tanks; violations and penalties.	ARTICLE III	
§ 316-3.	License required to sell propane.	Outdoor Stoves and Fireplaces	
§ 316-4.	Right of entry.	§ 316-10.	No permit required; restrictions.
ARTICLE II			
Uniform Fire Code			
§ 316-5.	Adoption by reference.		

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 185.

Electrical standards — See Ch. 290.

Building construction — See Ch. 225.

Hazardous substances — See Ch. 340.

Unsafe buildings — See Ch. 235.

Nuisances — See Ch. 441.

## ARTICLE I

**Propane Tanks and Providers**  
**[Adopted 8-1-2005 by Ord. No. 6054 ]****§ 316-1. Location of propane tanks restricted.**

All propane tanks that are 100 pounds (25 gallons) or larger and the use thereof are prohibited within the corporate limits of the City of Parsons unless they are located on a cement pad, not located within a floodplain area, meet all building codes adopted by the City of Parsons, and are not within 20 feet of a residence or commercial building nor within 10 feet of a property line. Propane tanks located in residential areas shall be located in the rear of the residence away from the street. All plumbing pertaining to the propane tank installation must be inspected by the Building Inspector or his designee, with no connections to unvented and improperly vented heaters or heaters that do not have a gas regulator. In addition, residences with a basement using propane tanks shall have some type of leak detection system installed inside the residence. This restriction shall not apply to uses such as grills (not to include indoor cook stoves and ovens), recreational vehicles, or propane-powered vehicles and equipment, such as forklifts. This restriction shall not prevent the sale of propane tanks used in grills or a commercial business which derives the majority of its revenue from the sale of propane and propane tanks, in accordance with state and federal law. This shall not prohibit the use of standard-size heating tanks for temporary heating and for the use by construction companies and contractors for temporary installation on a building site. This temporary installation shall in no case exceed 45 days and must be approved by the Building Inspector.

**§ 316-2. Existing tanks; violations and penalties.**

- A. All propane tanks prohibited in § 316-1 that are in use at the time of the adoption of this article and all propane tanks in use at the time property is annexed into the City shall be allowed to remain in use and not be considered in violation of this article.
- B. It shall be unlawful for any property owner to be in violation of this article. Should the property owner fail to comply with the written notice to cease to use said propane tank, the public officer may file a complaint in the Municipal Court against such property owner, and upon conviction of violation of this article the property owner shall be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

**§ 316-3. License required to sell propane.**

It shall be the duty of all individuals, companies or corporations desiring to sell propane within the City limits of Parsons for residential propane tanks of 100 pounds (25 gallons) or larger to register and obtain a license from the City. Propane providers covered by this section shall pay an annual license fee of \$25 and provide the City Clerk with twenty-four-hour contact information for said providers. Upon obtaining the license fee and contact information, the City Clerk shall issue a nontransferable license to said provider. Each provider must check all appliances for new customers to ensure that the appliances are plumbed properly for propane.

**§ 316-4. Right of entry.**

It shall be a violation of this article to deny a public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a prohibited propane tank is in use. "Public officer" shall mean the City Building Inspector and Director of

Utilities or their designees.

ARTICLE II  
**Uniform Fire Code**  
**[Adopted 10-15-2007 by Ord. No. 6135 ]**

**§ 316-5. Adoption by reference.**

A certain document, three copies of which are on file in the office of the City Clerk of the City of Parsons, being marked and designated as the International Fire Code, 2006 edition, excluding Appendix Chapters A and B, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Parsons, in the State of Kansas, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Parsons are hereby referred to, adopted, and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 316-6 of this article.

**§ 316-6. Revisions.**

The following sections are hereby revised:

- A. Section 101.1: City of Parsons.
- B. Section 109.3: Class B misdemeanor.
- C. Section 114.4: \$50.

**§ 316-7. Geographical limits.**

The geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

- A. Chapter 32 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): zoning areas R, R-1, R-2, R-3, C-1, C-2, C-3, C-4 and OP-1.
- B. Chapter 33 (geographic limits in which the storage of explosives is prohibited): the corporate limits of the City of Parsons; exception: consumer and display fireworks as allowed by Chapter 320, Fireworks, Article II, Possession, Sale and Discharge, of the City Code.
- C. Chapter 34 (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited): zoning areas R, R-1, R-2, R-3, C-1, C-2, C-3 and OP-1.
- D. Chapter 38 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): prohibited in zoning areas C-1, C-2 and OP-1; residential zoning areas shall abide by Article I, Propane Tanks and Providers, of this chapter.

**§ 316-8. Repealer.**

Ordinance No. 5820 of the City of Parsons is hereby repealed.

**§ 316-9. Construal of provisions.**

Nothing in this article or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in § 316-8 of this article, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

ARTICLE III

**Outdoor Stoves and Fireplaces**

**[Adopted 10-7-2013 by Ord. No. 6296 ]**

**§ 316-10. No permit required; restrictions.**

A fire may be built in an outdoor stove, oven, fireplace, barbecue pit or portable burner for the purpose of cooking food or recreation; provided that any such fire so started shall be extinguished and made safe before the persons starting or maintaining such fire shall leave the place where the fire was started. No permit shall be required to burn under this section, except that all other provisions, rules and regulations of the International Fire Code in effect shall be in full force and effect where applicable. A person violating this section shall be guilty of a Class C misdemeanor and subject to a penalty as provided in § 1-2 of this Code.





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**Chapter 320**

**FIREWORKS**

ARTICLE I

**Restrictions During Emergencies**

- § 320-1. Authority of City Manager.
- § 320-2. Orders and regulations.
- § 320-3. Violations and penalties.

ARTICLE II

**Possession, Sale and Discharge**

- § 320-4. Keeping, storing or selling of fireworks.
- § 320-5. Discharge of fireworks.
- § 320-6. Prohibited areas.
- § 320-7. Adoption of state regulations.
- § 320-8. Violations and penalties.

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

## ARTICLE I

**Restrictions During Emergencies**  
**[Adopted 6-29-1988 by Ord. No. 5483 1/2 ]****§ 320-1. Authority of City Manager.**

In the event that an emergency exists of an unusual danger to the public health and safety from the sale, offering to sell, possession, ignition, firing or setting off of any fireworks caused by climatic conditions or other circumstances constituting an emergency, the City Manager or his designee is hereby authorized to order the sale, offering to sell, possession, ignition, firing, setting off, use or discharge or storage of fireworks to be halted.

**§ 320-2. Orders and regulations.**

In the event that an emergency as described in § 320-1 exists, the City Manager shall order the sale, offering to sell, possession, ignition, firing, setting off, use, discharge or storage of fireworks to be halted and stopped or may make any other regulation of the sale, storage, use, or discharge of fireworks as in the City Manager's discretion is reasonable until the emergency no longer exists. The order of the City Manager shall be in writing and shall be posted at all retail sales establishments of fireworks in the City of Parsons and shall be distributed to the news media as soon as possible.

**§ 320-3. Violations and penalties.**

Any person, firm or corporation who violates any order of the City Manager in force as a result of this article shall be, upon conviction by the Municipal Court, guilty of a Class A misdemeanor.

## ARTICLE II

**Possession, Sale and Discharge**  
**[Adopted 9-18-2006 by Ord. No. 6097 ]****§ 320-4. Keeping, storing or selling of fireworks.**

It shall be unlawful for any person, firm, or corporation to keep, store, or sell within the City of Parsons, Kansas, or the City-administered three-mile zoning area, any fireworks, except that fireworks may be sold at retail each year from June 30 to July 4, 9:00 a.m. to 11:00 p.m. each day. Fireworks may be stored in a secure area or vehicle from June 25, 7:00 a.m. to July 10, 11:00 p.m. Any advertising sign and erected stand or tent shall be removed by July 10, 11:00 p.m. A retail firework stand will only be allowed in commercially zoned areas, and outside firework stands cannot be located within 50 feet of a structure. Each retail firework stand or structure shall obtain a permit at a cost of \$50 from the City of Parsons and show proof of tax registry. Each retail firework stand shall be inspected by the City of Parsons Fire Department before selling fireworks.

**§ 320-5. Discharge of fireworks.**

It shall be unlawful for any person, firm or corporation to discharge fireworks in the City of Parsons, Kansas, except that fireworks may be discharged each year from June 30 to July 4, 9:00 a.m. to 11:00 p.m. each day, and further except that organized displays may be allowed at other times of the year with permission from the City Manager.

**§ 320-6. Prohibited areas.**

It shall be unlawful for any person to have in his or her possession or to set off or discharge any fireworks or firecrackers without permission of the approving agency in the following areas: Forest Park, Marvel Park, Swimming Pool, Arboretum, Glenwood Park, McElhaney Park, Lopez Park, Railroad Park, Clark Park, Circle Park, Winway Park, Tolen Creek Park, Prairie West Park, any new parks created by the City, and the Oakwood Cemetery.

**§ 320-7. Adoption of state regulations.**

The regulations of the Fire Marshal of the State of Kansas governing the sale, handling, storage, and discharge of fireworks are hereby adopted by reference as if fully set out herein. Three copies of such regulations shall be kept on file in the office of the City Clerk.

**§ 320-8. Violations and penalties.**

A violation of this article shall be punished as a Class C misdemeanor.



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**Chapter 325**

**FLOODPLAIN MANAGEMENT**

**§ 325-1. Incorporation of ordinance.**

**§ 325-2. Copies on file.**

**[HISTORY: Adopted by the City Commission of the City of Parsons 12-1-2008 by Ord. No. 6173 .  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Planning Commission — See Ch. 20, Art. VI.**

**Stormwater management — See Ch. 517.**

**Building construction — See Ch. 225.**

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**§ 325-1. Incorporation of ordinance.**

Pursuant to the provisions of K.S.A. §§ 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the City of Parsons, Kansas, all of the zoning regulations contained in that document hereafter known and referred to as the "Floodplain Management Ordinance for the City of Parsons, Kansas," which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

**§ 325-2. Copies on file.**

No fewer than three copies of the Floodplain Management Ordinance for the City of Parsons, Kansas, shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 6173 of the City of Parsons, Kansas," and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from City Hall. All City officials requiring the use of the Floodplain Management Ordinance for the City of Parsons, Kansas, shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the governing body.

**Chapter 340****HAZARDOUS SUBSTANCES**

<b>§ 340-1.</b>	<b>Definitions.</b>	<b>§ 340-4.</b>	<b>Recovery of expenses.</b>
<b>§ 340-2.</b>	<b>Purpose.</b>	<b>§ 340-5.</b>	<b>County, state and federal laws.</b>
<b>§ 340-3.</b>	<b>Liability for recoverable expenses.</b>	<b>§ 340-6.</b>	<b>Notification of release; violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 9-16-1996 by Ord. No. 5745 . Amendments noted where applicable.]**

**GENERAL REFERENCES**

Fire prevention — See Ch. 316.

Solid waste — See Ch. 513.

Nuisances — See Ch. 441.

Water and wastewater systems — See Ch. 580.

**§ 340-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**EMERGENCY ACTION** — All of the concerted activities conducted by a governmental entity or its employees or agents in order to prevent or mitigate injury to human health or the environment associated with the release or threatened release of any hazardous substance or pollutant or contaminant into or upon the environment.

**GOVERNMENTAL ENTITIES** — Includes the City of Parsons, Labette County, and any entity responding under a mutual aid or assistance agreement with the City of Parsons.

**HAZARDOUS SUBSTANCE** — The meaning ascribed to such term by K.S.A. § 65-3452a as in effect on July 1, 1996.

**PERSON** — Includes any individual, corporation, association, partnership, firm, trustee or legal representative.

**RECOVERABLE EXPENSES** — In general, those expenses that are reasonable, necessary and allocable to the emergency action. "Recoverable expenses" shall not include normal expenditures that are incurred in the course of providing routine firefighting. Expenses allowable for recovery may include, but are not limited to:

- A. Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the emergency action.
- B. Compensation for employees for the time and efforts devoted specifically for the purpose of emergency action that is not otherwise provided for in the governmental entity's operating budget.
- C. Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing and scientific and technical equipment).

- D. Replacement costs for equipment owned by the governmental entity that is contaminated beyond reuse or repair, if the governmental entity can demonstrate that the equipment was a total loss and that the total loss occurred during the emergency action (e.g., self-contained breathing apparatus irretrievable or contaminated during response to the emergency).
- E. Decontamination of equipment contaminated during the response.
- F. 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 by the governmental entity).
- G. Other special services specifically required for the emergency situation.
- H. Laboratory costs for purposes of analyzing samples taken during or as a result of the emergency action.
- I. Any costs of cleanup, storage or disposal of the released material.
- J. Costs associated with the services, supplies and equipment procured for a specific evacuation.
- K. Medical expenses incurred as a result of response activities.
- L. Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this chapter.

RELEASE — Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping or disposing into or upon the environment of any hazardous substance.

THREATENED RELEASE — Any imminent or impending event potentially causing but not resulting in a release but causing the governmental entity to undertake an emergency action.

### **§ 340-2. Purpose.**

This chapter provides a means for the governmental entities to recover, through civil suit, the recoverable expenses they incur in taking an emergency action.

### **§ 340-3. Liability for recoverable expenses.**

Any and all persons causing or responsible for a release or threatened release which results in an emergency action shall be strictly liable to the governmental entity 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.

### **§ 340-4. Recovery of expenses.**

- A. Itemization of recoverable expenses. The staff of the governmental entity involved in the emergency action shall keep an itemized record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, staff shall certify those expenses to the City Clerk.
- B. Submission of claim. The City Clerk shall submit a written, itemized claim for the total certified expenses incurred by the governmental entity for the emergency action to the responsible party and a written notice that, unless the amounts are paid in full to the governmental entity within 30 days after the date of the mailing of the claim and notice, legal counsel will file a civil action for the stated amount.



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- C. Lien on property. The governmental entity involved in an emergency action may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the boundaries of the governmental entity owned by the person causing or responsible for the emergency action.
- D. Civil suit. The governmental entity involved in an emergency action may bring a civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action.
- E. Distribution of moneys recovered. Moneys recovered under this chapter shall be credited to the appropriate funds of the governmental entity from which moneys were expended in performing the emergency action.

**§ 340-5. County, state and federal laws.**

Nothing in this chapter shall be construed to conflict with county, 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.

**§ 340-6. Notification of release; violations and penalties.**

In the event that a release occurs, the person causing or responsible for such release shall immediately notify the governmental entity and request emergency action. Failure of any person to report any release shall be an ordinance violation, and upon conviction thereof such person shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year or by both such fine and imprisonment.

**Chapter 363****INSURANCE PROCEEDS**

<b>§ 363-1.</b>	<b>Scope and application.</b>	<b>§ 363-7.</b>	<b>Investigation by Building Inspector.</b>
<b>§ 363-2.</b>	<b>Lien created.</b>		
<b>§ 363-3.</b>	<b>Encumbrances.</b>	<b>§ 363-8.</b>	<b>Removal of structure; excess moneys.</b>
<b>§ 363-4.</b>	<b>Transfer of proceeds.</b>	<b>§ 363-9.</b>	<b>Disposition of funds.</b>
<b>§ 363-5.</b>	<b>Procedure.</b>	<b>§ 363-10.</b>	<b>Effect on insurance policies.</b>
<b>§ 363-6.</b>	<b>Fund created; deposit of moneys.</b>	<b>§ 363-11.</b>	<b>Insurers' liability.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 7-21-1997 by Ord. No. 5781 ; amended in its entirety 7-5-2016 by Ord. No. 6368 . Subsequent amendments noted where applicable.]**

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**§ 363-1. 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, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75% 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 chapter.

**§ 363-2. Lien created.**

The governing body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75% 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 a proof of loss.

**§ 363-3. Encumbrances.**

Prior to final settlement on any claim covered by § 363-2, the insurer or insurers shall contact the county treasurer, Labette 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, Labette County, Kansas.

**§ 363-4. Transfer of proceeds.**

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

**§ 363-5. Procedure.**

- A. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75% of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15% of the covered claim payment, unless the Chief Building Inspector of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
- B. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- C. Upon the transfer of the funds as required by Subsection A of this section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Chief Building Inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this chapter.

**§ 363-6. Fund created; deposit of moneys.**

The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this chapter shall be placed in said fund and deposited in an interest-bearing account.

**§ 363-7. Investigation by Building Inspector.**

- A. Upon receipt of moneys as provided for by this chapter, the City Treasurer shall immediately notify the Chief Building Inspector of said receipt, and transmit all documentation received from the insurance company or companies to the Chief Building Inspector.
- B. Within 30 days of the receipt of said moneys, the Chief Building Inspector shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. § 12-1750 et seq., as amended.
- C. Prior to the expiration of the 30 days established by Subsection B of this section, the Chief Building Inspector shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. § 12-1750 et seq., as amended.
- D. If the Chief Building Inspector has determined that proceedings under K.S.A. § 12-1750 et seq., as amended, shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the moneys by the City Treasurer.
- E. Upon notification to the City Treasurer by the Chief Building Inspector that no proceedings shall be initiated under K.S.A. § 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of

the moneys from the insurance company or companies.

**§ 363-8. 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.

**§ 363-9. Disposition of funds.**

If the Chief Building Inspector, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. § 12-1756, any proceeds received by the City Treasurer under the authority of § 363-5A 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 § 363-5A, the Chief Building Inspector shall publish a new lien as authorized by K.S.A. § 12-1756, in an amount equal to such excess expenses incurred.

**§ 363-10. Effect on insurance policies.**

This chapter 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.

**§ 363-11. Insurers' liability.**

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

**Chapter 379****JUNK AND SECONDHAND DEALERS**

<b>§ 379-1.</b>	<b>Definitions.</b>	<b>§ 379-3.</b>	<b>Purchases from minors, intoxicated persons or employees.</b>
<b>§ 379-2.</b>	<b>Records, reports and inspections.</b>	<b>§ 379-4.</b>	<b>Notice of stolen property.</b>
		<b>§ 379-5.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 11-401 to 11-408 of the 1963 Code (Ch. 14, Art. III of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Pawnbrokers and precious metal dealers — See Ch. 454.**

**Vendors — See Ch. 572.**

**Sales — See Ch. 493.**

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**§ 379-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**JUNK DEALER** — Any person who buys or purchases old iron, brass or any other kind of metal or any other article of personal property, metal or otherwise, which is not to be used as originally designated or intended or manufactured.

**SECONDHAND DEALER or DEALER IN SECONDHAND GOODS** — Any person who buys or sells any article of personal property or merchandise after the same has been in use for the purpose for which it was designated, manufactured and intended.

**§ 379-2. Records, reports and inspections.**

A. Every person who is engaged in, or in any way aids or assists in the carrying on of, the business of a dealer in secondhand goods or junk dealer shall keep a book in which shall be written legibly in black ink, in the English language, at the time of receiving any goods, articles or things:

- (1) A full, true and accurate account and description of the goods, articles or things purchased or received;
- (2) The amount of money paid therefor;
- (3) The time of day and date of purchasing or receiving the same;
- (4) The name and residence of the person or persons selling or delivering such goods, articles or things; and
- (5) A description of the person from whom the same were purchased or received.

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- B. When any watch is purchased or received the dealer shall also write in such book, as part of the description, the name of the maker of said watch and its number and the number of the case and any monogram, name, initial or other marks thereon. When jewelry or gold or silver articles of any kind are purchased, taken or received, the dealer shall, as a part of the description, note in the book all letters or marks engraved, cut or stamped thereon.
- C. No person shall be required to keep or furnish any description of any secondhand furniture purchased absolutely by him or of any goods or merchandise purchased from a manufacturer or wholesale dealer who has an established place of business.
- D. A junk dealer or dealer in secondhand goods shall deliver to the Police Department each day before 12:00 noon a legible, true and correct copy from the book required to be kept by Subsection A giving:
  - (1) A true and accurate account and description of each and all of the goods, articles, and things purchased or received during the preceding day;
  - (2) The price paid therefor or the amount;
  - (3) The precise time of the purchase;
  - (4) The name and residence of the person from whom purchases were made; and
  - (5) A description of such person.
- E. The book provided for in Subsection A and all property purchased or received by any junk dealer or dealer in secondhand goods shall at all times be open to the inspection of the Police Department.

**§ 379-3. Purchases from minors, intoxicated persons or employees.**

It shall be unlawful for any junk dealer or other dealer in secondhand goods to purchase or receive any property from:

- A. Any minor without the consent of the parent or guardian of such minor, unless the minor has a written permit from the Chief of Police to engage in the business of buying and selling junk or secondhand goods;
- B. Any person who is intoxicated; or
- C. Any servant, apprentice or employee without first ascertaining that the property is the property of the person offering to sell it.

**§ 379-4. Notice of stolen property.**

It shall be the duty of every person engaged in business as a junk dealer or dealer in secondhand goods, upon receiving information or learning that any property has been stolen, to immediately notify in writing the Chief of Police of all property left with him that in any manner corresponds with the description of the property stolen, giving the name of the person from whom he purchased or received it, the time when it was received, and all other acts and circumstances connected therewith that might tend to the discovery or conviction of the person who stole the property.

**§ 379-5. Violations and penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor.

## LAKE PARSONS

## Chapter 390

## LAKE PARSONS

ARTICLE I		§ 390-23.	Lake Supervisor authorized to prohibit boating.
General Regulations		§ 390-24.	Restricted areas.
§ 390-1.	Declaration of policy.	§ 390-25.	Operation in prohibited areas.
§ 390-2.	Definitions.	§ 390-26.	Operation of personal watercraft.
§ 390-3.	Lake Advisory Board.	§ 390-27.	Houseboats.
§ 390-4.	Enforcement officers.	§ 390-28.	Boating regulations.
§ 390-5.	Profit-making or special events.	§ 390-29.	(Reserved)
§ 390-6.	Appeals.	§ 390-30.	Personal flotation devices.
§ 390-7.	Revocation of licenses and permits.	§ 390-31.	Toilets on boats.
§ 390-8.	Litter.	§ 390-32.	General traffic rules.
§ 390-9.	Animal control.	§ 390-33.	Speed limit.
§ 390-10.	Fires.	§ 390-34.	Tests for alcohol or drugs.
§ 390-11.	Children.	§ 390-35.	Capacity limits of vessels.
§ 390-12.	Bathing and swimming.	§ 390-36.	Life preservers.
§ 390-13.	Commercial business.	§ 390-37.	Motorboat mufflers.
§ 390-14.	Advertising.	§ 390-38.	Water skis, surfboards, wakeboards, kneeboards and other similar devices.
§ 390-15.	Vehicles.		
§ 390-16.	Speed limit for vehicles.	§ 390-39.	Miscellaneous traffic rules.
§ 390-17.	Camping.	§ 390-40.	Accidents.
§ 390-18.	Fishing.		
§ 390-19.	Hunting.		
§ 390-20.	Violations and penalties.		
ARTICLE II			ARTICLE III
Boating			Licenses and Permits
		§ 390-41.	Camping permits.
		§ 390-42.	Deposit of waterfowl blind spaces.
§ 390-21.	Boat trailer parking.		
§ 390-22.	(Reserved)		

[HISTORY: Adopted by the City Commission of the City of Parsons 8-2-1999 by Ord. No. 5861 (Ch. 13 of the 1985 Code); amended in its entirety 12-6-2021 by Ord. No. 6507 .<sup>112</sup> Subsequent amendments noted where applicable.]

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112.Editor's Note: Previous amendments included Ord. No. 5900 , Ord. No. 5904 , Ord. No. 6189 , and Ord. No. 6384 .

ARTICLE I  
**General Regulations**

**§ 390-1. Declaration of policy.**

The governing body of the City of Parsons declares that the primary purpose of Lake Parsons is to provide a municipal water supply to the water customers of the City of Parsons. Any use of Lake Parsons that is inconsistent with this primary purpose is prohibited. It is recognized that Lake Parsons has limited use for recreational purposes. It is the purpose of this chapter to provide guidelines for the recreational use so that usage will not be incompatible with the primary purposes of Lake Parsons. The governing body may from time to time restrict the recreational uses of Lake Parsons when it is determined that recreational uses are incompatible or do conflict with the primary purpose of the establishment of a water supply.

**§ 390-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANNUAL PERMIT — The permit issued for the term of one year from January 1 to December 31 for the use of a single camping unit.

BLIND — Any site camouflaged for hunting.

CRAFT — Any waterborne vessel.

HOUSEHOLD — The members of one family that all live together or maintain a residence in a single residence structure.

LAKE — Lake Parsons.

LAKE PARSONS — The entire reservoir and all adjoining land owned by the City of Parsons.

OFFICER — Any law enforcement officer or other person designated by the City Manager or the governing body to enforce the provisions of this chapter.

**§ 390-3. Lake Advisory Board.**

- A. There is hereby created a Lake Advisory Board which shall consist of five members appointed by the governing body for terms of four years.
- B. The Board shall make studies and recommendations to the governing body pertaining to the need for, and the proper location, construction, maintenance and repairs of, lake and park facilities for Lake Parsons and shall devise and recommend to the governing body rules and regulations governing and controlling the use of the lake, including the leasing thereof, for the benefit of the inhabitants of the City and the public generally.
- C. Any changes from the approved policies, rules, regulations, leases or facilities hereafter recommended by the Board shall be presented to the governing body for its approval or disapproval.
- D. The Board shall have such other powers and duties as may be conferred upon it by ordinance.

**§ 390-4. Enforcement officers.**

All Kansas law enforcement officers shall have the power to enforce the provisions of this chapter. The Lake Supervisor and such other persons as are appointed by the City Manager shall be in charge of the



administration of this chapter and may request that persons disobeying this chapter leave the premises but shall not have the power of arrest.

**§ 390-5. Profit-making or special events.**

Any person wishing to use the lake for a profit-making event or a special event shall request and obtain a permit from the City Manager at least 60 days in advance of the proposed date. The City Manager is authorized to publish rules and regulations for the use of the lake for profit-making events and special events which shall include liability insurance requirements and other rules deemed necessary to provide for the public safety during such use. A copy of the rules and regulations shall be on file with the City Clerk and subject to public inspection. Any person may apply for a permit. The application shall be on forms provided by the City Manager, and each applicant shall provide the following information:

- A. The name of the applicant;
- B. The address of the applicant;
- C. The location of the event;
- D. The date and time of the event;
- E. A description of the event; and
- F. A description of safety measures to be utilized for the protection of the public and water event participants, including, but not limited to:
  - (1) Traffic control;
  - (2) Lifeguards;
  - (3) Patrol boats equipped with lifesaving equipment;
  - (4) First aid equipment; and
  - (5) Fire extinguisher.

**§ 390-6. Appeals.**

Any person aggrieved by a decision of the City Manager is authorized by this article to appeal to the governing body. The governing body shall hear and decide appeals when any person is aggrieved by any requirement, decision, or determination made by the City Manager in the enforcement or administration of this article. The appeal shall be in writing by the aggrieved person and shall be presented to the governing body at a regular meeting within two weeks of the receipt of the written appeal by the City Clerk. A decision on the appeal must be made by the governing body not later than its next regular meeting after the appeal is heard.

**§ 390-7. Revocation of licenses and permits.**

- A. Upon five days' notice the City Manager may revoke or suspend any license or permit that is granted to any person under this chapter for any one of the following reasons:
  - (1) The licensee has fraudulently obtained the license by giving false information in the application therefor.

- (2) The licensee has violated any of the provisions of this chapter or any rules or regulations made by the City Manager, as the case may be.
  - (3) The nonpayment of any license fees.
- B. Within 20 days after the order of the City Manager revoking or suspending any license, the licensee may appeal to the governing body. Any appeal taken from an order revoking or suspending the license shall not suspend the order of revocation or suspension during the pendency of any such appeal.

#### **§ 390-8. Litter.**

No person shall empty or throw refuse, garbage, rubbish or waste of any kind in or on the lake. All refuse, garbage, rubbish and waste matter shall be placed only in marked containers which are provided for such purpose or shall be removed by persons in charge thereof.

#### **§ 390-9. Animal control.**

The animal control ordinances of the City of Parsons shall apply to Lake Parsons and are adopted by reference.<sup>113</sup> In addition, no person shall allow or permit any dog or cat owned by him/her or in his/her custody or control run at large at the lake. Dogs and cats must be on a leash. No person shall allow or permit any animal owned by him/her or in his/her care, custody or control to be in the public beach area. Horses shall be permitted only in designated areas and shall be attended at all times. No person shall permit any other animal of any kind, wild or domestic, owned by him/her or in his/her care, custody or control to be on or in Lake Parsons or surrounding grounds owned by the City of Parsons; provided, however, that notwithstanding these regulations dogs used by hunters with valid hunting permits shall be allowed to run at large while the hunters are engaged in hunting during hunting season in designated hunting areas.

#### **§ 390-10. Fires.**

No person shall build a fire anywhere at the lake, except in fireplaces, grills or in other places that have received the prior approval of the Lake Supervisor. No wood, except that which is loose on the ground, may be used unless the Lake Supervisor's permission is received in advance.

#### **§ 390-11. Children.**

No person under the age of 12 years shall be admitted to the lake unless accompanied by an adult.

#### **§ 390-12. Bathing and swimming.**

Bathing and swimming in the lake are hereby prohibited, except in such areas as are designated and posted by the Lake Advisory Board; provided, however, that notwithstanding the provisions of this section, swimming shall be permitted in connection with boating activities on the lake so long as each person in the water alongside a boat is wearing a Coast Guard approved personal flotation device at all times. Use of air mattresses is prohibited outside the designated swimming area. No glass containers shall be permitted in the designated swimming area.

#### **§ 390-13. Commercial business.**

No person shall engage in any commercial business on lake property without having in his/her possession written authorization from the City Manager.

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<sup>113</sup> Editor's Note: See Ch. 205, Animals.

**§ 390-14. Advertising.**

No person shall post on any City property private notices or advertisements of a commercial nature without written permission of the City Manager, except in designated areas.

**§ 390-15. Vehicles.**

Only licensed motor vehicles shall be permitted at the lake. Vehicles shall be operated only on maintained roads. No vehicle shall be parked or left unattended on any road at the lake. No person shall permit any object to block or impede traffic on the roadways. All motor vehicle ordinances of the City of Parsons, including the Standard Traffic Ordinance of Kansas in the form most recently adopted by the governing body, shall apply to the roads and grounds of the lake.<sup>114</sup> Golf carts will only be allowed with proof of disability.

**§ 390-16. Speed limit for vehicles.**

The speed limit for all motor vehicles shall be 30 miles per hour unless otherwise posted. In the event that a roadway is posted, the maximum speed shall be the speed posted.

**§ 390-17. Camping.**

- A. No person shall camp at the lake except at those places designated for camping. Camping areas shall be designated by the City Manager or their designated agent. No person shall erect or place any tent, mobile camper or similar device for the purposes of sleeping, cooking or staying at Lake Parsons without obtaining a camping permit. Such permit must be visually displayed on the camper unit. Any person may apply for a permit from the office of the City Clerk, Lake Supervisor, or a designated agent. The application shall be on forms provided by the City Manager. Each applicant shall provide the following information: name of the applicant, address of the applicant, area of the campsite and length of stay.
- B. No permanent installation shall be made for camping. Camping is prohibited in the public beach and boat ramp areas.
- C. No person shall camp adjacent to shelter houses or use electricity from shelter houses for his/her camp or camper.
- D. Camps or camping equipment shall not be abandoned or left unattended for more than eight hours at any time.
- E. The City Manager or a designated agent may close the camping areas during conditions of extreme weather or in situations deemed necessary to protect the City and/or campers.
- F. Campers shall keep their campgrounds clean and dispose of refuse in containers provided for such purpose.
- G. Camps and camping equipment must be completely removed and sites cleaned before departure of campers.
- H. No person or member of the same household shall be permitted to occupy a camping space for more than 12 total days in a calendar month and not more than 12 consecutive days at any time. Check out time will be 2:00. Failure to leave by check out time will result in an additional day being charged

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**114.Editor's Note: See Ch. 565, Vehicles and Traffic.**

and considered used. In the event a holdover day causes a camper to exceed their twelve- day usage, camping privileges may be revoked at the discretion of the City. After check-out, there will be a minimum of 48 hours before re-admittance will be allowed. **[Amended 3-21-2022 by Ord. No. 6516]**

- I. It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the production or reproduction of sound or create any other sound or noise that disturbs the peace, quiet or repose of the neighboring campers. The creation of such sound or the operation of such a set, instrument, machine or device between the hours of 10:00 p.m. and 6:00 a.m. so that it is plainly audible at a distance of 50 feet from the building, structure, vehicle or place where it is located is prima facie evidence of a violation of this subsection. No person shall participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A law enforcement officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any party or gathering in lieu of being charged under this subsection. The requirements of this subsection shall not apply to emergency vehicles; emergency work necessary to restore property to a safe condition or to protect a person and property from imminent danger; alarm systems; trash and waste pickup operations; noise resulting from the activities of a temporary duration planned by school, governmental or community groups; aircraft or railroads; air conditioners in proper repair; and lawn care equipment. This subsection shall not be construed to limit or abridge the rights of any person to speak, peacefully assemble and express opinions. It is the purpose of this subsection to protect individuals from unreasonable intrusions caused by excessive, unnecessary or unusually loud noises.

#### **§ 390-18. Fishing.**

Fishing shall be permitted during the seasons established by the laws of the State of Kansas.

- A. The legal fishing season, the size limit and catch shall be the same as designated by the state laws and by the Wildlife and Parks Commission.
- B. Fishing with a seine, throwline, trotline, bankline, limblines, spear, speargun, fish gigging, or snagging or hand fishing is prohibited.
- C. Camping area is closed and opened at the discretion of the Lake Supervisor.
- D. All lines in boat docks and fishing piers shall be attended at all times.
- E. All stakes used to anchor lines shall be removed when the line is removed.
- F. Fishing shall be prohibited on boat ramps and in swimming areas and on swimming beaches.
- G. The cleaning of fish shall occur only at designated fish cleaning stations or other locations as established by the Lake Advisory Board.
- H. Legal equipment and methods for taking fish are fishing lines with not more than two baited hooks or artificial lures per line. No person shall utilize more than two poles and line at one time to take fish, unless there is a third pole permit with their fishing license.

#### **§ 390-19. Hunting.**

- A. All hunting rules and regulations provided by the state statute and by regulations of the Wildlife and

Parks Commission shall apply to all hunting on the lake.

- B. Except as allowed by state and federal law, no person, except for law enforcement officers, shall possess any firearms at the lake; provided, however, that notwithstanding the provisions of this subsection, hunters in possession of a valid City of Parsons hunting permit issued under this section and a valid state upland game bird license may possess and use one shotgun while engaged in lawful hunting, provided that shot only shall be used. The use of slugs shall be prohibited.
- C. No hunting shall be allowed within 50 feet of any road or 500 feet of any building or shelter house.
- D. The shooting of skeet or clay pigeons shall be prohibited.
- E. Deer may only be hunted by the use of bows and arrows. The use of the bow and arrow is restricted to hunters in possession of valid state big game tags. Deer hunting shall only be permitted in areas designated by the City Manager.
- F. Waterfowl hunting is permitted for those in possession of a state waterfowl habitat stamp, a federal migratory bird hunting and conservation stamp and a valid City hunting permit. Waterfowl hunting shall be permitted north of the boat ramp road (no waterfowl hunting shall be permitted south of boat ramp road). Waterfowl hunting shall be permitted from designated water fowl hunting areas only. Blind locations are selected by public drawing pursuant to rules and deposit established by the City Manager. Blinds shall be placed by hunters. Blinds must be removed by April 15 to receive deposit refund. All blinds not removed become property of the City.

**§ 390-20. Violations and penalties.**

A violation of any of the provisions of this chapter, except where another penalty is provided, shall be a Class C misdemeanor and punished according to the Municipal Judge upon conviction.

ARTICLE II  
**Boating**

**§ 390-21. Boat trailer parking.**

No person shall park a boat trailer in the launching area; trailers shall be parked in the parking area provided.

**§ 390-22. (Reserved)**

**§ 390-23. Lake Supervisor authorized to prohibit boating.**

The Lake Supervisor may prohibit boating on the lake for reasons of safety or for special events.

**§ 390-24. Restricted areas.**

The City Manager may from time to time provide and enforce regulations as to which areas of the lake shall be operated in such designated areas in such a manner as to set up a wake or otherwise disturb other boats in the area.

**§ 390-25. Operation in prohibited areas.**

No person shall operate or moor a boat within a water area which is marked, by buoys or some other distinguishing device, as a nonboating area. No person shall operate a boat for purposes other than fishing or hunting in areas marked by buoys or otherwise designated as fishing or hunting areas. Vessels shall not be operated within 200 feet of any area posted specifically for swimming and delineated by buoys or other markers, and vessels shall be operated at no-wake speeds within 200 feet of a boat ramp or boat dock.

**§ 390-26. Operation of personal watercraft.**

- A. "Personal watercraft" means a vessel which uses an inboard motor powering a jet pump as its primary source of propulsion and which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.
- B. Personal watercraft shall be subject to all applicable laws and rules and regulations of the State of Kansas which govern the operation, equipment, registration, numbering and all other matters relating to vessels whenever a personal watercraft is operated on the water of this state.
  - (1) A personal watercraft may not be operated unless each person aboard the personal watercraft is wearing a Type I, Type II, Type III or Type V United States Coast Guard approved personal flotation device.
  - (2) Each person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing or personal flotation device as appropriate.
  - (3) A person shall not operate a personal watercraft (jetski, waverunner, etc.) during the time period of sunset to sunrise.
  - (4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within 100 feet of a:

- (a) Dock.
  - (b) Boat ramp.
  - (c) Person swimming.
- (5) A person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property shall be prohibited. This includes weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.
- (6) A person shall not operate a personal watercraft unless facing forward.
- (7) A person shall not operate or use a personal watercraft to tow a person on water skis, kneeboards, inflatable crafts or any other device unless the personal watercraft is designed to accommodate more than one person.
- (8) A person under 16 years of age shall not operate a personal watercraft on Lake Parsons unless a person 17 years of age or older is aboard the personal watercraft, except that any person under 16 years of age but not less than 12 years of age may operate a personal watercraft provided that the person has successfully completed a boating safety course of study approved by the State of Kansas and has been issued a valid boating safety certificate.

#### **§ 390-27. Houseboats.**

Houseboats are prohibited at the lake.

#### **§ 390-28. Boating regulations.**

- A. Boating rules and regulations provided by the Wildlife and Parks Commission shall apply to all boating on the lake.
- B. No person shall operate any motorboat or vessel or manipulate any water skis, surfboards, kneeboard, wakeboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.
- C. No person shall manipulate any water skis, surfboard, kneeboard, wakeboard or similar device while under the influence of alcohol or drugs, or both.
- D. No person shall operate any motorboat or vessel for pleasure riding or pull any water skis, surfboard, wakeboard, kneeboard or similar device in any waters of Lake Parsons marked by buoys or otherwise designated as a mooring, launching, fishing or hunting nonboating area, except that a motorboat or vessel used for fishing may be operated in a mooring or launching nonboating area.
- E. No person shall operate or moor a vessel within a water area which is marked, by buoys or some other distinguishing device, as a bathing or swimming area or as an all boats prohibited area. No person shall operate a vessel for purposes other than fishing in areas marked by buoys or otherwise designated as fishing areas, and no person shall operate a vessel for purposes other than hunting in areas marked by buoys or otherwise designated as hunting areas, and in areas designated for combined use of fishing and hunting, vessels may be used for both purposes unless prohibited by federal law.
- F. No owner or person in possession of a vessel shall permit a person under 12 years of age to operate a

motorboat unless accompanied and under the direct and audible supervision of a parent or other person over 17 years of age.

- G. No operator of a vessel shall willfully fail or refuse to bring such vessel to a stop, or otherwise flee or attempt to elude a pursuing law enforcement vehicle or vessel, when given a visual or audible signal to bring the operator's vessel to a stop. The signal may be given by hand, voice, emergency light or siren and shall be given by a uniformed law enforcement officer prominently displaying the officer's badge of office.
- H. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights:
  - (1) A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, namely from right ahead to two points abaft the beam on either side.
  - (2) A bright white light aft to show all around the horizon and higher than the white light forward.
  - (3) On the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.
- I. Manually propelled vessels shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.
- J. Every motorboat shall be provided with an efficient whistle or other sound-producing mechanical appliance.
- K. Every vessel shall carry at least one Coast Guard approved, readily accessible lifesaving device, in good and serviceable condition, for each person on board.
- L. Every motorboat shall be provided with Coast Guard approved fire extinguishers capable of promptly and effectually extinguishing burning gasoline. Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

**§ 390-29. (Reserved)**

**§ 390-30. Personal flotation devices.**

The operator of every vessel shall require every person 12 years of age or under to wear a United States Coast Guard approved Type I, Type II or Type III personal flotation device while aboard or being towed by such vessel. A life belt or ring shall not satisfy the requirement of this section.

**§ 390-31. Toilets on boats.**

Toilets on boats at the lake shall comply with all applicable state requirements.



**§ 390-32. General traffic rules.**

When two boats are approaching each other head on or nearly so (so as to involve risk of collision), it shall be the duty of each boat to bear to the right and pass the other boat on its left side. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right-of-way. One boat may overtake another on either side but must grant right-of-way to the overtaken boat.

**§ 390-33. Speed limit.**

No person shall operate a boat within 150 feet of shoreline or within any neck or bay or in waters designed for reduced speed as marked by buoys, except at a speed slow enough to leave no visible wake (no faster than five miles per hour). The operation of a boat or craft at a speed greater than is safe and prudent under the circumstances is prohibited.

**§ 390-34. Tests for alcohol or drugs.**

- A. Tests for alcohol and drugs shall be conducted in accordance with K.S.A. § 31-1132. Any person who operates or attempts to operate a vessel on Lake Parsons is deemed to have given consent to submit to one or more such test, subject to the provisions of K.S.A. § 31-1132 and this section.
- B. Without limiting or affecting the provisions of K.S.A. § 32-1132, the person tested shall have a reasonable opportunity to have an additional test by a physician of the person's own choosing. In case the officer refuses to permit such additional testing, the testing administered pursuant to K.S.A. § 32-1132 shall not be competent in evidence.
- C. In any criminal prosecution for a violation relating to operating or attempting to operate a vessel while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:
  - (1) If the alcohol concentration is less than 0.08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.
  - (2) If the alcohol concentration is 0.08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel.
  - (3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapable of safely operating a vessel, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs, to a degree that renders the defendant incapable of safely operating a vessel.

**§ 390-35. Capacity limits of vessels.**

No person shall operate any vessel on Lake Parsons carrying passengers or cargo beyond the safe passenger and cargo carrying capacity of the vessel as specified on the capacity plate.

