

CHAPTER XII. PUBLIC PROPERTY

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ARTICLE 1. GENERAL PROVISIONS

- 12-101. **JURISDICTION.** The mayor, with the assistance of the sheriff of Phillips County, shall have jurisdiction over all places located within five miles of the city limits including city property such as all parks, airports, sewage disposal plants, waterworks and cemeteries, for the enforcement of any health, quarantine, cemetery, airport or waterworks ordinances and regulations of the city. (K.S.A. 14-307; Code 1971, 12-101; Code 1999, 15-101)
- 12-102. **GENERAL ORDINANCES APPLY.** All general ordinances and general regulations of the city, including public offenses, of any nature as contained in the Code of the City of Phillipsburg, shall apply to all city property set forth in section 12-101, and all specific ordinances and specific regulations which apply to the specific city property mentioned in section 12-101. (Code 1971, 12-102; Code 1999, 15-102)

ARTICLE 2. CITY PARKS

- 12-201. CITY LAWS EXTENDED TO PARK. The laws of the city shall extend to and cover all city parks. (Code 2010)
- 12-202. LAW ENFORCEMENT JURISDICTION OVER PARKS. The city shall have law enforcement regulations governing any public parks belonging to the city and any sheriff department deputies shall have full power to enforce city laws governing city parks and shall maintain order therein. (Code 2010)
- 12-203. DAMAGING PARK PROPERTY. It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree or improvement or property of any kind belonging to any park owned by the city. (Code 2010)
- 12-204. VEHICLE REGULATIONS. (a) Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways and motorbikes, go-carts, snowmobiles and other motorized off-the-road vehicles shall be operated in a safe and prudent manner at all times in park areas.
(b) Except as provided in subsection (d), it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.
(c) Except as provided in subsection (d), it shall be unlawful for any person to operate any motor vehicle within any city park except upon roads, drives and parking areas established by the city.
(d) Subsections (b) and (c) above shall not apply to authorized city employees while engaged in the maintenance and care of the park.
(e) It shall be unlawful to operate any such vehicle in any park area at a speed in excess of 20 m.p.h.
(Code 2010)
- 12-205. HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park. (Code 2010)
- 12-206. FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after use thereof. (Code 2010)
- 12-207. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks except where posted. (Code 2010)
- 12-208. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. (Code 2010)

- 12-209. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES. With the exception of cereal malt beverage, commonly known as 3.2 beer, which may be consumed at the ball fields, park, and the large meeting room at 520 S. 7th, formerly known as the Phillipsburg National Guard Armory, no person shall drink or consume any alcoholic liquor on city owned public property. (K.S.A. Supp. 41-719; Code 1999; Code 2013, See also 3-103)
- 12-210. PRESERVATION OF NATURAL STATE. It shall be unlawful for any person, except duly authorized city employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks. (Code 2010)
- 12-211. HOURS THE RECREATIONAL PLAYGROUND ENTITLED "FOR THE KIDS" WILL BE CLOSED TO THE PUBLIC; VIOLATION; PENALTY. (a) No person shall enter or remain upon or be in the recreational playground entitled "For the Kids" located within the Phillipsburg City Park, from 12:00 a.m. until 6:00 a.m., Central Standard Time., Monday through Sunday.
(b) Law enforcement shall be allowed to enter or remain upon or be in the aforesaid recreational playground at all times to enforce this provision.
(c) It shall be unlawful for any person to violate any of the provisions of this section.
(d) That any person convicted of violating this provision shall be adjudged guilty of an Ordinance Infraction, for which the fine shall be not less than \$25.00 nor more than \$500.00.
(Ord. 1338, Sec. 1; Code 2010)
- 12-212. GENERAL REGULATIONS. The city may post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall constitute a violation of this code. (Code 2010)

ARTICLE 3. COMMUNITY BUILDING

12-301. COMMUNITY BUILDING REGULATIONS. All user charges, deposit fees, rules and regulations affecting the Community Building shall be set by policy of the governing body. (Code 2010)