**§ 390-36. Life preservers.**

The pilot or operator of a boat shall have aboard one life preserver, buoyant vest, of the type approved by

the United States Coast Guard, in good and serviceable condition for each person on board. Boats over 16 feet must be equipped with a throwable flotation devices of a type approved by the United States Coast Guard. Persons under 12 years of age shall wear a life preserver while on board any boat.

**§ 390-37. Motorboat mufflers.**

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of exhaust in a reasonable manner. The use of cutouts is prohibited, except for such motorboats competing in a regatta or boat race as provided in K.S.A. § 32-1149, and except for such motorboats while on trial runs, during a period of not to exceed 48 hours immediately preceding such regatta or race, and for such motorboats while competing in official trials for speed records, during a period not to exceed 48 hours immediately following such regatta or race.

**§ 390-38. Water skis, surfboards, wakeboards, kneeboards and other similar devices.**

- A. No person shall operate a vessel towing a person or persons on water skis, a surfboard, kneeboard, wakeboard or similar device, nor shall any person engage in waterskiing, surfboarding, kneeboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.
- B. The provisions of Subsection A of this section do not apply to a performer engaged in a professional exhibition.
- C. No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard, wakeboard, kneeboard or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, wakeboard, kneeboard or similar device or any person thereon to collide with or strike against any object or person.
- D. No person shall operate a motorboat on Lake Parsons for towing a person or persons on water skis, a surfboard, wakeboard, kneeboard or similar device, unless the boat is equipped with a wide-angle rear-view mirror properly placed to provide a maximum vision of the person or persons being towed or there is an observer in the boat in addition to the operator. The observer must be a responsible person of at least 12 years of age.

**§ 390-39. Miscellaneous traffic rules.**

Persons shall operate boats at the lake at a safe distance from other boats. Racing or circling around other boats is prohibited. All boating rules and regulations of the Kansas Wildlife and Parks Commission shall apply at said lake.

**§ 390-40. Accidents.**

- A. It shall be the duty of the operator of a boat involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own boat, crew and passengers (if any), to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty and also to give his name, address and identification of his boat in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.
- B. In the case of collision, accident or other casualty involving a boat, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of \$100, shall file with the State Forestry, Fish and Game Commission a full description of the collision,

accident or other casualty, including such information as the Commission may, by regulation, require, and a copy of such report shall be filed with the Police Department within 24 hours of such collision, accident or other casualty.

ARTICLE III  
**Licenses and Permits**

**§ 390-41. Camping permits.**

- A. It shall be unlawful for any person to camp or park trailers at the lake without first having obtained a proper camping permit and paying the camping fee provided by this section.
- B. Camping permits which shall entitle the permit holder and members of his immediate household to the use of the camping facilities may be obtained from the lake caretaker, camp host, or from the City Clerk's office.
- C. The fees for such permits will be recommended by the Lake Advisory Board and set by ordinance by the governing body.
- D. No person or member of the same household shall be permitted to occupy a camping space for more than 12 total days in a calendar month and not more than 12 consecutive days at any time. Check out time will be 2:00. Failure to leave by check out time will result in an additional day being charged and considered used. In the event a holdover day causes a camper to exceed their twelve-day usage, camping privileges may be revoked at the discretion of the City. After check-out, there will be a minimum of 48 hours before of re-admittance will be allowed. **[Amended 3-21-2022 by Ord. No. 6516 ]**
- E. Fees for camping permits shall be as follows. No charge shall be made for a permit to camp in areas outside of sportsman campground where camping is allowed.
  - (1) Campsites with electricity.
    - (a) For an annual permit for campers, trailers, or motor homes: \$300.
    - (b) For a daily permit for campers, trailers, or motor homes: \$18.
  - (2) Tent campsites without electricity.
    - (a) For an annual permit: \$25.
    - (b) For a daily permit: \$5.

**§ 390-42. Deposit of waterfowl blind spaces.**

Each person selected for a waterfowl blind space shall post a deposit of \$25. The deposit shall be refunded upon removal of the blind so long as the blind is removed by April 15.



Chapter 395

LAND BANK

§ 395-1.	Creation; purpose.	§ 395-5.	Powers of the Board.
§ 395-2.	Definitions.	§ 395-6.	Additional duties and powers of the Board.
§ 395-3.	Land Bank Board of Trustees; appointment; terms; dissolution.	§ 395-7.	Administration.
§ 395-4.	Officers; organization.	§ 395-8.	Budget; records; report.
		§ 395-9.	Statutory authority.

[HISTORY: Adopted by the City Commission of the City of Parsons 6-21-2021 by Ord. No. 6495 . Amendments noted where applicable.]

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§ 395-1. Creation; purpose.

The purpose of creating the Parsons Land Bank is to implement the authority granted to the governing body by K.S.A. § 12-5901 et seq. to establish or dissolve a land bank. The Parsons Land Bank will be a quasi-governmental entity with the primary responsibility and authority to acquire and cost-effectively maintain distressed properties, eliminate barriers to private ownership of acquired property and strategically convey acquired properties to productive and/or properly maintained use which best benefits the community as determined by the land bank Board of Trustees.

§ 395-2. Definitions.

For the purpose of this chapter, the words set out in this section shall have the following meanings:

BANK — The Parsons Land Bank established pursuant to this chapter.

BOARD — The Board of Trustees of the Parsons Land Bank.

CITY — The City of Parsons, Kansas.

GOVERNING BODY — The governing body of the City of Parsons.

§ 395-3. Land Bank Board of Trustees; appointment; terms; dissolution.

- A. There is hereby established a Land Bank Board of Trustees. The Board shall be composed of five members. The Board shall be composed of at least one City Commissioner of Parsons selected by the City Commission, with the Parsons City Commission appointing the remaining other trustees with expertise in land development, construction, development finance, real estate, sales or marketing, real estate law, neighborhood growth and development, or expertise related to the responsibilities of the Parsons Land Bank operation. Department heads and other employees of the City of Parsons may be appointed as trustees, but in no event shall there be more than two City employees on the Board at the same time. The Parsons City Manager shall be an ex-officio member of the Board as a nonvoting member. Vacancies on the Board shall be filled by appointment for the unexpired term.
- B. The term of office of the Board members appointed by the City Commission shall be three-year terms except that the term of any Board member who is a City employee or City Commissioner shall

terminate and be vacated in the event the City employee or City Commissioner is no longer employed by the City of Parsons or is no longer a City Commissioner.

- C. Primary City staff support to the Board will come from the City Manager, or his or her designee. City staff will provide technical and professional support for Bank operations; additional support may be contracted as deemed necessary.
- D. The Bank may be dissolved by ordinance of the governing body, without cause. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

**§ 395-4. Officers; organization.**

- A. The Board shall select, annually, from its membership, a chairperson, a vice chairperson and a treasurer. The treasurer shall be bonded in such amounts as the governing body may require.
- B. The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. § 75-4317 et seq., and amendments thereto.
- C. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.
- D. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of local governmental officers and employees, including, but not limited to, K.S.A. § 75-4301 et seq., and amendments thereto.
- E. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. § 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

**§ 395-5. Powers of the Board.**

The Land Bank Board of Trustees shall have the following powers:

- A. To sue and be sued;
- B. To enter into contracts;
- C. To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interest, and personal property, subject to the provisions of this chapter and state law;
- D. To rebate all or any portion thereof, the taxes on any property sold or conveyed by the Bank;
- E. To exercise any other power which may be delegated to the Bank by the governing body; and
- F. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank and state law.

**§ 395-6. Additional duties and powers of the Board.**

- A. The Board is under no obligation to accept by purchase, gift or devise, or any other conveyance any real property. The Board shall strategically accept properties which can be conveyed to private ownership and productive and/or maintained use at a cost and effort acceptable to the Board.
- B. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this chapter or state law. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.
- C. The Board may offer such incentives as it deems appropriate to encourage the development of Land Bank property.
- D. Land Bank staff may consult with any individuals, organizations and developers which may be affected by a Land Bank development project and pass on to the Board the recommendations and concerns of individuals, organizations and developers.
- E. The Board may receive operating funds from the City of Parsons, Kansas to be utilized for the purpose of paying expenses deemed necessary in order to encourage conveyance of acquired properties to private ownership.
- F. The Board may receive funding from private entities to be utilized for the purpose of paying expenses deemed necessary in order to encourage conveyance of acquired properties to private ownership.
- G. Any money derived from the sale of property by the Land Bank shall be retained by the Land Bank. Any funds not immediately required for the purposes of the Land Bank shall be invested in the manner provided by K.S.A. § 12-1675, and amendments thereto.
- H. Members of the Board of Trustees shall receive no compensation but shall be paid their actual expenses in attending meetings and carrying out their duties as members of the Board of Trustees.
- I. Any property acquired by the City, the county, another city or other taxing subdivision within the county may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this subsection. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale. The fee simple title to any real estate which is sold to the county in accordance with the provisions of K.S.A. §§ 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board of Trustees may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

#### **§ 395-7. Administration.**

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

- A. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
- B. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
- C. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- D. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property



at such times and upon such terms and conditions deemed appropriate;

- E. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
- F. No less than 30 days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.

**§ 395-8. Budget; records; report.**

- A. The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A. § 10-1101 et seq., and amendments thereto.
- B. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the governing body. If the governing body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration.
- C. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.
- D. All records and accounts shall be subject to public inspection pursuant to K.S.A. § 45-216 et seq., and amendments thereto.
- E. Any moneys of the Bank which are not immediately required for the purposes of the Bank shall be invested in the manner prescribed by K.S.A. § 12-1675, and amendments thereto.
- F. The Bank shall make an annual report to the governing body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official City newspaper on or before January 31 of each year.
- G. The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. § 9-1401 et seq., and amendments thereto.
- H. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.
- I. The sale of any real property by the Board, under the provisions of this chapter or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the governing body.
- J. The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.
- K. Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the

state.

- L. Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this chapter and state law, the Labette County Treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.
- M. Property held by the Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank.
- N. The governing body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the Bank and the governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.
- O. Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property.

**§ 395-9. Statutory authority.**

The provisions of this chapter shall at all times be consistent with K.S.A. § 12-5901 et seq. and amendments thereto.

## LASER POINTERS

### Chapter 396

## LASER POINTERS

<b>§ 396-1.</b>	<b>Criminal behavior.</b>	<b>§ 396-3.</b>	<b>Exceptions.</b>
<b>§ 396-2.</b>	<b>Definition.</b>	<b>§ 396-4.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 9-5-2023 by Ord. No. 6543 .  
Amendments noted where applicable.]**

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#### **§ 396-1. Criminal behavior.**

A person is guilty of criminal use of a laser pointer, flashlight, high-intensity light, or spotlight if a person intentionally, knowingly, or recklessly points said light at another person, in the window of an occupied vehicle, or in the window of an occupied structure, while said light is emitting a beam, and it causes a reasonable person to suffer intimidation, annoyance or alarm.

#### **§ 396-2. Definition.**

**LASER POINTER** — A device designed or adapted to emit a laser beam capable of being used for the purposes of aiming, targeting, or pointing.

#### **§ 396-3. Exceptions.**

This chapter shall not apply to the use of a laser pointer:

- A. For educational purposes by individuals engaged in an organized meeting or training class; or
- B. During the normal course of work or trade activities.

#### **§ 396-4. Violations and penalties.**

Any person convicted of a violation of this chapter shall be considered convicted of a Class C misdemeanor with a maximum fine not to exceed \$500 and confinement in the City or county jail not to exceed 30 days. If any person is convicted of a violation of this chapter and the victim is a law enforcement officer or City employee, engaged in the course of his or her employment, then said person shall be considered convicted of a Class B misdemeanor with a maximum fine not to exceed \$1,000 and confinement in the City or county jail not to exceed six months.

PARSONS CODE

**Chapter 398**

**LICENSING**

**ARTICLE I  
General Provisions**

- |          |  |
|----------|--|
| § 398-1. | Payment required.                              |
| § 398-2. | Issuance and form.                             |
| § 398-3. | Records.                                       |
| § 398-4. | Proration and time of payment.                 |
| § 398-5. | Transfer.                                      |
| § 398-6. | Posting.                                       |
| § 398-7. | Certain producers and growers<br>exempted.     |
| § 398-8. | Special provisions for interstate<br>commerce. |

**§ 398-9.**

**Revocation.**

**ARTICLE II  
License Taxes**

**§ 398-10.**

**Billiard or pool tables.**

**§ 398-11.**

**Circuses and shows.**

**§ 398-12.**

**Merry-go-rounds, steam swings  
and tent and street shows.**

**§ 398-13.**

**Transient shows.**

**§ 398-14.**

**Photographers.**

**§ 398-15.**

**Photograph solicitors.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 11-101 to 11-111, 11-114 to 11-117, 11-119, 11-120, 11-122 and 11-123 of the 1963 Code (Ch. 14, Art. II of the 1985 Code). Amendments noted where applicable.]**

ARTICLE I  
General Provisions

**§ 398-1. Payment required.**

No person shall conduct, pursue, carry on or operate any calling, trade, profession or occupation in this City named in Article II of this chapter without first paying in advance to the City Clerk the required license tax.

State law reference — Municipal taxation generally,  
Kan. Const. Art. 5, § 12; K.S.A. § 12-137 et seq.

**§ 398-2. Issuance and form.**

All licenses required by this chapter shall be issued by the City Clerk upon payment to him of the required license tax. All licenses shall be signed by the Mayor and attested by the City Clerk, and the City Clerk shall affix the Corporate Seal of the City thereto. A license shall be dated on the day it is issued and shall state the name of the applicant, the kind of business he desires to engage in, the amount paid and the time said license shall expire.

**§ 398-3. Records.**

The City Clerk shall, under the direction of the Director of Finance, keep a book in which shall be entered the name of each and every person licensed, his address, the date of the license, the purpose for which it is granted, the amount paid therefor and the time when the same shall expire.

**§ 398-4. Proration and time of payment.**

Unless otherwise expressly provided herein, each person beginning business in the first half of the year shall pay the full amount of the license, and each and every person beginning after the first half of the year shall have expired shall be required to pay 1/2 the regular license fee. An affidavit by the applicant stating when such person or corporation began business shall accompany the payment and shall be filed with the City Clerk. Unless otherwise expressly provided herein, license taxes enumerated in this chapter which provide for a term of one year may be paid semiannually in advance; other licenses having a term of six months or less shall be paid in full in advance. All licenses issued under this chapter shall expire and terminate on the last days of June and December of each year, except such licenses as may be issued for a shorter period than six months and except where a yearly license is taken out, in which case such yearly license shall expire on the last day of December of each year.

**§ 398-5. Transfer.**

No license issued hereunder shall be transferable or assignable.

**§ 398-6. Posting.**

Every license shall be posted in a conspicuous place in the place of business for which it is issued and shall be kept posted in such place during the time that it is in force.

**§ 398-7. Certain producers and growers exempted.**

No producer or grower, or his agents or employees, selling in the City farm or garden products or fruits

grown by him in the state shall be required to pay any license fee or occupation tax imposed by any ordinance of the City, and he, his agents or employees are hereby exempted from the payment of any such fees or taxes, or the securing of a license, provided that the City Clerk may require an affidavit of any person claiming an exemption hereunder of the facts tending to show such exemption.

State law reference — Required exemption, K.S.A. § 12-1617.

**§ 398-8. Special provisions for interstate commerce.**

All persons claiming to be engaged in the sale of goods in such manner as to constitute interstate commerce and who would otherwise have to pay a license fee shall, before engaging in such business in this City, produce satisfactory evidence to the City Clerk showing that such business is actually interstate business.<sup>115</sup>

**§ 398-9. Revocation. [Amended by Ord. No. 3305 ]**

- A. Any license granted under the terms and provisions of this chapter may be revoked by the governing body if the licensee in the conduct of his licensed business violates any law of the state or ordinance of this City. If a license is revoked no part of the amount paid for the license shall be refunded by the City.
- B. Conviction of the licensee in any court or the forfeiture of bond furnished by any licensee for his release pending the hearing of any case wherein the licensee is charged with having committed an offense under the law in the conduct of the business for which he obtained the license shall be sufficient evidence to authorize the governing body to revoke his license, and a certified copy of the judgment of the court showing such conviction or forfeiture shall be conclusive evidence of the same. In case of the revocation of the license, no new license shall be issued to such person or any person acting for or on his behalf for a period of six months thereafter.

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115. Editor's Note: Original § 14-24, Free licenses for veterans, which immediately followed this section, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. II).

ARTICLE II  
**License Taxes**

**§ 398-10. Billiard or pool tables.**

The license tax for billiard or pool tables shall be \$30 for the first table and \$12.50 for each additional table, per year; no license shall be issued for less than six months.

**§ 398-11. Circuses and shows.**

The license tax for circuses and shows shall be as follows:

- A. One-ring circus: \$25 per day.
- B. Each additional ring: \$25 per day.
- C. Side shows: \$5 per day, each.

**§ 398-12. Merry-go-rounds, steam swings and tent and street shows.**

The license tax for merry-go-rounds, steam swings, riding galleries, all tent and street shows, museums and entertainments upon or adjacent to the streets of the City and not otherwise named in this article shall be \$10 per day or \$25 per week.

**§ 398-13. Transient shows.**

All transient shows, museums and entertainments in any tent or building in the City not otherwise named in this article shall pay a license tax of \$5 per day or \$25 per week.

**§ 398-14. Photographers.**

Every person having or maintaining a photographic studio or gallery in the City shall pay a license tax of \$10 per year for each and every studio or gallery operated by him in the City.

**§ 398-15. Photograph solicitors.**

Each agent and solicitor for photographs or the enlargement of photographs, or the selling of coupons therefor, traveling about the City in pursuit of such business, or in any manner soliciting therefor in the City, shall pay a license tax of \$5 per day.





**Chapter 420****MECHANICAL SYSTEMS**

§ 420-1.	<b>Definitions.</b>	§ 420-11.	<b>License and certificate required.</b>
§ 420-2.	<b>Civil liability.</b>		
§ 420-3.	<b>Administrative authority; Mechanical Inspector.</b>	§ 420-12.	<b>Examination; proof of competency.</b>
§ 420-4.	<b>Records; right of entry.</b>	§ 420-13.	<b>Contractor's license.</b>
§ 420-5.	<b>Inspection required.</b>	§ 420-14.	<b>Liability insurance.</b>
§ 420-6.	<b>Appeals.</b>	§ 420-15.	<b>Revocation of license or certificate.</b>
§ 420-7.	<b>Permit required.</b>		
§ 420-8.	<b>Persons eligible for permit.</b>	§ 420-16.	<b>Transfer of license or use by another.</b>
§ 420-9.	<b>Liability.</b>	§ 420-17.	<b>Display of license.</b>
§ 420-10.	<b>Ratio of apprentice to journeyman.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 12-28-1990 by Ord. No. 5553 (Ch. 7, Art. V of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building Trades Board** — See Ch. 20, Art. VIII.

**Fees** — See Ch. 307.

**Adoption of International Mechanical Code** — See Ch. 225.

**Plumbing** — See Ch. 467.

**Electrical standards** — See Ch. 290.

**§ 420-1. Definitions. [Amended 3-16-1992 by Ord. No. 5589 ]**

When used in this chapter, the following words or terms shall have the meanings respectively ascribed to them in this section:

**APPRENTICE MECHANIC** — Any person who is working at the trade in the employment of a licensed mechanical contractor and is under the direct supervision of a master mechanic or a journeyman mechanic (definition not included in state statutes).<sup>116</sup>

**JOURNEYMAN MECHANIC** — Any person having the necessary qualifications, training, experience and technical knowledge to install and repair mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).<sup>117</sup>

**MASTER MECHANIC** — Any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).<sup>118</sup>

**116.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**117.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**118.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

MECHANICAL HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTOR — Any person, firm, copartnership, corporation, association or combination thereof who or which undertakes or offers to undertake for another, for hire, the planning, laying out, supervision and installing or making of additions, alternations, and repairs in the installation of mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).

**§ 420-2. Civil liability.**

Nothing in this chapter shall in any way relieve any mechanic from responsibility for materials he furnishes or installs or impair in any way his liability for failure to use due care in protecting life and property in the subsequent use of mechanical installations made by him, nor shall the City be held as assuming liability by reason of any inspection authorized herein or certificate issued.

**§ 420-3. Administrative authority; Mechanical Inspector.**

When the Mechanical Code heretofore adopted<sup>119</sup> shall use the term "Administrative Authority" the same shall be deemed to mean the City Manager of the City of Parsons, Kansas, who shall in turn designate a Mechanical Inspector.

**§ 420-4. Records; right of entry.**

- A. The Mechanical Inspector shall keep complete records of all permits issued, inspections made and certificates issued and all other official work performed under the provisions of this chapter. All necessary blanks and record books shall be provided by the City.
- B. The Mechanical Inspector shall have the right and privilege to enter any building within the City within reasonable hours for the purpose of making inspections of heating, ventilation, and cooling equipment or appliance installations constructed or under construction in such building.

**§ 420-5. Inspection required.**

Mechanical systems for which a permit is required by this chapter shall be inspected by the Mechanical Inspector. No portion of any mechanical system intended to be concealed shall be concealed until inspected and approved.

**§ 420-6. Appeals. [Amended 1-16-2001 by Ord. No. 5902 ]**

An appeal may be taken from an order or decision of the Mechanical Inspector to the Building Trades Board. The decision of the Board shall be final and binding. No appeal shall be allowed from any order or decision of the Mechanical Inspector unless the same is requested within 30 days of the order or decision.<sup>120</sup>

**§ 420-7. Permit required.**

Every person, before entering upon any construction or erection of any mechanical system regulated by this chapter in any new building or any original installation in any building or any alteration in the City shall obtain a permit from the Mechanical Inspector describing the proposed work before proceeding.

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<sup>119</sup>.Editor's Note: See § 225-1 of this Code.

<sup>120</sup>.Editor's Note: Original § 7-173, Board of Plumbing and Mechanical Examiners, which immediately followed this section, was repealed 1-16-2001 by Ord. No. 5902. See now Ch. 20, Art. VIII, Building Trades Board.

**§ 420-8. Persons eligible for permit. [Amended 11-15-2004 by Ord. No. 6023 ]**

A permit required by this chapter shall only be issued to:

- A. A licensed mechanical contractor.
- B. Any property owner of residential property personally performing any mechanical improvements, alterations or construction within or upon residential property owned by him or her, provided that the owner of residential property shall secure a permit, pay required fees, do work in accordance with this chapter, apply for an inspection and receive approval. Personal mechanical construction by an owner of residential property under this subsection shall be by himself or herself, for himself or herself, on his or her own property, without compensation, and no person shall be employed to assist him or her in any way on such work except a contractor licensed by the City.<sup>121</sup>

**§ 420-9. Liability. [Added 11-15-2004 by Ord. No. 6023 ]**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any mechanical construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

**§ 420-10. Ratio of apprentice to journeyman.**

The ratio for apprentice will be one apprentice to one journeyman.

**§ 420-11. License and certificate required. [Amended 1-16-2001 by Ord. No. 5902 ]**

- A. It shall be unlawful for any person to engage in business as a mechanical heating, ventilation and air-conditioning contractor without a license from the City. It shall be unlawful for any person to engage as a master mechanic or a journeyman mechanic without a certificate issued by the City. No person shall be issued a license or certificate pursuant to this chapter unless he/she pays the appropriate fee listed below to the City:<sup>122</sup>
  - (1) Mechanical heating, ventilation and air-conditioning contractor license: \$50.
  - (2) Master mechanic certificate: \$35.
  - (3) Journeyman mechanic certificate: \$25.
- B. All such certificates and licenses shall be in effect to the end of the calendar year, at which time they may be renewed upon receipt of appropriate fees.
- C. All fees shall be paid at the office of the City Clerk. The full amount of the required fee shall be paid at the time of issuance of the license or certificate irrespective of the date of issuance.

**§ 420-12. Examination; proof of competency. [Amended 3-16-1992 by Ord. No. 5589 ; 1-16-2001 by**

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121.Editor's Note: Original § 7-181, Special qualifications for mechanical journeyman and master mechanical, which immediately followed this section and was amended 3-16-1992 by Ord. No. 5589, was repealed 1-16-2001 by Ord. No. 5902.

122.Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

**Ord. No. 5902 <sup>123</sup>**]

No person shall be issued an original or initial certificate unless he/she successfully passes an examination with a score of 75% or greater designated by K.S.A. § 12-1541 and amendments thereto. A certificate of competency from such examination shall be valid proof of the competency of a master or journeyman mechanic, and the applicant shall be issued the appropriate license after which time a person has paid the appropriate fee as listed in § 420-11. Any person who holds a valid license or certificate issued by the City of Parsons on the effective date of this section as a master or journeyman mechanic shall be considered to have valid proof of competency, and said person shall be allowed to renew the license or certificate so issued if the license or certificate to be renewed is otherwise current and shall be exempt from the examination requirements.

**§ 420-13. Contractor's license. [Amended 1-16-2001 by Ord. No. 5902 <sup>124</sup>]**

Any person, firm or corporation desiring to engage in business as a mechanical heating, ventilation and air conditioning contractor in this City shall pay a license fee as provided in § 420-11. Said license shall be issued by the City Clerk. The license fee required herein shall extend to a master mechanic engaged in the business of mechanic within the City and shall likewise extend to mechanical heating, ventilation and air conditioning contractors who have in their employ a master mechanic. It is the intent and purpose of this section to require one license fee only for each person, firm or corporation engaging in the business of mechanical heating, ventilation and air-conditioning contractor within the City as an individual unit.

**§ 420-14. Liability insurance. [Amended 8-19-1991 by Ord. No. 5571 ; 1-16-2001 by Ord. No. 5902 ]**

Before a mechanical heating, ventilation and air-conditioning contractor license is issued, the person making application shall have on file with the City Clerk a certificate of liability insurance and products liability insurance with completed operations endorsement in the amount of \$300,000. Said certificate shall require the insurance company to notify the City Clerk in the event of cancellation.

**§ 420-15. Revocation of license or certificate. [Amended 1-16-2001 by Ord. No. 5902 ]**

The Building Trades Board, upon five days' notice to the person holding a license or certificate under the provisions of this chapter, may revoke such license or certificate if said licensee has been convicted in court of violating any of the provisions of this license or if said license or certificate has been fraudulently obtained or for other good cause shown. In the case of revocation of the license or certificate of any such licensee, no new license or certificate shall be issued to such person or any person on his behalf for a period of 90 days thereafter. Upon written notice filed in the City Clerk's office within 10 days after action taken by the Building Trades Board, said action may be appealed to the governing body of the City of Parsons for hearing and review of any aggrieved party.

**§ 420-16. Transfer of license or use by another. <sup>125</sup>**

A license issued pursuant to this chapter shall be nontransferable. It shall be unlawful for any person to allow or permit his license to be used by another for the purpose of securing any permit required by this chapter.

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123.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

124.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

125.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 420-17. Display of license. [Amended 1-16-2001 by Ord. No. 5902 <sup>126</sup>]**

All mechanical heating, ventilation and air-conditioning contractors licensed by the City shall display or post the required license in their place of business, and all persons licensed by the City to work in the mechanical trades shall carry their licenses on their persons and exhibit the same on demand of the City Building Inspector, his/her assistant or any officer of the City. An apprentice mechanic must possess at all times documentation that clearly identifies the mechanical heating, ventilation and air-conditioning contractor employing the apprentice and the name and address of the certified journeyman or master or residential mechanic that is responsible for directly supervising the work of the apprentice.

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**126.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

**Chapter 425****MOBILE FOOD VENDING**

§ 425-1.	<b>Definitions.</b>	§ 425-7.	<b>Term and transferability.</b>
§ 425-2.	<b>Vending without City license.</b>	§ 425-8.	<b>Parking.</b>
§ 425-3.	<b>License application.</b>	§ 425-9.	<b>Sound devices.</b>
§ 425-4.	<b>Fees.</b>	§ 425-10.	<b>Exemption.</b>
§ 425-5.	<b>Issuance of license.</b>	§ 425-11.	<b>Approval.</b>
§ 425-6.	<b>Operating conditions.</b>	§ 425-12.	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 3-6-2023 by Ord. No. 6533 .  
Amendments noted where applicable.]**

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**§ 425-1. Definitions.**

The words and phrases listed below when used in this chapter shall have the following meanings:

**CITY-APPROVED EVENT** — Any event sponsored by the City; any event such as a community celebration or festival approved by the governing body; or any event sanctioned by a permit issued by the City, including but not limited to a temporary use permit.

**FOOD and/or BEVERAGE** — In accordance with the definition of food within K.S.A. § 65-656:

- A. Articles used for food or drink for humans or other animals;
- B. Chewing gum; and/or
- C. Articles used for components of any such article.

**LOCAL VENDOR** — An individual, corporation, partnership, company, agency, institution, or any other entity with a 67357 address.

**MOBILE FOOD UNIT or UNIT** — Any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale.

**MOBILE FOOD VENDING** — To conduct, hold, carry on, pursue, or operate a business of vending, peddling, hawking and/or selling any food and/or beverage from a mobile food unit stopped in one location for a period of more than five minutes.

**MOBILE FOOD VENDOR** — Any person, corporation, association, or other entity, however organized, that offers any food or beverage for sale from a mobile food unit to conduct mobile food vending.

**PERSON** — An individual, corporation, partnership, company, agency, institution, or any other entity.

**§ 425-2. Vending without City license.**

It is unlawful for any person to conduct mobile food vending within the corporate limits of the City of Parsons, Kansas, without obtaining a license in accordance with this chapter.

**§ 425-3. License application.**

No person shall engage in activities coming under this chapter within the City without first obtaining a license. Any applicant for a license under this chapter shall file with the City Clerk a sworn application on a form furnished by the City Clerk, which shall give information, or provide documentation, as follows:

- A. Name of owner, name of business, phone number, copy of state- or government-issued identification card, and permanent address of the applicant and the business;
- B. The name of the owner and the type, make and registration number of the vehicle(s)/mobile food unit to be used;
- C. Date(s) and time(s) for which the license is desired;
- D. Address (or description) of location and nature of the business;
- E. A statement as to whether or not the applicant has ever had a mobile vending license or other similar license or registration revoked or suspended under the Parsons Municipal Code or the ordinances of the City of Parsons or any other city. Such a revocation or suspension may result in the City's refusal to process the requested license;
- F. A statement that the applicant understands and agrees that the license will not be used or represented in any way as an endorsement of the applicant by the City of Parsons, Kansas, or by any department, officer, or elected or appointed official of the City;
- G. Proof of a valid driver's license from any state for operation of the class of vehicle identified in the application for the applicant and any agents or employees of the applicant who will be involved in driving the identified vehicle;
- H. Proof of a current sales tax license from the State of Kansas or proof of exempt status from state sales tax;
- I. Proof of food service permit issued by the State of Kansas;
- J. Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintained for the entire length of the license, written by an insurance carrier licensed to do business in Kansas, with minimum limits of \$500,000 combined single limit for bodily and property damage, each occurrence, and \$1,000,000 in the general aggregate. Evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with the application. Such insurance certificate shall not be cancellable without prior written notice to the City; and
- K. Signatures of applicant, individually and/or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for mobile food vending certifying that all the information provided in the application is true and correct.

**§ 425-4. Fees.**

All applications for mobile food vending license certificates shall be accompanied by a nonrefundable license fee as follows:

- A. Local vendors: \$25 annual (calendar days).
- B. All other vendors:

- (1) One week (seven consecutive days): \$100;
- (2) Annual: \$300 (calendar days).

C. Use of City electricity: \$25 per day.

#### **§ 425-5. Issuance of license.**

If the facts stated in the application are satisfactory and the requirements of this chapter are met, the City Clerk may issue a mobile food vending license to the applicant. The issuance of a license shall not constitute approval of the business or activity or otherwise prohibit enforcement of this chapter or any other applicable laws, City Code provisions, rules or regulations. Vendors shall possess all applicable health and safety licenses, food handling licenses or the like as required by local, state, and federal laws, rules, or regulations.

#### **§ 425-6. Operating conditions.**

All mobile food vending licenses shall be subject to compliance with the following conditions:

A. Location. Mobile food vendors may vend on property within the City, subject to the following:

- (1) Mobile food vendors may vend on public, governmental, church and City property (in accordance with the provisions of this chapter), as well as property in the following zoning classifications: C-1 and C-2, with permission;
- (2) Mobile food vendors may not be located on property where the unit or a line of customers would: 1) hinder the flow of traffic on any street; 2) hinder the flow of bicycles within any bike lane or route; 3) hinder the flow of pedestrians along any sidewalks; 4) block or reduce to less than five feet in width any accessible route to persons with disabilities; 5) block, hinder or obstruct the vehicular flow within any parking lot; or 6) block or obstruct access to any driveway or access point to any property;
- (3) Mobile food vendors shall not locate on any City or public property without first securing approval from the City Manager or designated appointee; requests shall be made at least seven days' prior to the event;
- (4) Mobile food vendors shall not locate within 500 feet of an otherwise approved City event unless approval is given by the City Manager or designated appointee;
- (5) Every unit shall be stationary while vending; and
- (6) Whenever any vehicle is used for mobile food vending upon a street, alley, sidewalk or other public right-of-way within the City, the transaction shall occur on the right side of any such vehicle with the right wheels of the vehicle located next to the curb, and the unit shall not locate within 100 feet of any public street intersection without approval from the City Manager or designated appointee.

B. Written permission of property owner. All mobile food vendors operating on private property shall acquire and maintain the written permission of the property owner for the use of and location of the unit on said property. Written permission of the property owner shall be kept in the unit and produced upon request by the Chief of Police or designee or other public officer charged by the City Manager with enforcement of this chapter.



- C. Hours of operation. Mobile food vendors are prohibited from offering for sale any food or beverage outside the hours of 8:00 a.m. to 10:00 p.m., unless otherwise approved.
- D. Lights. In accordance with the City Zoning Regulations, no flashing lights or attention-attracting devices are permitted on or in association with the use of the mobile food unit. No direct light from a mobile food unit may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles, or pedestrians.
- E. Signs. One sign, within 15 feet of the associated unit, may be displayed and shall not be greater than 16 square feet in total area. The sign may not interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the unit. Streamers, pennants, search lights and any device with flashing, blinking, rotating, or moving actions or messages are prohibited. No signage shall be placed in a public right-of-way.
- F. Trash and site cleanup. All mobile food vendors shall ensure that a trash receptacle shall be provided with each mobile food unit. Such receptacle must be attached to the unit or located within 15 feet of the unit and cannot interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the unit. Immediately upon the cessation of vending, the mobile food vendor shall remove and properly dispose of all trash and litter accumulated at the vending site.
- G. Licenses and permits. All mobile food vendors shall acquire and maintain all required licenses and permits applicable to the use and operation of mobile food units from all applicable jurisdictions. Evidence of such licenses and/or permits shall be kept in the unit and produced upon request by the Chief of Police or designee or other public officer charged by the City Manager with enforcement of this chapter.
- H. Safety. All mobile food vending units shall be maintained in good repair, shall be free from peeling or flaking paint, and shall be clean and sanitary so as to not pose a threat to public health, safety or welfare. All units shall be connected safely to electricity and other necessary utilities, so they do not pose a threat to public health, safety or welfare.

#### **§ 425-7. Term and transferability.**

Licenses issued under this chapter are available for periods of annual for local vendors, and one week or annual for all others. Such certificates may not be transferred.

#### **§ 425-8. Parking.**

- A. It is unlawful for the operator of any mobile food unit to stop, stand or park such vehicle in any street, alley, or sidewalk or other public right-of-way for the purpose of mobile food vending, so as to obstruct the free flow of vehicular traffic; except that an operator may temporarily stop, stand or park such vehicle with its right wheels next to the curb for a period of time not to exceed five minutes at any one location, other than upon or along an arterial or collector street for the purpose of mobile food vending.
- B. The mobile food vendor shall obtain a location that provides adequate parking for customers or other persons going to and from the activity or business.

#### **§ 425-9. Sound devices.**

The production of amplified music or chimes from a mobile food unit is allowed between the hours of 8:00 a.m. and 10:00 p.m., unless otherwise approved, provided that the sound from the amplified music or

chimes is inaudible at any distance greater than 300 feet from the vehicle.

**§ 425-10. Exemption.**

The provisions of this chapter shall not apply to the following activities:

- A. The sale of farm or garden products or fruits grown by the seller or his or her employer or recognized farmers market;
- B. Vendors selling as part of a special event sponsored in part by the City, Katy Days, civic organizations, not-for-profit organizations, charitable organizations, or public or private schools;
- C. Individuals providing catering services to a private event and not open for the sale of food and/or beverages to the general public;
- D. Auctions;
- E. Garage sales at private residences;
- F. Lemonade stands;
- G. Brick-and-mortar restaurants already operating as a business with a City of Parsons, Kansas, address.

**§ 425-11. Approval.**

Any person registered under this chapter must keep their approved application inside the unit used for mobile food vending. Such certificate must be current and may be used only by the registered person.

**§ 425-12. Violations and penalties.**

Any person, partnership or corporation who violates any provision of this chapter shall be punished by a fine of not more than \$500 for each violation.

Chapter 436

NOISE

- § 436-1. Statement of intent.
- § 436-2. Disturbing the peace.
- § 436-3. Exemptions.

[HISTORY: Adopted by the City Commission of the City of Parsons 1-6-1992 by Ord. No. 5583 . Amendments noted where applicable.]

GENERAL REFERENCES

- Alarm systems — See Ch. 185.
- Nuisances — See Ch. 441.
- Animals — See Ch. 205.
- Peace and good order — See Ch. 459.

§ 436-1. Statement of intent.

No provision of this chapter shall be construed to limit or abridge the rights of any person to speak, peacefully assemble and express opinions. It is the purpose of this chapter to protect individuals from unreasonable intrusions caused by excessive, unnecessary or unusually loud noises.

§ 436-2. Disturbing the peace. [Amended 8-15-2022 by Ord. No. 6522 ]

It shall be unlawful to make or cause to be made a noise disturbance within the City. A noise disturbance shall include any or all of the following:

- A. A sound registered on a decibel meter from any source not exempted or otherwise regulated by this chapter and which, when measured anywhere off of the property of the sound source, is in excess of the dB(A) established for the time period and zones listed below:

All residential zoned areas:	7:00 a.m. until 10:00 p.m.	65 dB(A)
	10:00 p.m. until 7:00 a.m.	55 dB(A)
Commercial, industrial zoned areas:	7:00 a.m. until 10:00 p.m.	75 dB(A)
	10:00 p.m. until 7:00 a.m.	60 dB(A)

When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern.

- B. The owning, keeping or harboring of any animal that howls, barks or emits audible sounds, without provocation of the complainant, that are unreasonably loud or disturbing which are of such character, intensity and duration as to disturb the peace and quiet of a reasonable person in the neighborhood or to be detrimental to the life and health of any individual.
- C. The operating or occupancy of a vehicle, which is moving or stationary, standing or parked, whether persons are seated in the vehicle or not, from which any sound amplification or producing device or

similar equipment is creating a sound that is plainly audible at least 50 feet from the source of the sound.

- D. Penalties. Upon a first conviction for a violation of this chapter, the court shall assess a fine of no less than \$50. Upon a second conviction, the court shall assess a fine of no less than \$150. Upon a third or subsequent conviction, the court shall assess a fine of no less than \$250. Violation of this chapter shall be considered a Class C misdemeanor.

**§ 436-3. Exemptions.**

The requirements of this chapter shall not apply to the following, provided that all equipment is in repair and operated properly:

- A. Emergency work necessary to restore property to a safe condition or to protect a person and property from imminent danger;
- B. Emergency vehicles;
- C. Alarm systems;
- D. Trash and waste pickup operations;
- E. Noise resulting from activities of a temporary duration planned by school, governmental or community groups;
- F. Aircraft or railroads;
- G. Air conditioners and lawn care equipment;
- H. Construction operations; and
- I. Church bells or chimes.<sup>127</sup>

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127.Editor's Note: Former § 436-4, Violations and penalties, which immediately followed, was repealed 8-15-2022 by Ord. No. 6522.

**Chapter 441**

**NUISANCES**

§ 441-1.	<b>Purpose.</b>	§ 441-6.	<b>Hearings.</b>
§ 441-2.	<b>Applicability.</b>	§ 441-7.	<b>Emergency abatement; regular abatement; recovery of costs and other remedies.</b>
§ 441-3.	<b>Public officer; duties.</b>		
§ 441-4.	<b>Inspections; right of entry; unlawful interference.</b>	§ 441-8.	<b>Unlawful acts.</b>
§ 441-5.	<b>Enforcement process for violations.</b>	§ 441-9.	<b>Disposition of nuisance vehicles.</b>
		§ 441-10.	<b>Weed abatement exemption.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 4-1-2019 by Ord. No. 6432 .<sup>128</sup> Amendments noted where applicable.]**

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**§ 441-1. Purpose.**

The City Commission finds that there exists within the City of Parsons conditions of structures and lands which are dangerous or injurious to the health, safety or general welfare of the occupants of such structures and lands or other residents of the City, which have a blighting influence on the properties in the area. Such conditions include the following, without limitation: defects therein increasing the hazards of fire, accident or other calamities; dilapidation; disrepair; structure defects; uncleanness; overcrowding; inadequate ingress and egress; overgrown vegetation, inoperable vehicles, dead and dying trees, limbs or other unsightly natural growth and unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls, siding or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies or machinery; vermin infestation; inadequate drainage; or any violation of health, fire, building or any other laws or regulations relating to the use of land and the use and occupancy of the buildings and improvements.

**§ 441-2. Applicability.**

The provisions of this chapter shall apply to residential and nonresidential structures, to residential and nonresidential lands and to vacant lots. It shall be unlawful for any person owning, leasing, occupying or having charge of any premises to permit, maintain or keep any nuisance thereon.

**§ 441-3. Public officer; duties.**

The City Manager shall be designated as the public officer for purposes of exercising the powers relating to the administration and enforcement of property maintenance and nuisance provisions contained in this Code. The public officer shall have the authority to exercise the powers necessary to investigate, administer and enforce said provisions, including, but not limited to, the following:

- A. Investigate the conditions of structures or property in the City to determine which structures are unfit

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**128.Editor's Note: This ordinance also provided for the repeal of former Ch. 441, Nuisances, adopted as §§ 12-112, 12-201, 12-203 and 12-204 of the 1963 Code (Ch. 16 of the 1985 Code), as amended.**

for human use or habitation or are detrimental to the public health, safety, and welfare.

- B. Administer oaths and affirmations, examine witnesses, and receive evidence.
- C. Enter upon premises for the purpose of making inspections or for abatement of violations of this chapter, provided that such entries shall be made in such manner as to cause minimal inconvenience to the person(s) in possession of the property, if any. In the event entry is denied or resisted, the public officer may obtain an order permitting entry from a court of competent jurisdiction.
- D. Delegate any of the public officer's functions and powers under the subject ordinance to such officers, agents, and employees as the officer may designate, specifically including the public officer.

**§ 441-4. Inspections; right of entry; unlawful interference.**

- A. Inquiry and inspection. The public officer shall make inquiry and inspection of premises when he or she observes conditions which appear to constitute a nuisance, upon receiving a complaint in writing signed by two or more persons stating that a nuisance exists, or when informed that a nuisance may exist by another City employee.
- B. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the public officer has reasonable cause to believe that there exists in any structure or upon any land any condition in violation of this chapter, the public officer and any independent contractor(s) employed by the City are hereby expressly authorized to enter such structure or upon private property at all reasonable hours to inspect the same or to perform any duty imposed upon the public officer by this chapter, including abatement of violations; provided that, if such structure or private property is occupied, he/she shall first present proper credentials and request entry, and if such structure or private property is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the structure or private property and demand entry. If such entry is refused, the public officer shall have recourse to every remedy provided by law to secure entry.
- C. Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or any independent contractor(s) employed by the City from entering any such structures or upon private property or from proceeding with such duties imposed upon the public officer by this chapter, including enforcement or abatement of violations of this chapter.

**§ 441-5. Enforcement process for violations.**

- A. Notice of violation/order of abatement.
  - (1) Issuance. When it is determined by the City that any structure or property is a nuisance or is otherwise in violation of this Code, the City may serve upon the code offender a notice of violation/order of abatement.
  - (2) Contents. Any such notice of violation/order of abatement shall contain the following information:
    - (a) The name and address of the code offender, unless reasonable efforts fail to produce this information.
    - (b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring.

- (c) A description of the alleged violation(s) and a reference to the provision(s) of the Code that has allegedly been violated.
  - (d) The required corrective action and a date determined by the public officer by which the correction must be completed (hereinafter "corrective action date"). In no event shall the corrective action date be less than 10 days from the date of the letter.
  - (e) That each alleged violation of this chapter may be prosecuted in Parsons Municipal Court and punishable by a fine of not more than \$500, imprisonment for not more than one year, or both such fine and imprisonment.
  - (f) That failure of the owner or agent of the owner to abate the nuisance may result in removal and abatement by the City, with the costs of the abatement being assessed to the owner or agent of the owner of the property.
  - (g) That, upon written request received by the City within 10 days of the date of the notice of violation, the code offender may request a hearing before a designated hearing officer. The written request shall include the reason(s) that the code offender is relying upon to support his belief that no violation has occurred.
- (3) Extensions. The City shall grant a request for an extension of the corrective action date if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance.
- (4) Service.
- (a) For inoperable vehicles, property maintenance and all other non-grass nuisances: A notice of violation/order of abatement may be served upon the code offender by either personal service or by certified mail to the code offender's last known address as indicated by the records at the Labette County Treasurer's office. However, in the event the owner, occupant or agent of the property has failed to or refused to accept delivery of a notice and order sent pursuant to this section or the certified letter comes back as "address unknown, unable to forward," or a variation thereof, during the preceding twenty-four-month period, the public officer may provide notice of the issuance of a notice of violation/order of abatement by first-class mail, door hangers, conspicuously posting the notice of such order on the property, personal notification or telephone communication.
  - (b) For excessive vegetation and noxious weed nuisances: A notice of violation/order of abatement may be served upon the code offender by either personal service or by certified mail to the code offender's last known address as indicated by the Labette County Treasurer's office. The notice of violation/order of abatement shall only be required to be provided once per calendar year, and no further notice shall be given prior to removal of excessive vegetation or noxious weeds during the same calendar year. A statement indicating no further notice shall be given during the calendar year for excessive vegetation or noxious weed removal shall be included in the notice of violation/order of abatement in addition to the items required by Subsection A(2) of this section. If there is a change in the record owner of the property subsequent to the giving of notice pursuant to this section, the City may not recover any costs for the costs insured by the cutting or weed removal unless the new record owner of the property is provided notice as required by this section.

#### § 441-6. Hearings.

- A. Following issuance of a notice of violation/order of abatement, the code offender may request an administrative hearing on the issue of whether the property is in violation of the City Code. Said request must be in writing and must be received by the City within 10 days from the date of the notice of violation/order of abatement.
- B. The City Commission designates the administrative hearing shall be conducted by the City Manager. The scope of the hearing shall be limited to whether the decisions, actions, or findings of the enforcement official were within the scope of their authority, supported by substantial competent evidence, and not arbitrary or capricious in nature. The hearing shall be informal and not subject to the rules of civil and/or criminal procedure.
- C. The City Manager shall make a determination as to whether the property is in violation of the City Code. If the property is in violation, the hearing officer shall have discretion to order a new corrective action date, at which time the property must be brought into compliance to avoid prosecution and/or abatement proceedings.

**§ 441-7. Emergency abatement; regular abatement; recovery of costs and other remedies.**

- A. Emergency abatement by City. If the City makes a determination that an emergency situation exists, the City may immediately use the enforcement and abatement powers and remedies available pursuant to this chapter, including, but not limited to, immediate abatement. No other notification procedures are required as a prerequisite to any action taken in an emergency situation.
- B. Regular abatement; recovery of costs. Upon the expiration of the corrective action date, if the nuisance has not been abated, the City may take the necessary actions to abate and remove the nuisance, including the right of entry onto the property. Following any abatement performed by the City in accordance with this chapter, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City, including any administrative costs. Such notice also shall state that payment of such costs is due and payable within 30 days following receipt of such notice. The City also may recover the cost of providing notice, including any postage, required by this section. If such costs are not paid within the thirty-day period, the costs shall be collected in the manner provided by state law, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the costs are to be assessed, the City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify such costs, and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment and in any manner provided by state law, but only until the full cost and any applicable interest has been paid in full.
- C. Alternative remedies available to City. Nothing in this chapter shall affect, impair, preempt or preclude the rights of the City to pursue alternative or additional remedies available under state law or any other local law, code, or regulation. The City may either abate the nuisance or prosecute the property owner/creator of the nuisance or do both. Nothing in this section shall prevent the City from pursuing recovery of the costs and fees of abatement against the original owner through collections, restitution, or a civil action. If a civil action is filed, the City shall be entitled to also recover its attorneys' fees, court costs, and any applicable interest.

**§ 441-8. Unlawful acts.**

It shall be illegal for any person, as the owner or occupant of any land or structure, to allow a nuisance



to exist within the City limits of Parsons. Generally, a "nuisance" is defined to mean a thing, condition or use, which, through offensive odors, noises, substances, disturbances, emanations, sights or the like, works hurt, annoyance, inconvenience or damage to the public or to another, with respect to their comfort, health, repose or safety or with respect to the free use and comfortable enjoyment of their property, whether it does so by reason of its nature or by reason of conditions and circumstances, where the cause of these effects has no legal sanction or where, if the cause is sanctioned, the effects, nevertheless, are unreasonably harmful or annoying to persons of normal sensibility and, thereby, create a legal wrong and nuisance actionable as a violation of this Code. Specific nuisances include, but are not limited to, the following:

- A. Land maintenance: Land, whether occupied by structures or vacant, shall be maintained in such a manner to be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others, create a blighting effect in the neighborhood or otherwise adversely affect adjacent properties.
- B. Animal sanitation:
  - (1) No excessive accumulation of animal waste shall be permitted on any property, and animal wastes shall not be disposed of in an open ditch or storm drain.
  - (2) All carcasses of animals shall not remain exposed after death.
- C. Temporary sanitary facilities: Temporary sanitary facilities are restricted to construction projects and recreational activities for which approval has been granted. Such facilities shall be maintained and not be offensive to any nearby residents.
- D. Trash and refuse accumulations: The throwing, leaving, depositing or allowing the accumulation of any worn out, broken or worthless item, waste, garbage, trash, debris or refuse on any property, drainage course or other land is prohibited. Such substances are those that impede mowing of weeds or tall grass, are food products or food containers attracting insects, rodents or animals or are useless as evidenced by their broken, deteriorated or dismantled condition.
- E. Odors and stench: all noxious, unhealthy or disagreeable odors or stench, as well as the conditions or substances or other causes which give rise to the emission or generation of such odors and stench, which may cause annoyance or discomfort or are found to be offensive or disagreeable to any person of reasonable olfactory senses.
- F. Foul water: all slop, foul or dirty water, filth, refuse or offal or any other offensive or disagreeable thing or substance discharged through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, lot, park, public square, public enclosure or any stagnant pond or pool of water.
- G. Refuse and rubbish: the placement, storage or accumulation of garbage, animal feces, rubbish, trash, refuse, junk and other materials, metals, plumbing fixtures, appliances, auto parts, tires, fencing, lumber, broken or discarded furniture, appliances, clothing, or other litter or household items, which creates an unsightly appearance, dangerous condition, or a blighting effect on the area.
- H. Excessive growth of vegetation; noxious weeds: The property owner or other person occupying or having charge or control of any lot or parcel of land within the City shall not permit excessive growth of vegetation or noxious weeds on said lot or parcel of land, or on any area between the property lines of said lot or parcel and the center line of any adjacent street or alley, including, but not limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private, that creates a blight to surrounding properties, creates a fire hazard or might harbor insects, animals or other menaces to health and public safety. Any vegetation, other than vegetation obviously used for

landscaping purposes, shall be presumed to be either blighting or excessive in growth if it exceeds 12 inches in height. Nothing in this subsection shall impair the rights of the City under Kansas law relating to the control and eradication of noxious weeds as described by Kansas Statutes. For any contiguous tract of property, \$200 shall be assessed for the cost of each mowing. As determined by the City Manager or his/her designee, if the mowing shall be a partial mowing for a ditch or drainage area in the City right-of-way, instead of mowing the whole contiguous property, the cost of mowing shall be \$100 for every mowing incident.

I. Inoperable vehicles:

(1) No person shall maintain or permit any motor vehicle nuisance within the City. A "motor vehicle nuisance" is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. §§ 8-126 to 8-149, inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or is in a junked, wrecked or inoperable condition. Inoperable vehicles shall only be considered abated if the condition or conditions that make the vehicle inoperable are corrected or the vehicle is removed from the City limits. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable:

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

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

- (a) Any motor vehicle which is enclosed in a garage or other building;
- (b) The parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or
- (c) Any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance. Screening shall be constructed with normal fencing materials, such as wood, stone, cinder blocks or other materials normally associated with fence/screening construction, and shall not be constructed in a way that is unsightly or creates a blight in the neighborhood.

**§ 441-9. Disposition of nuisance vehicles.**

Disposition of any motor vehicle removed and abated from private property pursuant to this chapter by the City shall be as provided by K.S.A. § 8-1102, as amended.

**§ 441-10. Weed abatement exemption.**

Property owners that own a tract of land of at least two acres in area, not including residential areas and dwellings, can obtain a permit from the City of Parsons for an exemption from the requirements of § 441-8H of this chapter if the purpose for said exemption is the grazing or haying of said tract of land. Each landowner shall be subject to the terms and conditions prescribed by the City Manager or his/her designee contained in the permit. Failure by the landowner to follow the terms and conditions contained in

the permit shall result in the landowner's permit and exemption being revoked.

**Chapter 450****PARKS AND RECREATION**

<b>§ 450-1.</b>	<b>Definitions.</b>	<b>§ 450-7.</b>	<b>Hours of operation.</b>
<b>§ 450-2.</b>	<b>Scope.</b>	<b>§ 450-8.</b>	<b>Permits.</b>
<b>§ 450-3.</b>	<b>Enforcement.</b>	<b>§ 450-9.</b>	<b>Violations and penalties.</b>
<b>§ 450-4.</b>	<b>Vehicles.</b>	<b>§ 450-10.</b>	<b>Camping in City parks.</b>
<b>§ 450-5.</b>	<b>Weapons.</b>	<b>§ 450-11.</b>	<b>Camping permits.</b>
<b>§ 450-6.</b>	<b>Fireworks.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 5-18-1981 by Ord. No. 5228 (Ch. 17 of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Alcoholic beverages — See Ch. 189.

Fireworks — See Ch. 320.

Animals — See Ch. 205.

Lake Parsons — See Ch. 390.

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**§ 450-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**APPROVING AGENCY** — The City Manager or his designated representatives.

**PERMIT** — Any written license issued by or under the authority of the approving agency permitting a special event or activity on park facilities.

**VEHICLE** — Any conveyance (except baby carriages), including motor vehicles, trailers of all types, campers, tricycles, bicycles, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. The term includes any horse or horse-drawn conveyance.

State law reference — Public recreation and playgrounds generally, K.S.A. § 12-1922 et seq.

**§ 450-2. Scope.**

This chapter shall apply in all parks and recreation areas under the jurisdiction of the City, unless expressly exempted.

**§ 450-3. Enforcement. [Amended 7-20-2009 by Ord. No. 6189 ]**

The City Police Department and City employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. The City Police Department and City employees shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area.

**§ 450-4. Vehicles.**

It shall be unlawful for any person in a public park or recreation area to:

- A. Drive any vehicle on any area except the park roads or parking areas or such areas as may be specifically designated for such vehicles.
- B. Park a vehicle anywhere else except on a designated parking area.
- C. Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and the recreation area are closed, except in areas designated as camping areas.

**§ 450-5. Weapons.**

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

- A. Any pistol or revolver or objects upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction.
- B. Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air.

**§ 450-6. Fireworks.<sup>129</sup>**

It shall be unlawful for any person to have in his possession or set off any fireworks without the permission of the approving agency.

**§ 450-7. Hours of operation.**

The parks and recreation areas, unless otherwise posted, or prior permission is obtained from the approving agency, shall be opened daily to the public during the hours of 6:00 a.m. to 12:00 midnight of any one day. It shall be unlawful for any person or persons (other than City personnel conducting City business therein) to occupy or be present in said park during any hours in which the park is not open to the public. Any section or part of a park may be declared closed to the public by the approving agency at any time and for any interval of time, either temporarily or at regular or stated intervals.

**§ 450-8. Permits.**

- A. Permits for special events in parks and recreation areas shall be obtained by application to the approving agency or its designee in accordance with the following procedures:
  - (1) A person seeking issuance of a permit hereunder shall file an application stating:
    - (a) The name and address of the applicant.
    - (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
    - (c) The day and hours for which the permit is desired.
    - (d) The park or portion thereof for which the permit is desired.

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**129.Editor's Note: See Ch. 320, Fireworks.**

- (e) Any other information reasonable necessary to a determination as to whether a permit should be issued hereunder.
  - (f) Variances required from park rules and regulations.
- B. Standards for issuance of a use permit shall include the following findings:
  - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
  - (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - (3) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
  - (4) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.
  - (5) That the facilities desired have not been reserved for other use on the date and hour requested in the application.
- C. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.
- D. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit.
- E. The City Manager shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

**§ 450-9. Violations and penalties. [Added 7-20-2009 by Ord. No. 6189 ]**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

**§ 450-10. Camping in City parks. [Added 12-19-2011 by Ord. No. 6251 ]**

- A. No person shall camp in a City park except at those places designated for camping by the City Manager. Camping areas shall be designated by the City Manager or his designated agent. No person shall erect or place any tent, mobile camper or similar device for the purposes of sleeping, cooking or staying in a City park without obtaining a camping permit. Such permit must be visually displayed on the camping unit. Any person may apply for a permit from the office of the City Clerk or as otherwise directed by City staff. The application shall be on forms provided by the City Manager. Each applicant shall provide the following information: name of the applicant, address of the applicant, area of the campsite and length of stay.
- B. No permanent installation shall be made for camping.
- C. No person shall camp adjacent to shelter houses or use electricity from shelter houses for his/her camp or camper.
- D. Camps or camping equipment shall not be abandoned or left unattended for more than eight hours at

any time.

- E. The City Manager or a designated agent may close the camping areas during conditions of extreme weather or in situations deemed necessary to protect the City and/or campers.
- F. Campers shall keep their campgrounds clean and dispose of refuse in containers provided for such purpose.
- G. Camps and camping equipment must be completely removed and sites cleaned before departure of campers.
- H. No person or member of the same household shall be given a permit for more than 10 total days in a thirty-day period unless an extended stay is allowed. Extended stays may be allowed at the discretion of the City Manager in instances where temporary housing is necessary for a temporary job or temporary displacement from permanent housing or in other situations similar with this intent. Extended stays shall not be allowed for the purpose of long-term or permanent housing only.
- I. It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the production or reproduction of sound or create any other sound or noise that disturbs the peace, quiet or repose of the neighboring campers. The creation of such sound or the operation of such a set, instrument, machine or device between the hours of 10:00 p.m. and 6:00 a.m. so that it is plainly audible at a distance of 50 feet from the building, structure, vehicle or place where it is located is prima facie evidence of a violation of this subsection. No person shall participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A law enforcement officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this subsection. This subsection shall not be construed to limit or abridge the rights of any person to speak, peacefully assemble and express opinions. It is the purpose of this subsection to protect individuals from unreasonable intrusions caused by excessive, unnecessary or unusually loud noises.

**§ 450-11. Camping permits. [Added 12-19-2011 by Ord. No. 6251 ]**

- A. It shall be unlawful for any person to camp or park trailers at a designated area within a City park without first having obtained a proper camping permit and paying the camping fee provided by this section.
- B. Camping permits which shall entitle the permit holder and members of his immediate household to the use of the camping facilities may be obtained from the City Clerk.
- C. No person or member of the same household shall be issued a camping permit for more than 10 total days in any thirty-day period unless an extended stay is granted.
- D. Camping permits shall be issued only to an adult and shall entitle such adult and members of his family or immediate household to the use of the camping facilities under such permit.
- E. The fee for a camping permit shall be \$10 per day unless waived by the City Manager for a special event.

PARSONS CODE

**Chapter 454**

**PAWNBROKERS AND PRECIOUS METAL DEALERS**

**§ 454-1. Adoption of statutory provisions.**

**§ 454-2. Violations and penalties.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as § 11-118 of the 1963 Code (§ 14-2 of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Junk and secondhand dealers — See Ch. 379.**

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**§ 454-1. Adoption of statutory provisions.**

The provisions of Article 7 of Chapter 16 of the Kansas Statutes Annotated, as amended, are hereby adopted by reference as if set out at length in this chapter. Three copies of such provisions have been and are on file in the office of the City Clerk.

**§ 454-2. Violations and penalties.**

A person who violates any of the provisions of the statutes adopted in § 454-1 shall be guilty of a Class B misdemeanor.

State law reference — Incorporation by reference authorized, K.S.A. § 12-3009 et seq. and § 12-3301 et seq.



**Chapter 459****PEACE AND GOOD ORDER**

§ 459-1.	Adoption of Uniform Public Offense Code.	§ 459-6.	Trespass in private parking areas.
§ 459-1.1.	Amendments to uniform public offense code.	§ 459-7.	Indecent exposure.
§ 459-2.	Posting handbills.	§ 459-8.	Peeping toms.
§ 459-3.	Littering.	§ 459-8.1.	"Boot block" charitable solicitations prohibited.
§ 459-4.	Pollution of water supply.	§ 459-8.2.	Public intoxication prohibited.
§ 459-5.	Removing materials from public grounds.	§ 459-9.	Violations and penalties.

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 15-504, 15-611, 15-802, 15-804 and 15-808 of the 1963 Code (§§ 15-40, 15-118, 15-119, 15-168 and 15-170 of the 1985 Code). Amendments noted where applicable.]**

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**§ 459-1. Adoption of Uniform Public Offense Code. [Last amended 11-20-2023 by Ord. No. 6550 ]**

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Parsons, Kansas, that certain uniform public offense ordinance known as the "Uniform Public Offense Code for Kansas Cities," Edition of 2023, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. One copy of said Uniform Public Offense Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 6550," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

**§ 459-1.1. Amendments to uniform public offense code. [Added 3-4-2019 by Ord. No. 6430 ]**

A. Section 5.7 of the Uniform Public Offense Code for Cities, 33rd Addition, is hereby amended to read as follows:

- (a) It shall be unlawful for any person to:
- (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age; or

- (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.

(b)

It shall be a defense to a prosecution under this section if:

- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (4) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual, or both.

(c)

It shall be a defense to a prosecution under this subsection if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. § 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) As used in this section, "sale" means any transfer of title or possession, or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(K.S.A. Supp. 79-3302, 79-3321, 79-3322)

Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

B. Section 5.6(a) of the Uniform Public Offense Code for Cities, 33rd Addition, is hereby amended to read as follows:

It shall be unlawful for any person:

(a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products.

C. This section shall be applicable to all future versions of the Uniform Public Offense Code hereafter adopted by the Parsons City Commission.

## **§ 459-2. Posting handbills.**

It shall be unlawful for any person to post or stick any handbill, showbill, advertisement, poster, sticker or any other written or printed material upon any bridge, pole, fence, building, vehicle or property of another, public or private, or print, write or mark on any property without the consent of the owner thereof. No person shall place any such bills or advertisements on the poles of any utility company.

## **§ 459-3. Littering. [Added 12-6-1965 by Ord. No. 3991 (§ 15-41 of the 1985 Code)]**

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

(1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or

employee authorized by law to direct or permit such acts; or

- (2) Any private property without the consent of the owner or occupant of such property.

B. Littering is a misdemeanor punishable by a fine of not less than \$10 or more than \$500.

State law reference — Similar provisions,  
K.S.A. § 21-5815.

#### **§ 459-4. Pollution of water supply.**

It shall be unlawful for any person or persons to place, dump or put the carcass of any dead animal, offal, filth, refuse or garbage of any kind in, or in any manner whatever to pollute, the waters of Labette Creek or any of its branches or tributaries at any point or place within the distance of five miles above the City waterworks dam or to keep and maintain any hog yard, feed lot or yard, or slaughterhouse of any kind or character or deposit any night soil or any decayed animal or vegetable matter in or so near such stream or tributaries as to pollute the waters thereof.

#### **§ 459-5. Removing materials from public grounds.**

It shall be unlawful for any person to dig, remove, or carry away any earth, sand, gravel, brick, rock or sod or to cut away any trees or shrubs from any public ground of the City without the permission of the City Manager.

#### **§ 459-6. Trespass in private parking areas. [Added 4-8-1981 by Ord. No. 5223 (§ 15-39 of the 1985 Code)]**

- A. It shall be unlawful for any person or motor vehicle to trespass in a private parking area adjacent to or near a business establishment or organization offering goods or services of any nature to the public after a specified time selected by the owner or operator of the business or organization, provided that the private parking area has been suitably marked as a "No Trespassing" area.
- B. For the purpose of this section a suitable marker shall be one that contains the words "No Trespassing after (a specified time)" or words of similar impact.
- C. Permission to be in said area by aforesaid owner or operator shall be a defense to this section.

State law reference — Criminal trespass, K.S.A.  
§ 21-5808.

#### **§ 459-7. Indecent exposure.**

- A. It shall be unlawful for any female person to:
  - (1) Expose her genitals or pubic area in any public place.
  - (2) Expose her buttocks or anus in any public place.
  - (3) Expose any portion of her breasts below the top of the areola in any public place.
- B. It shall be unlawful for any male person to:

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- (1) Expose his genitals or pubic area in any public place.
  - (2) Expose his buttocks or anus in any public place.
- C. The provisions of this section shall not apply to a person in any public bathroom, provided that the person is using the bathroom for the purpose for which it was intended.

State law reference — Lewd and lascivious behavior, K.S.A. § 21-5513.

**§ 459-8. Peeping toms.**

- A. No person shall perform such acts as will make him a peeping tom on or about the premises of another or go upon the premises of another for the purpose of becoming a peeping tom.
- B. "Peeping tom" as used in this section means one who peeps through windows or doors, or other like places, situated on or about the premises of another for the purpose of spying upon or invading the privacy of persons spied upon without the consent of the persons spied upon. It is not a necessary element of this offense that the peeping tom be upon the premises of the person being spied upon.
- C. A violation of this section is a Class B misdemeanor.

**§ 459-8.1. "Boot block" charitable solicitations prohibited. [Added 7-20-2009 by Ord. No. 6191 ]**

No person shall stand on or in proximity to a street or highway for the purpose of soliciting contributions from the occupant of any vehicle within the City limits of Parsons.

**§ 459-8.2. Public intoxication prohibited. [Added 10-7-2013 by Ord. No. 6296 ]**

If any person shall be on a highway, street, sidewalk or in a public place or public building within the City limits of Parsons while under the influence of intoxicating liquor, narcotics or other drug to the degree that he or she may endanger him or herself or other persons or property, or annoy persons in his or her vicinity, he/she shall upon conviction thereof be fined a sum not to exceed \$100 or be imprisoned not more than 10 days, or both. Public place and public building shall not include a bar or restaurant where alcoholic beverages and cereal malt beverages are served.

**§ 459-9. Violations and penalties. [Added 7-20-2009 by Ord. No. 6189 ]**

Except where another penalty is provided, violation of this chapter shall constitute a Class B misdemeanor, punishable as provided in § 1-2 of this Code.

**Chapter 467****PLUMBING**

§ 467-1.	<b>Definitions.</b>	§ 467-12.	<b>License and certificate required.</b>
§ 467-2.	<b>Civil liability.</b>	§ 467-13.	<b>Contractor's license.</b>
§ 467-3.	<b>Administrative authority; Plumbing Inspector.</b>	§ 467-14.	<b>Liability insurance.</b>
§ 467-4.	<b>Records; right of entry.</b>	§ 467-15.	<b>Revocation of license or certificate.</b>
§ 467-5.	<b>Inspection required.</b>	§ 467-16.	<b>Transfer of license or use by another; display of license.</b>
§ 467-6.	<b>Appeals.</b>	§ 467-17.	<b>Display of name and address on vehicles and equipment.</b>
§ 467-7.	<b>Permit required.</b>	§ 467-18.	<b>Work by City employees.</b>
§ 467-8.	<b>Persons eligible for permit.</b>	§ 467-19.	<b>Gas utility companies.</b>
§ 467-9.	<b>Liability.</b>		
§ 467-10.	<b>Examination; proof of competency.</b>		
§ 467-11.	<b>Ratio of apprentice to journeyman.</b>		

**[HISTORY: Adopted by the City Commission of the City of Parsons 12-28-1990 by Ord. No. 5554 (Ch. 7, Art. VI of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building Trades Board — See Ch. 20, Art. VIII.**

**Fees — See Ch. 307.**

**Adoption of International Plumbing Code — See Ch. 225.**

**Water and wastewater system — See Ch. 580.**

**§ 467-1. Definitions. [Amended 1-16-2001 by Ord. No. 5902 ]**

When used in this chapter, the following words or terms shall have the meanings respectively ascribed to them in this section:

**APPRENTICE PLUMBER** — Any person who is working at the trade in the employment of a licensed plumbing contractor and is under the direct supervision of a certified master plumber or certified journeyman plumber or a certified residential plumber.

**JOURNEYMAN PLUMBER** — Person having the necessary qualifications, training, experience and technical knowledge, under the direct supervision of a master plumber, to install and repair plumbing works and systems.

**MASTER PLUMBER** — Person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation, maintenance, repair or the alteration of plumbing works and systems.

**PLUMBING CONTRACTOR** — Any person, firm, copartnership, corporation, association or combination thereof who or which undertakes or offers to undertake for another for hire the planning, laying out,

supervising and installing or making alterations or additions and repairs in the installation of plumbing works and systems. No person, firm, company or corporation shall perform the duties of a plumber for hire or with or for another unless said person possesses a valid plumbing contractor's license or is an employee of a person, firm, company or corporation that possesses such a license.

**RESIDENTIAL PLUMBER** — Person having the necessary qualifications, training, experience and technical knowledge to install and repair plumbing works and systems in no more than a six-family dwelling.

**§ 467-2. Civil liability. [Amended 1-16-2001 by Ord. No. 5902 ]**

Nothing in this chapter shall in any way relieve any plumber from responsibility for materials he/she furnishes or installs or impair in any way his/her liability for failure to use due care in protecting life and property in the subsequent use of plumbing installations made by him, nor shall the City be held as assuming liability by reason of any inspection authorized herein or certificate issued.

**§ 467-3. Administrative authority; Plumbing Inspector.**

When the Plumbing Code heretofore adopted<sup>130</sup> shall use the term "Administrative Authority" the same shall be deemed to mean the Plumbing Inspector of the City of Parsons, Kansas, who shall be appointed by the City Manager of the City of Parsons, Kansas.

**§ 467-4. Records; right of entry.**

- A. The Plumbing Inspector shall keep complete records of all permits issued, inspections made and certificates issued and all other official work performed under the provisions of this chapter. All necessary blanks and record books shall be provided by the City.
- B. The Plumbing Inspector shall have the right and privilege to enter any building within the City within reasonable hours for the purpose of making inspections of gas or drainage piping or any fixture or water heating or treating equipment or appliance installations constructed or under construction in such building.

**§ 467-5. Inspection required.**

Plumbing systems for which a permit is required by this chapter shall be inspected by the Plumbing Inspector. No portion of any plumbing system intended to be concealed shall be concealed until inspected and approved.

**§ 467-6. Appeals. [Amended 1-16-2001 by Ord. No. 5902 ]**

An appeal may be taken from the order or decision of the Plumbing Inspector to the Building Trades Board. The decision of the Building Trades Board shall be final and binding. No appeal shall be allowed from any order or decision of the Plumbing Inspector unless the same is filed within 30 days of the decision or order.<sup>131</sup>

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<sup>130</sup>.Editor's Note: See § 225-1 of this Code.

<sup>131</sup>.Editor's Note: Original § 7-211, Board of Plumbing and Mechanical Examiners, which immediately followed this section, was deleted 1-16-2001 by Ord. No. 5902. See now Ch. 20, Art. VIII, Building Trades Board.

**§ 467-7. Permit required.**

Every person, before entering upon any construction or erection of any plumbing system regulated by this chapter in any new building or any original installation in any building or any alteration in the City, shall obtain a permit from the Plumbing Inspector describing the proposed work before proceeding.

**§ 467-8. Persons eligible for permit. [Amended 11-15-2004 by Ord. No. 6023 ]**

A permit required by this chapter shall only be issued to:

- A. A plumbing contractor.
- B. Any property owner of residential property who personally installs plumbing piping or equipment within or upon residential property owned by him or her, provided that the owner shall secure a permit, pay required fees, do work in accordance with this chapter, apply for an inspection and receive approval. Personal installation by an owner of residential property under this section shall be by himself or herself, for himself or herself, on his or her own property, without compensation, and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the City.

**§ 467-9. Liability. [Added 11-15-2004 by Ord. No. 6023 ]**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

**§ 467-10. Examination; proof of competency. [Amended 1-16-2001 by Ord. No. 5902 ; 7-20-2009 by Ord. No. 6189 ; 6-15-2020 by Charter Ord. No. 36 ]**

No person shall be issued an original or initial certificate unless he/she successfully passes an examination with a score of 70% or greater designated by K.S.A. § 12-1508 and amendments thereto. A certificate of competency from such examination shall be valid proof of the competency of a master, journeyman, or residential plumber, and the applicant shall be issued the appropriate license after which time a person has paid the appropriate fee as listed in § 467-12. Any person who holds a valid license or certificate issued by the City of Parsons on the effective date of this section as a master or journeyman plumber shall be considered to have valid proof of competency, and said person shall be allowed to renew the license or certificate so issued if the license or certificate to be renewed is otherwise current and shall be exempt from the examination requirements.

**§ 467-11. Ratio of apprentice to journeyman.**

The ratio for apprentice plumber will be one apprentice to one journeyman plumber.

**§ 467-12. License and certificate required. [Amended 1-16-2001 by Ord. No. 5902 ]**

- A. It shall be unlawful for any person to engage in business as a plumbing contractor without a license from the City. It shall be unlawful to engage as a master, journeyman or residential plumber without a certificate from the City. No person shall be issued a license or certificate pursuant to this chapter unless he/she pays the appropriate fee listed below: **[Amended 6-15-2020 by Ord. No. 6468 ]**



- (1) Plumbing contractor's license: \$50.
  - (2) Master plumbing certificate (with or without gas line certification): \$35.
  - (3) Journeyman plumbing certificate (with or without gas line certification): \$25.
  - (4) Master residential certificate (with or without gas line certification): \$20.
  - (5) Journeyman residential certificate (with or without gas line certification): \$20.
- B. All such certificates and licenses shall be in effect to the end of the calendar year, at which time they may be renewed upon receipt of appropriate fees.
- C. All fees shall be paid at the office of the City Clerk. The full amount of the required fee shall be paid at the time of issuance of the license irrespective of the date of issuance.<sup>132</sup>

**§ 467-13. Contractor's license. [Amended 1-16-2001 by Ord. No. 5902 <sup>133</sup>]**

Any person, firm or corporation desiring to engage in business as a plumbing contractor in this City shall pay a license fee as provided in § 467-12. Said license shall be issued by the City Clerk. The license fee required herein shall extend to master plumbers engaged in the business of plumbing within the City and shall likewise extend to plumbing contractors who have in their employ a master plumber. It is the intent and purpose of this section to require one license fee only for each person, firm or corporation engaging in the business of a plumbing contractor within the City as an individual unit.

**§ 467-14. Liability insurance. [Amended 8-19-1991 by Ord. No. 5571 ; 1-16-2001 by Ord. No. 5902 ]**

Before a plumbing contractor's license is issued, the person making application shall have on file with the City Clerk a certificate of liability insurance and products liability insurance with a completed operations endorsement in the amount of \$300,000. Said certificate shall require the insurance company to notify the City Clerk in the event of cancellation.

**§ 467-15. Revocation of license or certificate. [Amended 1-16-2001 by Ord. No. 5902 ]**

The Building Trades Board, upon five days' notice to the person holding any license or certificate as a plumber under the provisions of this chapter, may revoke such license or certificate if said licensee has been convicted in court of violating any of the provisions of the license, or if said license or certificate has been fraudulently obtained, or for failure to maintain insurance as required by this chapter, or for other good cause shown. In the case of revocation of the license or certificate, of any such licensee, no new license or certificate shall be issued to such person or any person on his behalf for a period of 90 days thereafter. Upon written notice filed with the City Clerk within 10 days after the action by the Building Trades Board is taken, said action of the Building Trades Board may be appealed to the governing body of the City of Parsons for hearing and review.

**§ 467-16. Transfer of license or use by another; display of license.**

- A. A license issued pursuant to this chapter shall be nontransferable. It shall be unlawful for any person to allow or permit his license to be used by another for the purpose of securing any permit required by this chapter.

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132.Editor's Note: Original § 7-232, Special qualifications for master plumber or journeyman plumber, which immediately followed this section, was deleted 1-16-2001 by Ord. No. 5902.

133.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. All plumbing contractors licensed by the City shall display or post the required license in their place of business, and all persons licensed by the City to work in the plumbing trades shall carry their licenses on their persons and exhibit the same on demand of the City Building Inspector, his assistant or any officer of the City.

**§ 467-17. Display of name and address on vehicles and equipment.**

All trucks, trailers or other vehicles operated by any person licensed pursuant to this chapter for the transportation of the equipment or materials used by him in such licensed business shall have the name and address of such licensee displayed on both sides thereof in plain and legible figures and letters not less than two inches in height which shall be kept in such condition as to permit the same to be readily distinguished and read at a distance of at least 40 feet.

**§ 467-18. Work by City employees.**

Nothing in this chapter shall be construed to prevent City employees under the supervision of the City Manager from performing their duties on the water distribution system or the sewer system of the City of Parsons, confined to public right-of-way, streets, or alleys.

**§ 467-19. Gas utility companies.**

Gas utility companies or corporations which operate under a franchise to the City shall not be required to furnish the bond and license as required for a plumbing business because of the bond that is required under said franchise. This section applies to only those duties that the gas company is involved in confined to public right-of-way, streets or alleys.

PROPERTY MAINTENANCE

Chapter 473

PROPERTY MAINTENANCE

ARTICLE I		§ 473-8.	Service of notice.
International Property Maintenance Code		§ 473-9.	Notice content; vacant building.
§ 473-1.	Adoption and incorporation of code.	§ 473-10.	Notice content; abandoned or chronically vacant building.
§ 473-2.	Repealer.	§ 473-11.	Registration and maintenance requirements for abandoned and chronically vacant buildings; fees.
§ 473-3.	Publication; when effective.		
ARTICLE II		§ 473-12.	Exception to registration fees for chronically vacant buildings.
Vacant Property Registration			
§ 473-4.	Purpose.	§ 473-13.	Failure to register; fees, procedures.
§ 473-5.	Definitions.	§ 473-14.	Appeal.
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§ 473-7.	Inquiry; inspection.		

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

## ARTICLE I

**International Property Maintenance Code**  
**[Adopted 4-1-2019 by Ord. No. 6433 ]****§ 473-1. Adoption and incorporation of code.**

There is hereby adopted and incorporated by reference the 2018 edition of the International Property Maintenance Code, with the exception of Section 107, Notices and Orders, Section 110, Demolition, and Section 111, Means of Appeal. Demolition of structures shall be done pursuant to Kansas Statute, and all notices, orders and appeals shall be done in compliance with Chapter 441 of the Code of the City of Parsons. No fewer than one copy of the 2018 edition of the International Property Maintenance Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Parsons" and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

**§ 473-2. Repealer.**

All previous versions of the International Property Maintenance Code previously adopted are hereby repealed.

**§ 473-3. Publication; when effective.**

This chapter shall take effect and be in full force and effect immediately following its adoption and publication as provided by law.

ARTICLE II  
**Vacant Property Registration**  
**[Adopted 6-6-2022 by Ord. No. 6521 ]**

**§ 473-4. Purpose.**

Recognizing that abandoned and vacant buildings contribute to blight in both residential and nonresidential neighborhoods, discourage economic development and retard appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The governing body finds that abandoned and vacant buildings result in increased expenditures for police, fire, and code services inspections and calls. Maintenance of the public health, safety, and welfare thus requires the City to maintain an accurate registration of all abandoned and vacant buildings.

**§ 473-5. Definitions.**

For purposes of this article, certain phrases and words are defined below. Words or phrases not defined in this article but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning. The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

**ABANDONED BUILDING** — A building that is vacant and is open or unsecured so that unauthorized admittance may be gained.

**BUILDING** — A building or other structure adapted to permanent occupancy for residential or commercial purposes.

**CITY** — The City of Parsons, Kansas.

**CHRONIC VACANCY or CHRONICALLY VACANT** — A vacant building which continues to remain vacant for six months after initial notification by the City to the owner.

**OCCUPY** — To conduct a lawful business or reside in all or any part of the building or structure as the business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this article, evidence offered to prove that a person occupies a building or structure may include, but shall not be limited to, the regular receipt of regular mail through the U.S. Postal Service or proof of continual electric, water, sewer and trash services.

**OWNER** — The person, persons or entity identified as the owner of the parcel with the Labette County Appraiser's Office; or any agent identified by a nonresident owner; or any mortgagee of a property in foreclosure.

**UNSECURED** — Access to the building may be obtained through open, unlocked, broken or missing doors or windows of such building.

**VACANT** — Any building intended for residential or commercial use which is not currently occupied or in use wherein no person or persons actually, currently conduct a lawful business or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or tenant(s) on a permanent, nontransient basis or that is unoccupied.

**§ 473-6. Public officer.**

The City Manager shall designate a public officer to be charged with the administration and enforcement of this article.

**§ 473-7. Inquiry; inspection.**

The public officer shall make inquiry and inspection of premises upon receiving information that a building may be abandoned or vacant. Upon making such inquiry and inspection, the public officer shall make a written report of his or her findings.

**§ 473-8. Service of notice.**

If the public officer determines that a building is abandoned or vacant then such officer shall give notice of the finding to the owner by:

- A. Delivering written notice to the owner personally, or
- B. By first-class mail through the U.S. Postal Service and by posting the notice on the building in a conspicuous place.

**§ 473-9. Notice content; vacant building.**

The notice issued by the City for a vacant building shall be in writing and shall contain the common street address, description of the building, advise the owner that the building has been determined to be vacant, and will be subject to registration as a chronically vacant building after a period of six months, and advise the owner that he or she has 20 days to appeal the determination.

**§ 473-10. Notice content; abandoned or chronically vacant building.**

The notice issued by the City for an abandoned or chronically vacant building shall be in writing and shall contain the common street address, legal description of the property, registration requirements, and shall apprise the owner of the facts available to the City which resulted in the determination that the building is an abandoned or chronically vacant building and advise the owner that he or she has 20 days to appeal the determination. The notice shall state the steps which an owner may take to claim an exemption from registration fees. The time period for registration of an abandoned or chronically vacant building may be extended by the public officer for good cause.

**§ 473-11. Registration and maintenance requirements for abandoned and chronically vacant buildings; fees. [Amended 6-29-2023 by Ord. No. 6537 ]**

- A. The owner of an abandoned or chronic vacant building shall register the building with the City within 20 days of service of a written notice provided to the owner or agent of the existence of the abandoned or chronic vacant building, or show cause, in writing, to the public officer as to why the building is not abandoned or chronically vacant. If the owner contends that the building is neither abandoned nor chronically vacant then such owner shall provide the public officer with such information as the owner requests the public officer to consider in making his or her determination. The public officer shall render his or her written decision within 10 days of the notice that the owner challenges the initial notice that the building was abandoned or chronically vacant.
- B. The required registration shall be submitted on the form provided by the City, which form shall include the name, current mailing address, phone number and any other contact information of the

owner; the names and addresses of all known lienholders and all other parties with a legal or equitable ownership interest in the building; the common address of the building and parcel tax identification number. The form shall also include a timetable for:

- (1) Returning the abandoned or chronically vacant building to appropriate occupancy or use; or
  - (2) Marketing the chronically vacant building pursuant to the provisions of § 473-12.
- C. For every subsequent year a building remains abandoned or chronically vacant beyond the initial registration period, the owner of the abandoned or vacant building must:
- (1) Re-register the building by paying the appropriate fees; and
  - (2) Submit an updated plan for either returning the building to appropriate occupancy or use, or marketing the property.
- D. Upon registration, the City shall provide the following incentives toward active marketing of the residential or commercial building:
- (1) Waive zoning fees, if applicable;
  - (2) Provide solid waste removal, water, and sewer service for 60 days at a reduced cost of 50% of the normal bill for these services with the total benefit to not exceed \$200 if the building is leased within 90 days of initial registration within the guidelines adopted by the City Council and effective at the date of occupancy; and
  - (3) If the building requires remodeling, waive permit fees if remodeling occurs within 90 days of initial registration.
- E. If the owner of an abandoned or chronically vacant building does not reside in Parsons County<sup>134</sup> for at least six months a year, then such owner must designate a resident agent with authority to act with respect to the property, including name, current mailing address, phone number and any other contact information of the owner's agent.
- F. Any subsequent owner of a registered abandoned or chronically vacant building must amend the registration with the public officer to include the new owner within 30 days of any transfer of any ownership interest in the abandoned or chronic vacant building, but is not liable for an additional registration fee for the period for which it has been registered.
- G. The owner of an abandoned or chronically vacant building must keep the building and any adjoining property secure, safe and maintained in compliance with all federal, state and local ordinances and regulations.
- H. Any building required to be registered herein shall pay a registration fee of \$200 per year for a residential building and \$400 per year for a commercial/industrial building. Funds derived from said fee shall be used to offset the City's cost of inspections and incentives as found in Subsection D.

**§ 473-12. Exception to registration fees for chronically vacant buildings. [Amended 6-29-2023 by Ord. No. 6537 ]**

A chronically vacant building shall be exempt from the registration fee required pursuant to § 473-11, for so long as the following marketing requirements are being met:

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**134.Editor's Note: So in original.**

- A. Buildings marketed as "for rent" by signage, in a newspaper or in an online listing by organizations who provide real estate listings at a fair market value rental rate based upon market rental rates for comparable properties. The owner may show entitlement to this exemption by submitting evidence of marketing to the City. In the event that active marketing ceases or six months have passed from the time the structure was marketed for rent without the structure being occupied, the building in question shall be immediately subject to registration fees.
- B. Buildings which are being actively marketed as "for sale" by a licensed real estate broker or by the owner and advertised as such in a newspaper or listed on a recognized online website. The owner may show entitlement to this exemption by submitting evidence of marketing to the City. In the event that active marketing ceases, the building in question shall be immediately subject to registration.
- C. A building for which the owner executes a valid affidavit on a form provided by the City attesting that the owner intends to resume occupancy of the building within 180 days. Failure to actually resume occupancy of the building within 180 days will result in imposition of the registration fee that was exempted under this section, as well as any reregistration fees then becoming due.
- D. Any building is owned by the Parsons Land Bank or City of Parsons.

**§ 473-13. Failure to register; fees, procedures.**

- A. An owner who fails to register or re-register an abandoned or chronically vacant building under this article after written notice shall be in violation of this article. The registration fee provided for in § 473-11 per residential building and per commercial building shall immediately become due and payable to the City.
- B. Any civil fees assessed under this section shall be billed to the owner or other responsible party at their registered address. Failure or refusal to pay fees after notice and an opportunity to pay shall authorize the City to use any and all available legal remedies for the enforcement and collection of such fees; including, but not limited to, suits in law or equity in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, injunction or assessment of said registration or re-registration fees on the property to be collected with the property taxes. This article in no way limits the actions or abatement procedures which may be taken by the City for a violation of any other ordinance of the City or statute of the State of Kansas.
- C. Should an owner fail to register an abandoned or chronically vacant building as provided in this article, the public officer may file a complaint in the municipal court of the City against such owner and upon conviction of a violation of the provision of § 473-11, be fined in an amount not less than \$250 and not more than \$500.

**§ 473-14. Appeal.**

Any person aggrieved by a finding, order or decision made by the public officer pursuant to this article may appeal such to the governing body by written notice delivered to the City Clerk within 10 days, excluding weekends and holidays, from the final decision of the public officer. The governing body shall provide a hearing and make a decision affirming, overruling or modifying the finding, order or decision appealed from.





**Chapter 482****RAILROADS**

<b>§ 482-1.</b>	<b>Construction and maintenance of crossings.</b>	<b>§ 482-3.</b>	<b>Blocking crossings.</b>
<b>§ 482-2.</b>	<b>Construction or maintenance by City.</b>	<b>§ 482-4.</b>	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 16-102 to 16-108 of the 1963 Code (Ch. 20 of the 1985 Code). Amendments noted where applicable.]**

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**§ 482-1. Construction and maintenance of crossings.**

- A. Every railroad company shall maintain the roadbed of all tracks owned by it where they cross any public street according to specifications promulgated by the City Engineer.
- B. Every railroad company which owns railroad tracks which cross a public street shall construct or reconstruct the tracks so as to make the top of the rails the same level as the grade of the street established by the City and shall keep and maintain crossings at all times at a smooth and regular grade or surface.
- C. Every railroad company which owns tracks which cross any public street in the City shall provide, at the intersection of its track with each street, drains and waterways sufficient to carry off the water which may run down the street along the gutters thereof, and the railway company shall not obstruct gutters so as to prevent the flow of water therein.

State law reference — Power of City over  
railroads, K.S.A. §§ 12-1633, 12-1634 and  
13-1904.

**§ 482-2. Construction or maintenance by City. [Amended 7-9-1990 by Ord. No. 5530 ]**

- A. In the event any railroad company fails or neglects or refuses to lay, relay, construct, or reconstruct or repair its railway track or tracks or crossings in accordance with the provisions of § 482-1 of this chapter within 10 days after notice in writing to do so has been served upon an agent of the company by certified mail, or if any such crossing or track across a crossing becomes defective and/or dangerous to the traveling public, the City may make the necessary construction and repair thereof, that may include removal of a track across a crossing that is no longer in use and has been abandoned by the Interstate Commerce Commission or other repairs necessary to protect persons and property from injury or damage, and the cost and expense of the same shall be a lien upon the property of such railway company and may be assessed and taxed against the property of such railroad company in the same manner as other taxes are assessed, levied, and collected, or the City may collect such expense directly from the railroad company by using legal process or other means.<sup>135</sup>
- B. Such notice of repairs or reconstruction shall be ordered by the governing body and shall be signed

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**135.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

by the Mayor and attested by the City Clerk.

**§ 482-3. Blocking crossings.**

- A. It shall be unlawful for any engineer, conductor, or other person having under his charge, control, or management any railroad engine, cars or train to cause or permit the same to obstruct any street or avenue in this City in such a manner as to prevent the use of such street or avenue for purposes of travel for a period of time longer than 10 minutes at any one time, except that this subsection shall not apply to trains or cars in motion, other than those engaged in switching.
- B. All street crossings over railroads, on the approach of any fire apparatus, shall be cleared so as not to interfere with the passage of such apparatus and shall be kept cleared until such fire apparatus has passed.<sup>136</sup>

**§ 482-4. Violations and penalties.**<sup>137</sup>

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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136.Editor's Note: Original § 20-4, Speed, which immediately followed this section and was amended 12-23-1987 by Ord. No. 5466, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

137.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**Chapter 490****SAFE DRUG DISPOSAL**

§ 490-1.	<b>Purpose and intent.</b>	§ 490-8.	<b>Lists of producers and</b>
§ 490-2.	<b>Title.</b>		<b>manufacturers of covered</b>
§ 490-3.	<b>Definitions.</b>		<b>drugs.</b>
§ 490-4.	<b>Stewardship program.</b>	§ 490-9.	<b>Reporting.</b>
§ 490-5.	<b>Stewardship organization plan.</b>	§ 490-10.	<b>Program assessment and</b>
§ 490-6.	<b>Disposal of unwanted products.</b>		<b>collection of data.</b>
§ 490-7.	<b>Stewardship plan promotion</b>	§ 490-11.	<b>List of producers.</b>
	<b>and outreach.</b>	§ 490-12.	<b>Regulations and fees.</b>
		§ 490-13.	<b>Enforcement.</b>
		§ 490-14.	<b>Additional provisions.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 3-20-2023 by Ord. No. 6532 .  
Amendments noted where applicable.]**

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**§ 490-1. Purpose and intent.**

The purpose of this chapter is to protect the health, safety, and welfare of the public and of the environment by providing for the safe and orderly disposal of drug waste; and by placing responsibility for end-of-life management of drug products on the manufacturers and/or producers of the products, while encouraging product design that minimizes negative impacts on human health and the environment at every stage of the product's life cycle.

**§ 490-2. Title.**

This chapter may be cited as the "City of Parsons, Kansas, Safe Drug Disposal Ordinance."

**§ 490-3. Definitions.**

For the purposes of this chapter, the following terms have the meanings given below:

CITY — The City of Parsons, Kansas.

CITY COMMISSION — Refers to the City of Parsons City Commission.

CONSUMER GENERATORS — Residents of single- and multiple-family residences or other locations who possess, dispose of, and/or abandon household drugs. "Consumer generators" does not include airport security, drug seizures by law enforcement, pharmacy waste, business waste, or any other source identified by the Department as a nonconsumer source.

CONTROLLED SUBSTANCE — For purposes of this chapter shall mean any substance listed under 21 U.S.C. §§ 812 and 813 or any successor legislation.

COSMETICS —

A. Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied

to, the human body, or any part thereof, for cleansing, beautifying, promoting attractiveness, or altering the appearance; and

B. Articles intended for use as a component of any such articles.

COUNTY — The County of Labette.

COVERED DRUG — All drugs, including both brand name drugs and generic drugs, and prescription drugs and nonprescription drugs. Notwithstanding the foregoing sentence, "covered drug" does not include: a) herbal-based remedies and homeopathic drugs, products, or remedies; b) cosmetics, soap (with or without germicidal agents), laundry detergent, bleach, household cleaning products, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the Federal Food, Drug, and Cosmetic Act ("FFDCA") [21 U.S.C. § 301 et seq. (2002)]; c) drugs for which producers provide a take-back program as part of a Federal Food and Drug Administration managed risk evaluation and mitigation strategy (21 U.S.C. § 355-1); d) drugs that are biological products as defined by 21 CFR 600.3(h) as it exists on the effective date of this chapter if the producer already provides a take-back program; and e) pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other delivery systems.

DEPARTMENT — The City of Parsons Police Department.

DIRECTOR — The City of Parsons Police Chief or his or her designee.

DRUG WHOLESALER — A person that sells or distributes drugs and covered drugs for resale to an entity other than a consumer.

DRUGS — A) Articles recognized in the official United States Pharmacopeia, the official National Formulary, the official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; c) articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and d) articles intended for use as a component of any article specified in clause a), b), or c) of this definition. Notwithstanding the foregoing sentence, "drugs" does not include or mean medical devices or their component parts or accessories.

ENTITY — A person other than an individual.

GENERIC DRUG — A drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use, though inactive ingredients may vary.

HAZARDOUS WASTE — A "hazardous waste" as defined in the Federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 U.S.C.A. § 6901 et seq.) and the implementing regulations (40 CFR Parts 239 through 282), as amended. This waste includes, but is not limited to, bulk chemotherapy drugs, P-listed waste, U-listed waste and characteristic hazardous waste.

MAIL-BACK PROGRAM — A system whereby consumer generators of unwanted products obtain prepaid and pre-addressed mailing envelopes in which there is a bottle to place unwanted products in a solution that provides chemical destruction and safely neutralizes for shipment to an entity that will dispose of them safely and legally.

MANUFACTURE — The production, preparation, propagation, compounding, or processing of drugs but does not include the activities of a repackager, wholesaler or medical practitioner who distributes or dispenses such substances in the ordinary course of his or her professional practice or prepares, compounds, packages or labels such substances.

MANUFACTURER — A person engaged in the manufacture of drugs.

**MEDICAL WASTE** — As defined in Chapter 65 of the Kansas Statutes Annotated and any applicable Kansas Administrative Regulations.

**NONPRESCRIPTION DRUG** — Any drug that may be lawfully sold without a prescription.

**PERSON** — An individual, firm, sole proprietorship, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, cooperative, or other entity of any kind or nature, however organized.

**PHARMACY** — A place licensed by the state where the practice of pharmacy is conducted.

**PLAN OPERATOR** — The person that develops, implements and operates a stewardship plan, including but not limited to a producer or stewardship organization.

**PLAN or STEWARDSHIP PLAN** — A stewardship plan required under this chapter that describes the manner in which a stewardship program will be provided pursuant to the terms of this chapter.

**PRESCRIPTION DRUG** — Any drug, including, but not limited to, any controlled substance, that is required by federal or state law, rule or regulation to be dispensed by prescription only or is restricted to use by practitioners only.

**PRODUCER** —

- A. Shall be determined, with regard to covered drugs that are sold, offered for sale, or distributed in the City as meaning one of the following:
  - (1) The person who manufactures covered drugs and who sells, offers for sale or distributes covered drugs in the City under that person's own name or brand.
  - (2) If there is no person who sells, offers for sale, or distributes covered drugs in the City under the person's own name or brand, the producer of covered drugs is the owner or licensee of a trademark or brand under which the covered drugs are sold or distributed in the City, whether or not the trademark is registered.
  - (3) If there is no person who is a producer of covered drugs for purposes of Subsections A(1) and (2), the producer of covered drugs is the person who brings the covered drug into the City for sale or distribution.
- B. Notwithstanding the foregoing, "producer" does not include: i) a retailer or repackager that only puts its label on a covered drug; ii) a pharmacist who dispenses prescription drugs to or repackages or compounds a prescribed individual drug product for a consumer; or iii) a drug wholesaler who is not also a manufacturer.

**PROVIDER** — Any person that sells or otherwise furnishes drugs to consumers at a location as defined (health-care facility) by the EPA located in the City.

**PUBLIC HEARING** — Any hearing held by the Department or the City which is open to the public for the purposes of collecting public comment. It does not necessarily refer to meetings of the City Commission.

**REPACKAGER** — A person who owns or operates an establishment that repacks, repackages, and/or relabels a product or package (including a covered drug) for further sale or for distribution without a further transaction.

**RETAILER** — Any person that sells drugs directly to consumers at a business located in the City.

**STEWARDSHIP ORGANIZATION** — A person designated by the City to act as an agent on behalf of each producer to operate a stewardship program or organization that the City contracts with to operate a

stewardship program.

UNWANTED PRODUCTS — Covered drugs no longer wanted by the owner or that have been abandoned, discarded, or are intended to be discarded by the owner.

**§ 490-4. Stewardship program.**

- A. The requirement for sale. This chapter shall apply only to producers whose covered drugs are sold and/or distributed in the City and to retailers who sell covered drugs in the City. This chapter shall apply only to areas within the City limits. This chapter shall be administered and implemented by the City of Parsons Police Chief or another designee. Each producer shall participate in the stewardship plan. Each producer must:
- (1) Operate, individually or jointly, with other producers.
- B. Stewardship program costs.
- (1) A producer, or a group of producers, must pay all administrative and operational fees and costs associated with their stewardship program and related stewardship plan, including, but not limited to, the cost of chemical digestion or neutralizing, transporting, and disposing of unwanted products from consumer generators.
  - (2) No person or producer may charge a specific point-of-sale fee to consumers to recoup the costs of their product stewardship program, nor may they charge a specific point-of-sale drug disposal fee at the time the unwanted products are chemically digested or neutralized from consumer generators or delivered for disposal.
  - (3) A producer, or a group of producers, must pay all costs and expenses incurred by the City, including but not limited to the Department, in the administration and enforcement of their stewardship program. Exclusive of fines and penalties, the City shall only recover its actual costs of administration and enforcement under this chapter and shall not charge any amounts under this chapter in excess of its actual administrative and enforcement costs.
  - (4) A producer, or a group of producers, must pay all disposal costs and expenses as of the date that the ordinance codified in this chapter becomes effective. If the City incurs any costs or expenses due to delays in the establishment of an approved stewardship plan, the producer, or group of producers, must reimburse the City in full for such costs.

**§ 490-5. Stewardship organization plan.**

- A. Plan content. The plan shall contain each of the following:
- (1) Certification through the City contract that the stewardship organization will accept all unwanted products regardless of who produced them unless excused from this requirement by the Department as part of the approval of the plan;
  - (2) Contact information (including the name, physical and mailing address, telephone number, and email address) for the stewardship organization submitting the plan;
  - (3) A description of the methods by which unwanted products from consumer generators will be chemically digested, neutralized, and handled in the City, including without limitation a description of the chemical digestion or neutralization methods used and the immediate neutralizing of unwanted products;

- (4) A list containing the name, location, permit status, and record of any penalties, violations, and/or regulatory orders received in the previous five years by each person that will be involved in chemical digestion and neutralization, and/or transporting unwanted products and each medical waste or hazardous waste disposal facility proposed to participate in the product stewardship plan;
  - (5) A description of how the unwanted products will be safely and securely tracked and handled from chemical digestion and neutralization through final disposal, including weight accumulated, excluding packaging, through the program and the policies and procedures to be followed to ensure security;
  - (6) A description of the public education and outreach activities required under this chapter and how their effectiveness will be evaluated specifically an in-school education program;
  - (7) A description of how the scope and extent of the stewardship plan are reasonably related to the number of covered drugs that are sold in the City by the producer or group of producers;
  - (8) A starting date when a safe drug disposal of unwanted products will begin;
  - (9) A description of how support will be provided to any law enforcement agencies within the City that have, or later agree to have, a chemical digestion and neutralization safe disposal program for controlled substances, including, without limitation: i) the provision of a safe drug disposal kiosk for chemical digestion with appropriate accessories and signage; ii) an ability to accept controlled substances and other covered drugs; and iii) technical support, up to and including an appropriate person to provide on-site assistance with the safe drug disposal kiosks and law enforcement agencies;
  - (10) If more than one producer will be involved in a proposed stewardship plan, then the stewardship plan for that program must include a fair and reasonable manner for allocating the costs of the program among the participants in that program, such that the portion of costs paid by each producer is reasonably related to the number of covered drugs that producer sells in the City.
- B. Existing county-approved stewardship plan. If a producer, group of producers or stewardship organization is/are operating a stewardship plan within the county under an existing stewardship plan that has been approved by the County of Labette, such producer, group of producers, or stewardship plan may comply with the above by supplementing such county-approved plan to cover the City and include all items listed in Subsection A, plan content, above. The stewardship plan, as supplemented, must be submitted to the Department for review and approval of the provisions relating to and/or applicable to the City.
- C. Department review and approval; updates.
- (1) No producer, group of producers or stewardship plan within the City may begin chemical digestion or neutralizing through safe disposal of unwanted products to comply with this chapter until it has received written approval of its stewardship plan from the Department. The City may continue safe drug disposal on an interim basis if there is any delay in establishing a stewardship plan as required under this chapter. Once approved by the Department, each stewardship plan must receive prior written approval from the Department for any proposed changes to the plan.
  - (2) All stewardship plans must be submitted to the Department for approval. Each stewardship organization shall submit its initial stewardship plan (conforming to the above requirements) to the Department for review within 60 days after the effective date of this chapter, or at a later



date as approved in writing by the Department.

- (3) Within 60 days after the Department's receipt and review of a stewardship plan, the Department will determine whether the plan complies with the requirements of this chapter and of any regulations adopted pursuant to this chapter. The Department may at its sole discretion conduct a noticed public hearing as part of this process.
  - (a) As part of its approval, the Department may set reasonable performance goals for the program.
  - (b) If the Department approves a plan, it shall notify the applicant of its approval in writing.
  - (c) If the Department rejects a plan, it shall notify the applicant in writing of its reasons for rejecting the plan. The Department may reject a plan without conducting a public hearing.
  - (d) An applicant whose plan has been rejected by the Department must submit a revised plan to the Department within 30 days after receiving notice of the rejection. The Department may require the submission of a further revised plan or, at its sole discretion, the Department may (without any obligation to do so) develop, approve and impose upon the applicant the Department's own stewardship plan or an approved plan submitted by other producers pursuant to this chapter. The imposed plan will be presented at a public hearing. The Department is not required, and nothing in this chapter shall be interpreted as requiring, the Department to create or impose a stewardship plan.
  - (e) If the Department rejects a revised stewardship plan or any other subsequently revised plan, the Department may deem the producer(s) at issue out of compliance with this chapter and subject to the enforcement provisions contained in this chapter.
- (4) At least every three years, a stewardship plan shall update its stewardship plan, explaining any substantive changes to components of the plan, and submit the updated plan to the Department for review and approval.
- (5) A producer who begins to offer a covered drug for sale in the City after the effective date of this chapter must submit a stewardship plan to the Department and provide evidence of having joined the existing approved stewardship plan within 60 days following the producer's initial offer for sale of a covered drug in the City.
- (6) Any proposed changes to a stewardship plan must be submitted in writing to the Department and approved by the Department in writing prior to implementation of any change. Notwithstanding the foregoing, for county-approved plans, only those changes relating to and/or applicable to the City must be submitted in writing to the Department for review and approval before implementation.
- (7) The Department may audit the records of a producer, or group of producers, related to a stewardship plan, or request that the producer, or group of producers, arrange for the Department to inspect at reasonable times the facilities, vehicles, and equipment used in carrying out the stewardship plan.

#### **§ 490-6. Disposal of unwanted products.**

- A. Compliance with applicable law. Each stewardship plan must comply with all local, state, and federal laws and regulations applicable to its operations, including, but not limited to, laws, rules, and regulations governing the treatment, chemical digestion and neutralizing safe disposal of unwanted

products.

- B. Treatment and disposal. Each stewardship program must dispose of all unwanted covered drugs by incineration at a medical waste or hazardous waste facility authorized to accept such waste. Each treatment and/or disposal facility utilized must be in possession of all required regulatory permits and licenses.
- C. New technologies. A stewardship plan may petition the Department for approval to use treatment and final disposal technologies, where lawful, that provide superior environmental and human health protection than provided by current medical waste or hazardous waste disposal technologies for covered drugs if and when those technologies are proven and available. The proposed technology, at a minimum, must provide equivalent protection in each, and superior protection in one or more, of the following areas:
  - (1) Monitoring of any emissions or waste;
  - (2) Worker health and safety;
  - (3) Reduction or elimination of air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
  - (4) The overall impact on the environment and human health.
- D. Packaging separation. The stewardship plan shall allow the consumer generators to separate unwanted products from their original containers and packaging prior to safe drug disposal in a container that chemically digests or neutralizes these items.

#### **§ 490-7. Stewardship plan promotion and outreach.**

- A. A stewardship plan must promote the program to consumer generators, pharmacists, retailers of covered drugs, and health-care practitioners (including, but not limited to, doctors and other prescribers, veterinarians and veterinary hospitals) as to the proper and safe method of storage and safe disposal of unwanted products using the stewardship organization.
- B. A stewardship plan shall include, but is not limited to, developing, and updating as necessary, educational and other outreach materials for use by schools regarding covered drugs. These materials may include:
  - (1) Signage that is prominently displayed and easily visible to the children.
  - (2) Written materials and templates of materials for reproduction by schools to be provided to the schools.
  - (3) Advertising and/or other promotional materials related to the product stewardship program.
  - (4) An in-school educational program which may include videos, handout material and webinars.
- C. A stewardship program must prepare education and outreach materials that publicize the stewardship program in the City and disseminate the materials to health-care facilities, pharmacies, schools, and other interested parties. The program also must establish a website publicizing how the program works and a toll-free telephone number that consumer generators can call to find safe drug disposal kiosk locations or acquire more in-home safe disposal bottles as needed for their personal use.

#### **§ 490-8. Lists of producers and manufacturers of covered drugs.**

- A. Within 60 days after the effective date of this chapter (or at a later date as approved in writing by the Department), each drug wholesaler that sells any covered drugs in the City must provide a list of the producers of those covered drugs to the Department in a form prescribed by the Department. Wholesalers must update and submit to the Department such list of producers of covered drugs by January 15 of each calendar year.
- B. Within six months after the effective date of this chapter, or within six months after a retailer whose label appears on a covered drug or on the covered drug's packaging starts selling the covered drug in the City (or at a later date as approved in writing by the Department), and, thereafter, upon request from the Department, a retailer whose label appears on a covered drug or on the covered drug's packaging must provide the contact information of the manufacturer from whom the retailer obtains the covered drug, including the mailing address, physical address, telephone number, and email address of the retailer's point of contact at the manufacturer.
- C. Within six months after the effective date of this chapter, or within six months after a covered drug repackaged by a repackager is first sold in the City (or at a later date as approved in writing by the Department), and, thereafter, upon request from the Department, a repackager whose label appears on a covered drug or on the covered drug's packaging must provide the contact information of the manufacturer from whom the repackager obtains the covered drug, including the mailing address, physical address, telephone number, and email address of the repackager's point of contact at the manufacturer.

#### **§ 490-9. Reporting.**

- A. On or before March 1 (or at a later date as approved in writing by the Department) and in each subsequent year, every producer, group of producers, or stewardship organization operating a stewardship program in the City must prepare and submit to the Department an annual written report describing the program activities during the previous reporting period. The report must include, at a minimum, the following:
  - (1) A list of producers participating in the stewardship program;
  - (2) A list of retailers and/or providers participating in the safe disposal of consumer-generated covered drugs;
  - (3) The amount, by weight, of unwanted products safely destroyed through chemical digestion or neutralization, disposed from consumer generators by street, area or the entire City, not to include the weight of packaging material;
  - (4) A description of the safe drug disposal system, including, without limitation, the process of distribution, tracking, returns, and weight excluding packaging;
  - (5) The name and location of disposal facilities at which unwanted products were disposed of and the weight of unwanted products, excluding packaging, collected from consumer generators disposed of at each facility;
  - (6) Whether policies and procedures for safe disposal, handling, transporting, and disposing of unwanted products, as established in the plan, were followed during the reporting period and a description of any noncompliance;
  - (7) Whether any safety or security problems occurred during safe disposal, handling, transportation, or disposal of unwanted products during the reporting period and, if so, what changes have or

will be made to policies, procedures, or tracking mechanisms to alleviate the problem and to improve safety and security;

- (8) A description of public education and outreach activities implemented during the reporting period and their effectiveness, including, without limitation, the methodology used to evaluate the outreach and program activities;
  - (9) How the stewardship program complied with all other elements in the stewardship plan approved by the Department, including, without limitation, its degree of success in meeting any performance goals set by the Department as part of its approval of the program; and
  - (10) Any other information that the Department may reasonably require.
- B. For the purposes of this section, "reporting period" means the period beginning January 1 and ending December 31 of the same calendar year.

**§ 490-10. Program assessment and collection of data.**

- A. At least once per year, at a time to be determined by the Department, each stewardship program will conduct a detailed characterization study of unwanted products chemically digested or neutralized and safely disposed to help assess the effectiveness of the stewardship program.
- B. Assessments shall be conducted in a secure location with proper supervision, in full compliance with federal and state laws, rules, and regulations, and in accordance with guidelines issued by the Department.
- C. Data collected from program assessments shall be shared with the Department and other relevant agencies in a timely manner.
- D. The Department may require additional assessments as needed to address problems or to help determine program needs.

**§ 490-11. List of producers.**

The Department shall provide on its website a list of all producers participating in stewardship programs approved by the Department and a list of all producers the Department has identified as noncompliant with this chapter or any regulations adopted pursuant to this chapter.

**§ 490-12. Regulations and fees.**

- A. The Director of the Department may, after a noticed public hearing, adopt such rules and regulations as necessary to implement, administer, and enforce this chapter.
- B. The City Commission authorizes the Director of the Department to charge producers or a group of producers participating in a stewardship program fees to cover all costs the City incurs in administering and enforcing this chapter. Fees shall not exceed actual costs to the City. As soon as practicable, the Department shall submit to the City Commission a proposed schedule of fees to be charged to producers to cover the City costs of administering and enforcing this chapter.

**§ 490-13. Enforcement.**

- A. The Department shall administer the penalty provisions of this chapter.

- B. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter.
- C. Any person, producer, plan operator or organization that violates or continues to violate the provisions of this chapter shall be subject to the penalties, remedies, and criminal, civil and/or administrative enforcement actions set forth in the Parsons Municipal Code. Each and every day a violation of this chapter exists constitutes a separate and distinct offense for which enforcement action may be taken.
- D. In determining the appropriate penalties, the Department shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.
- E. Whenever the City finds that a person has violated a provision or failed to meet a requirement of this chapter, the City may order compliance by written notice of violation to the responsible person pursuant to the Parsons Municipal Code.
- F. The Department may establish appropriate administrative rules for implementing this chapter, conducting hearings and rendering decisions pursuant to this section.
- G. Upon the failure of any person to comply with any requirement of this chapter and any rule or regulation adopted pursuant to this chapter, the City Attorney's office may petition any court having jurisdiction for injunctive relief, payment of civil penalties and any other appropriate remedy, including, without limitation, restraining such person or entity from continuing any prohibited activity and compelling compliance with lawful requirements. However, this subsection does not permit the City or any court of competent jurisdiction to restrain the sale of any covered drug in the City.
- H. Any person who knowingly and willfully violates the requirements of this chapter or any rule or regulation adopted pursuant to this chapter is guilty of a Class C misdemeanor. A conviction for a misdemeanor violation under this chapter is punishable by a fine of not less than \$50 and not more than \$500 for each day per violation, or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.
- I. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

**§ 490-14. Additional provisions.**

- A. Disclaimer. In adopting and implementing this chapter, the City is assuming an undertaking only to promote the general welfare. The City is not assuming or imposing on its officers and/or employees an obligation by which they could be liable in money damages to any person or entity who claims that a breach proximately caused injury.
- B. Conflict with State or Federal Law. This chapter shall be construed so as not to conflict with applicable federal, state, and county laws, rules, or regulations. Nothing in this chapter shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken. The City shall suspend enforcement of this chapter to the extent that said enforcement would conflict with any preemptive state or federal legislation subsequently adopted.
- C. Severability. If any of the provisions of this chapter or the application thereof to any person or

circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.

- D. Nothing in this chapter, or the stewardship program in which producers of covered drug products who sell covered drugs in the City are required to participate, is intended to protect anticompetitive or collusive conduct, nor shall this chapter be construed to modify, impair, or supersede the operation of any of the antitrust laws or unfair competition laws of the State of Kansas or of the United States.
- E. This chapter shall be construed in accordance with state law and shall not be construed in a way that would result in conflict with, or preemption by, any such state law.
- F. Environmental findings. This chapter is entitled to a categorical exemption which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection.
- G. This chapter shall be in effect for a period of 10 years following enactment.

**SALES**

**Chapter 493**

**SALES**

**ARTICLE I**

**New Goods Public Auctions**

**§ 493-1. Adoption of statutory provisions.**

**ARTICLE II**

**Used or Distressed Merchandise**

**§ 493-2. Display or storage of goods.**  
**§ 493-3. Exceptions.**  
**§ 493-4. Violations and penalties.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Junk and secondhand dealers — See Ch. 379.**

**Vendors — See Ch. 572.**

**Pawnbrokers and precious metal dealers — See Ch. 454.**

ARTICLE I

**New Goods Public Auctions**

**[Adopted as §§ 11-501 to 11-509 of the 1963 Code (Ch. 14, Art. IV of the 1985 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 493-1. Adoption of statutory provisions.**

The provisions of Article 10 of Chapter 58 of the Kansas Statutes Annotated, as amended, are hereby adopted by reference as if set out at length in this article. Three copies of such provisions have been and are on file in the office of the City Clerk.



## ARTICLE II

**Used or Distressed Merchandise****[Adopted as §§ 11-601 to 11-603 of the 1963 Code (Ch. 14, Art. V of the 1985 Code)]****§ 493-2. Display or storage of goods.**

No person shall display for sale any used or distressed merchandise, furniture or appliances, unless said display is completely enclosed within a building. Such merchandise may be stored at the rear of any lot, if properly screened from view from the street by solid fencing at least six feet in height.

**§ 493-3. Exceptions.**

This article shall not apply to isolated auction sales and the display for sale of farm implements, boats, used motor vehicles, used tires and trailers.

**§ 493-4. Violations and penalties.<sup>138</sup>**

Violation of this article shall constitute a Class B misdemeanor, punishable as provided in § 1-2 of this Code.

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138.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



SIGNS, AWNINGS AND CANOPIES

**Chapter 500**

**SIGNS, AWNINGS AND CANOPIES**

ARTICLE I Signs and Billboards		§ 500-8.	Violations and penalties.
§ 500-1.	Overhanging streets or sidewalks.		ARTICLE III Parsons Plaza
§ 500-2.	Fastening signs to poles or posts.	§ 500-9.	Attachment of signs restricted.
§ 500-3.	Removal.	§ 500-10.	Permit required.
§ 500-4.	Large billboards or signs.	§ 500-11.	Size, materials and contents of sign.
§ 500-5.	Violations and penalties.	§ 500-12.	Location and installation.
ARTICLE II Awnings and Canopies		§ 500-13.	Drawings.
		§ 500-14.	Maintenance.
		§ 500-15.	Closing of business.
§ 500-6.	Permit required.	§ 500-16.	Removal of sign.
§ 500-7.	Standards.	§ 500-17.	Violations and penalties.

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 225.

Electrical standards — See Ch. 290.

## ARTICLE I

**Signs and Billboards****[Adopted as §§ 4-701 to 4-706 of the 1963 Code (Ch. 7, Art. VII of the 1985 Code)]****§ 500-1. Overhanging streets or sidewalks. [Amended 2-5-1970 by Ord. No. 4188 ; 7-7-2003 by Ord. No. 5978 ]**

- A. It shall be unlawful to erect any sign or structure, except awnings and canopies provided for in Article II of this chapter, over and across any sidewalk or street, except as follows:
- (1) If the sign or structure, or any part thereof, is 20 feet or less above the level of the sidewalk (and no sign or structure shall be less than seven feet above the level of the sidewalk), it shall extend not more than seven feet from the building or lot line nor closer than 18 inches to the vertical plane of the back edge of the curb of any street.
  - (2) If the sign or structure is 20 feet or more above the level of the sidewalk, it shall not extend on a vertical or horizontal line nearer than 36 inches to any white way wire or conductor.
  - (3) The sign or structure is constructed of fire-retardant materials.
- B. No sign or structure for advertising or other purposes larger than two feet by three feet in size shall be constructed over or along any sidewalks of the City without the permission and approval of the City.
- C. Notwithstanding Subsection A or B, it shall be unlawful to keep, construct, erect, alter or maintain any sign or structure over, above or across the sidewalks, streets, alleys or public grounds on Main Street between 17th and Central if any part thereof extends more than four feet from the face of the building or lot line adjoining any sidewalk; or on 18th Street between Broadway and Washington Street if any part thereof extends more than 6 1/2 feet from the face of the building or lot line adjoining any sidewalk; or on Broadway between 17th and Central Street if any part thereof extends more than six feet from the face of the building or lot line adjoining any sidewalk; provided, however, that on appeal to the Building Inspector signs or structures on Main Street between 17th and Central Street may extend to six feet from the face of the building or lot line adjoining any sidewalk if it can be shown by clear and convincing evidence that the sign or structure would not interfere with plantings, decorations or public structures of any kind installed by the City on the street, sidewalk or right-of-way.

**§ 500-2. Fastening signs to poles or posts.**

It shall be unlawful for any person to attach, place or fasten any sign, notice or advertisement of any kind to or upon any telegraph, telephone or electric light poles or any post.

**§ 500-3. Removal.**

Any sign or structure now installed or erected which is not in compliance with this article shall be removed by the owner or occupant of the building to which it is attached within 30 days after receiving written notice from the Building Inspector to remove or reconstruct the same so as to fully comply with the requirements of this article, and if not removed or reconstructed within said time the City may cause the same to be removed and the costs and expenses of said removal to be assessed to the owner of the sign or structure.

**§ 500-4. Large billboards or signs.**

- A. Scope. The provisions of this section shall apply only to billboards or signs having a surface area of 24 square feet or more.
- B. Permit.
- (1) No billboards or signs shall be constructed, altered, resurfaced, reconstructed or moved from one place to another until a permit is obtained from the Building Inspector.
  - (2) The application for a permit shall be filed with the Building Inspector and shall contain a description of the billboard and plans and specifications thereof showing the size, location, manner of construction, and such other information as shall be required by the City.
  - (3) The permit shall be issued if the proposed sign or billboard will comply with all applicable ordinances.
- C. Consent of adjoining property owners. It shall be unlawful for any person to erect or construct or cause to be erected or constructed any billboard or signboard in any block on any public street in which 1/2 or more of the buildings on each or either side of the street are used for residence purposes without first obtaining the consent in writing of the occupants or the residence owners, or duly authorized agents of the owners, owning a majority of the frontage of the property on both sides of the street along the block in which said billboard or signboard is to be erected, constructed or located. Such written consent shall be filed with the Building Inspector and made a part of the application above referred to and shall be considered and approved by the Building Inspector before the permit shall be issued for the erection, construction, reconstruction, alteration, resurfacing, location or relocation of any billboard or sign governed by this article.
- D. Construction. All billboards and signs shall be constructed in such manner and of such material so that they may be safe and substantial, and within the fire limits they shall be constructed of metal, and posts, braces and frames, except horizontal bars which may be of wood, shall be of angle or tee iron, and all posts shall be set three feet in the earth and of a concrete foundation not less than two feet square and three feet deep, according to plans and specifications to be approved by the Building Inspector. Large, heavy billboards or signs on top of buildings are hereby prohibited.
- E. Height of billboards. No billboard shall exceed 14 feet in height above the ground, and every billboard shall have an opening of at least three feet between its edge and the ground, and such space shall not be closed in any manner.
- F. Sanitation. The owner, lessee or manager of a billboard or sign, or the owner of the land on which the same is located, shall keep all grass, weeds, and other growth cut out and cleared between it and the street and for a distance of 10 feet behind and at the ends of such billboard. The space behind and in front of the billboard shall be kept free and clear of all trash, refuse and waste material of any kind and nature at all times, and all paper and refuse from such billboard shall be removed from the City.
- G. Distance from streets or buildings. No billboard or signboard shall be placed or stand at any point nearer than four feet to adjacent lines or buildings thereon, or nearer than three feet to any other billboard or signboard, nor shall a billboard be placed, constructed or maintained nearer than 15 feet to any street, avenue or alley line.
- H. Area of billboards. No billboard shall exceed 500 square feet in area, provided that a billboard composed of one center section and two wing sections of continuous construction may be composed of three sections not exceeding 250 square feet each.

**§ 500-5. Violations and penalties.**<sup>139</sup>

Violation of this article shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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**139.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

## ARTICLE II

## Awnings and Canopies

[Adopted as §§ 4-601 to 4-604 of the 1963 Code (Ch. 7, Art. VIII of the 1985 Code)]

**§ 500-6. Permit required.**

No awning or canopy shall be constructed over, above or across any street, sidewalk, avenue, alley or other public ground without a permit issued by the Building Inspector. No such permit shall be issued until plans and specifications for the canopy or awning are submitted to the Building Inspector and the Building Inspector finds that:

- A. The canopy or awning is safe.
- B. The building from which the canopy or awning is to be suspended is sufficiently strong to carry the weight of the canopy or awning.
- C. The canopy or awning will not be erected in violation of any applicable ordinance.<sup>140</sup>

**§ 500-7. Standards. [Added 7-7-2003 by Ord. No. 5978 ]**

- A. It shall be unlawful to keep, construct, erect, alter or maintain any awning or canopy over, above or across any sidewalk, street, avenue, alley or other public grounds in the City unless:
  - (1) It will be constructed of fire-resistant material and under the supervision of the Chief of the Fire Department so as not to present a fire hazard.
  - (2) No part of it will be less than seven feet above the level of the sidewalk.
  - (3) No part of it is more than 16 feet above the level of the sidewalk unless the awning or canopy covers a second-story window.
  - (4) No part of it will be closer than 18 inches to the vertical plane of the back edge of the curb of any street.
  - (5) No part of it will extend more than seven feet from the face of the building or lot line adjoining any sidewalk.
  - (6) Such awning or canopy is securely suspended from and fastened to the building and no posts or supports shall be set in the sidewalk, parking area or street to support such awning or canopy.<sup>141</sup>
- B. Notwithstanding Subsection A, it shall be unlawful to keep, construct, erect, alter or maintain any awning or canopy over, above or across the sidewalks, street, alleys or public grounds on Main Street between 17th and Central if any part thereof extends more than four feet from the face of the building or lot line adjoining any sidewalk; or on 18th Street between Broadway and Washington Street if any part thereof extends more than 6 1/2 feet from the face of the building or lot line adjoining any sidewalk; or on Broadway between 17th and Central Street if any part thereof extends more than six feet from the face of the building or lot line adjoining any sidewalk; provided, however, that on appeal to the Building Inspector awnings or canopies on Main Street between 17th and Central Street may

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140. Editor's Note: The following original sections, which immediately followed this section, were repealed 7-7-2003 by Ord. No. 5978: § 7-282, Prohibited in certain areas, added 10-22-1970 by Ord. No. 4187 and amended 2-6-1971 by Ord. No. 4205; § 7-283, Specifications for awnings; and § 7-284, Specifications for canopies.

141. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

extend to six feet from the face of the building or lot line adjoining any sidewalk if the Building Inspector finds by clear and convincing evidence that the awning or canopy would not interfere with plantings, decorations or public structures of any kind installed by the City on the street, sidewalk or right-of-way. Decisions of the Building Inspector may be appealed to the governing body.<sup>142</sup>

**§ 500-8. Violations and penalties.**<sup>143</sup>

Violation of this article shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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142.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

143.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



ARTICLE III  
**Parsons Plaza**  
[Adopted 1-19-1987 by Ord. No. 5425 ]

**§ 500-9. Attachment of signs restricted.**

It shall be unlawful for any person, firm, corporation, or partnership to erect, affix, construct, hang, or attach in any way a sign, advertisement, banner, or any other object from or to the canopies or canopy supports owned, maintained, and provided by the City of Parsons in an area known as "Parsons Plaza," except as specifically provided by this article.

**§ 500-10. Permit required.**

Any person, firm, corporation, or partnership must obtain a permit to install, erect, or affix a sign to the canopies referred to in § 500-9 herein. The permit shall be applied for on forms supplied by the Building Inspector and issued by said Building Inspector after having ascertained that the sign complies with all requirements herein. The application must be submitted by the owner of the sign and accompanied by an agreement of said owner to comply with and abide by all requirements of this article.

**§ 500-11. Size, materials and contents of sign.**

The sign shall be 16 inches high and five feet wide and eight inches thick. The covers shall be white plastic and the frame shall be aluminum. The lettering on the sign shall be black and the message shall be limited to the name of the business and a logo. The logo shall consume less than 25% of the area of the sign. Upon good cause shown, the governing body of the City of Parsons may grant a variance in regard to this section.

**§ 500-12. Location and installation.**

- A. The sign shall be mounted to the underside of the canopy closest to the building with the bottom of the sign nine feet six inches above the sidewalk.
- B. Signs shall be located as per sketch on file in the City Engineer's office, with a maximum of four signs per single canopy.
- C. Signs shall be attached to the canopy sections by utilizing two-inch by two-inch by one-eighth-inch aluminum tubing three feet three inches in length, welded to the sign framing.
- D. Installation of sign shall be accomplished by a contractor prequalified by the City of Parsons.
- E. Wiring shall be by a qualified electrician and must meet all codes of the City of Parsons.
- F. It is understood that in many instances it will be necessary to connect the wiring of privately owned canopy signs to the City's electrical system which provides service to lights and power outlets on the canopy system. Such connections shall be made at the direction and discretion of the City and made only when the existing City electrical system can handle the added load. To compensate the City for energy required to illuminate the privately owned signs, the owner of the sign shall be required to post one year in advance with the City Clerk a payment equal to the annual estimated cost to illuminate said sign during this time period. Failure to pay said fee shall result in electrical service being disconnected to said sign.

**§ 500-13. Drawings.**

The signs must comply in all details with a drawing designated as Exhibit A and on file in the office of the Building Inspector. Said drawings are incorporated by reference and made a part hereof.

**§ 500-14. Maintenance.**

The sign shall be kept in good repair. Should owner fail to do so, the sign may be removed by the City 10 days after notification to the owner that the sign needs repair.

**§ 500-15. Closing of business.**

Upon the closing of a business, the owner shall have 30 days after said closing to sell the sign to the new occupant or remove the sign. Should the owner fail to do so, the sign may be removed by the City 10 days after notification to the owner. Any assignee of the sign must comply with requirements of this article.

**§ 500-16. Removal of sign.**

Any sign installed or maintained which fails to comply with the provision of this article may be removed upon 10 days' notice by the City of Parsons and shall become the property of the City of Parsons.

**§ 500-17. Violations and penalties.**

Any person convicted of the violation of the provisions of this article shall be guilty of a Class C misdemeanor.



PARSONS CODE

**Chapter 509**

**(RESERVED)**

**[Former Ch. 509, Smoking, adopted 9-18-2006 by Ord. No. 6100 , was repealed 6-21-2010 by Ord. No. 6210 , effective July 1, 2010, and upon publication in the official City newspaper.]**

Chapter 513

SOLID WASTE

§ 513-1.	Definitions.	§ 513-9.	Licensing of private collectors and haulers.
§ 513-2.	Enforcement.	§ 513-10.	Solid waste collection vehicles.
§ 513-3.	Rules and regulations.	§ 513-11.	Collection and disposal.
§ 513-4.	Variances.	§ 513-12.	Rates and charges.
§ 513-5.	Notice of violation; unlawful acts.	§ 513-13.	Landfill surcharge.
§ 513-6.	Burning or leaving waste material.	§ 513-14.	Storage of containers in residential areas.
§ 513-7.	Storage and containers.	§ 513-15.	Collection by City.
§ 513-8.	Frequency of City collections.	§ 513-16.	Violations and penalties.

[HISTORY: Adopted by the City Commission of the City of Parsons 8-15-1977 by Ord. No. 5042 (Ch. 24, Art. III of the 1985 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous substances — See Ch. 340.

Nuisances — See Ch. 441.

Junk and secondhand dealers — See Ch. 379.

Littering — See Ch. 459.

§ 513-1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meaning respectively ascribed to them as contained herein:

COMMERCIAL ESTABLISHMENT — Includes, among others, the operation of storage, mercantile, industrial, business, public assembly, institutional and other establishments commonly designated as such, or as may hereafter be designated as such, but churches shall be entitled to the residential rate.

DWELLING UNIT — Includes a room or group of rooms within a building or structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

GALLON — A form of liquid measurement of capacity.

HAZARDOUS WASTE — Includes but shall not be limited to waste containing liquid of any kind in excess of 50% by weight, volatile waste, paint or paint waste, dry-cleaning fluids, oil, sludge, acids, caustic poison, drugs and like materials, pathological wastes, biological wastes, explosive material or waste, radioactive waste, pesticides and septic tank cleanings or waste.

PREMISES — Includes a lot, plot or parcel of land, including the buildings and structures thereon.

SOLID WASTE — Includes all garbage, rubbish, trash, and other discarded materials resulting from commercial and domestic activities. "Solid waste" shall not include any excavation or building materials, other waste from construction projects or any solid waste from industrial or manufacturing processes.

"Solid waste" shall also not include body wastes, nonpliable crates, large shrubbery or trees, tires, abandoned automobile bodies, abandoned or discarded appliances or other bulky wastes.

State law references — Solid or hazardous wastes generally, K.S.A. § 65-3401 et seq.; municipal authority to provide for storage, collection, transportation and disposal of solid wastes, K.S.A. § 65-3410 and § 12-2001 et seq.

### **§ 513-2. Enforcement.**

- A. The City Manager is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this chapter. Included in such powers is the right to inspect all phases of solid waste management within the City. The City Manager has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and in the event that entry is denied or resisted, the City Manager shall obtain for this purpose an order from a court of competent jurisdiction.
- B. The City Manager further has the power to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the directions of this chapter and, further, to delegate any of his functions and powers under this chapter to such officers, agents and employees as he may designate.

### **§ 513-3. Rules and regulations.**

The City Manager shall define and promulgate reasonable and necessary rules and regulations governing the solid waste management system; such rules and regulations shall be approved by the governing body and shall be filed in the office of the City Clerk. The rules and regulations shall include but not be limited to:

- A. Time and day schedules of routes for collection of solid wastes, except as prohibited by this chapter.
- B. Specifications for solid waste containers, including the type, material and size thereof.
- C. Identification of solid waste containers, covers and related equipment.
- D. Collection points of solid waste containers.
- E. Handling of special wastes, such as toxic and hazardous wastes, sludges, ashes, agricultural waste, construction wastes, automobile oils, grease, bulky wastes, etc.

### **§ 513-4. Variances.**

In cases where there is unwarranted hardship in carrying out the literal provisions of this chapter, and upon proper application, the City Manager may grant a variance. An application for variance shall be made in writing to the City Manager. The City Manager shall give the applicant and any other interested person an opportunity to be heard with respect to the proposed application. In the event that the City Manager shall not approve the variance, the applicant may appeal the variance request to the governing body by filing a written request with the City Clerk within 10 days of the notice from the City Manager of the disapproval of the variance. A variance shall not be granted unless the strict application of this chapter will create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of this

chapter and the public safety and welfare will be protected.

**§ 513-5. Notice of violation; unlawful acts.**

- A. In all instances where inspections by the City Manager reveal violations of this chapter, the City Manager shall issue a notice to the violator for each such violation and stating the violation found, the time and date of the violation, and the corrective measures to be taken together with the time in which such corrections shall be made. When corrective measures have not been taken within the time specified in the notice, the City Manager shall execute a complaint in the Municipal Court charging the person with a violation of this chapter. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the City Manager before he executes the complaint.
- B. It shall be unlawful for any person to store, collect, transport or process any solid wastes in any manner that does not conform to this chapter or rules and regulations established in this chapter.

**§ 513-6. Burning or leaving waste material.**

No person shall burn, bury or leave any garbage, rubbish, trash or other waste materials, including excavation and building materials or waste from industrial or manufacturing processes, nonpliable crates, large shrubbery or trees, tires, abandoned automobile bodies, abandoned or discarded appliances, body wastes, or any other wastes of any kind or nature, anywhere in the City or permit the same to be accumulated in or upon private premises or public grounds of the City except as such solid waste may be accumulated and made ready for collection as provided by this chapter and under the rules and regulations of the City Manager as provided for in this chapter.

**§ 513-7. Storage and containers.**

- A. The owner or occupant of every dwelling unit and of every commercial establishment receiving solid waste collection service and of every dwelling unit or commercial establishment outside the corporate limits receiving solid waste collection service shall provide an adequate and sufficient number of approved containers for the storage of solid waste, maintain such solid waste containers and their environs at all times reasonably clean and in good repair, and repair or replace the same from time to time, without notice, when any of such containers no longer meet the specifications therefor as established by the City Manager.
- B. The occupant of every dwelling unit and of every commercial establishment and dwelling units or commercial establishments outside the corporate limits receiving solid waste collection service shall place all solid waste in approved solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. All garbage must be drained and wrapped in or enclosed in paper or plastic bags before placement in the solid waste container.
- C. All solid wastes shall be stored in one or more of the following containers:
  - (1) In plastic, aluminum, or galvanized containers of not more than 30 gallons or less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and provided with a tightly fitting cover, which cover shall have a handle affixed thereto, and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. Containers shall have handles on both sides. Containers shall be of a type originally manufactured for solid waste, with tapered sides for easy emptying. They shall be of light

weight and sturdy construction. The weight of any individual container and contents shall not exceed 65 pounds. All nonconforming containers will be marked and no solid waste will be collected from the containers. In the event that a previously marked container is again presented or used for storage of solid wastes after it has been marked, the container together with its contents shall be collected and disposed of without further notice.

- (2) In City-leased two-cubic-yard solid waste containers. These containers are of a type originally manufactured for solid wastes. Each container shall be equipped with an attached lid which shall properly cover said container at all times except when depositing waste therein or removing the contents thereof.
- D. Leaves, grass clippings and other organic yard waste can be disposed of in disposal bags of sufficient thickness that is able to properly hold the load contained therein with said bags securely tied to prevent dispersal of said waste. All other solid waste must be stored in containers as required by this section. **[Amended 6-4-2007 by Ord. No. 6118 ]**
- E. Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches and 18 inches in diameter when not placed in storage containers.

#### **§ 513-8. Frequency of City collections.**

All residential solid waste, other than bulky wastes, shall be collected at least once weekly. All commercial solid waste collected by the City shall be collected at least once weekly or at more frequent intervals as may be fixed by the City Manager.

#### **§ 513-9. Licensing of private collectors and haulers.**

- A. No person shall engage in the business of collection, transportation or processing of solid waste within the corporate limits without first obtaining a license.
- B. No person shall collect and dispose of any residential solid wastes for other persons whatsoever. No person shall collect and dispose of any solid waste for commercial establishments in or from the City without first having obtained a license so to do from the City Clerk. No person, persons, firm or corporation shall be issued a license to collect commercial solid waste in Blocks 25, 26 and 27 and Blocks 32, 33 and 34 in the City. Before such license shall be granted such person shall satisfy the governing body that he is equipped to and will collect solid waste in a clean and efficient manner and dispose of the same at a place or in a manner not detrimental to the health or annoying to the sensibility of any person, or in compliance with the provisions of this chapter and such rules and regulations as the Board of Health may from time to time make and promulgate. There shall be no fee for such license. Licenses issued hereunder shall expire on the 31st day of December of each year. A license may be revoked any time by the governing body for failure of the licensee to comply with the provisions of this chapter or with the rules and orders of the Board of Health. No license shall be so revoked until the licensee shall have had due notice and ample opportunity to appear before the governing body and show cause why it should not be revoked.

#### **§ 513-10. Solid waste collection vehicles.**

All wagons, trucks, carts or vehicles used for the collection and removal of solid waste within the City shall have tight beds or boxes from which no litter may escape and shall be provided with canvas or wooden or metal covers which shall fit said bed or box so that no solid waste can fall or be blown therefrom. Persons hauling solid waste shall keep to the alleys of the City as far as possible.



**§ 513-11. Collection and disposal.**

- A. All solid waste as defined by this chapter, except hazardous wastes accumulated by residential units and those commercial establishments located in Blocks 25, 26 and 27 and 32, 33 and 34 of the City, shall be collected, conveyed and disposed of as a municipal function, and all residents and the owners, managers or operators of commercial establishments located in the above-described blocks are required to avail themselves of this service; provided, however, that any person shall be permitted to collect, transport, and dispose of any solid waste generated by the dwelling unit in which such person resides or may collect and dispose of any solid waste generated by any commercial establishment which such person owns, operates, or manages in addition to, and not in lieu of, the service provided by the City.
- B. The City may, upon proper request, provide for the collection of commercial solid waste in blocks other than those mentioned in Subsection A; provided, however, that if the City is unable to provide the collection service requested, the commercial establishment must provide for the collection of all solid waste produced upon such premises at a standard at least equal to that prescribed in this chapter and the rules promulgated by the City Manager as permitted by this chapter.
- C. The City may, upon proper request, provide for the collection of residential solid waste and/or commercial solid waste outside the corporate limits of the City, provided that such collection can be made economically and practically by existing City crews, and such collections shall be made under the rules and regulations promulgated by the City Manager.
- D. All hazardous wastes shall be stored, collected, transported and disposed of under the supervision of and in accordance with rules and regulations made and promulgated by the City Manager and in accordance with law. The City Manager may classify certain wastes not defined herein as hazardous which will require special handling.<sup>144</sup>

State law reference — Solid and hazardous waste, K.S.A. § 65-3401 et seq.

**§ 513-12. Rates and charges. [Last amended 10-2-2023 by Ord. No. 6546 ]**

- A. There shall be charged, assessed and collected from each dwelling unit a service charge for the collection and disposal of solid wastes. The dwelling unit service charge shall be based on the following classifications and be as follows:
  - (1) Curb and alley collection, once a week: \$16 per month.
  - (2) Walk-up service: \$19 per month.
  - (3) Outside the City collection: \$32 per month.
  - (4) Polycarts: \$2 per month in addition to base rate.
  - (5) Business sanitation: \$25 per month (one polycart, two pickups weekly).
  - (6) Outside business sanitation: \$50 per month.
  - (7) Dumpster services: See Exhibit A.<sup>145</sup>

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144.Editor's Note: See also Ch. 340, Hazardous Substances.

145.Editor's Note: Exhibit A is on file in the City offices.

- B. "Curb or alley collection" shall be defined as collection of the solid wastes from approved containers placed as near as practical to the alley or curb adjacent to the structure.
- C. "Walk-up service" is the collection of solid wastes from approved containers placed outside any structure and in a location clearly visible to the collector from the street or alley.
- D. The special collections outside the regular hours of operation of the Sanitation Department or waste service not covered by this section may be performed at such rate and under such conditions as may be specified by the City Manager.

**§ 513-13. Landfill surcharge. [Added 1-20-1992 by Ord. No. 5584 ]**

- A. A surcharge for changes in landfill dumping fees may be applied to monthly bills for sanitation service as increases in landfill dumping fees become effective to the City of Parsons.
- B. A surcharge may be added to the monthly sanitation bill upon the approval of the City Commission. The surcharge may also be increased or decreased depending on the landfill dumping fee by approval of the City Commission.
- C. The surcharge shall be calculated by using the base rate landfill dumping fee of \$10.50 that was in effect December 31, 1991.

**§ 513-14. Storage of containers in residential areas. [Added 6-4-2007 by Ord. No. 6119 ]**

- A. Residential solid waste containers shall be stored as close as practical to the main structure or accessory structures located on the property. In no event shall the solid waste containers be stored in the street right-of-way except on the day of collection or up to 24 hours prior to the designated weekly pickup time. Solid waste containers shall be removed from the street right-of-way by 8:00 a.m. the day following the day of collection. It shall be permissible for solid waste containers to remain at or near alleys during nonpickup times if the alley is the location where solid waste is picked up on normal sanitation routes.
- B. The City Manager or his/her designee shall provide written warning to any property owners in violation of Subsection A by attaching a written notice to the solid waste container(s) creating the violation. Said written notice shall give the owner five days to correct the violation. If a property owner receives three written warnings within a six-month period, then the City shall assess a fee of \$5 on the next bill after the third and subsequent written notices have been attached. This fee shall be in addition to the regular sanitation rates paid by the customer. Only one fee of \$5 shall be assessed per billing cycle. Any citizen who wishes to contest said fee may request a hearing with the City Manager if said hearing is requested in writing within seven business days of the payment of the fee. The hearing shall be for the purpose of determining if the person was in violation of Subsection A and shall be held as soon as practicable after the request. If the City Manager finds that the person was not in violation of Subsection A then the fee of \$5 shall be refunded to that person.
- C. In addition to or in the alternative to the provisions of Subsection B, a landowner that allows a violation of this section on his or her property or right-of-way may be prosecuted in Parsons Municipal Court for said violation. Any person convicted of violating this section shall be punished by a fine not to exceed \$45 and/or a jail sentence not to exceed 10 days.

**§ 513-15. Collection by City. [Added 7-2-2007 by Ord. No. 6120 ]**

- A. Collection by City required; exceptions. Except as provided in this chapter, all solid waste

accumulated in the City, except for hazardous wastes, shall be collected, conveyed and disposed of by the City or its designated hauler. No persons shall collect, convey over any of the streets or alleys of the City, or dispose of any solid waste accumulated in the City, except as follows:

- (1) Exception for outside commercial collectors. This chapter shall not prohibit outside commercial collectors of solid waste licensed by the City of Parsons pursuant to § 513-9 of the Code of the City of Parsons from hauling such solid waste over City streets, provided that:
    - (a) Such outside commercial collectors comply with the provisions of this chapter and with any other governing law or ordinances;
    - (b) Said outside commercial collectors may only contract with commercial accounts that are not serviced and cannot be serviced by the City or its designated contract hauler after the effective date of this chapter; and
    - (c) Said outside commercial collectors or the commercial account holder provides the City with satisfactory evidence that said account is being hauled by an outside commercial collector.
  - (2) Exception for outside commercial collectors and private residences. Commercial collectors can contract with residential customers on a temporary basis for the purpose of setting out dumpsters as long as said residential customer maintains uninterrupted solid waste collection services with the City of Parsons. A dumpster remaining at a residence for more than a thirty-day period shall not be considered on a "temporary basis" for purposes of this section and shall be in violation of this section. **[Added 10-6-2008 by Ord. No. 6172 ]**
- B. Collection; supervision. Except as provided in this chapter, all solid waste accumulated in the City shall be collected, conveyed and disposed of by the City or its designated contract hauler under the supervision of the City Manager or his designee, the Public Works Director. The rules and regulations governing the solid waste management of the City of Parsons shall be defined and promulgated pursuant to § 513-3 of this chapter by the City Manager.

**§ 513-16. Violations and penalties. [Added 7-20-2009 by Ord. No. 6189 ]**

Except where another penalty is specifically provided herein, any person violating any provision of this chapter shall, upon conviction, be guilty of a Class C misdemeanor punishable as provided in § 1-2 of this Code.

**Chapter 517****STORMWATER MANAGEMENT**

§ 517-1.	Creation and purpose of Stormwater Utility.	§ 517-14.	Requirement to prevent, control and reduce stormwater pollutants.
§ 517-2.	Program responsibility.	§ 517-15.	Requirement to eliminate illegal discharges.
§ 517-3.	Operating budget.	§ 517-16.	Requirement to eliminate or secure approval for illicit connections.
§ 517-4.	Fee schedule established.	§ 517-17.	Watercourse protection.
§ 517-5.	Stormwater Utility Fund.	§ 517-18.	Notification of spills.
§ 517-6.	Definitions.	§ 517-19.	Requirement to remediate.
§ 517-7.	Applicability.	§ 517-20.	Authority to monitor and inspect.
§ 517-8.	Administration and enforcement.	§ 517-21.	Notice of violation.
§ 517-9.	Regulatory consistency.	§ 517-22.	Appeal.
§ 517-10.	Prohibition of illegal discharges.	§ 517-23.	Abatement by City.
§ 517-11.	Illicit connections.	§ 517-24.	Recovery of abatement costs; lien.
§ 517-12.	Solid waste disposal.	§ 517-25.	Violations and penalties.
§ 517-13.	Industrial or construction activity under NPDES permit.		

**[HISTORY: Adopted by the City Commission of the City of Parsons 1-22-2008 by Ord. No. 6146<sup>146</sup>. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 225.

Water and wastewater system — See Ch. 580.

Floodplain management — See Ch. 325.

Construction of stormwater sewers or drains — See Ch. A600, Charter Ord. No. 14.

Streets and sidewalks — See Ch. 520.

**§ 517-1. Creation and purpose of Stormwater Utility.**

Pursuant to the provisions of Ordinance No. 6146, the City of Parsons does hereby establish a Stormwater Utility, the purpose of which is to assist the City of Parsons in its responsibility for the operation, construction, maintenance and repair of stormwater drainage system facilities to provide adequate systems of collection, conveyance, detention, treatment and release of stormwater and the reduction of potential hazards to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions and improvement to the water quality in the storm-

<sup>146</sup>Editor's Note: The text which appears in this chapter was adopted by Sec. 7 of Ord. No. 6146. For the complete text of Ord. No. 6146 consult municipal records.

and surface water system and its receiving waters.

**§ 517-2. Program responsibility.**

The City of Parsons shall be empowered to administer the Stormwater Utility and may delegate such duty and responsibility as is necessary to carry out the provisions of Ordinance No. 6146 within the limits of the budget, directives and storm drainage regulations adopted by the governing body of the City of Parsons for this Utility.

**§ 517-3. Operating budget.**

The City of Parsons shall adopt an operating budget for each fiscal year. The operating budget shall set forth, for each fiscal year, the estimated revenues and the estimated costs for the Stormwater Utility. The initial operating budget shall be for the fiscal year commencing January 1, 2008.

**§ 517-4. Fee schedule established.**

A. There is hereby assessed against all property within the City that is connected to either water or sanitary sewer systems, or both, of the City, a monthly stormwater utility fee. The owner, occupant and any person who is responsible for the payment of water and/or sewer service to the property shall all be jointly and severally responsible for the payment of said fee. Persons responsible for the payment of water and/or sewer service to the property shall include the person responsible for payment for water provided to a master meter that is then distributed to multiple users, whether or not said users are located on the same property as the master meter. The fee shall be calculated as follows: **[Amended 12-15-2008 by Ord. No. 6175 ; 10-20-2014 by Ord. No. 6329 ; 12-17-2018 by Ord. No. 6421 ; 10-17-2022 by Ord. No. 6528 ]**

- (1) All property devoted to a residential use shall be assessed a monthly fee of \$6 per month per living unit. The term "residential" shall include single-family homes, mobile homes and mobile home parks, duplexes and apartment units. The term "residential" shall not include rooming houses or boardinghouses, dormitories and similar facilities. The term "living unit" shall mean one or more rooms in a residential building which are arranged, designed, used or intended for use by one family, and which include cooking space and lawful sanitary facilities reserved for the occupants thereof.
- (2) Property devoted to any use other than residential, as set forth above, and further described as nonresidential, shall be assessed a monthly fee based on lot size as follows:

Lot Coverage (square feet)	Monthly Fee
Under 50,000	\$25
50,000 to 100,000	\$45
100,000 and up	\$65

B. The monthly Stormwater Utility fees set forth above shall be included as part of the monthly bill for water and/or other utility services of the City but shall be identified separately on said billing. Said fees shall be due at the same time as the charges for water and/or other utility services of the City are due, and the failure to pay said fees shall be considered a failure to pay the charges for utility services of the City and enforceable pursuant to related provisions of the City's Code. In addition, any time

utility services of the City are established or reestablished to a property, all fees hereunder shall be paid current as of the date such service is established or reestablished.

- C. Changes in the Stormwater Utility fees from those set forth in Ordinance No. 6146 may be established from time to time by ordinary ordinance or resolution of the governing body.

#### **§ 517-5. Stormwater Utility Fund.**

The revenue generated by this Stormwater Utility fee shall be set aside in a special fund, which is hereby created, to be known as the "Stormwater Utility Fund." Such funds shall be used only for operations of the Stormwater Management Program, as defined in Section 2 of Ordinance No. 6146, including but not limited to the construction, reconstruction, maintenance and repair of Stormwater Utility facilities, including the acquisition, and related costs thereof, of real estate for such use. In addition, said fund may be used to pay fees to study and prepare documents related to such facilities and to make payments of principal and interest on bonds issued for such improvements. Nothing in this chapter shall be deemed to limit or restrict the City's ability to use and obtain other sources of funds for the same or similar purposes.

#### **§ 517-6. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings defined in this section, except where the context clearly indicates a different meaning:

ACT and THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Kansas Department of Health and Environment (KDHE).

AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the municipal agency designated to enforce Ordinance No. 6146.

BEST MANAGEMENT PRACTICES (BMP's) — Activities, prohibition of practices, general good housekeeping practices, pollution prevention, educational practices, maintenance procedures, and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, the municipal storm drain system, and waters of the United States. Best management practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, drainage from raw materials storage, and such provisions as the City determines appropriate for the control of pollutants.

CITY — The City of Parsons.

CONSTRUCTION ACTIVITY — Activities subject to NPDES construction permits. These include construction projects resulting in land disturbances of equal to or greater than one acre, or less than one acre if part of a larger common plan of development or sale which may disturb a cumulative area equal to or greater than one acre. Such activities include, but are not limited to, clearing and grubbing, excavating, filling, and demolition.

CONTRACTOR — A nondeveloper engaged or to be engaged in construction activity.

DEVELOPER — The owner or owners of a site or sites where construction activity will take place.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The United States Environmental Protection Agency, or, where appropriate, such term may also be used as a designation for the administrator or other duly authorized official of the agency.

HAZARDOUS MATERIAL — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause,

or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLEGAL DISCHARGE** — Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 517-10 of this chapter.

**ILLICIT DISCHARGE** — An illicit connection as defined below:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

**INDUSTRIAL ACTIVITY** — Activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

**MS4** — Municipal separate storm sewer system.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT** — A discharge permit issued by the approval authority that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NONSTORMWATER DISCHARGE** — Any discharge to the storm drain system that is not composed entirely of stormwater.

**PERSON** — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT** — Anything which causes or contributes to pollution. pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or discarded or abandoned objects, articles, and accumulations, so the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

**POLLUTION** — The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

**PREMISES** — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**SITE** — A place or places related by a common plan of construction, development or sale where construction activity will take place.

**STORM DRAIN SYSTEM** — A publicly owned facility or facilities operated by the City by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, curbs, gutters, inlets, manholes, junction boxes, piped storm drains, pumping facilities,

retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

**STORMWATER** — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN** — A document which describes the best management practices and activities to be implemented by a contractor, developer, or other person, business, or governmental agency to identify sources of pollution or contamination at a site and the actions necessary or required to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

**WASTEWATER** — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**WATERS OF THE UNITED STATES** — Surface watercourses and water bodies as defined in 40 CFR 122.2, including all natural waterways, definite channels, intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, tributaries, or depressions in the earth, that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at or during all times and seasons.

#### **§ 517-7. Applicability.**

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the jurisdictional boundaries of the City, including any amendments or revisions thereto.

#### **§ 517-8. Administration and enforcement.**

The authorized enforcement agency shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated by the City Manager to persons or entities acting in the beneficial interest of, or in the employment of, the City.

#### **§ 517-9. Regulatory consistency.**

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto or any applicable implementing regulations. This chapter does not imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

#### **§ 517-10. Prohibition of illegal discharges.**

No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described hereinafter:

- A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the Clean Water Act or Ordinance No. 6146:



- (1) Water line flushing or other discharges from potable water sources;
- (2) Landscape irrigation or lawn watering;
- (3) Diverted stream flows;
- (4) Rising groundwater;
- (5) Uncontaminated groundwater infiltration to the storm drain system;
- (6) Uncontaminated pumped groundwater;
- (7) Uncontaminated water from foundation and footing drains;
- (8) Uncontaminated water from crawl space pumps;
- (9) Air-conditioning condensation;
- (10) Residential heat pump discharge waters;
- (11) Uncontaminated nonindustrial roof drains;
- (12) Springs;
- (13) Individual residential and occasional noncommercial car washing;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated swimming pool discharges;
- (16) Street wash waters;
- (17) Flows from fire-fighting or training activities; and
- (18) Any other source not containing pollutants.

B. The prohibition shall not apply to:

- (1) Any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Kansas under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

**§ 517-11. Illicit connections.**

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. The prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**§ 517-12. Solid waste disposal.<sup>147</sup>**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the United States, any refuse, rubbish, garbage, litter, grass clippings, leaves, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purpose of collection are exempted from this prohibition.

**§ 517-13. Industrial or construction activity under NPDES permit.**

Any person subject to an industrial or construction activity under an NPDES stormwater discharge permit shall comply with all provisions of said permit. Proof of compliance with said permit may be required in a form acceptable to the authorized enforcement agency prior to or as a condition of allowing discharges to the storm drain system or prior to or as a condition of approving a subdivision plat, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**§ 517-14. Requirement to prevent, control and reduce stormwater pollutants.**

- A. Best management practices. The authorized enforcement agency is hereby authorized to adopt requirements identifying best management practices (BMP's) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural or nonstructural BMP's. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural or nonstructural BMP's to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed to be compliance with the provisions of this section. These BMP's shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit. Where BMP requirements are promulgated by the authorized enforcement agency or any federal, state, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the United States, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements.
- B. New development and redevelopment. The authorized enforcement agency may adopt requirements identifying BMP's to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport, and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter.

**§ 517-15. Requirement to eliminate illegal discharges.**

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147.Editor's Note: See also § 459-3, Littering, and Ch. 513, Solid Waste.

- A. The authorized enforcement agency may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.
- B. The authorized enforcement agency may, without prior notice, suspend storm drain system discharge access to a discharger when such suspension is deemed necessary, in the opinion of the authorized enforcement agency, to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to the storm drain system or waters of the United States. If a potential violator fails to comply with a suspension order issued in an emergency situation, the authorized enforcement agency may take such steps as deemed necessary, in the opinion of the authorized enforcement agency, to prevent or minimize damage to the storm drain system or waters of the United States or to minimize danger to persons.

**§ 517-16. Requirement to eliminate or secure approval for illicit connections.**

- A. The authorized enforcement agency may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter.
- B. If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request authorized enforcement agency approval to reconnect. The reconnection or reinstallation of the connection shall be verified by the authorized enforcement agency to be in compliance with applicable construction standards and shall be done at the responsible owner's expense.

**§ 517-17. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, grass clippings, leaves, garden debris, tree limbs and branches, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance nor remove such vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within his property lines in order to protect against erosion and degradation of the watercourse originating or contributed from his property.

**§ 517-18. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of the release of hazardous materials, said person shall notify emergency response agencies of the occurrence via emergency dispatch services.<sup>148</sup> In the event of a release of nonhazardous materials, said person shall notify the authorized

enforcement agency in person or by phone or facsimile no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§ 517-19. Requirement to remediate.**

Whenever the authorized enforcement agency finds that a discharge of pollutants is taking place or has occurred which will result in, or has resulted in, pollution of stormwater, the storm drain system, or waters of the United States, the authorized enforcement agency may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to § 517-21.

**§ 517-20. Authority to monitor and inspect.**

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter:

- A. The authorized enforcement agency may enter such premises at all reasonable times to inspect the same after a request to enter and inspect has been made.
- B. The authorized enforcement agency shall be permitted access to all parts of the premises for the purposes of inspection, sampling, examination and copying records kept under the conditions of an NPDES stormwater discharge permit.
- C. The authorized enforcement agency shall have the right to set up on any facility such devices as are deemed necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- D. The authorized enforcement agency shall have the right to require the discharger to install monitoring equipment as deemed necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge. The sampling and monitoring equipment shall be installed and maintained at all times in a safe and proper operating condition at the discharger's expense. All devices used to measure stormwater flow and quality shall be properly calibrated to ensure accuracy, at the discharger's expense.
- E. At the request of the authorized enforcement agency, any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed at the discharger's expense.
- F. Denial of access or unreasonable delay in permitting access to a facility from which stormwater is discharged is a violation of this chapter.
- G. The authorized enforcement agency is hereby authorized to request orders from the Municipal or District Court in obtaining such entry.

**§ 517-21. Notice of violation.**

- A. Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed

to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analysis, and reporting;
  - (2) The elimination of illicit connections or discharges;
  - (3) That violating discharges, practices, or operations shall cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment of fees to cover administrative and remediation costs; and
  - (6) The implementation of source control or treatment BMP's.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be completed by the authorized enforcement agency or a contractor designated by the authorized enforcement agency and the expense thereof shall be charged to the violator pursuant to this chapter. Said notice shall be sent by either certified mail or personal service.

#### **§ 517-22. Appeal.**

Any person receiving a notice of violation under this chapter may appeal the determination of the authorized enforcement agency by filing a notice of appeal at the office of the City Clerk of the City. The notice of appeal must be filed with the City Clerk's office within 10 calendar days from the date of the notice of violation. If the 10th calendar day falls on a weekend or City holiday, the appeal must be filed before the close of the next business day. A hearing on the appeal shall be scheduled before the City Commission to take place within 30 days from the date of the City's receipt of the notice of appeal. The decision of the City Commission shall be final.

#### **§ 517-23. Abatement by City.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal under this chapter, within 10 days of the decision of the City Commission upholding the decision of the authorized enforcement agency, then the authorized enforcement agency or a contractor designated by the authorized enforcement agency shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency or designated contractor to enter upon the premises for the purposes set forth above.

#### **§ 517-24. Recovery of abatement costs; lien.**

- A. Within 30 days after abatement of the nuisance by the authorized enforcement agency, the owner of the property shall be notified of the cost of the abatement, including administrative costs, by sending a notice to the owner's last known address. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk's office within 10 days of receipt of the notice of assessment. The City Clerk's office shall forthwith set the matter for hearing before the City Commission and notify the objecting owner in writing. The decision of the City Commission shall be

final.

- B. If the amount due is not paid within 10 days of the decision of the City Commission or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property or properties and shall constitute a lien on the property or properties for the amount of the assessment.

**§ 517-25. Violations and penalties.**

Violation of the provisions of this chapter by a property owner, developer or contractor shall constitute a Class B violation, as defined in the Uniform Public Offense Code (UPOC). Upon conviction of a violation, the violator shall be subject to the fines and/or jail sentences provided by the UPOC as adopted by the City for Class B violations.<sup>149</sup>

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**149.Editor's Note: See § 459-1, Adoption of Uniform Public Offense Code.**

## STREETS AND SIDEWALKS

### Chapter 520

## STREETS AND SIDEWALKS

#### ARTICLE I General Regulations

- § 520-1. Removal of snow, ice and dirt from sidewalks.
- § 520-2. Sidewalk subspace construction.
- § 520-3. Removal of curb or gutter.
- § 520-4. Numbering buildings.
- § 520-5. Removing house numbers or street names.
- § 520-6. Bicycles and play vehicles.
- § 520-7. Removal or replacement of utilities during construction.
- § 520-8. Removing barricades.
- § 520-9. Obstructions.
- § 520-10. Violations and penalties.

#### ARTICLE II Excavations and Pavement Cuts

- § 520-11. Definition.
- § 520-12. Permit required.
- § 520-13. Backfilling.
- § 520-14. Barricades and lights.

#### ARTICLE III Sidewalk Construction and Repair

- § 520-15. Compliance with plans and specifications.
- § 520-16. Construction on petition.
- § 520-17. Grades.
- § 520-18. Slope.
- § 520-19. Steps.

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 15-811, 17-101, 17-102, 17-106, 17-108, 17-112, 17-113, 17-201, 17-202, 17-301, 17-302, 17-401, 17-501, 17-502, 17-506, 17-508, 17-509 and 17-510 of the 1963 Code (Ch. 21, Arts. I, II and III of the 1985 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Moving of buildings — See Ch. 230.

Driveways — See Ch. 276.

Fences and walls — See Ch. 311.

Railroads — See Ch. 482.

Signs, awnings and canopies — See Ch. 500.

Vehicles and traffic — See Ch. 565.

Vendors — See Ch. 572.

ARTICLE I  
**General Regulations**

**§ 520-1. Removal of snow, ice and dirt from sidewalks.<sup>150</sup>**

It is hereby made the duty of the owner and of the occupant of any lots abutting upon any sidewalks to cause to be removed from such sidewalks all snow and ice within five hours from the time said snow has fallen or ice has accumulated, provided that if the snow falls or ice accumulates upon said sidewalks in the nighttime, removal of the same must be made within five hours after sunrise on the following day. Such owner and occupant must at all times keep the surface of such sidewalks free from dirt, mud and all other obstructions. Whenever snow or ice is not removed as herein provided, the City Manager may cause such snow and ice to be removed, and the cost thereof shall be assessed against the abutting lot or lots and collected as provided by law. When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand or like material

**§ 520-2. Sidewalk subspace construction.**

- A. No person shall build or construct in any sidewalk subspace area without permission of the governing body. A person desiring such permission shall submit plans and specifications to the governing body for its approval and approval by the City Engineer.
- B. All such work shall be constructed or built under the supervision of the City Engineer and shall be subject to the approval of the governing body.
- C. No movable coverings shall be placed over any such work or construction.

**§ 520-3. Removal of curb or gutter.**

No person shall remove any curb or gutter without first obtaining a written permit from the City Engineer.

**§ 520-4. Numbering buildings.**

- A. In numbering the buildings in the City the following rules shall be observed:
  - (1) Commencing at 10th Street, the first number on each avenue shall be designated as 1,000 and the first number on the north side of the street shall be designated as 1,001, with all even numbers on the south side of the street and the odd numbers on the north side of the street.
  - (2) Numbers shall continue westward to the west City limits and shall cross the street alternately with a number for every 50 feet in the residence district and for every 25 feet in the business district, numbering each block from 10 to 33.
  - (3) The streets running north and south shall be numbered in the same manner, except that on streets running south from Main Street the even numbers shall be on the east side of the street and on streets running north from Main Street the even numbers shall be on the west side.
- B. In all cases of irregular-shaped streets, and in all other cases when the proper street number of a building is in doubt, the City Engineer shall determine the question and assign the proper number for such building.

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**150.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**



**§ 520-5. Removing house numbers or street names.**

It shall be unlawful for any person to remove, destroy, carry away, or in any manner deface or disfigure any house number or street or avenue name or number in the City.

**§ 520-6. Bicycles and play vehicles. [Added 10-19-1981 by Ord. No. 5239 ; amended 7-20-2009 by Ord. No. 6190 ]**

- A. It shall be unlawful for any person to ride or otherwise operate any bicycle, tricycle, roller skates, roller blades, skateboards, scooters or other similar device in or upon the sidewalks, alleys or public grounds in the following areas:
- (1) The downtown business district, defined as the area between Central Street to 16th Street and Broadway Street to Washington Street and the sidewalks adjacent to said streets.
  - (2) Marvel Park and Forest Park and the sidewalks in and adjacent to said parks, except that children under the age of 10 shall be allowed to ride bicycles, tricycles and roller skates in the parks under the direct supervision of their parent or legal guardian and except for public ways designated as hiking and biking trails.
- B. In areas throughout the City of Parsons where the operation of said devices is allowed, it shall be unlawful for any person to ride or otherwise operate any bicycle, tricycle, roller skates, roller blades, skateboards, scooters or other similar device in a reckless manner on any public sidewalk within the City of Parsons, or without exercising due care for the safety of others using the sidewalks, or to otherwise endanger or interfere with pedestrian traffic.
- C. A violation of this section is a Class C misdemeanor punishable by a fine not to exceed \$100.
- D. Any bicycle, tricycle, roller skates, roller blades, skateboards, scooters or other similar device used in connection with said violation may be seized as evidence by a law enforcement officer at the time of the offense and released to the owner or violator upon the payment of the fine and court costs if convicted or upon a dismissal or acquittal at trial. If the seized device is not picked up by the owner or violator within six months of the date of conviction, dismissal, acquittal or first incident of failing to appear in court, the device may be destroyed or otherwise disposed of by the Police Department.
- E. Subsection A shall not apply to law enforcement officers engaged in the performance of their official duties, or physically or mentally disabled persons riding and using self-propelled scooters and wheelchairs specifically designed for use by physically or mentally disabled persons.

**§ 520-7. Removal or replacement of utilities during construction. [Added 9-25-1970 by Ord. No. 4186 ]**

Whenever any street is constructed or reconstructed within the City, all utility lines and services shall be removed from the area to be paved and shall be allowed to remain or be placed under the surface area of the street under the following conditions:

- A. Approval is granted by the governing body.
- B. Utility lines are in good condition and adjusted to fit the new construction by the owner.
- C. Lines shall be constructed of lead, copper, cast iron, wrought iron, or steel and pipe approved by the AMES Code B-31.8, latest edition.

- D. All valves, meter boxes, manholes and any other thing pertaining to the utility service shall be moved or adjusted so as not to be on, in or under the surface area of the street.
- E. Utility lines crossing any paved street will either be jacked under or drilled and the street surface may not be cut without written permission being obtained from the City Engineering Department.  
**[Amended 7-20-2009 by Ord. No. 6189 ]**

**§ 520-8. Removing barricades.**

It shall be unlawful for any person or persons to remove, throw down, run over, or interfere with any barricade or barricades erected by the City or any person executing a municipal contract or anyone else and placed to guard and protect any grading, paving, sidewalk construction or other work.

**§ 520-9. Obstructions.**

- A. It shall be unlawful for any person, firm or corporation to place, leave or allow to be left any implements, vehicles, tools, boxes of merchandise, trash, cans, crates, corn popper, peanut roaster, ice cream containers or other obstruction in any street, avenue or alley, sidewalk or public place in the City for a longer time than is necessary for the loading of the same.<sup>151</sup>
- B. It shall be unlawful for any person owning property along or adjacent to a sidewalk in the City to permit any brick, stone or segment of such sidewalk to be raised above the established level or grade thereof more than one inch or in any manner or to any extent liable to cause injury.

**§ 520-10. Violations and penalties. [Added 7-20-2009 by Ord. No. 6189 ]**

Except where another penalty is specifically provided herein, any person violating any provision of this chapter shall, upon conviction, be guilty of a Class B misdemeanor punishable as provided in § 1-2 of this Code.

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**151.Editor's Note: See also Ch. 572, Vendors.**

ARTICLE II  
**Excavations and Pavement Cuts**

**§ 520-11. Definition.**

As used in this article the word "street" shall include all streets, avenues, alleys, and public grounds within the City.<sup>152</sup>

**§ 520-12. Permit required. [Added 6-16-2005 by Ord. No. 6042 ]**

It shall be unlawful for any contractor or person to cut any street, pavement, or sidewalk or make any excavation in any of the streets, sidewalks, alleys, or other public grounds for any reason unless such person or contractor has first obtained a permit from the City Director of Engineering. A fee of \$25 per permit shall be charged by the City.

- A. All excavations into City streets, sidewalks, or other hard surfaces shall be saw cut. All backfill material for excavations in City streets, sidewalks, or other hard surfaces shall be with flowable fill. Any special conditions for the excavation shall be set out on the excavation permit. All excavation areas shall be returned to the same or better condition as they were prior to the excavation.
- B. Section 4 of Parsons City Ordinance 4186 is hereby repealed. This section shall be controlling if it conflicts with any prior ordinance.
- C. Any person, firm, or corporation who or which violates this section shall be punished by a fine not to exceed \$500, restitution for the cost of the City bringing the excavation into compliance with the issued permit and this section or by confinement in jail for a definite term not exceeding 30 days, or by both such fine and confinement.

**§ 520-13. Backfilling.**

- A. Whenever an excavation is made on the traveled portion of any street, roadway, alley or sidewalk, the utility company or contractor involved shall refill the excavation pursuant to the requirements of the City Engineering Department and this section, and all backfilling of utility lines must be according to City specifications and under the supervision of the City Engineering Department. **[Amended 7-20-2009 by Ord. No. 6189 ]**
- B. Any holes drilled in a roadway, street, alley or sidewalk by a utility company shall be plugged or filled within 24 hours of the original drilling, with redwood or a similar substance, on a temporary basis. Permanent plugs shall be of the same material as the existing surface.

**§ 520-14. Barricades and lights.**

All excavations made in any street shall be properly and sufficiently barricaded and lighted, and every excavation made by any person on premises adjoining or next to any street or sidewalk shall also be properly and sufficiently barricaded and lighted, so as to prevent injury to person or property.

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152. Editor's Note: Original § 21-27, Permit, which immediately followed this section and was amended 9-25-1970 by Ord. No. 4186, § 4, was repealed 6-16-2005 by Ord. No. 6042.

## ARTICLE III

**Sidewalk Construction and Repair****§ 520-15. Compliance with plans and specifications.**

All sidewalks constructed, reconstructed or repaired in the City shall be constructed, reconstructed or repaired in accord with the plans and specifications for the construction, repair and reconstruction of sidewalks, copies of which are on file in the office of the City Clerk and in the office of City Engineer and are hereby adopted by reference.

**§ 520-16. Construction on petition.**

When a petition signed by not fewer than 25 citizens owning real estate in a precinct or ward in the City praying for the construction of a sidewalk in such precinct or ward is filed with the City Clerk, the governing body may, in its discretion, by resolution, order the sidewalk constructed.

**§ 520-17. Grades.**

No sidewalk shall be built or constructed in or on any of the public streets, avenues, alleys or public places in the City by any person until the grade and the line next to the property line for the same shall have been established by the City Engineer. No sidewalk shall be constructed except upon the established grade.

State law reference — Establishment of grades for sidewalks, K.S.A. § 12-1807.

**§ 520-18. Slope. [Amended 7-20-2009 by Ord. No. 6189 ]**

Where the sidewalk extends from property line to curb the sidewalk shall have a transverse slope of 1/2 inch per foot, and where the sidewalk does not extend from the property line to the curb, the sidewalk and the parking area or space between the sidewalk and curb shall have a slope towards the curb of not less than 1/4 inch per foot, and the sidewalk shall be graded within these limits at the discretion of the City Engineer.

**§ 520-19. Steps.**

No steps in any sidewalk shall be constructed, except at the curb and then only on permission and order of the governing body.



PARSONS CODE

**Chapter 532**

**TAXATION**

**ARTICLE I  
Emergency Telephone Tax**

**§ 532-1. Tax imposed.**

**ARTICLE II  
Retailers' Sales Tax**

**§ 532-2. Tax levied.**

**§ 532-3. Administration.**

**§ 532-4. Publication and filing.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Increasing rate levy limit — See Ch. A600, Charter Ord. No. 31.**

**Transient guest tax — See Ch. A600, Charter Ord. No. 35.**

ARTICLE I

**Emergency Telephone Tax**

**[Adopted 7-5-1983 by Ord. No. 5296 (§ 14-1 of the 1985 Code)]**

**§ 532-1. Tax imposed.**

There is hereby imposed an emergency telephone tax to provide funds for the payment of such emergency telephone service in the amount of 2% of the tariff rate in those portions of the City for which emergency telephone service is or shall be contracted.

ARTICLE II  
**Retailers' Sales Tax**  
[Adopted 8-21-2023 by Ord. No. 6540 <sup>153</sup>]

**§ 532-2. Tax levied.**

A majority of the electors voting thereon having approved at a special question election held on the 1st day of August, 2023, the levying of an additional retailers' sales tax in the City of Parsons, Kansas, as authorized by K.S.A. § 12-287 et seq., as amended, there is hereby levied a City retailers' sales tax in the amount of 0.5% to take effect on the first day of January, 2024, for a period of 10 years.

**§ 532-3. Administration.**

Except as may be otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state's retailers' sales tax shall apply to such City's retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax.

**§ 532-4. Publication and filing.**

This article shall be published once in the official City newspaper and a copy duly certified shall be submitted to the State Director of Taxation.

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**153.Editor's Note: This ordinance superseded former Art. II, Retailers' Sales Tax, adopted 12-6-2021 by Ord. No. 6506 .**





**Chapter 536****TAXICABS**

§ 536-1.	Exemptions.	§ 536-6.	Investigation; issuance of license.
§ 536-2.	Registration of drivers.	§ 536-7.	License fee.
§ 536-3.	Revocation of licenses or registrations.	§ 536-8.	Term of license.
§ 536-4.	License required.	§ 536-9.	Tag.
§ 536-5.	Application for license.	§ 536-10.	Insurance.
		§ 536-11.	Violations and penalties.

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 11-201 to 11-205, 11-208 and 11-209 of the 1963 Code (Ch. 25, Art. II of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Vehicles and traffic — See Ch. 565.

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**§ 536-1. Exemptions.**

This chapter shall not apply to any person engaged in interstate commerce or to any common carrier of passengers for hire duly licensed by and under the supervision of the Corporation Commission of the state.

**§ 536-2. Registration of drivers.**

No person shall drive a taxicab without registering with the City Clerk. Persons desiring to register shall file a written application with the City Clerk upon a form furnished by the Clerk. The application shall be accompanied by a fee of \$5. Registrations shall expire one year from their date of issue.

**§ 536-3. Revocation of licenses or registrations.**

A license or registration issued pursuant to this chapter may be revoked by the City Manager or the governing body upon any violation or failure to comply with any of the provisions of this chapter, or upon violation of any of the ordinances of the City or laws of the state, or at any time when it shall be determined by the City Manager or governing body that the statements made in the application for license or for registration are not being faithfully complied with by the licensee or registrant or are not true.

**§ 536-4. License required.**

No person shall, either directly or indirectly, operate, either as owner, agent, driver or employee, any taxicab until there shall have first been procured in the manner provided for in this chapter a license to operate each vehicle.

**§ 536-5. Application for license.**

Before any taxicab license shall be granted the applicant shall file with the City Clerk a written statement setting out the type of vehicle to be used, the make, horsepower, factory number and state license number of the vehicle, the actual seating capacity thereof, the name of the owner of the vehicle, and a statement that it is of public benefit and convenience that the application be granted. Such statement shall be made upon oath, and there shall be filed therewith, with the City Clerk, a schedule of the fares proposed to be charged during the license year.

**§ 536-6. Investigation; issuance of license.**

When an application for a taxicab license is filed in accordance with the requirements of this chapter, it shall be by the City Clerk referred to the City Manager, and the City Manager shall use all reasonable and necessary means to check the statements made in the application for truth and accuracy and shall also determine whether or not it is in the convenience and benefit of the public that the license be granted. After such investigation the City Manager, by and with the consent of the governing body, shall have the power to grant or reject an application. If such application is approved by the City Manager as provided in this section, it shall be referred back to the City Clerk who shall issue the license upon the payment of the license fee and compliance with the insurance requirements in this chapter.

**§ 536-7. License fee.**

The fee for a taxicab license shall be \$50 for each vehicle to be operated pursuant to the license.

**§ 536-8. Term of license.**

A taxicab license shall expire one year from its date of issue.

**§ 536-9. Tag.**

The City Clerk when issuing a taxicab license shall deliver to the owner or operator of the vehicle, without charge, a tag with a number printed thereon, which tag shall be displayed in plain view by the owner or operator of the vehicle.

**§ 536-10. Insurance.**

Before any license required by this chapter shall be issued, the applicant for such license shall deposit with the City Clerk a policy or certificate of liability insurance indemnifying the applicant in the sum of \$100,000 for injury to one person or \$200,000 for injury to more than one person in any one occurrence and \$50,000 for injury to property in any one accident through the operation of the taxicab owned or operated by the applicant. In lieu thereof such person may file with the City Clerk the bond of a surety company running to the City and indemnifying persons who may be injured or whose property may be damaged by the operation of the taxicab in the amounts mentioned above and providing that action may be brought thereon by any person so damaged against said surety company for the amount of such damage not to exceed the amount named therein. The City Clerk may accept evidence of such insurance by telegram or letter from an authorized agency before licensing such vehicle, conditioned upon the receipt of an insurance policy or bond within 15 days of such notice. The policy or bond so deposited shall contain a clause obligating the company issuing the same to give 10 days' written notice before the canceling thereof to the City Clerk. The license for the operating of such taxicab shall expire upon the lapse or termination of such policy or bond.

**§ 536-11. Violations and penalties.<sup>154</sup>**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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**154.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

TOBACCO AND E-CIGARETTES

Chapter 541

TOBACCO AND E-CIGARETTES

ARTICLE I		§ 541-2.	Designated smoking areas.
Use in Outdoor Recreational Facilities		§ 541-3.	Violations and penalties.
§ 541-1.	Use prohibited.	§ 541-4.	Definitions.

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 450.

## ARTICLE I

**Use in Outdoor Recreational Facilities****[Adopted 7-18-2018 by Ord. No. 6411 ]****§ 541-1. Use prohibited.**

Tobacco and e-cigarette use is prohibited in the outdoor recreational facilities in the City of Parsons, Kansas, in Forest Park, Lopez Park, Clark Park, Circle Park, Glenwood Park, Winway Park ball fields, and the recreational/ball field/swimming pool area bounded on the north by Broadway Avenue, the south by Grand Avenue, the west by Heacock Avenue and the east by the Frisco walking trail.

**§ 541-2. Designated smoking areas.**

Designated smoking areas in the above recreational facilities may be designated by the City Manager upon approval by the City Commission.

**§ 541-3. Violations and penalties.**

Any person found to be in violation of this section shall be subject to a fine of \$25 in Municipal Court and shall be subject to immediate ejection from the City park or recreational facility.

**§ 541-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**E-CIGARETTE USE** — The ingestion of nicotine or other substances used in any electronic or battery-powered device/vaporizer that simulates tobacco smoking or vaping by producing an aerosol that resembles smoke, vapor or any component thereof.

**TOBACO USE** — Ingestion of any product containing, made, or derived from tobacco or containing nicotine, whether synthetically produced or derived from any other source that is intended for human consumption.



PARSONS CODE

**Chapter 545**

**TREES AND SHRUBBERY**

**ARTICLE I  
General Regulations**

- § 545-1. Unauthorized cutting or trimming.**
- § 545-2. Traffic hazards.**
- § 545-3. Parking areas.**
- § 545-4. Other restrictions on planting or growing.**
- § 545-5. Trimming and removal by City.**
- § 545-6. Violations and penalties.**

**ARTICLE II  
Tree Trimmers**

- § 545-7. Display of name and address on vehicles and equipment.**
- § 545-8. License required.**
- § 545-9. Application for license.**
- § 545-10. Insurance required.**
- § 545-11. Bond required.**
- § 545-12. License fee.**
- § 545-13. Expiration and renewal of license.**
- § 545-14. Transfer of license; change of business status.**
- § 545-15. Revocation of license.**

**[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 18-201, 18-202 and 19-201 to 19-207 of the 1963 Code (Ch. 23 of the 1985 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Nuisances — See Ch. 441.**

**Solid waste — See Ch. 513.**



ARTICLE I  
General Regulations

**§ 545-1. Unauthorized cutting or trimming.<sup>155</sup>**

It shall be unlawful for any person, except when acting under the direction and authority of the state, to cut or trim any trees within the City without the consent and approval in writing of the owner of such trees if the same are growing upon private property. No person shall cut or trim any trees growing upon the streets without the consent and approval of the City Manager; provided, however, that any privately owned telephone company or power company owning or using transmission lines in the City may cut or trim trees or other growths in the parking areas or public ways of the City which shall interfere with its lines without obtaining such permission.

State law reference — Authority to regulate the planting, maintenance and removal of trees and shrubbery on streets, alleys, etc., K.S.A. § 12-3201.

**§ 545-2. Traffic hazards.<sup>156</sup>**

- A. It shall be unlawful for the owner or occupant of any lot abutting upon any street, avenue, alley or public way in the City to plant, care for, grow, keep or cultivate any trees, shrubbery, hedges or vegetation on such adjoining property or upon the parking area abutting upon or adjacent thereto so that the same shall interfere with public travel and use of the streets and public ways or constitute a menace or danger by reason of the location of any such trees, shrubbery, hedges or vegetation to any person using or upon the sidewalks or traveling upon the streets or public ways.
- B. No owner or occupant of real property shall permit any mulberry or thorny-locust tree or branches of any such tree to overhang any street, alley or sidewalk of the City. It shall be the duty of every owner or occupant of lots abutting upon any sidewalk or public way of the City or adjacent to the street parking area to cultivate trees, shrubbery, hedges or vegetation in such a manner that the same shall not interfere with persons or travel upon or along streets, sidewalks or public ways, and such persons shall cut or trim any such trees, shrubbery, hedges or vegetation so that the branches or limbs thereof shall not extend out over the sidewalk lower than nine feet from the surface thereof or over the portion of any street, avenue or alley used for vehicles lower than 14 feet from the surface thereof.
- C. Every owner or occupant of any lot shall remove all dead trees or the branches thereof which shall be in the parking area or close enough thereto to fall on any portion of any street, avenue, alley or sidewalk or close enough thereto to be dangerous to public travel.

**§ 545-3. Parking areas.**

- A. If any tree in the parking area is cut down, the person doing such work shall take out the entire tree, including the trunk and stump, and remove the tree and debris from the parking area and fill the hole left by the removal of the stump with dirt in such a manner that no hole shall be left in the parking area. If any tree, hedge, shrubbery or vegetation in the parking area is trimmed, the person trimming the same shall perform such work in a careful and workmanlike manner so as not to injure or damage such tree, hedge, shrubbery or vegetation and shall remove the debris from the parking area.<sup>157</sup>

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<sup>155</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>156</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. No owner or occupant of real property shall plant or grow any mulberry or thorny-locust tree in the parking area adjacent to such property.<sup>158</sup>
- C. All work required by this section shall be approved by the City Manager or his designee.

**§ 545-4. Other restrictions on planting or growing.<sup>159</sup>**

It shall be unlawful for any person to plant or grow any trees or any vegetable growth which, by reason of its nature, will grow so high as to interfere with the use of the street, parking area or public way of the City for electric lighting or power wires or telephone wires or which will litter the sidewalks or streets adjacent to such parking area when grown or which will become a nuisance by reason of fruit or other substance falling therefrom upon the sidewalks or streets. All trees or shrubbery shall be planted equal distance between the curblin of any street and the outside of the sidewalk where any sidewalk may be located or where space is reserved for any sidewalk. No such tree or shrub shall be planted closer than 45 feet to the curblin of any intersecting street.

**§ 545-5. Trimming and removal by City.**

- A. Whenever any owner or occupant of any property fails to trim, remove or cut trees, shrubbery, hedges or vegetation as provided in this article, the City Manager may cause the City Clerk to serve notice or cause notice to be served on such owner or occupant requiring him to do so forthwith. If the owner or occupant fails to do so in accordance with the notice, within five days after the same shall be served by a police officer, the City Manager shall cause such trees, shrubbery, hedges or vegetation to be trimmed, cut down or removed. All such work shall be done by the City in a careful and workmanlike manner. If the owner of the property is unknown or the property is unoccupied, the notice herein required shall be published once in the official City paper. Such notice shall require that the trees, shrubbery, hedges or vegetation be removed within 10 days. If there exists great danger to life or property by reason of any such trees, shrubbery, hedges or vegetation, the same shall be removed forthwith by the City Manager or his designee without notice.
- B. The City may collect expenses incurred by it pursuant to Subsection A by special assessment against the property or abutting property involved.

**§ 545-6. Violations and penalties.<sup>160</sup>**

Violation of this chapter shall constitute a Class C misdemeanor, punishable as provided in § 1-2 of this Code.

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157.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

158.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

159.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

160.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ARTICLE II

**Tree Trimmers****[Added 6-2-1975 by Ord. No. 4452 ]****§ 545-7. Display of name and address on vehicles and equipment.**

All automobiles, trucks, trailers or other vehicles operated by any person licensed pursuant to this article for the transportation of the equipment used by him in such licensed business and all self-propelled, draw or tow equipment used by him in such licensed business shall have the name and address of such licensee displayed on both sides thereof in plain and legible figures and letters not less than three inches in height which shall be kept in such condition as to permit the same to be readily distinguished and read at a distance of at least 60 feet.

**§ 545-8. License required.**

No person shall engage in the business of cutting, trimming, pruning, removing, spraying or otherwise treating trees within the City without a valid, unsuspended and unrevoked license issued by the City Clerk. It shall be unlawful for the licensee to engage in any types of tree service not specified in his license. Nothing contained in this section shall be construed to prevent the owner or occupant from performing work on or removing trees on his own property.

**§ 545-9. Application for license.**

Before any license required by this article shall be issued, an application therefor shall be submitted to the City Clerk who shall refer it to the person designated by the City Manager who shall thereupon examine the applicant, either orally or in writing, upon the applicant's qualifications and competency to engage in the types of service for which his application discloses that he desires to be licensed. The applicant shall demonstrate such actual practical ability and competence or furnish such evidence of previous satisfactory experience as the person designated by the City Manager deems proper. The person designated by the City Manager shall return the application to the City Clerk with an endorsement of approval or disapproval for which the applicant has been found qualified. The City Clerk shall issue or refuse to issue such license in accordance with such endorsement.

**§ 545-10. Insurance required.**

- A. No license shall be issued pursuant to the provisions of this article until the applicant presents to the City Clerk a satisfactory public liability insurance policy covering all operations of such applicant in such business in the City in the sum of at least \$100,000 for each person injured and containing a limitation of liability of no less than \$200,000 in case of injury to two or more persons in any one accident and in the sum of not less than \$50,000 for damage to property. Should the policy be cancelled, the City shall be notified of such cancellation within 10 days after such cancellation is effective. A provision requiring such notice shall be incorporated in each policy. In the event that any such insurance policy at any time fails, in the opinion of the City Manager or his designee, to comply with the provisions hereof or to afford reasonably satisfactory protection to the persons intended to be protected, such failure shall be grounds for revocation of the license or grounds for the suspension thereof until the insurance required hereby is so furnished.
- B. A person or corporation shall also provide workers' compensation insurance for workers.

**§ 545-11. Bond required. [Amended 8-19-1991 by Ord. No. 5571 ]**

Before a tree trimmer's license is issued the person making application shall have in effect on file with the City Clerk a surety bond in favor of the City in the sum of \$1,000, in a form acceptable to the City Attorney, conditioned that the principal in the bond will comply with all provisions of all ordinances of the City relating to tree trimming and further conditioned that the City or any person who may deem himself injured or damaged by the principal's failure to comply with such ordinances may sue on such bond to recover his damages.

**§ 545-12. License fee.**

No license required by this article shall be issued or renewed until the applicant pays a fee of \$50 to the City.

**§ 545-13. Expiration and renewal of license.**

A license issued pursuant to this article shall expire at the end of the calendar year for which it was issued. No examination shall be required for renewal of a license if application for renewal is made by February 15 of the license year.

**§ 545-14. Transfer of license; change of business status.**

A license issued pursuant to the provisions of this article shall not be transferable. When there is a change in the business status of the licensee, the successor shall have 60 days within which to obtain a license as provided by this article, provided that in the event of the death of an individual, his heir or representative shall be allowed 60 days within which to obtain a license and such additional time as may be granted by the City for cause.

**§ 545-15. Revocation of license.**

A license issued pursuant to the provisions of this article may be revoked for any violation by its holder of any of the provisions of this article.



PARSONS CODE

**Chapter 557**

**URBAN RENEWAL AREAS**

**§ 557-1. Urban renewal ordinances.**

**§ 557-2. Underground utilities.**

**[HISTORY: Adopted by the City Commission of the City of Parsons 8-9-1973 by Ord. No. 4362 (Ch. 18, Art. I of the 1985 Code). Amendments noted where applicable.]**

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**§ 557-1. Urban renewal ordinances.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance relating to urban renewal which is not codified in this Code and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**§ 557-2. Underground utilities. [Amended 12-20-1973 by Ord. No. 4376 ]**

All utilities of businesses in the urban renewal area shall be connected to underground utilities.

## VEHICLES AND TRAFFIC

## Chapter 565

## VEHICLES AND TRAFFIC

ARTICLE I  
General Regulations

- § 565-1. Incorporation of Standard Traffic Ordinance.
- § 565-2. Traffic infractions and traffic offenses.
- § 565-3. Violations and penalties.
- § 565-4. Existing traffic signs ratified.
- § 565-5. Placement and maintenance of traffic signs.
- § 565-6. Additional regulations; when signs required.
- § 565-7. Careless driving.
- § 565-8. Speed limit in school zones.
- § 565-9. Mufflers required on motor-driven cycles and motor scooters.
- § 565-10. Zones of quiet.
- § 565-11. Impoundment of vehicles.
- § 565-12. Main trafficways.
- § 565-12.1. Trafficway connections.

ARTICLE II  
Stopping, Standing and Parking

- § 565-13. Temporary regulations authorized.
- § 565-14. Truck parking.
- § 565-15. Metered parking.
- § 565-16. Parking prohibited on certain streets.
- § 565-17. Parking in certain municipal parking lot.
- § 565-17.1. Parking in the downtown area.

ARTICLE III  
Truck Routes; Compression Brakes; Parking of Truck Tractors and Trailers

- § 565-18. Definitions and word usage.
- § 565-19. Designation of truck route.
- § 565-20. Enforcement.
- § 565-21. Use of compression-release-type engine brakes.
- § 565-22. Parking of truck tractors.
- § 565-23. Parking of trailers.
- § 565-24. Violations and penalties.

ARTICLE IV  
Two- or Three-Wheeled Motor Vehicles and Motorized Bicycles

- § 565-25. Purpose.
- § 565-26. Requirements.
- § 565-27. Violations and penalties.
- § 565-28. Responsibility of parent or guardian.
- § 565-29. Impoundment.

ARTICLE V  
Micro Utility Trucks

- § 565-30. Operation of micro utility trucks.
- § 565-31. Violations and penalties.
- § 565-32. Definition.

ARTICLE VI  
Work-Site Utility Vehicles

- § 565-33. Operation of work-site utility vehicles.
- § 565-34. Violations and penalties.
- § 565-35. Definition.

[HISTORY: Adopted by the City Commission of the City of Parsons as §§ 18-209(a) and (b),

## PARSONS CODE

**18-212, 18-213, 18-221, 18-227, 18-301 to 18-304 and 18-306 to 18-315 of the 1963 Code (Ch. 22 of the 1985 Code). Amendments noted where applicable.]**

## GENERAL REFERENCES

**Vehicles in parks — See Ch. 450.**

**Taxicabs — See Ch. 536.**

**Railroads — See Ch. 482.**



ARTICLE I  
General Regulations

**§ 565-1. Incorporation of Standard Traffic Ordinance. [Last amended 11-20-2023 by Ord. No. 6549 ]**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Parsons, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2023, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 6549," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

**§ 565-2. Traffic infractions and traffic offenses. [Last amended 11-20-2023 by Ord. No. 6549 ]**

- A. An ordinance traffic infraction is a violation of any section of this ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. § 8-2118.
- B. All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in Subsection A of this section, shall be considered traffic offenses.

**§ 565-3. Violations and penalties. [Last amended 11-19-2012 by Ord. No. 6272 <sup>161</sup>]**

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than \$30 nor more than \$2,500, except for speeding which shall be not less than \$30 nor more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has not been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

**§ 565-4. Existing traffic signs ratified.<sup>162</sup>**

All official traffic control signs, signals, devices and markings which are in place on the adoption date of this Code are hereby ratified and confirmed and shall be deemed to have been placed and maintained in accordance with lawful authority of the City.

State law references — Authority to erect local traffic control devices, K.S.A. §§ 8-2001 and 8-2002(a)(2); local traffic control devices generally, K.S.A. § 8-2005 et seq.

**§ 565-5. Placement and maintenance of traffic signs.**

It shall be the duty of the City Manager to cause to be placed and maintained all traffic control signs, signals, devices and markings signals required by ordinance.

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161. Editor's Note: This ordinance repealed Ord. No. 6170, adopted 9-15-2008, which comprised former §§ 565-1 through 565-3, as amended.

162. Editor's Note: Original § 22-1, Standard Traffic Ordinances - Adopted, § 22-2, Same - Amendments, and § 22-3, Same - Certain provisions apply throughout chapter, which immediately preceded this section and were added 10-18-1982 by Ord. No. 5269, were repealed 9-29-1986 by Ord. No. 5417.

**§ 565-6. Additional regulations; when signs required.**

It shall be the duty of the City Manager to cause engineering and traffic studies to be made respecting the need of the City for additional traffic regulations to expedite the flow of traffic and to safeguard pedestrians and report his recommendations thereon to the governing body. The action of the governing body shall be effective and binding upon all persons when signs and signals are in place. Where a particular section of this chapter does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

**§ 565-7. Careless driving. [Added 2-6-1975 by Ord. No. 4444 ]**

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

**§ 565-8. Speed limit in school zones. [Amended 3-19-1990 by Ord. No. 5523 ]**

In zones designated by the proper signs as school zones, the speed limit shall be 20 miles per hour from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 4:00 p.m. on days that school is in session.

**§ 565-9. Mufflers required on motor-driven cycles and motor scooters. [Added 5-21-1979 by Ord. No. 5155 ]**

It shall be unlawful for any person to operate any motor-driven cycle, motor scooter, motorbike, minibike or any other motor vehicle having a seat or a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and lawn mowers, within the limits of the City unless said motor vehicle is equipped with a muffler in good repair which shall effectively prevent loud or disturbing noises therefrom.

**§ 565-10. Zones of quiet.**

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of said vehicle except in an emergency.<sup>163</sup>

**§ 565-11. Impoundment of vehicles. [Added 12-20-1982 by Ord. No. 5277 ]**

Members of the Police Department are hereby authorized to remove a vehicle violating the provisions of any ordinance to the nearest private garage or lot or to a garage or lot or other place designated or maintained by the Police Department or otherwise maintained by this City and to hold the vehicle until all the procedural requirements for claiming the vehicle established below are satisfied.

- A. When a Kansas registered vehicle is impounded, taken into custody or immobilized by the Police Department, the Police Department shall send by certified mail to the registered owner of the vehicle and any lienholder of record notice that the vehicle is in the custody of the Police Department. Such notice shall set forth the reasons for impoundment, information regarding the rights of the owner/lienholder in the recovery of the vehicle, and a statement that unless the owner/lienholder takes action within 15 days the vehicle will be sold at public auction to cover any costs and fines accrued as of the date of towing. The notice is to be mailed before the close of the first full working day after the

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163.Editor's Note: Original § 22-11, Truck routes, which immediately followed this section and was added 12-6-1979 by Ord. No. 5175, was repealed 7-20-2009 by Ord. No. 6189. See now Art. III of this chapter.

towing.

- B. If the vehicle is registered in another state, or bears no registration plate, the Police Department shall take prompt action reasonably calculated to apprise the owner/lienholder of the vehicle's location and potential disposition. Such action may include, but not be limited to, contacting the Department of Motor Vehicles of other states to learn to whom a vehicle is registered and publishing an official notice of vehicles in custody. Owners or lienholders identified through Police Department efforts shall be afforded the same notice as set forth in Subsection A.
- C. Once the vehicle has been impounded, the owner/lienholder may:
  - (1) Immediately pay the accrued towing fee and storage charges and thereby regain possession;
  - (2) Sign a signature bond in the amount of the accrued towing fee and storage charges and thereby regain possession; or
  - (3) Refuse the options in Subsection C(1) and (2) above and demand a hearing on the validity of the towing, to be held before the Municipal Court before the second full working day following said demand. Before the owner or lienholder may regain possession, however, the Municipal Court must determine whether or not there was probable cause for the towing. If there was probable cause, the Judge will thereby order the owner or lienholder to comply with Subsection C(1) or (2) above before possession may be regained. If no probable cause for the towing can be shown, the vehicle shall be returned to the owner or lienholder.
- D. No vehicle shall be returned until the owner/lienholder provides sufficient documentation to establish right to possession.
- E. After the vehicle is returned to the owner/lienholder pursuant to this section, trial on the traffic violation which led to the actual towing shall then be scheduled in accordance with the normal Municipal Court schedule. Nothing in this section shall prohibit the owner/lienholder from entering a plea of guilty and paying all fines incurred and thus avoiding going to trial.
- F. Whenever a traffic violation is dismissed or an owner/lienholder is acquitted or it is otherwise determined that the towing of a vehicle was improper and the owner or lienholder has already paid the towing fee and storage charges pursuant to Subsection C above, the fees and charges shall be automatically refunded by the City. Refunds may be ordered by the Municipal Court, and the owner/lienholder shall not be required to resort to the procedure of submitting a claim for the governing body's consideration.
- G. The rights of the owner/lienholder, in addition to being set forth in the certified letter as provided for in Subsection A above, shall be made known by the posting of prominent signs in English at the Police Department headquarters where owners or lienholders inquire as to the status of their vehicles.
- H. Towing fees and storage charges shall be assessed in the amount actually charged to the City by a person providing the towing and storage service, commencing 24 hours after the vehicle is removed. Such towing and storage charges shall be a lien in favor of the City on the vehicle. **[Amended 7-20-2009 by Ord. No. 6189 ]**

**§ 565-12. Main trafficways. [Added 2-20-1989 by Ord. No. 5498 ; amended 5-3-1993 by Ord. No. 5624 ; 3-19-2012 by Ord. No. 6257 ]**

It has been found and determined that the main function of the streets within the corporate limits of Parsons, Kansas, generally known as the following, are for the movement of traffic between areas of concentrated

activity within the City or between such areas within the City and traffic facilities outside the City; and, therefore, it is hereby authorized, ordered and directed that the entirety of said streets within the corporate limits of the City are designated and established as main trafficways, as provided by the Main Trafficway Act.<sup>164</sup>

<b>Name of Street</b>	<b>Location</b>
10th Street	Within the City limits
13th Street	Within the City limits
16th Street	Within the City limits (also known as U.S. Highway 59)
21st Street	Within the City limits
26th Street	Within the City limits
32nd Street	Within the City limits
35th Street	Within the City limits
Appleton Avenue	From 16th Street to 32nd Street
Crawford Avenue	From 16th Street to 32nd Street
Main Street	Within the City limits
Southern Avenue	From 10th Street to 35th Street

**§ 565-12.1. Trafficway connections. [Added 3-19-2012 by Ord. No. 6257 ]**

It has been found and determined that the main function of the streets within the corporate limits of Parsons, Kansas, generally known as the following, are to connect a street with one of the main trafficways and/or connect any two main trafficways; and, therefore, it is hereby authorized, ordered and directed that the entirety of said streets within the corporate limits of the City are designated and established as trafficway connections, as provided by the Main Trafficway Act.<sup>165</sup>

<b>Name of Street</b>	<b>Location</b>
22nd Street	North from Main Street to Stevens Avenue
23rd Street	North from Main Street to Dirr Avenue
29th Street	From the Parsons State Hospital to Main Street
Briggs Avenue	From 26th Street to 32nd Street
Commerce Drive	Within the City limits
Corning Bypass	Within the City limits
Corporate Drive	Within the City limits
Gabriel Avenue	From 16th Street to 21st Street
Gabriel Avenue	West from 32nd Street to the City limits
Grand Avenue	From 10th Street to 13th Street

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<sup>164</sup>.Editor's Note: See K.S.A. § 12-685 et seq.

<sup>165</sup>.Editor's Note: See K.S.A. § 12-685 et seq.

<b>Name of Street</b>	<b>Location</b>
Harding Drive	From 16th Street to 21st Street
Jothi Avenue	From U.S. Highway 59 to 32nd Street
Leawood Drive	Within the City limits
Mosher Road	From 32nd Street to 35th Street
Northern Boulevard	From 16th Street to 21st Street
Northern Boulevard	From 26th Street to 32nd Street
Queens Road	North from Main Street 1/2 mile
Union Gas	From 16th Street to 21st Street
Willowbrook	Within the City limits

ARTICLE II  
**Stopping, Standing and Parking**

**§ 565-13. Temporary regulations authorized.**

The City Manager is hereby authorized to erect temporary signs and enforce regulations relating to parking to cover public emergencies or hazardous conditions.

State law reference — Authority of City to regulate  
or prohibit stopping, standing or parking, K.S.A.  
 §§ 8-2001 and 8-2002(a)(1).

**§ 565-14. Truck parking.**

No truck, semitrailer, house trailer or similar vehicle more than 7 1/2 feet wide or more than 20 feet in overall length shall park or stand in any area marked for angle parking, nor shall any person park any such vehicle in the area of the City marked for and using parking meters. When it is necessary to load or unload any such vehicle from any premises adjacent to any such parking zone, it shall be lawful, when the condition of traffic shall permit, to park or stand such vehicle in the most convenient place for such purpose, but no such vehicle shall be left unattended or be allowed to remain therein after the same shall be loaded or unloaded, and the police officers are empowered to direct the placing or removal of such trucks when traffic shall be obstructed thereby.

**§ 565-15. Metered parking.**

- A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

PARKING METER — A mechanical device located upon a public street or sidewalk in a place regularly designated as a parking zone as hereinafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person so depositing such coin.

PARKING METER ZONE — Represents a certain designated and marked-off section of the public street within the marked boundaries of which a vehicle may be temporarily parked and allowed to remain for such period of time as the parking meter attached thereto may indicate. Such parking meter zone shall be further designated by a parking meter which shall be located upon the sidewalk opposite the marked boundaries of said zone.

- B. Zones. A parking meter zone shall be identified by parking meters located upon the sidewalk opposite such marked zone. The City Manager shall place lines or marks on the curb or on the street about or alongside of each parking meter to designate the parking space for which the meter is to be used. Parking meters shall be placed upon the curb alongside of or next to individual parking places. Each parking meter shall be so set as to show or display a signal that the parking space alongside of the same is or is not in use.
- C. Meter specifications. Parking meters shall be placed upon the curb next to individual parking places, and meters shall be so constructed as to display a signal showing legal parking upon deposit therein of the proper coin or coins of the United States as indicated by instructions on said meter, said signal to remain in evidence until expiration of said parking period so designated, at which time a drop of

signal or some other mechanical operation shall indicate expiration of the parking period.

- D. Use of meters. When any vehicle shall be parked next to a parking meter, the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter a proper coin of the United States for the maximum legal parking limit. It shall be unlawful for any person to fail or neglect to so deposit the proper coin or coins or to fail to park within said designated area. Said parking space may then be used by such vehicle during the legal parking limit provided by the ordinances of the City of Parsons, and said vehicle shall be considered as unlawfully parked if it remains in said space after the parking meter shall display a signal showing such illegal parking. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as provided in this section.
- E. Parking permits. A parking permit may be issued either as an annual permit for the calendar year at a fee of \$50 or a quarterly permit for any calendar quarter for a fee of \$13. These permits will authorize the car owner of the vehicle to park in any off-street parking lot at any meter that provides for four hours or more of parking time. **[Added 1-19-1978 by Ord. No. 5080 ]**
- F. Manner of parking. Any vehicle parked in any parking space in any parking meter zone shall be parked with the hood of such vehicle alongside of or next to the parking meter alongside of such parking space in parallel parking spaces and with the radiator directed at the meter in diagonal parking spaces and in either event shall be parked within the lines marked for such parking space.
- G. Use of slugs. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a proper coin of the United States.
- H. Tampering with meter. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.
- I. Violations. **[Amended 4-1-1977 by Ord. No. 5033 ]**
- (1) It shall be the duty of each traffic patrolman, or such other officers as shall be so instructed by the Chief of Police, to take the number of any meter at which any vehicle is parked in violation of this section and the state vehicle tag number of each such vehicle and report the same to the Police Department and make complaint for any violation in the Municipal Court, and such traffic patrolman or police officer shall leave on such vehicle a ticket stating thereon the traffic violation.
  - (2) For the purpose of better enforcement of parking meter regulations and for the convenience of the general public, it is deemed advisable to place courtesy boxes on parking meter posts in the City for the payment of overtime parking fines for offenders.
  - (3) There is hereby established a fine of \$0.50 for overtime parking which shall be evidenced by a special deposit of said envelope, attached to the vehicle with proper notice, which fine is levied as a special police regulation.
  - (4) Any person who shall fail to pay the fine specified in Subsection I(3) and deposit the envelope in a courtesy box shall be fined no more than \$50. Any person who shall aid, abet or assist in the violation of any of the provisions of this section shall be fined no more than \$50.
- J. Disposition of coins deposited. The coins required to be deposited as provided in this section are hereby levied as police regulation and inspection fees to cover the cost of inspection, installation, operation, control and use of the parking spaces and parking meters described herein and involved in

checking up and regulating the parking of vehicles in parking meter zones and to provide a portion of the cost necessary to regulate traffic, to eliminate hazards, and to provide adequate and safe facilities for the operation of traffic and traffic control. All funds and proceeds derived from the operation and use of parking meters shall be paid into the City Parking Meter Fund.

**§ 565-16. Parking prohibited on certain streets. [Added 12-27-1987 by Ord. No. 5467 ]**

- A. It shall be unlawful for any person to park any motor vehicle on the east side of the street in the 800 block and the 900 block of South 17th Street in the City of Parsons, Kansas. Any person violating this subsection shall, upon conviction thereof, be fined a sum of not less than \$5 and not more than \$50.

**§ 565-17. Parking in certain municipal parking lot. [Added 2-4-2002 by Ord. No. 5946 ]**

- A. Findings and intent. The City finds that parking on the public rights-of-way should be regulated to promote traffic safety, to enhance the smooth flow of traffic, and, in certain areas of high demand for parking spaces, to fairly allocate parking spaces among the public by limiting time.
- B. Authorization. The provisions of this section are enacted pursuant to the statutory power of the City to establish and enforce safety and traffic regulations necessary for the protection of the public under state law.
- C. General prohibitions. No person shall stop, stand, or park a vehicle in any of the spaces contained in the middle row, as marked by the City Manager, of the public parking lot on the north side of Broadway between 18th Street and 17th Street for longer than two hours between the hours of 8:00 a.m. and 4:00 p.m., except for Sundays and state and federally sanctioned holidays, except in compliance with the directions of a police officer, other authorized person, or traffic control device.
- D. Separate offenses. Each maximum period of time applying to the location in which a vehicle is parked in violation of this section is a separate and distinct offense. It shall be the duty of the police or other persons authorized by the Chief of Police to place a notice of violation on such vehicle for each separate violation.
- E. Vicarious responsibility.
- (1) The person in whose name a vehicle is registered shall be also absolutely responsible for violations of this section. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.
  - (2) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines and penalties imposed under this section on such rented or leased vehicles if within 15 days after receiving written notice of the parking violation the lessor provides to the Parsons Police Department the true name, address, and driver's license number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner.
- F. Notice of parking violations.
- (1) A notice of violation of this section may be issued in the form of a citation by any police officer or other person authorized by the Chief of Police. A copy of the citation shall be issued by placing it on the windshield of an illegally parked vehicle in a secure manner or in a prominent



place therein.

- (2) The citation shall contain the following information:
  - (a) The date and time when the citation was issued;
  - (b) The fact that the vehicle remained continuously parked in a time zone for over two hours;
  - (c) The state and license number and the make of the vehicle in violation of this section;
  - (d) The name of the person issuing the citation; and
  - (e) Information advising the owner of the vehicle that he or she must admit the violation and pay the penalty set forth in Subsection G or deny the violation and request a hearing before the Municipal Court. The citation shall note that failure to comply could result in the issuance of a warrant for the arrest of the owner of the vehicle.
- (3) The original citation must be filed with the Municipal Court and may be disposed of only by official action of the Court or by payment of a fine to the Municipal Court.

G. Penalties.

- (1) If the owner of a vehicle in violation of this section admits the violation and pays the penalty or appears before the Municipal Court or is found guilty, the penalty, upon conviction or admission, shall be as follows: parking in excess of the time allowed in any parking zone or parking space, \$5. Each period of parking for over two hours shall be treated as a separate offense punishable by a fine of \$5 for each successive offense.
- (2) If a person violates the parking regulation and fails either to request a hearing before the Municipal Court or to pay the penalty as provided above within 20 days of the date the notice is issued, the penalty for the violation shall double.

**§ 565-17.1. Parking in the downtown area. [Added 11-18-2019 by Ord. No. 6447 ]**

- A. It shall be unlawful to park any vehicle on Main Street between 16th Street and Central Street so that any part of the vehicle, its load or equipment shall leave less than 20 feet of open roadway, except for temporary loading or unloading of a duration less than five minutes.
- B. Any person or owner violating Subsection A of this section shall be subject to the enforcement as allowed in Sections 100 and 101 of the Standard Traffic Ordinance for Kansas Cities in effect at the time and fined according to the fine schedule as set by the Parsons Municipal Court.
- C. This section shall take effect and be in full force and effect upon its adoption, publication as provided by law and after September 30, 2019.

## ARTICLE III

**Truck Routes; Compression Brakes; Parking of Truck Tractors and Trailers****[Added 9-7-1999 by Ord. No. 5866 ]****§ 565-18. Definitions and word usage.**

For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number included the plural number. The word "shall" is always mandatory and not merely directory.

**DEVIATING TRUCK** — A truck which leaves and departs from a truck route while traveling within the City.

**RECREATIONAL VEHICLE** — Any vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle and which has a body width not exceeding eight feet and a body length not exceeding 40 feet, but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating, and any other component or feature for which a standard is adopted by the State Uniform Standards Code for Mobile Homes and Recreational Vehicles.

**SEMITRAILER** — Every vehicle, with or without motive power, other than the pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**TRUCK** — Any vehicle designed or operated for the transportation of property.

**TRUCK ROUTE** — A way over certain streets, as designated herein, over and along which trucks coming into and going out of the City must operate.

**TRUCK TRACTOR** — Any motor vehicle designed and used primarily for drawing other vehicles or trailers and not so constructed as to carry a load other than a part of the weight of the vehicle or trailer being drawn.

**§ 565-19. Designation of truck route.**

A. Any truck tractor, semitrailer or any combination thereof with a weight in excess of 17,000 pounds unloaded operated within the City may be operated only on streets designated as US Highway 400 and US Highway 59. The operation of any such vehicle on any other City street is prohibited.

B. Exceptions. The section shall not prohibit:

- (1) Operation on street of destination. The operation of truck tractors, semitrailers or any combination thereof with a weight in excess of 17,000 pounds unloaded shall be permitted upon any street where necessary to the conduct of business at a destination point, provided that the truck route is used until reaching the intersection nearest the destination point and the operation of said vehicle resumes on the truck route at the intersection nearest the departure point.
- (2) Emergency vehicles. The operation of emergency vehicles upon any street in the City.
- (3) Public utilities. The operation of trucks owned or operated by the City, public utilities, or any contractor or supplier while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.

- (4) Detoured trucks. The operation of trucks, semitrailers or any combination thereof with a weight in excess of 17,000 pounds unloaded upon any officially established detour in any case where it could lawfully be operated upon the street for which such detour is established.
- (5) Recreational vehicles. This section shall not apply to recreational vehicles as defined in this article.
- (6) Truck tractor parked at owner's residence. A truck tractor may be operated on streets other than the designated truck route and travel to the home of the owner of the truck tractor for the purposes of parking so long as the most direct and accessible route from the truck route is used.

**§ 565-20. Enforcement.**

- A. Clerk maintains maps. The City Clerk shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the City Clerk and shall be available to the public.
- B. Chief of Police maintains signs. The Chief of Police of the City shall cause all truck routes and those streets upon which truck traffic is prohibited to be clearly sign-posted to give notice that this article is in effect.
- C. Checking of placards. Any law enforcement officer shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to show the law enforcement officer the placard which displays the weight of the truck unloaded for the purpose of determining compliance with this article.

**§ 565-21. Use of compression-release-type engine brakes.**

- A. It shall be unlawful for any person operating any motor vehicle within the corporate City limits of Parsons, Kansas, to use any compression-release-type engine brake or any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.
- B. Exception. Compression-release-type engine brakes are not prohibited in times of emergency. Emergencies would include a risk of danger to the driver, other drivers, pedestrians or property.

**§ 565-22. Parking of truck tractors.**

A truck tractor may be parked off street in a residential district if the principal owner of the residential property is the owner of the truck tractor and the most direct and accessible route from the designated truck route is used to travel to the residential location.

**§ 565-23. Parking of trailers.**

- A. No trailer with a weight in excess of 7,500 pounds shall be parked within any residential area of the City.
- B. Exceptions.
  - (1) A trailer may be temporarily parked in a residential area for purposes of loading or unloading the trailer.
  - (2) Recreational vehicles are exempt from this section.

**§ 565-24. Violations and penalties.**

The first violation of the above provisions shall be punishable with a fine of not less than \$100 and not more than \$500. The second violation of the above provisions shall be punishable with a fine of not less than \$200 and not more than \$500. The third violation of the above provisions shall be punishable with a fine of not less than \$300 and not more than \$500. The fourth violation and subsequent violations of the above provisions shall be punishable with a fine of not less than \$400 and not more than \$500.

## ARTICLE IV

**Two- or Three-Wheeled Motor Vehicles and Motorized Bicycles****[Added 9-19-2005 by Ord. No. 6061 ]****§ 565-25. Purpose.<sup>166</sup>**

This article shall supplement the Standard Traffic Ordinance for Kansas Cities adopted by the City of Parsons in § 565-1 of this chapter.

**§ 565-26. Requirements.**

- A. It shall be unlawful for any person to operate any two- or three-wheeled motor vehicle or motorized bicycle on City streets, roads, or public rights-of-way unless the vehicle has a seat or the top of the handlebars that are at least 30 inches from the ground to the top of said seat or the rider has to stand on said vehicle.
- B. This section shall not apply to motorized wheelchairs as defined in the Standard Traffic Ordinance for Kansas Cities in effect at the time or that are part of a City-approved parade.

**§ 565-27. Violations and penalties.**

Any person convicted of violating this article shall be punished by a fine not to exceed \$300 and/or a jail sentence not to exceed 15 days.

**§ 565-28. Responsibility of parent or guardian.**

The parent of any child under the age of 18 and the guardian of any ward under the age of 18 shall not authorize or knowingly permit any such child or ward to violate the terms of this article and shall be considered in violation of this article and subject to the penalties contained herein.

**§ 565-29. Impoundment.**

Any two- or three-wheeled motor vehicle or motorized bicycle operated or attempted to be operated or ridden upon City property, streets or sidewalks by a person under the age of 18 in violation of § 565-26 of this article, has no valid driver's license, or said vehicle is not registered with the State of Kansas, is subject to immediate impoundment by a police officer of the City of Parsons, Kansas, and shall be released to the owner or parent or guardian of said operator upon the payment of an impoundment fee of \$50. If said motor vehicle or motorized bicycle is not retrieved within six months from the date of impoundment, it shall be considered abandoned by the owner and is forfeited to the City.

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**166.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

## ARTICLE V

**Micro Utility Trucks****[Added 8-4-2008 by Ord. No. 6161 ]****§ 565-30. Operation of micro utility trucks.**

- A. Micro utility trucks may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the City.
- B. No micro utility truck shall be operated on any public highway, street, road, or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8 of the Kansas Statutes Annotated.
- C. Every person operating a micro utility truck on the public highways, streets, roads and alleys of the City shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, including Section 200 of the Standard Traffic Ordinance, then in effect, which requires liability insurance and which is expressly made applicable herein to micro utility trucks.
- D. No person shall operate a micro utility truck on any public highway, street, road or alley within the corporate limits of the City unless such person has a valid driver's license. Unless the State of Kansas requires all micro utility trucks to be registered with the state, all micro utility trucks shall have prominently displayed a valid permit issued by the City of Parsons allowing the operation of that particular vehicle within the City limits. Said permit shall be issued by the City of Parsons after inspection by the City to ensure that all equipment and insurance requirements of this section are met and upon the payment of a fee of \$50. Said permit shall expire one year from the date of issuance. If the State of Kansas requires all micro utility trucks to be registered with the state, then said trucks shall not be required to obtain a permit from the City of Parsons.

**§ 565-31. Violations and penalties.<sup>167</sup>**

A violation of this article shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

**§ 565-32. Definition.**

"Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.

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<sup>167</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## ARTICLE VI

**Work-Site Utility Vehicles****[Added 2-2-2009 by Ord. No. 6178 ]****§ 565-33. Operation of work-site utility vehicles.**

- A. Work-site utility vehicles may be operated upon the public highways, streets, roads, and alleys within the corporate limits of the City subject to the rules and regulations set forth by City ordinance. **[Amended 9-21-2015 by Ord. No. 6353 ]**
- B. No work-site utility vehicle shall be operated on any public highway, street, road, or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8 of the Kansas Statutes Annotated.
- C. Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the City shall be subject to all of the duties applicable to a driver of a motor vehicle imposed by law, including Section 200 of the Standard Traffic Ordinance, then in effect, which requires liability insurance and which is expressly made applicable herein to work-site utility vehicles.
- D. No person shall operate a work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the City unless such person has a valid driver's license. Unless the State of Kansas requires all work-site utility vehicles to be registered with the state as a motor vehicle, all work-site utility vehicles shall have prominently displayed a valid permit issued by the City of Parsons allowing the operation of that particular vehicle within the City limits. Said permit shall be issued by the City of Parsons after inspection by the City to ensure that all equipment and insurance requirements of this section are met and upon proof said vehicle has been registered for personal property tax purposes in the county the permit holder resides. An annual fee of \$72 shall be paid per permit with each permit being good from July 1 until June 30 of the following year. Said fee shall be prorated from the month of issuance until the following July for newly issued permits. Said permits are not transferable to other work-site utility vehicles. If the State of Kansas requires all work-site utility vehicles to be registered with the state as a motor vehicle, then said work-site utility vehicles shall not be required to obtain a permit from the City of Parsons. **[Amended 9-21-2015 by Ord. No. 6353 ]**

**§ 565-34. Violations and penalties. [Amended 7-20-2009 by Ord. No. 6189 ]**

A violation of this article shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201, Standard Traffic Ordinance, and amendments thereto, or such other similar provision as the City may then have in effect.

**§ 565-35. Definition.**

"Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low-pressure tires, a steering wheel and bench- or bucket-type seating allowing at least two people to sit side by side and may be equipped with a bed or cargo box for hauling.





**Chapter 572**

**VENDORS**

§ 572-1.	<b>Definitions.</b>	§ 572-10.	<b>Claims of exemption.</b>
§ 572-2.	<b>License required.</b>	§ 572-11.	<b>Hours of operation.</b>
§ 572-3.	<b>Application for license.</b>	§ 572-12.	<b>Littering and trash removal.</b>
§ 572-4.	<b>Contents of license.</b>	§ 572-13.	<b>Vending restrictions.</b>
§ 572-5.	<b>Special events.</b>	§ 572-14.	<b>Prohibited conduct.</b>
§ 572-6.	<b>License fees.</b>	§ 572-15.	<b>Violations and penalties.</b>
§ 572-7.	<b>Display of identification badges and other permits.</b>	§ 572-16.	<b>Suspension or revocation of license.</b>
§ 572-8.	<b>Notification of name or address change.</b>	§ 572-17.	<b>Appeals.</b>
§ 572-9.	<b>Exemptions.</b>	§ 572-18.	<b>License renewal.</b>

**[HISTORY: Adopted by the City Commission of the City of Parsons 4-1-1996 by Ord. No. 5725 . Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Streets and sidewalks — See Ch. 520.**

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**§ 572-1. Definitions.**

When used in this chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**CONVEYANCE** — Includes any public or privately owned vehicle, method or means of transporting people, bicycle, motorized or nonmotorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.

**GOODS, WARES and MERCHANDISE** — Includes but is not limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

**MOTOR VEHICLE** — Any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the State Department of Motor Vehicles of any state.

**PUBLIC SPACE** — Includes all City-owned parks and City-owned property within street rights-of-way, including any roadways and sidewalks.

**PUBLIC WAY** — All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, and parks, as well as the areas surrounding and immediately adjacent to public buildings.

**PUSHCART** — Any wheeled vehicle approved by the City Clerk in accordance with this chapter designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

**SIDEWALK** — All that area legally open to public use as a pedestrian public way between the curbline and the legal building line of the abutting property.

**SPECIAL EVENT** — Any occasion, including but not limited to fairs, shows, exhibitions, City-wide celebrations, and festivals, taking place within a specifically defined area of the City of Parsons for a period of time not to exceed three days.

**STAND** — Any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk.

**STREET** — All that area legally open to public use as public streets and sidewalks, roadways, highways, parkways, alleys and any other public way.

**VEHICLE** — Every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including but not limited to devices moved by human power.

**VENDOR** — Any person traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Parsons, Kansas. "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant or transient vendor. This definition does not include a door-to-door peddler or solicitor.

### **§ 572-2. License required.**

It shall be unlawful for any person, firm or corporation to engage in the business of vending unless he, she or it has first obtained a license from the City Clerk or the designee of the City Clerk.

### **§ 572-3. Application for license.**

- A. The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:
  - (1) The applicant's full name, current address, telephone number and proof of identity.
  - (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale.
  - (3) The specific location, if any, in which the vendor intends to conduct business.
  - (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation.
  - (5) If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and license number.
- B. Any application for a vending license to engage in the sale of food or beverages shall be accompanied by proof that the applicant has obtained the license required by the State of Kansas and the City of Parsons to sell or serve food and beverages.

**§ 572-4. Contents of license.**

- A. Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle registration number. Each license shall also show the expiration date of the license.
- B. In addition to the vending license and any other permit required by this chapter, the City Clerk shall issue an identification badge to each vendor.
- C. All licenses, permits and identification badges issued under this section are valid for one year unless suspended or revoked and shall be both nonassignable and nontransferable.

**§ 572-5. Special events.**

Any vendor wishing to conduct business at a special event shall apply to the City Clerk for a temporary vending permit. Application for such a permit must be made at least one day prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Fees for such permit shall be as specified in this chapter. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified.

**§ 572-6. License fees.**

Any vendor granted a vending license under this chapter shall pay an annual license fee of \$15. Any vendor granted a temporary vending permit for special events shall pay a fee of \$2 for each day of vending permitted, unless waived by the governing body.

**§ 572-7. Display of identification badges and other permits.**

- A. Any license or permit issued by the City Clerk shall be carried with the licensee whenever he or she is engaged in vending. Identification badges and certificates of health inspection or food and beverage licenses as may be required by the City of Parsons or the State of Kansas shall also be properly and conspicuously displayed at all times during the operation of the vending business.
- B. An identification badge shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection or food and beverage licenses shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance and clearly visible to the public and law enforcement officials.

**§ 572-8. Notification of name or address change.**

All vendors shall assure that a current and correct name, residence address and mailing address are on file with the City Clerk. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the City Clerk in writing within 10 days of such change and provide the same with the name change or address change.

**§ 572-9. Exemptions.**

The provisions of this chapter do not apply to:

- A. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- B. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books; or
- C. The distribution of free samples of goods, wares and merchandise by any individual from his person.

**§ 572-10. Claims of exemption.**

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a license fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption.

**§ 572-11. Hours of operation.**

Vendors shall be allowed to engage in the business of vending only between the hours of 8:00 a.m. and 11:00 p.m. No vending station, conveyance or other item related to the operation of a vending business shall be located on any City sidewalk or other public way during nonvending hours, nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

**§ 572-12. Littering and trash removal.**

- A. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
- B. Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

**§ 572-13. Vending restrictions.**

No vendor shall be permitted to operate:

- A. So as to obstruct the following public space:
  - (1) Any street intersection or pedestrian crosswalk.
  - (2) Any driveway or loading zone.
  - (3) A building entrance.
- B. Within 50 feet of another vending location assigned to another vendor on a public sidewalk.
- C. Against display windows of fixed location businesses.

**§ 572-14. Prohibited conduct.**

No person authorized to engage in the business of vending under this chapter shall do any of the following:

- A. Unduly obstruct pedestrian or motor vehicle traffic flow.

- B. Obstruct traffic signals or regulatory signs.
- C. Stop, stand or park any vehicle, pushcart or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
- D. Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight.
- E. Use a handcart or pushcart or stand whose dimensions exceed six feet in width, eight feet in length, and 10 feet in height.
- F. Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.
- G. Sell any goods, wares or merchandise within districts or on streets that have been or shall be hereafter so designated by the governing body.
- H. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention or otherwise violate Chapter 436, Noise, of the City Code.
- I. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

**§ 572-15. Violations and penalties.<sup>168</sup>**

The penalty for violating any provision of this chapter shall be as provided in § 1-2 of this Code for a Class C misdemeanor together with revocation or suspension of the vendor's license. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. A hearing on each violation shall be required before any fines, suspensions or revocations can occur. Each day of violation shall be deemed a separate offense.

**§ 572-16. Suspension or revocation of license.**

- A. In addition to the penalties contained in this chapter, any license issued under this chapter may be suspended or revoked for any of the following reasons:
  - (1) Fraud, misrepresentation or knowingly false statement contained in the application for the license;
  - (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
  - (3) Conducting the business of vending in any manner contrary to the conditions of the license;
  - (4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
  - (5) Cancellation of Health Department authorization for a food or beverage vending unit due to

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**168.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

uncorrected health or sanitation violations.

- B. The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint and the grounds for suspension or revocation and notifying the licensee or permittee of his right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.
- C. If the City revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one year from the date that the revocation took effect.

**§ 572-17. Appeals.**

- A. If the City Clerk denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the City Clerk's decision to the governing body of the City of Parsons.
- B. The filing of an appeal stays the action of the City Clerk in suspending or revoking a license or permit or any part of the business operation being conducted under such license or permit until the governing body makes a final decision, unless the City Clerk determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City Clerk shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

**§ 572-18. License renewal.**

A vending license may be renewed, provided that an application for renewal and license fees are received by the City Clerk no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The City Clerk shall review each application for renewal and, upon determining that the applicant is in full compliance with the provisions of this chapter, shall issue a new license.

VIOLATION OF COUNTY AND STATE REGULATIONS

**Chapter 575**

**VIOLATION OF COUNTY AND STATE REGULATIONS**

**§ 575-1. Violation of an order of Labette  
County Emergency  
Management or the Labette  
County Health Department or  
an Executive Order issued by  
the Governor.**

**[HISTORY: Adopted by the City Commission of the City of Parsons 4-2-2020 by Ord. No. 6463 .  
Amendments noted where applicable.]**

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**§ 575-1. Violation of an order of Labette County Emergency Management or the Labette County Health Department or an Executive Order issued by the Governor.**

- A. It shall be unlawful for any person to violate, refuse, or fail to comply with a written order of Labette County Emergency Management or the Labette County Health Department or an Executive Order issued by the Governor of the State of Kansas, as long as said orders are issued under their respective authorities granted by the State of Kansas.
- B. A violation this section is a Class C misdemeanor.

## PARSONS CODE

## Chapter 580

## WATER AND WASTEWATER SYSTEM

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WATER AND WASTEWATER SYSTEM

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§ 580-51.	Voluntary conservation measures.		Lifting of Sanitary Sewage by Artificial Means
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[HISTORY: Adopted by the City Commission of the City of Parsons 3-18-1985 by Ord. No. 5345 as Ch. 24, Art. II of the 1985 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 225.	Plumbing — See Ch. 467.
Floodplain management — See Ch. 325.	Stormwater management — See Ch. 517.
Lake Parsons — See Ch. 390.	Streets and sidewalks — See Ch. 520.

ARTICLE I  
**General Provisions**

**§ 580-1. Definition.**

As used in this chapter the term "Department" shall mean the Water and Wastewater Department of the City.

**§ 580-2. Water and wastewater systems combined.**

It is hereby declared, found and determined to be necessary for the public health, safety, welfare and benefit of the City and its inhabitants that the water system and the wastewater system, including all improvements and extensions thereto, be combined, and it is hereby declared that from and after June 25, 1954, the water system and the wastewater system, including all future improvements and extensions thereto, are combined and shall be known as the "water and wastewater system." The water and wastewater system shall be operated and financed as provided by K.S.A. §§ 12-856 through 12-869.

State law reference — Authority to combine water and sewers systems, K.S.A. § 12-857.

**§ 580-3. Water and Wastewater Department.**

There is hereby created for the operation of the water and wastewater system of the City a Water and Wastewater Department. The Department shall be administered by the City Manager and he shall appoint such officers and employees as may be necessary for the proper operation of the water and wastewater system of the City. The Water and Wastewater Department shall be administered, operated, and financed in accordance with all of the provisions of K.S.A. §§ 12-856 through 12-869 and all other applicable law.

**§ 580-4. Violations and penalties.<sup>169</sup>**

Except where another penalty is provided, violation of this chapter shall constitute a Class B misdemeanor, punishable as provided in § 1-2 of this Code.

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**169.Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

ARTICLE II  
**Water System Rules**

**§ 580-5. General duty of City.**

All local water distribution mains and appurtenances will be constructed by the City. Water for fire protection will be provided by the City with fire hydrants installed at intervals as determined by the City Manager.

State law reference — General authority to sell water, K.S.A. § 12-808.

**§ 580-6. Rules and regulations.**

The City Manager is hereby authorized to make such rules and regulations as may be deemed proper and necessary for the safe and efficient management, operation and protection of the water system.

**§ 580-7. Compliance with other laws.**

Water service will be furnished only to premises complying with the applicable plumbing and sanitary codes and regulations of the City.

**§ 580-8. Tampering with system.**

No person, except employees of the Department or a licensed plumber, may dig up or molest any water main, service line or meter, or turn water on or off, or have in his possession any tool designed for that purpose.

**§ 580-9. Service connections.**

- A. Each premises shall have a separate and distinct water service connection, and in no case, except as hereinafter provided, shall more than one premises be furnished with water from one connection; provided, however, that where conditions make it impossible or inadvisable in the judgment of the City Manager to provide separate connections, special permission may be granted for the use of one connection for more than one service. When such permission is granted, each branch service must have its own service valve and meter installed so that each service can be metered and controlled separately.
- B. All connections to the mains shall be made through one or more brass corporation stops inserted into the main or through a cast-iron tapping sleeve and valve in accordance with the rules and regulations of the Department.

**§ 580-10. Connection permit.**

- A. The owner of any real estate desiring to connect the premises owned by him to the water system must obtain a permit from the Department for the connection.
- B. Any such owner desiring to make a water service connection shall apply in writing to the Department for a permit to do so on an application form furnished by the Department, which form shall contain the following information:
  - (1) The legal description and address of the premises.

- (2) The names and addresses of the owner(s) of the property.
  - (3) The name of the licensed plumber who will perform the work.
  - (4) The nature and kind of facility to be served.
  - (5) The size of the service.
  - (6) The exact point of proposed connection to the water main.
- C. If the application is in due and proper form, the permit shall be issued upon payment of the required connection fees.
- D. Conditions.
- (1) Any permit issued under the authority of this section is issued subject to the following conditions, and the acceptance of the permit by the applicant shall be acceptance of the following conditions:
    - (a) The permit holder shall make the connection at his own expense and with such material as is approved by the City Manager.
    - (b) The owner of said premises shall properly maintain at his own expense the portion of the service line beyond where City maintenance ends, such maintenance being subject to the inspection of the City Manager.
    - (c) The connection shall be made in the manner and in the place as directed by the City Manager.
    - (d) No other property than that for which the permit was issued shall be served by an extension of or connection to the connection.
    - (e) All water rates, fees, and charges as may be fixed from time to time by the City shall be paid.
  - (2) The above conditions shall be considered as covenants running with the land, and compliance with them shall be binding on all future owners of the premises.
- E. The permit to be issued hereunder shall contain the following information:
- (1) The legal description and address of premises.
  - (2) The name and address of the owner.
  - (3) The name of the licensed plumber to do the work.
  - (4) The type of facility to be served.
  - (5) The size of the service.
  - (6) The amount of the service connection fee paid.
- F. The permit shall be dated and signed by the City Manager.

**§ 580-11. Unlawful reconnections.**

No person shall reconnect water service where it has been disconnected for nonpayment of a bill for service until such bill has been paid in full, including the reconnection charge.

**§ 580-12. Installation of service line.**

The service line from the water main to the meter, including the meter setting, shall be installed by a licensed plumber in accordance with the Department's rules and regulations.

**§ 580-13. Maintenance of service line.**

The Department shall maintain the water service line, after proper installation, from the connection at the main to the meter or to the property line or easement line, whichever is closer to the main.

**§ 580-14. Water meters.**

The City will not permit the installation of any water meter other than one furnished by the Department unless the City Manager gives written approval of the installation of another meter. The City will retain ownership of the meter, maintain the meter, and replace defective meters with a meter of the same size.

**§ 580-15. Waste of water or failure to make repairs.**

- A. The Department shall not be responsible for any waste of water, either through carelessness or leaky services, and no claim for discounts for the above reasons shall be considered. If the property owner or consumer fails to make any necessary repairs after being duly notified, the Department is authorized to discontinue the service to the property until such time as the repairs are made.
- B. In case of an emergency the waste or excessive use of water may be ordered stopped by the Department, and in case of failure to comply with the order service may be discontinued at such place.

**§ 580-16. City not liable for failure to supply.**

No claims shall rest against the City or the Department by reason of any damage sustained from the freezing or bursting of any main, service line, or meter or from the accidental failure to supply water. The City hereby reserves the right to shut off the water in the mains without notice for the purpose of making repairs, connections, or extensions and no claim for damage therefrom shall be allowed.

**§ 580-17. Unauthorized use of fire hydrants.**

No person shall use any unapproved wrench on any fire hydrant. No person, except employees of the Department or employees of the Fire Department, shall operate any fire hydrant for any reason.

**§ 580-18. Special services.**

The Department will provide water service at pressures normally satisfactory for residential purposes. Any customer requiring pressures higher than normally maintained in the system or abnormal quantities of water for fire protection or other special purposes shall provide additional pumping and storage facilities within his property and shall also pay for the additional expense to the Department in providing additional transmission mains or other facilities required to provide such special service, either through rates or through contributions to the construction of such additional facilities, whichever the Department may require. Service of a special nature will be rendered only at the option of the Department and under

conditions which will not interfere with normal service to the other customers.

**§ 580-19. Extensions.**

- A. Generally. The City will, where deemed necessary and advisable, provide water service, and extend water mains, pursuant to the conditions in this section.
- B. Compliance with City's rules, etc. All customers obtaining water from the water system shall conform to all rules, regulations, ordinances, rates, and conditions of service now in effect or which may be adopted by the City in the future.
- C. Requests for extensions. Requests for water system extensions shall be presented to the City Manager in writing and shall contain all information required by the City Manager.
- D. Right to refuse or limit service. The City reserves the right to refuse service, or to limit service, where the extension of service conflicts with the general policy of the City or jeopardizes service to then existing customers.
- E. Platting required.
  - (1) No water main extensions shall be constructed by the City for the purpose of providing water service into any unplatted areas either inside or outside the City limits until said areas have been platted in conformity with the ordinances of the City and approved by the City.
  - (2) In small unplatted areas which are adjacent to the water mains of the City, which areas in the opinion of the City cannot properly be platted until other adjacent areas are also platted, in order to conform to the City's Master Plan, the City may provide water service to the owners of small areas executing an "agreement to plat" upon such terms and conditions as required by the City.
- F. Wastewater system required. Water service will not be extended to any user until provisions have been made for the financing of necessary wastewater system facilities to serve that user, and the construction of these wastewater facilities is assured, with the following exceptions:
  - (1) Where water is to be used for industrial, agricultural, or other purposes that do not result in the production of other objectionable wastes.
  - (2) Where the construction of wastewater facilities cannot be consummated due to reasons beyond the control of the proposed user and where said user can provide independent wastewater facilities in a manner approved by the City.
- G. Construction of water mains and appurtenances by City. All water mains, valves, fire hydrants and appurtenances will be constructed by the City in accordance with its designs, plans, and specifications and provisions for financing established by the City.

ARTICLE III  
**Wastewater System Rules**

**§ 580-20. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**BOD** (denoting biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**CITY MANAGER** — The City Manager or his authorized representative.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWER** — A sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SLUG** — Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

**STORM DRAIN** — A sewer which carries stormwater and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUSPENDED SOLIDS (SS)** — Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

**§ 580-21. Rules and regulations.**

The City Manager is hereby authorized to make such rules and regulations as may be deemed proper and necessary for the safe and efficient management, operation, and protection of the wastewater system.

**§ 580-22. Unlawful discharge; required connection to system.**

- A. It shall be unlawful for any persons to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the subsequent provisions of this article.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so, provided that said public sewer is within 500 feet of the property line.
- E. The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the City, whose property line is beyond 500 feet from a public sewer must obtain a statement of nonavailability of sewer service from the City. This would not, though, preclude the City Manager from certifying the availability of a public sewer should one be constructed within 500 feet of the property line.

**§ 580-23. Connection permit.**

- A. The owners of any real estate who wish to connect to the wastewater system shall make application for and obtain a permit to connect the premises owned by them to the wastewater system and to discharge usual and ordinary wastewater from the premises into the wastewater system.
- B. Any owners desiring to connect to the wastewater system shall apply in writing to the Department for permit to do so. Such application shall be furnished by the City and shall contain the following information:
  - (1) The legal description and address of the premises.
  - (2) The names and addresses of the owners of the premises.
  - (3) The type of facility to be served by said connection.
  - (4) The number and kind of intake openings to be connected.



- (5) The exact point of proposed connection.
- C. If the application is in due and proper form, the permit shall be issued upon payment of the required connection fees.
- D. Conditions.
  - (1) Any permit issued under the authority of this section is issued subject to the following conditions, and the acceptance of this permit by the applicant shall be acceptance of the conditions:
    - (a) The permit holder shall make the connection at his own expense and with such pipe and material as is approved by the City Manager.
    - (b) The owner of the premises shall properly maintain at his own expense said connection and connecting line, such maintenance being subject to the inspection of the City Manager.
    - (c) Such connection will be made in the manner and at the place as directed by the City Manager.
    - (d) No other property other than that for which the permit was issued shall be served by an extension of or connection to the connection herein permitted.
    - (e) The facility for which the permit was allowed shall not be changed without the written consent of the City Manager.
    - (f) All legal and proper wastewater system charges as may be fixed from time to time by the City shall be paid.
  - (2) The conditions of this permit shall be considered covenants running with the land, and compliance with the above conditions shall be binding on all future owners of the premises.
- E. The permit to be issued hereunder shall contain the following information:
  - (1) The name of the person to whom the permit is issued.
  - (2) The legal description and address of premises for which the permit was issued.
  - (3) The type of facility to be served.
  - (4) The amount of the wastewater connection fee paid.
- F. The permit shall be dated and signed by the City Manager.
- G. If the permit holder or present or future owners of the premises for which the permit was issued shall fail to comply with the conditions of the permit as herein provided, the City shall have the right to discontinue wastewater service for the premises until such time as said conditions are complied with. In the event that the City exercises its right to discontinue wastewater service to said premises, it may discontinue such service after giving 10 days' written notice mailed to the owner of the premises involved at his last known place of residence, said notice to state the reasons for such discontinuance and when said discontinuance will occur.

**§ 580-24. Installation and connection of building sewer.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or

disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Manager.

- B. There shall be two classes of building sewer permits:
  - (1) For residential and commercial service; and
  - (2) For service to establishments producing industrial wastes.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Manager, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public wastewater system, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.<sup>170</sup>
- H. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public wastewater system.
- I. The connection of the building sewer into the public wastewater system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Manager before installation.
- J. The applicant for the building sewer permit shall notify the City Manager when the building sewer is ready for inspection and connection to the public wastewater system. The connection shall be made under the supervision of the City Manager.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

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**170. Editor's Note: See also Art. VII, Lifting of Sanitary Sewage by Artificial Means, of this chapter.**

**§ 580-25. Tapping main or intercepting sewer.**

The tapping or connecting of premises with main or intercepting sewers is hereby prohibited, unless a special permit or permission has been granted by the City Manager, which permit shall be subject to such conditions as may be by him specified. It shall be unlawful for any person to make any connection with any lateral sewer of the wastewater system without first obtaining a connection permit.

**§ 580-26. Unauthorized discharges.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to the wastewater system.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the City Manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Manager, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to the public wastewater system:
  - (1) Any gasoline, oil, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public wastewater system.
  - (3) Any waters or wastes having a pH lower than 5.5 or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater system.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater system, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whey, buttermilk, carcasses or hides of dead animals or fowls, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City Manager that such waste can harm either the wastewater collection system, the wastewater treatment process, or equipment, have adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Manager will give consideration to such factors as the quantity of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are as follows:
  - (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

- (2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 0.76 horsepower metric or greater shall be subject to the review and approval of the City Manager.
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the City Manager for such materials.
- (6) Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City Manager as necessary, after treatment of the composite wastewater, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids, such as, but not limited to, fullers earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride or sodium sulfate.
  - (b) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (c) Unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
  - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Any waters or wastes having a five-day BOD greater than 300 parts per million by weight, or containing more than 300 parts per million by weight of suspended solids, or having an average daily flow greater than 2% of the average wastewater flow of the City, shall be subject to the review of the City Manager. When necessary in the opinion of the City Manager, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to 300 parts per million by weight, or reduce the suspended solids to 300 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans,

specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Manager, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- E. If any waters or wastes are discharged or are proposed to be discharged to the public wastewater system, which waters contain the substances or possess the characteristics enumerated in Subsection D and which in the judgment of the City Manager may have a deleterious effect upon the wastewater works, process, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the City Manager may reject the wastes, require pretreatment to an acceptable condition for discharge to the public wastewater system, require control over the quantities and rates of discharge, and/or require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or wastewater charges. If the City Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager and subject to the requirements of all applicable codes, ordinances, and laws.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the City Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public wastewater system to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined by periodic grab samples.)
- J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to the payment therefor by the industrial concern.

**§ 580-27. Private wastewater systems.**

- A. Where the public wastewater system is not available under the provisions of § 580-22, the building sewer shall be connected to a private wastewater system complying with the provisions of this section.
- B. Before commencement of construction of a private wastewater system, the owner shall first obtain a written permit signed by the City Manager. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Manager. A permit and inspection fee of \$25 shall be paid to the City at the time the application is filed.
- C. A permit for a private wastewater system shall not become effective until the installation is completed to the satisfaction of the City Manager. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City Manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the City Manager.
- D. The type, capacities, location, and layout of a private wastewater system shall comply with all recommendations of the City and the Kansas Department of Health and Environment. No permit shall be issued for any private wastewater system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be allowed to discharge to any natural outlet.
- E. At such time as a public wastewater system becomes available to a property served by a private wastewater system, as provided in § 580-22, a direct connection shall be made to the public system in compliance with this chapter, and any septic tanks, cesspools, and similar private systems shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private wastewater facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Department of Health and Environment.
- H. When a public wastewater system becomes available, the building sewer shall be connected to said system within 90 days and the private wastewater system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**§ 580-28. Tampering with property of City wastewater system.**

No unauthorized person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater system.

**§ 580-29. Inspections; right of entry.**

- A. The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The City Manager or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the waterways or wastewater system.

- B. While performing the necessary work on private properties referred to in Subsection A, the City Manager or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- C. The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**§ 580-30. Extensions.**

- A. Generally. The City will, where deemed necessary and advisable by the governing body, provide wastewater service and extend the wastewater system, pursuant to the conditions in this section.
- B. Compliance with City's rules, etc. All customers obtaining wastewater service from the public wastewater system shall conform to all rules, regulations, ordinances, rates, and conditions of service now in effect or which may be adopted by the City in the future.
- C. Requests for extensions. Requests for wastewater system extensions shall be presented to the City Manager in writing and shall contain all information required by the City Manager.
- D. Right to refuse or limit service. The City reserves the right to refuse service, or to limit service, where the extension of service conflicts with the general policy of the City or jeopardizes service to then existing customers.
- E. Platting required.
  - (1) No wastewater system extensions shall be constructed by the City for the purpose of providing wastewater service into any unplatted areas either inside or outside the City limits until said areas have been platted in conformity with the ordinances of the City and approved by the City.
  - (2) In small unplatted areas which are adjacent to the public wastewater system, which areas in the opinion of the City cannot properly be platted until other adjacent areas are also platted, in order to conform to the City's Master Plan, the City may provide wastewater service to the owners of said small areas executing an "agreement to plat" upon such terms as required by the City.
- F. Acceptance of wastewater.
  - (1) Acceptance of wastewater from outside the City will be made only:
    - (a) In conformance with laws governing county benefit districts.
    - (b) Where the entire cost of the wastewater system serving industrial establishments or subdivisions is paid by individuals, corporations, or others.
    - (c) Where isolated property borders the existing public wastewater system and where said isolated property owner makes payment to the City for said connection in accordance with

established wastewater connection fees.

- (d) Under such other terms as the City may prescribe.
- (2) Acceptance of wastewater from individuals, subdivisions, benefit districts, institutions, or industrial establishments will be at points of connection to the City wastewater system where adequate capacity is available (or where the City proposes to make adequate capacity available) and all such proposed connections shall be at points designated by the City.
- G. Supervision and approval of construction. All sewers and appurtenances, including house connections, shall be constructed in accordance with designs, sizes, materials, plans, specifications, and construction supervision approved by the City.
- H. Wastewater system to belong to City if area annexed. All wastewater lines constructed in areas outside the City which contribute to the City's wastewater system shall become the property of the City when, and if, the areas in which the lines are located are annexed to the City, and the City's ownership and responsibility therefor shall be on the same basis as if the lines were originally constructed within the City. The City will not, however, accept responsibility for the indebtedness incurred in the original construction of the wastewater lines except to the extent required by law.
- I. Construction of wastewater lines and appurtenances by City. All wastewater lines and appurtenances will be constructed by the City in accordance with its designs, plans, and specifications, and provisions for financing established by the City.



ARTICLE IV  
Rates and Charges

**§ 580-31. Water rates. [Last amended 1-4-2016 by Ord. No. 6354 ]**

A. Services within the City limits:

- (1) Monthly minimum charge, includes the first 1,500 gallons: \$18.05.
- (2) All water used over monthly minimum, per 750 gallons: \$5.90.

B. Services outside the City limits:

- (1) Monthly minimum charge, includes the first 1,500 gallons: \$36.10.
- (2) All water used over monthly minimum, per 750 gallons: \$11.80.

C. All water sold wholesale to the rural water districts shall be at the rates set in the contracts.

**§ 580-32. Water service connections.**

For new water service connections the Department shall provide meters, meter boxes and lids, meter yokes, and connections necessary to serve the premises and shall charge therefor a service charge equal to the cost of the meters, meter boxes and lids, meter yokes, and necessary connections. Said charge will be determined by the City Manager and paid to the Department before water is furnished to the customer.

**§ 580-33. Water meter testing.**

The amount of water consumed shall be determined by a standard water meter. If the customer questions the accuracy of the meter supplying his premises the Department shall, upon request of the consumer, cause an official test to be made. The consumer shall be notified of the time and place of such test and may be present if he so desires. Should the meter be found to register more than 2% in excess of the actual quantity of water passing through it, no charge shall be made to the consumer for the test, but if the meter is found to be registering less than 2% in excess of the actual quantity of water passing through it the consumer shall pay to the Department the sum of \$15.

**§ 580-34. Wastewater rates. [Last amended 10-2-2023 by Ord. No. 6545 ]**

A. The monthly rates required to be charged and collected for wastewater services furnished by the Wastewater Department of said City shall be as follows:

(1) Services within the City limits:

Volume	Rate
Monthly minimum charge for 0 to 1,500 gallons	\$17.50
Monthly minimum charge for over 1,500 gallons	\$18
All water used over month minimum, per 750 gallons	\$5.75

## (2) Services outside the City limits:

Volume	Rate
Monthly minimum charge for 0 to 1,500 gallons	\$35
Monthly minimum charge for over 1,500 gallons	\$36
All water used over month minimum, per 750 gallons	\$11.50

- B. Charges to residential customers for January to December will be based on the average water usage for the months of October and November of the previous year. All nonresidential customers shall be charged according to monthly water usage. New customers will be charged based on monthly water usage until an average has been established.
- C. For those contributors who contribute wastewater, the strength of which is greater than the upper limit of normal domestic sewage, a surcharge in addition to the normal use charge will be collected as follows:
- (1) Surcharge:
- \$0.0740 per pound of BOD in excess of 500 mg/l
- \$0.0346 per pound of SS in excess of 500 mg/l
- (2) The user charge portion of the surcharge is as follows:
- \$0.0539 per pound in excess of 500 mg/l
- \$0.0273 per pound of SS in excess of 500 mg/l

**§ 580-34.1. Sewer improvement fee. [Added 6-18-2012 by Ord. No. 6260 ; last amended 8-15-2016 by Ord. No. 6374 ]**

- A. There is hereby assessed against all individual sanitary sewer accounts within the City a monthly sewer improvement fee in the amount of \$15 in addition to the normal monthly sanitary sewer charge as calculated per § 580-34 of the Parsons City Code. The owner, occupant and any person who is responsible for the payment of sewer services per account shall all be jointly and severally responsible for the payment of said fee. Any individual sanitary sewer accounts for property outside the City limits shall be assessed the same fifteen-dollar fee per account in addition to their regular monthly sanitary sewer bill except that any sewer benefit district being served by the City of Parsons shall be assessed the fee in the amount of \$15 multiplied by the number of properties being served by the sewer benefit district. Said fee shall be assessed each month.
- B. The monthly sewer improvement fee set forth above shall be included as part of the monthly bill for sanitary sewer services of the City, but shall be identified separately on said billing. Said fee shall be due at the same time as water and/or other utility services of the City are due and the failure to pay said fee shall be considered a failure to pay utility services of the City and enforceable pursuant to related provisions of the City's Code of Ordinances. In addition, any time utility services of the City are established, or re-established for an account owner, all fees hereunder shall be paid current as of

the date such service is established or re-established.

- C. Said monthly fee shall commence and be assessed after December 1, 2016, and continue indefinitely until repealed by ordinance.

**§ 580-35. Wastewater system connections. [Amended 12-16-1985 by Ord. No. 5389 ]**

The following fees are hereby established for connections to the wastewater system:

- A. For premises inside the City limits.

- (1) For a one-inch meter or less the connection fee shall be \$500.
- (2) For any connection using over a one-inch meter the fee shall be \$1,000.

- B. For premises outside the City limits.

- (1) For a one-inch meter or less the connection fee shall be \$500.
- (2) For any connection using over a one-inch meter the fee shall be \$1,000.

**§ 580-36. Special connection service charge.**

- A. The fee which shall be paid to the City for new service connections to the City's water and wastewater system shall be as follows:

- (1) There shall be no charge if the work is to be performed during regular working hours.
- (2) Twenty dollars if the work is to be performed after regular working hours.

- B. Such fee shall be in addition to all other fees.

**§ 580-37. Discontinuance of service; reconnection. [Amended 5-16-2005 by Ord. No. 6041 <sup>171</sup>; 5-2-2022 by Ord. No. 6519 ]**

In case of any unpaid bill against the property for any customer for water and/or wastewater service, connection fees, or other merchandise or services, or should the customer or property owner tamper with any water main, water meter, or wastewater line or make any unauthorized connection to the water or wastewater systems or allow more than one premises to be furnished with water or wastewater service from one connection, or in the event of any violation by the customer or said property owner of the ordinances, rules and regulations of the City relating to the water and wastewater systems, service may be discontinued without notice and the following charges, in addition to the bill, must be collected before the water is again turned on:

- A. Reconnection fee.

- (1) During regular working hours: \$25.
- (2) After regular working hours: \$40.
- (3) The above fee shall double in the event a customer has been shut off in the previous six months.

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171. Editor's Note: Section 4 of Ord. No. 6041 provided as follows: "The fees in this ordinance may be changed by action of the governing body taken at a regularly scheduled commission meeting."

B. The reconnection fee due to the removal of the meter for nonpayment and unauthorized turn-on of water service after termination by the Department shall be as follows:

- (1) During regular working hours: \$50.
- (2) After regular working hours: \$80.
- (3) The above fee shall double in the event a customer has been shut off in the previous six months.

**§ 580-38. Connection fees and service deposits. [Amended 9-16-1991 by Ord. No. 5573A ; 5-16-2005 by Ord. No. 6041 <sup>172</sup>; 5-2-2022 by Ord. No. 6519 ]**

A. Connection fees.

- (1) Prior to furnishing water and/or wastewater service to a residential or commercial unit, the consumer shall pay a connection fee of \$25 to cover the cost associated with the connection of said services. This fee is charged for each residential meter and each commercial meter.
- (2) When transferring water and/or wastewater services from one location to another location the consumer will pay a connection fee of \$25 to cover the cost associated with the transfer of said service. This fee is charged for each residential meter and each commercial meter.

B. Service deposit.

- (1) Any time a consumer connects to a meter larger than one inch the consumer may be required to furnish a letter or credit or a service deposit in the amount of 1 1/2 times the reasonably estimated monthly consumption.
- (2) A residential consumer who has been repeatedly (two or more times in a twelve-month period) disconnected for nonpayment may be required at the discretion of the Utility Office Manager to post a residential service deposit in the amount of \$30 per residential unit to insure payment of the bill before service is reconnected.
- (3) A commercial consumer who has been repeatedly (two or more times in a twelve-month period) disconnected for nonpayment may be required at the discretion of the Utility Office Manager to post a commercial service deposit in the amount of 1 1/2 times the normal monthly bill to insure payment of the bill before service is reconnected.
- (4) Service deposits will be returned at the end of 24 months, provided that the consumer has not been disconnected for nonpayment of a bill.
- (5) A service deposit requirement will be in additional to the connection fee.

**§ 580-39. Monthly billing; payment; delinquent bills.**

All water meters shall be read and bills for water and/or wastewater service shall be rendered monthly. All bills shall be due and payable at the business office of the Department during regular business hours. If the bill shall remain unpaid after the 17th day following the rendition of the bill an additional 5% shall be added thereto. If any bill shall remain unpaid by the 25th day following the rendition of the bill water service to such consumer shall be disconnected and shall not be reconnected until all past due bills for water and/or wastewater service are paid in full, plus the reconnection fee.

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172.Editor's Note: Section 4 of Ord. No. 6041 provided as follows: "The fees in this ordinance may be changed by action of the governing body taken at a regularly scheduled commission meeting."

**§ 580-40. Property owner liable for bills.**

All property owners shall be liable for all bills contracted by themselves, their agents, or their tenants for water and/or wastewater services provided to the premises which they own.

**§ 580-41. Insufficient check fee. [Added 5-16-2005 by Ord. No. 6041 <sup>173</sup>]**

Any time a consumer's check is returned from the bank as insufficient funds a service charge of \$25 will be added to the account. The consumer is required to present cash for payment of the insufficient fund check and the service charge.

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**173.Editor's Note: Section 4 of Ord. No. 6041 provided as follows: "The fees in this ordinance may be changed by action of the governing body taken at a regularly scheduled commission meeting."**

## ARTICLE V

**Backflow Prevention****[Added 1-21-1991 by Ord. No. 5560 ]****§ 580-42. Cross-connections.**

No person, company, corporation, or institution shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the City may enter the supply and distributing system of the City unless specifically approved by the Kansas Department of Health and Environment and the governing body.

**§ 580-43. Backflow prevention devices.<sup>174</sup>**

Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the public water supply in that polluted water or other contaminating materials may enter into the public water supply. Approved backflow preventer valves and systems shall be installed as determined by the Director of Utilities.

**§ 580-44. Right of entry.<sup>175</sup>**

The City Director of Utilities or other designee of the governing body shall have the right-of-way of entry into any building or premises in the City as frequently as necessary in his or her judgment in order to ensure that plumbing has been installed in accordance with the laws of the City so as to prevent the possibility of contamination of the water supply of the City.

**§ 580-45. Protection from contaminants.<sup>176</sup>**

Pursuant to the City's constitutional home rule authority and K.S.A. § 65-163a, the City by its Director of Utilities may refuse to deliver water through pipes and mains to any premises where a condition exists which might lead to the contamination of the public water supply system and it may continue to refuse the delivery of water to the premises until that condition is remedied. In addition, the City Director of Utilities may terminate water service to any property where the cross-connection, backsiphonage, or back pressure conditions creates, in the judgment of the Director, an emergency danger of contamination to the public water supply.

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174.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

175.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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ARTICLE VI  
**Water Emergencies**  
**[Added 9-5-1995 by Ord. No. 5701 ]**

**§ 580-46. Purpose.**

The purpose of this article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event that such a watch, warning or emergency is declared.

**§ 580-47. Definitions; classes of water uses.**

A. As used in this article, the following terms shall have the meanings indicated:

CUSTOMER — The customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

WASTE OF WATER — Includes, but is not limited to, permitting water to escape down a gutter, ditch, or other surface drain or failure to repair a controllable leak of water due to defective plumbing.

WATER — Water available to the City of Parsons for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

B. The following classes of uses of water are established:

- (1) 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.
- (2) 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.
- (3) Class 3: Domestic usage, other than that which would be included in either Class 1 or 2.
- (4) Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

**§ 580-48. Declaration of water watch.**

Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City newspaper.

**§ 580-49. Declaration of water warning.**

Whenever the governing body of the City finds that drought conditions or some other condition causing

a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper.

**§ 580-50. Declaration of water supply emergency.**

Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper.

**§ 580-51. Voluntary conservation measures.**

Upon the declaration of a water watch or water warning as provided in §§ 580-48 and 480-49, the Mayor (or the City Manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses, including but not limited to limitations on the following uses:

- A. Sprinkling of water on lawns, shrubs or trees (including golf courses).
- B. Washing of automobiles.
- C. Use of water in swimming pools, fountains and evaporative air-conditioning systems.
- D. Waste of water.

**§ 580-52. Mandatory conservation measures.**

Upon the declaration of a water supply emergency as provided in § 480-50, the Mayor (or the City Manager) is also authorized to implement certain mandatory water conservation measures, including but not limited to the following:

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



**§ 580-53. Emergency water rates.**

Upon the declaration of a water supply emergency as provided in § 580-50, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not be limited to, higher charges for increasing usage per unit of use (increasing block rates); uniform charges for water usage per unit of use (uniform unit rate); or extra charges in excess of a specified level of water use (excess demand surcharge).

**§ 580-54. Regulations.<sup>177</sup>**

During the effective period of any water supply emergency as provided for in § 580-50, the Mayor (or City Manager or Director of Utilities) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

**§ 580-55. Disconnections; violations and penalties.**

- A. If the Mayor, City Manager, Director of Utilities, 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 § 580-52 or 580-54 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:<sup>178</sup>
- (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body;
  - (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
  - (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- B. A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to Subsection A. In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
- C. Violations of this article shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction

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<sup>177</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>178</sup>.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the City or county jail which shall be fixed by the Court and which shall not exceed 30 days.

**§ 580-56. Emergency termination.**

Nothing in this article shall limit the ability of any properly authorized City official to terminate the supply of water to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the health and safety of the public.

## ARTICLE VII

**Lifting of Sanitary Sewage by Artificial Means  
[Added 3-7-2005 by Ord. No. 6035 ]****§ 580-57. Use of grinder pump.**

At buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means commonly known as a "grinder pump," with said artificial means being approved by the City, and discharged to the public sewer. The use of any pumping equipment for which cross-connections with a public water supply system are needed is prohibited. The total costs of pumping equipment and pumping equipment operational costs shall be those of the owner. The owner shall be responsible for all maintenance of the grinder pump and sewer line all the way to where the sewer line taps into the City sewage system.



WIRELESS FACILITIES

Chapter 585

WIRELESS FACILITIES

ARTICLE I		§ 585-2.	Applicability.
Standards for Small Cell Facilities and Wireless Support Structures		§ 585-3.	Application requirements; fees.
		§ 585-4.	General standards.
§ 585-1.	Definitions.	§ 585-5.	Aesthetic standards.

[HISTORY: Adopted by the City Commission of the City of Parsons as indicated in article histories. Amendments noted where applicable.]

## ARTICLE I

**Standards for Small Cell Facilities and Wireless Support Structures****[Adopted 11-18-2019 by Ord. No. 6451 ]****§ 585-1. Definitions.**

For purposes of this article, the following words and phrases shall have the following meanings:

**ACCESSORY EQUIPMENT** — Any equipment serving or being used in conjunction with a wireless facility or wireless support structure, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

**ALLEY** — A dedicated right-of-way, other than a street, that affords a secondary means of access to abutting property.

**ANTENNA** — Communications equipment that transmits or receives radio electromagnetic signals in the provision of wireless service.

**APPLICATION** — A request submitted to the City for:

- A. The construction of a new wireless support structure or new wireless facility;
- B. The substantial modification of a wireless support structure or wireless facility; or
- C. Co-location of a wireless facility or replacement of a wireless facility.

**CANTENNA** — A structural, weatherproof enclosure that protects an antenna. The cantenna is constructed of material that minimally attenuates the electromagnetic signal transmitted or received by the antenna. Cantennas protect antenna surfaces from weather and/or conceal antenna accessory equipment from public view.

**CITY** — The City of Parsons, Kansas.

**CO-LOCATION; CO-LOCATE** — The mounting or installation of wireless facilities on a building, structure, wireless support structure, tower, utility pole, base station or existing structure for the purposes of transmitting or receiving radio frequency signals for communication purposes.

**ENCLOSURE** — A cabinet, box, or shroud for antennas or accessory equipment, intended to conceal its contents, prevent electrical shock to users, and protect the contents from the environment.

**FACILITY or FACILITIES** — Any portion or component of the network located in, along, over, upon, under, or through the public right-of-way.

**NETWORK** — A wireless service provider's wireless facilities or small cell facilities, including the antenna, poles, accessory equipment, enclosures, wireless support structures, underground and aboveground fiber-optic cable, wires, lines, fiber enclosures, fiber repeaters and related equipment and appurtenances, and similar facilities and appurtenances, designed, constructed or occupied for the purpose of producing, receiving, amplifying or distributing wireless services to or from locations within the City.

**RIGHT-OF-WAY** — Only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include any state, federal or interstate highway right-of-way, which generally includes the area that runs contiguous to, parallel with, and is generally equidistant from the center of that portion of the highway improved, designed or ordinarily used for public travel.

**SMALL CELL FACILITY** — A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six cubic feet; and
- B. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the Federal Communications Commission has excluded from review pursuant to 54 U.S.C. § 306108. Associated equipment may be located outside the primary equipment, and if so located, is not to be included in the calculation of equipment volume. Associated equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, backup power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

**SMALL CELL NETWORK** — A collection of interrelated small cell facilities designed to deliver wireless service.

**STREET** — A public thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

**SUBSTANTIAL MODIFICATION** — A proposed modification to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the objective standard for substantial change established by the FCC in 47 C.F.R. 1.40001(b)(7).

**UTILITY POLE** — A structure owned or operated by a public utility as defined in K.S.A. § 66-104, and amendments thereto, a municipality as defined in K.S.A. § 75-6102, and amendments thereto, or an electric cooperative as defined in K.S.A. 2019 Supp. 17-4652, and amendments thereto, that is designed specifically for and used to carry lines, cables or wires for telecommunications, cable, electricity or to provide lighting.

**WIRELESS FACILITY** — Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including, but not limited to:

- A. Equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

**WIRELESS INFRASTRUCTURE PROVIDER** — Any person that builds or installs transmission equipment, wireless facilities or wireless support structures but that is not a wireless services provider.

**WIRELESS SERVICE PROVIDER** — A provider of wireless services.

**WIRELESS SERVICES** — "Personal wireless services" and "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C), including commercial mobile services defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities or any fixed or mobile wireless services provided using wireless facilities.

**WIRELESS SUPPORT STRUCTURE** — A freestanding structure, such as a monopole, guyed or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

## **§ 585-2. Applicability.**

This article applies to the placement of small cell facilities in the right-of-way by any wireless service

provider or wireless infrastructure provider, whether authorized by a small cell deployment agreement or a master license agreement, permit or ordinance.

**§ 585-3. Application requirements; fees.**

- A. Site plans and structural calculations. The applicant must submit fully dimensioned and to-scale site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a professional engineer licensed and registered by the State of Kansas. Drawings must depict any existing wireless facilities on the wireless support structures, with all existing transmission equipment identified; and the proposed small cell facility, with all proposed transmission equipment and other improvements.
- B. Equipment specifications. For all components of the small cell facilities, wireless support structures, and accessory equipment depicted on the plans, the applicant must include, if applicable:
  - (1) Physical dimensions, including, without limitation, height, width, depth, volume and weight with mounts and other necessary hardware;
  - (2) Technical rendering of all external components, including enclosures and all attachment hardware.
- C. Approvals required. Construction may only occur after receiving all applicable permits of general applicability from the City [e.g., utility and/or excavation permit(s)], and the City's approval of the specific application. The City shall process and approve (or deny) applications within the time frames prescribed by applicable laws and subject to the limitations of applicable laws.
- D. Removal of existing street furniture, trees or other City infrastructure. No proposed small cell facility installation may cause or result in the removal of any existing City infrastructure, without the express written permission of and compensation to the City.
- E. Removal due to public project and other causes. If requested by the City, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, a wireless services provider or wireless infrastructure provider shall relocate or adjust its facilities within the public right-of-way at no cost to the City, as long as such request similarly binds all users of such right-of-way. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any written request by the City for such relocation or adjustment, as long as the City provides the wireless services provider or wireless infrastructure provider with a minimum of 180 days' advance written notice to comply with such relocation or adjustment, unless circumstances beyond the City's control require a shorter period of advance notice. If any such relocation or adjustment is for private benefit, the provider shall not bear the cost of the relocation or adjustment to the extent of such private benefit, and the provider shall not be obligated to commence the relocation or adjustment until receipt of funds for such relocation or adjustment. The provider shall have no liability for any delays caused by a failure to receive funds for the cost of such relocation or adjustment, and the City shall have no obligation to collect such funds.
- F. Fees. Unless already provided pursuant to a separate agreement with the City, the application will be accompanied by the following fees, as applicable:
  - (1) For a new pole that is used as a wireless support structure that is not a co-location: a fee of \$1,000;
  - (2) For an application that includes up to five co-locations of small cell facilities: a fee of \$500; for



an application of six or more co-locations of small cell facilities: an additional fee of \$100 for each co-location beyond five;

- (3) For each small cell facility attached to a City-owned or -controlled pole or other City-owned structure located in the right-of-way: an annual fee of \$270 for each year the small cell facility is attached to the City-owned pole or structure; and
- (4) Reimbursement of additional, reasonable costs the City incurs, if such costs are specifically related to and caused by the applicant's specific deployment, subject to the limitations of applicable law, including FCC 18-133.

**§ 585-4. General standards.**

A. General location criteria. Small cell facilities shall be placed:

- (1) So as not to create an adverse obstruction to pedestrian and vehicular sight lines along a street or alley.
- (2) Between properties in residential areas at the common property line and not in front of a house; in commercial and industrial areas, at the common property line between properties whenever possible.
- (3) On corner lots or through lots, on the secondary street frontage when possible if no alley exists.
- (4) So as to avoid material interference with existing utilities and infrastructure.
- (5) Preferably equidistant from adjacent poles.
- (6) Such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian, bicycle, or vehicular travel, or interfere with the operation and maintenance of signal lights, signage, streetlights, street furniture, fire hydrants, trees and landscaping, the operation or maintenance of underground utilities, or business district maintenance.
- (7) Small cell facilities shall be located out of the drip zone of street trees to prevent disturbance within the critical root zone.

B. Obstructions. Any new wireless support structure and/or accessory equipment, and other improvements associated with the placement of small cell facilities, must not obstruct any:

- (1) Access to any aboveground or underground infrastructure for pedestrian and/or traffic control signals, lighting, signage, streetlights, public transportation, irrigation, parking meters, barricades or bollards, bike racks, benches, trash bins, or any other public street furniture.
- (2) Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including bus stops, streetcar stops, and bike share stations).
- (3) Intersection sight distances as required by the American Association of State and Highway Transportation Officials (AASHTO), latest addition adopted by the City, or as may be required by the City Engineer.
- (4) Access to aboveground or underground infrastructure owned or operated by any public or private utility.
- (5) Fire hydrant access.

- (6) Access to any doors, gates, stoops or other ingress and egress points to any building appurtenant to the right-of-way.
  - (7) Access to any fire escape.
  - (8) Access or right of travel along any sidewalk, pathway, trail, street or alley, by any pedestrian, bicycle, or vehicle, as applicable.
- C. Maintenance and repair. The applicant is responsible for maintaining its personal property in the right-of-way associated with its small cell facilities, including, but not limited to, wireless support structures, accessory equipment and all other components of its network, in a condition that conforms to the requirements of this article. This responsibility includes regular maintenance, periodic repainting, and timely repairs or equipment replacement in the event of damage.
- D. Abandonment. Any small cell facility that is not operated for a continuous period of 90 days after completion of initial installation, excluding nonoperation due to a natural disaster or other unforeseeable circumstance or temporary equipment failure, shall be considered abandoned. If a small cell facility is abandoned, the small wireless facility owner shall notify the City within 30 days of the abandoned status of such facility, and such owner shall remove the abandoned facility.

**§ 585-5. Aesthetic standards.**

- A. Applicability. A particular requirement of the aesthetic standards may be waived if the applicant provides demonstrative proof as to why such requirement is not feasible.
- B. Alley placement preferred and encouraged. Within the grid-street areas of the City that incorporate alleys, placement within the alleys is strongly encouraged. The aesthetic standards in this section will be waived for small cell facilities placed in the alleys, unless the particular alley is located in a redevelopment area and has separate aesthetic standards in effect at the time of application which pertain to such alleys.
- C. Co-location requirements.
  - (1) Accessory equipment.
    - (a) Internal installation. All accessory equipment and cabling shall be installed within an existing or new pole when technologically feasible. Any accessory equipment installed within a pole may not protrude from the pole except to the extent reasonably necessary.
    - (b) External shrouding. If technically feasible, the antenna should be contained in a cantenna, and any other equipment, wiring and cabling shall be contained in enclosures, when not feasible to be internally contained in the pole.
    - (c) Electrical and data service lines to poles. Service lines for power and data must be underground in all neighborhoods where power and other utility lines are underground. Service lines are encouraged to be underground in other areas of the City whenever possible to avoid additional overhead lines. For hollow poles, underground cables and wires must transition directly into the pole base without external junction boxes.
    - (d) Sidearm or offset installations. The furthest point of the enclosure shall not extend more than 18 inches from the pole.
    - (e) Conduits. If technically feasible, all cables shall be installed inside the pole, except that

flush-mounted conduit shall be used on wooden poles.

- (f) Hardware attachments. All hardware attachments should be hidden. Welding onto existing equipment is not permitted.
- (g) Color. Unless the placement is in a location where a specific streetscape color scheme has been established for light poles and other street furniture, the wireless support structure and all associated external accessory equipment shall be painted to reasonably match, using a flat "go-away" green color approved by the City that minimizes glare and visibility. Paint should be powder-coated or incorporated in the pole material. On wood poles, visible attachments and hardware shall be painted a flat nonglare grey.
- (h) Antennas. The antenna should be top-mounted and concealed within a cantenna that also conceals the cable connections, antenna mount and other hardware, whenever technically feasible. When such concealment within the cantenna is unfeasible or impossible, the antenna and all cable should be shrouded from view, if technically feasible. GPS antennas, if needed, must be placed within the cantenna or directly above the cantenna not to exceed six inches. The cantenna or side-mounted antenna and GPS antenna must be nonreflective and painted or otherwise reasonably colored to reasonably match the pole.
- (i) Cantennas. Cantennas must be mounted directly on top of the pole, unless a sidearm or offset installation is required by the owner of an existing pole. A tapered transition between the upper pole and cantenna is required to shroud all cabling.
- (j) Ground-mounted enclosures: must follow applicable City ordinances (of general applicability that do not apply exclusively to wireless facilities) for ground-mounted enclosures and be attached to a concrete foundation. The maximum acceptable dimensions of ground-mounted enclosures is 30 inches wide by 30 inches deep by four feet high. Ground-mounted enclosures must be installed flush to the ground and must match the color of the corresponding pole. Ground-mounted accessory equipment on sidewalks must not interfere with the flow of pedestrian traffic and must conform to the Americans With Disabilities Act (ADA) in regard to appropriate unobstructed sidewalk dimensions. No more than one enclosure is permitted per pole.
- (k) Pole-mounted enclosures. The lowest point may not be lower than 10 feet above the grade of the ground on which the pole is located. It is preferred that the enclosure be mounted flush to the pole. Standoff mounts are permitted for the enclosure but may not exceed six inches and must include metal shrouding to conceal the space between the shroud and the pole.
- (l) Height of installations on existing poles. Co-location on existing poles has no height limitation beyond the added height of the cantenna.

D. New and replacement poles.

- (1) Pole material and style. New wood poles are only permitted in alleys that have no applicable aesthetic standards in effect at the time of application. All other new and replacement poles shall be hollow metal, fiberglass or a similar composite material that is structurally designed and certified for the intended use, and generally round or octagonal, and designed for internal cabling. Applicants placing new poles in designated redevelopment areas that have an established streetscape style and color for light poles and other poles shall coordinate with the City to match the established character, style, height and color, as is reasonably feasible.

- (2) Height. New wireless support structures shall not exceed the greater of: 50 feet in height; or 10% higher than the height of adjacent structures; or as otherwise prescribed by federal law.
- (3) Poles with additional features.



PARSONS CODE

**Chapter A600**

**CHARTER ORDINANCES**

DERIVATION TABLE

**Chapter DT**

**DERIVATION TABLE**

**Chapter DL****DISPOSITION LIST****§ DL-1. Disposition of legislation.**

**The following is a chronological listing of legislation of the City of Parsons adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Ord. No. 6184, adopted 4-20-2009 .**

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**§ DL-1. Disposition of legislation.**

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
6185	5-4-2009	Bond	NCM
6186	5-4-2009	Temporary permission to consume cereal malt beverages in designated area in Marvel Park ball diamond area	NCM
6187	5-8-2009	Temporary building contractor requirements for work done in response to windstorm on May 8, 2009	NCM
6188	7-6-2008	Special assessment	NCM
6189	7-20-2009	Adoption of Code	Ch. 1, Art. II
6190	7-20-2009	Streets and sidewalks amendment	Ch. 520
6191	7-20-2009	Peace and good order amendment ("boot block" charitable solicitations)	Ch. 459
6192			Tabled
6193	8-17-2009	Special assessment	NCM
6194	8-17-2009	2009 tax levy and 2010 expenditures	NCM
6195	9-8-2009	Contract for fire-fighting services	NCM



<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
6196	9-8-2009	2010 tax revenue increase	NCM
6197	9-21-2009	Contract for fire-fighting services	NCM
6198	10-5-2009	Special assessment	NCM
6199	11-2-2009	Water and wastewater system amendment	Ch. 580
6200	11-2-2009	Water and wastewater system amendment	Ch. 580
6201	11-16-2009	Bond	NCM
6202	12-7-2009	Contract for fire-fighting services	NCM
6203	1-19-2010	Boards, commissions and committees: Economic Development Advisory Board	Ch. 20, Art. XV
6204	1-19-2010	Special assessment	Repealed by Ord. No. 6206
6205	2-15-2010	Contract for fire-fighting services	NCM
6206	3-15-2010	Special assessment	NCM
6207	4-19-2010	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6208	5-7-2010	Municipal Court costs	Superseded by Ord. No. 6367
6209	6-21-2010	Tree Advisory Board	Ch. 20, Art. XVI
6210	6-21-2010	Smoking repealer	Ch. 509, reference only
6211	8-2-2010	Wrecking of buildings	Ch. 237
6212			Tabled
6213	7-6-2010	Ad valorem taxation exemption	NCM
6214	7-6-2010	Contract for fire-fighting services	NCM
6215	7-19-2010	Special assessment	NCM
6216	8-16-2010	Peace and good order amendment	Ch. 459

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
6217	8-16-2010	Vehicles and traffic amendment	Ch. 565
6218	8-16-2010	2010 tax levy and 2011 expenditures	NCM
6219	8-16-2010	Zoning Map amendment	NCM
6220	9-7-2010	Zoning Map amendment	NCM
6221	10-4-2010	Temporary street closure	NCM
6222	10-4-2010	Special assessment	NCM
6223	10-18-2010	Contract for fire-fighting services	NCM
6224	11-1-2010	Zoning Map amendment	NCM
6225	12-6-2010	Natural gas franchise	NCM
6226	12-6-2010	Special assessment	NCM
6227	12-20-2010	Retailers' sales tax	Superseded by Ord. No. 6234
6228	12-20-2010	Appropriation	NCM
6229	1-3-2011	Special assessment	NCM
6230	3-21-2011	Contract for fire-fighting services	NCM
6231	4-4-2011	Drugs and drug paraphernalia: methamphetamine precursor drugs	Ch. 280, Art. I
6232	4-4-2011	Approval of special use permit	NCM
6233	5-2-2011	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6234	5-2-2011	Retailers' sales tax	Superseded by Ord. No. 6295
6235	7-5-2011	Zoning Map amendment	NCM
6236	7-18-2011	Contract for fire-fighting services	NCM
6237	7-18-2011	Temporary street closure	NCM
6238	8-15-2011	Contract for fire-fighting services	NCM
6239	8-15-2011	2011 tax levy and 2012 expenditures	NCM

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
6240	9-6-2011	Special assessment	NCM
6241	9-6-2011	Water and wastewater system amendment	Ch. 580
6242	9-19-2011	Special assessment	NCM
6243	10-17-2011	Zoning Map amendment	NCM
6244		Special assessment	NCM
6245	11-21-2011	Zoning Map amendment	NCM
6246	11-21-2011	Approval of special use permit	NCM
6247	11-21-2011	Contract for fire-fighting services	NCM
6248		Issuance of general obligation bonds for prepayment of loans	NCM
6249	12-19-2011	Vehicles and traffic amendment	Ch. 565
6250	12-19-2011	Peace and good order amendment	Ch. 459
6251	12-19-2011	Parks and recreation amendment	Ch. 450
6252	12-19-2011	Amendment to issuance of general obligation bonds for prepayment of loans	NCM
6253	1-3-2012	Special assessment	NCM
6254	1-17-2012	Zoning Map amendment	NCM
6255	1-17-2012	Issuance of general obligation bonds	NCM
6256	3-19-2012	Special assessment	NCM
6257	3-19-2012	Vehicles and traffic amendment	Ch. 565
6258	4-2-2012	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6259	5-21-2012	Zoning Map amendment	NCM
6260	6-18-2012	Water and wastewater system amendment	Ch. 580
6261	7-16-2012	Zoning Map amendment	NCM

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
6262	7-16-2012	Special assessment	NCM
6263	8-6-2012	Special assessment	NCM
6264	8-20-2012	Special assessment	NCM
6265	8-20-2011	2012 tax levy and 2013 expenditures	NCM
6266	9-17-2012	Temporary street closure	NCM
6267	9-17-2012	Special assessment	NCM
6268	10-15-2012	Approval of special use permit	NCM
6269	11-5-2012	Zoning Map amendment	NCM
6270	11-5-2012	Special assessment	NCM
6271		Issuance of general obligation bonds	NCM
6272	11-19-2012	Vehicles and traffic amendment	Ch. 565
6273	11-19-2012	Peace and good order amendment	Ch. 459
6274	12-3-2012	Issuance of general obligation bonds	NCM
6275		Loan agreement	NCM
6276	12-17-2012	Zoning Map amendment	NCM
6277	12-17-2012	Salaries and wages	Repealed by Ord. No. 6303
6278	1-7-2013	Zoning Map amendment	NCM
6279	1-22-2013	Special assessment	NCM
6280	2-18-2013	Solid waste amendment	Ch. 513
6281	3-18-2013	Contract for fire-fighting services	NCM
6282	5-6-2013	Zoning Map amendment	NCM
6283	5-6-2013	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6284	6-17-2013	Zoning Map amendment	NCM
6285	6-17-2013	Zoning Map amendment	NCM
6286	7-1-2013	Contract for fire-fighting services	NCM

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6287	7-15-2013	Contract for fire-fighting services	NCM
6288	8-5-2013	Street vacation	NCM
6289	8-19-2013	Special assessment	NCM
6290	8-19-2013	2014 tax revenue increase	NCM
6291	8-19-2013	2013 tax levy and 2014 expenditures	NCM
6292		Temporary street closure	NCM
6293	9-3-2013	Special assessment	NCM
6294	9-3-2013	Contract for fire-fighting services	NCM
6295	9-25-2013	Retailers' sales tax	Superseded by Ord. No. 6339
6296	10-7-2013	Alcoholic beverages amendment; curfew; fences and walls amendment; fire prevention: outdoor stoves and fireplaces; peace and good order amendment	Ch. 189; Ch. 260; Ch. 311; Ch. 316, Art. III; Ch. 459
6297			Number not used
6298	10-21-2013	Appropriation	Repealed by Ord. No. 6302
6299	10-21-2013	2013 tax levy and 2014 expenditures	NCM
6300	10-21-2013	Special assessment	NCM
6301	12-2-2013	Special assessment	NCM
6302	12-16-2013	Repeal of appropriation	NCM
6303	12-16-2013	Salaries and wages	Repealed by Ord. No. 6332
6304			Number not used
6305		Loan agreement amendment	NCM
6306	2-3-2014	Contract for fire-fighting services	NCM
6307	2-3-2014	Appropriation	NCM

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6308	2-17-2014	Contract for fire-fighting services	NCM
6309	2-17-2014	Special assessment	NCM
6310	3-3-2014	Contract for fire-fighting services	NCM
6311	4-7-2014	Special assessment	NCM
6312	4-21-2014	Neighborhood revitalization plan	NCM
6313	4-21-2014	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6314	5-5-2014	Ad valorem taxation exemption	NCM
6315	6-2-2014	Alcoholic beverages amendment	Ch. 189
6316	7-21-2014	Special assessment	NCM
6317	7-21-2014	Zoning Map amendment	NCM
6318	8-4-2014	Special assessment	NCM
6319	8-18-2014	Peace and good order amendment	Ch. 459
6320	8-18-2014	Vehicles and traffic amendment	Ch. 565
6321	8-18-2014	2015 tax revenue increase	NCM
6322	8-18-2014	2014 tax levy and 2015 expenditures	NCM
6323	9-15-2014	Special assessment	NCM
6324	9-15-2014	Appropriation	NCM
6325		Temporary street closure	NCM
6326	10-20-2014	Special assessment	NCM
6327	10-20-2014	Contract for fire-fighting services	NCM
6328	10-20-2014	Water and wastewater system amendment	Ch. 580
6329	10-20-2014	Stormwater management amendment	Ch. 517
6330	11-20-2014	Zoning Map amendment	NCM

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6331		Special assessment	NCM
6332	1-20-2015	Salaries and wages	Repealed by Ord. No. 6356
6333	1-20-2015	Loan agreement amendment	NCM
6334	1-20-2015	Contract for fire-fighting services	NCM
6335	2-2-2015	Water and wastewater system amendment	Ch. 580
6336	2-2-2015	Special assessment	NCM
6337	4-6-2015	Zoning Map amendment	NCM
6338	4-20-2015	Special assessment	NCM
6339	5-4-2015	s' sales tax	Superseded by Ord. No. 6373
6340			Number not used
6341	5-4-2015	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6342		Urban renewal plan amendment	NCM
6343	6-15-2015	Appropriation	NCM
6344	6-15-2015	Telecommunications franchise agreement	NCM
6345	7-6-2015	Approval of special use permit	NCM
6346	7-6-2015	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6347	8-3-2015	Special assessment	NCM
6348	8-17-2015	Electric franchise	NCM
6349	8-17-2015	2015 tax levy and 2016 expenditures	NCM
6350	9-8-2015	Zoning Map amendment	NCM
6351	9-8-2015	Special assessment	NCM
6352	9-21-2015	Contract for fire-fighting services	NCM

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6353	9-21-2015	Vehicles and traffic amendment	Ch. 565
6354	1-4-2016	Water and wastewater system amendment	Ch. 580
6355	1-4-2016	Solid waste amendment	Ch. 513
6356	2-1-2016	Salaries and wages	NCM
6357	2-1-2016	Form of government; Board of Commissioners; Mayor; City Manager	Ch. 82, Art. II
6358	2-15-2016	Special assessment	NCM
6359	2-15-2016	Zoning Map amendment	NCM
6360	3-21-2016	Special assessment	NCM
6361	4-18-2016	Loan agreement amendment	NCM
6362	4-18-2016	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM
6363	5-16-2016	Zoning Map amendment	NCM
6364	6-6-2016	Appropriation	NCM
6365	6-20-2016	Nonpartisan elections	Ch. 55, Art. II
6366	7-5-2016	Special assessment	NCM
6367	7-5-2016	Municipal court costs	Ch. 32, Art. I
6368	7-5-2016	Insurance proceeds amendment	Ch. 363
6369	7-18-2016	Special assessment	NCM
6370	8-1-2016	Special assessment	NCM
6371	8-15-2016	Zoning Map amendment	NCM
6372	8-15-2016	2016 tax levy and 2017 expenditures	NCM
6373	8-15-2016	Retailers' sales tax	Superseded by Ord. No. 6506
6374	8-15-2016	Water and wastewater system amendment	Ch. 580
6375	8-15-2016	Water and wastewater system amendment	Ch. 580
6376	9-6-2016	Temporary street closure	NCM



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6377	9-6-2016	Special assessment	NCM
6378	9-6-2016	Increase in tax revenues for 2017	NCM
6378-A	9-19-2016	Special assessment	NCM
6379	11-7-2016	Special Assessment	NCM
6380	11-21-2016	Bond	NCM
6381	12-5-2016	Special Assessment	NCM
6382	1-3-2017	Special Assessment	NCM
6383	3-6-2017	Certificates of Participation	NCM
6384	3-6-2017	Lake Parsons Amendment	Ch. 390
6385	4-3-2017	Neighborhood Revitalization Plan	NCM
6386	4-17-2017	Approval of Special Use Permit	NCM
6387	4-17-2017	Temporary Exemption	NCM
6388	4-17-2017	Governing Body: Form of Government; Board of Commissioners; Mayor; City Manager Amendment	Ch. 82, Art. II
6389	5-15-2017	Zoning Map Amendment	NCM
6390	6-5-2017	Zoning Map Amendment	NCM
6391	6-19-2017	Boards, Commissions and Committees: Planning Commission	Ch. 20, Art. VI
6392	6-19-2017	Tax Levy	NCM
6393	7-3-2017	Easement Vacation	NCM
6394	7-17-2017	Special Assessment	NCM
6395	8-21-2017	2017 Tax Levy and 2018 Expenditures	NCM
6396	8-21-2017	Vehicles and Traffic Amendment	Ch. 565
6397	8-21-2017	Peace and Good Order Amendment	Ch. 459

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6398	10-2-2017	Approval of Special Use Permit	NCM
6399	10-2-2017	Special Assessment	NCM
6400	11-6-2017	Special Assessment	NCM
6401	11-20-2017	Bond	NCM
6402	12-18-2017	Special Assessment	NCM
6403	1-16-2018	Salaries and Wages	NCM
6404	2-5-2018	Special Assessment	NCM
6405	4-2-2018	Uniform Public Offense Code Amendment	Repealed by Ord. No. 6430
6406	4-16-2018	Temporary Exemption	NCM
6407	4-16-2018	Lease Purchase Agreement	NCM
6408	5-7-2018	Special Assessment	NCM
6409	5-7-2018	Contract for Fire-Fighting Services	NCM
6410	5-21-2018	Street Vacation	NCM
6411	7-18-2018	Tobacco and E-Cigarettes: Use in Outdoor Recreational Facilities	Ch. 541, Art. I

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6412	8-6-2018	Special Assessment	NCM	6
6413	8-20-2018	Special Assessment	NCM	6
6414	8-20-2018	Tax Levy	NCM	6
6415	10-1-2018	Special Assessment	NCM	6
6416	10-1-2018	Comprehensive Development Plan	NCM	6
6417	10-15-2018	Solid Waste Amendment	Ch. 513	6
6418	11-5-2018	Special Assessment	NCM	6
6419	11-19-2018	Bond	NCM	6

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6420	12-3-2018	Special Assessment	NCM	6
6421	12-17-2018	Stormwater Management Amendment	Ch. 517	6
6422	12-17-2018	Contract	NCM	6
6423	1-7-2019	Special Assessment	NCM	6
6424	2-4-2019	Zoning Map Amendment	NCM	6
6425	2-4-2019	Special Use Permit	NCM	6
6426	2-4-2019	Lake Parsons Amendment	Ch. 390	6
6427	2-4-2019	Salaries	NCM	6
6428	3-18-2019	Alcoholic Beverages Amendment	Ch. 189	6
6429	3-4-2019	Special Assessment	NCM	6
6430	3-4-2019	Peace and Good Order Amendment	Ch. 459	6
6431	4-1-2019	Street Vacation	NCM	6
6432	4-1-2019	Nuisances	Ch. 441	6
6433	4-1-2019	Property Maintenance	Ch. 473	6
6434	4-15-2019	Alcoholic Beverages Amendment	Temporary	6
6435	5-6-2019	Zoning Map Amendment	NCM	6
6436	5-20-2019	Zoning Map Amendment	NCM	6
6437	5-20-2019	Zoning Map Amendment	NCM	6
6438	5-20-2019	Building Construction	Ch. 225	6
6439	8-5-2019	Special Assessment	NCM	6

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6440	8-5-2019	Court, Municipal: Court Costs Amendment	Ch. 32, Art. I	6
6441			Skipped	6
6442	8-19-2019	Vehicles and Traffic Amendment	Ch. 565	6
6443	8-19-2019	Peace and Good Order Amendment	Ch. 459	6
6444	8-19-2019	Zoning Map Amendment	NCM	6
6445	8-19-2019	Tax Levy	NCM	6
6446	9-3-2019	Special Use Permit	NCM	6
6447	11-18-2019	Vehicles and Traffic Amendment	Ch. 565	6
6448	9-16-2019	Special Assessment	NCM	6
6449	11-18-2019	Zoning Amendment	Not Codified	6
6450	11-18-2019	Bond	NCM	6
6451	11-18-2019	Wireless Facilities: Standards for Small Cell Facilities and Wireless Support Structures	Ch. 585, Art. I	6
6452	11-18-2019	Governing Body: Form of Government; Board of Commissioners; Mayor; City Manager Amendment	Ch. 82, Art. II	6
6453	12-2-2019	Alcoholic Beverages Amendment	Ch. 189	6
6454	12-2-2019	Community Improvement District	NCM	6

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6455	12-2-2019	Water and Wastewater System Amendment	Ch. 580	6
6456	12-16-2019	Neighborhood Revitalization Plan	NCM	6
6457	1-6-2020	Salaries	NCM	6
6458	1-21-2020	Contract	NCM	6
6459	2-3-2020	Contract	NCM	6
6460	2-17-2020	Zoning Map Amendment	NCM	6
6461	3-16-2020	Special Assessment	NCM	6
6462	3-16-2020	Animals Amendment	Ch. 205	6
6463	4-2-2020	Violation of County and State Regulations	Ch. 575	6
6464	4-20-2020	Street Vacation	NCM	6
6465	5-4-2020	Contract	NCM	6
6466	6-15-2020	Zoning Map Amendment	NCM	6
6467	6-15-2020	Animals Amendment	Ch. 205	6
6468	6-15-2020	Plumbing Amendment	Ch. 467	6
Charter Ord. No. 36	6-15-2020	Plumbing Amendment; Appendix	Ch. 467; Ch. A600	7
6469	7-6-2020	Face Masks	Temporary	6
6470	7-20-2020	Contract	NCM	6
6471	7-20-2020	Bond	NCM	6
6472	7-20-2020	Special Assessment	NCM	6
6473	8-3-2020	Face Masks Amendment	Temporary	6
6474	8-17-2020	Special Assessment	NCM	6

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6475	8-17-2020	Tax Rate	NCM	6
6476	9-8-2020	Special Assessment	NCM	6
6477	9-8-2020	Street Vacation	NCM	6
6478	9-21-2020	Face Masks Amendment	Temporary	6
6479	10-5-2020	Zoning Map Amendment	NCM	6
6480	10-5-2020	Special Assessment	NCM	6
6481	11-16-2020	Bond	NCM	7
6482	12-7-2020	Zoning Map Amendment	NCM	7
6483	12-7-2020	Street Vacation	NCM	7
6484	12-7-2020	Solid Waste Amendment	Ch. 513	7
6485	12-21-2020	Contract	NCM	7
6486	12-21-2020	Contract	NCM	7
6487	12-21-2020	Bond	NCM	7
6488	1-4-2021	Contract	NCM	8
6489	2-1-2021	Bond	NCM	8
6490	2-1-2021	Contract	NCM	8
6491	3-1-2021	Special Assessments	NCM	8
6492	3-1-2021	Special Use Permit	NCM	8
6493	3-15-2021	Zoning Map Amendment	NCM	8
6494	5-3-2021	Franchise	NCM	8
6495	6-21-2021	Land Bank	Ch. 395	8
6496	7-6-2021	Special Use Permit	NCM	8
6497	7-19-2021	Special Assessments	NCM	8
6498	7-19-2021	Contract	NCM	8
6499	8-16-2021	Zoning Map Amendment	NCM	8
6500	8-16-2021	Special Exemption	NCM	8

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6501	9-7-2021	Vehicles and Traffic Amendment	Ch. 565	8
6502	9-7-2021	Peace and Good Order Amendment	Ch. 459	8
6503	9-7-2021	Special Assessments	NCM	8
6504	9-20-2021	Tax Levy	NCM	8
6505	11-1-2021	Contract	NCM	8
6506	12-6-2021	Taxation: Retailers' Sales	Superseded by Ord. No. 6540	8
6507	12-6-2021	Lake Parsons Amendment	Ch. 390	8
6508	12-20-2021	Animals Amendment	Ch. 205	8
6509	1-3-2022	Comprehensive Development Plan	NCM	9
6510	1-18-2022	Animals Amendment	Ch. 205	9
6511	2-7-2022	Animals Amendment	Ch. 205	9
6512	2-7-2022	Salaries	NCM	9
6513	2-7-2022	Contract	NCM	9
6514	3-7-2022	Special Assessment	NCM	9
6515	3-21-2022	Animals Amendment	Ch. 205	9
6516	3-21-2022	Lake Parsons Amendment	Ch. 390	9
6517	4-18-2022	Special Assessment	NCM	9
6518	4-18-2022	Temporary permission to consume cereal malt beverages in Forest Park Amphitheatre area	NCM	9

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6519	5-2-2022	Water and Wastewater System Amendment	Ch. 580	9
6520	5-16-2022	Special Use Permit	NCM	9
6521	6-6-2022	Property Maintenance: Vacant Property Registration	Ch. 473, Art. II	9
6522	8-15-2022	Noise Amendment	Ch. 436	9
6523	8-1-2022	Special Assessment	NCM	9
6524	8-15-2022	Special Use Permit	NCM	9
6525	9-19-2022	Tax Levy	NCM	9
6526	9-19-2022	Contract	NCM	9
6527	10-17-2022	Solid Waste Amendment	Ch. 513	9
6528	10-17-2022	Stormwater Management Amendment	Ch. 517	9
6529	10-17-2022	Street Vacation	NCM	9
6530	11-7-2022	Court, Municipal Amendment	Ch. 32	9
6531	2-6-2023	Contract	NCM	10
6532	3-20-2023	Safe Drug Disposal	Ch. 490	10
6533	3-6-2023	Mobile Food Vending	Ch. 425	10
6534	4-17-2023	Temporary Permission to Consume Cereal Malt Beverages in Forest Park Amphitheatre Area	NCM	10
6535	5-1-2023	Special Use Permit	NCM	10
6536	6-5-2023	Special Assessment	NCM	10



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6537	6-29-2023	Property Maintenance: Vacant Property Registration Amendment	Ch. 473, Art. II	10
6538	6-21-2023	Appropriation	NCM	10
6539	8-7-2023	Special Assessment	NCM	10
6540	8-21-2023	Taxation: Retailers' Sales Tax	Ch. 532, Art. II	10
6541	8-21-2023	Temporary Permission to Consume Cereal Malt Beverages in Forest Park Amphitheatre Area	NCM	10
6542	9-5-2023	Special Assessment	NCM	10
6543	9-5-2023	Laser Pointers	Ch. 396	10
6544	9-28-2023	Tax Levy	NCM	10
6545	10-2-2023	Water and Wastewater System Amendment	Ch. 580	10
6546	10-2-2023	Solid Waste Amendment	Ch. 513	10
6547	11-2-2023	Loan Agreement	NCM	10
6548	11-20-2023	Appropriation	NCM	10
6549	11-20-2023	Vehicles and Traffic Amendment	Ch. 565	10
6550	11-20-2023	Peace and Good Order Amendment	Ch. 459	10
6551	12-18-2023	Special Assessment	NCM	10
6552	12-18-2023	Contract	NCM	10