ARTICLE 4. CEMETERY

- 12-401. **NAME.** The Phillipsburg City Cemetery shall be known as Fairview Cemetery. (Code 1971, 6-101; Code 1999, 15-301)
- 12-402. **CEMETERY SUPERVISOR; DUTIES.** The Public Works Supervisor shall have charge of the care, upkeep and maintenance of the city cemetery and all work in connection therewith. The Public Works Supervisor or designated employee shall open and close all graves and see that all regulations in connection with the enclosure of lots and grave spaces and adornment of the cemetery are observed. (Ord. 1361; Code 2013)
- 12-403. **BURIAL PERMIT REQUIRED.** No interment or burial shall be made in the Fairview Cemetery without a burial permit therefor issued by the city clerk, after statement of pertinent information is furnished the clerk, which information shall be kept on record by the clerk. The person in charge of the cemetery shall not inter or permit the interment of any dead body unless it be accompanied by a permit as required by law. He or she shall make a return of such permit to the city clerk and keep a cemetery record of all interments as required by law. (Ord. 1361; Code 2013)
- 12-404. **CEMETERY LOTS; HOW CONVEYED.** Cemetery lots shall be conveyed by certificate signed by the mayor and countersigned by the city clerk, under the seal of the City of Phillipsburg, specifying that the purchaser, his or her heirs, has a right in fee simple to such lot or lots for the sole purpose of interment under such regulations as the mayor and council may from time to time proscribe; provided that the same person shall not own more than one lot at the same time. (Code 1971, 6-103; Code 1999, 15-304)
- 12-405. **SAME; PRICES.** The purchase price of lots for residents and non-residents of the City of Phillipsburg shall be determined and properly set by policy of the governing body. (Code 2010)
- 12-406. **ADDITIONAL COST.** If in the event a burial space or spaces is purchased by a resident and thereafter a nonresident other than the original purchaser is in fact buried in said space then in that event an additional \$25.00 cost will be charged to the estate of the nonresident and/or his proper legal representative. (Ord. 1084, Sec. 3; Code 1999, 15-306)
- 12-407. **TRANSFER OF LOTS.** If any person or persons desire to transfer ownership of any lot or part of a lot, the certificate shall be surrendered to the city clerk and a new certificate shall be issued. The fee for such transfer shall be set by policy of the governing body. The clerk shall keep a record of such transfers. (Code 1971, 6-104; Code 1999, 15-307; Code 2010)
- 12-408. **ENCLOSING LOT PROHIBITED.** No fence, hedge, coping, curbs or other means of enclosure shall be placed around any lot in the Fairview Cemetery or any addition thereto. (Code 1971, 6-105; Code 1999, 15-308)

- 12-409. PROHIBITED BURIALS. It shall be unlawful to bury any deceased human body within the corporate limits of the city except it be in a cemetery. (Code 1971, 6-106; Code 1999, 15-309)
- 12-410. ENTRANCE PROHIBITED; HOURS. No person or persons shall enter inside the enclosing fence or be on the premises of the Fairview Cemetery between the hours of sunset and sunrise, without the permission of the public works supervisor, city clerk, and chief of police or mayor. (Ord. 1361; Code 2013)
- 12-411. GRAVE OPENING AND CLOSING CHARGE. (a) Fees for the opening and closing of any grave in Fairview Cemetery shall be set by policy of the governing body and shall be paid in the office of the city clerk.
(a) If the service is held on Saturday, Sunday, or a holiday an additional fee may be charged.
(e) If the City Clerk's office does not receive notice of a Monday morning funeral by 10:00 a.m. of the previous Friday, an additional fee may be charged. (Ord. 1287, Sec. 1; Code 2010)
- 12-412. BURIAL CONTAINERS. It is hereby unlawful to bury any deceased human body within the corporate limits of the city, except that it be in a cemetery, and that a rigid outside container be used for all burials. (Ord. 1143, Sec. 1; Code 1999, 15-312)
- 12-413. ENDOWMENT FUND FOR DECORATIONS. An endowment fund may be established at the Offices of the City of Phillipsburg, Kansas, to be used for future decorations upon a grave site or grave sites within Fairview Cemetery, Phillipsburg, Kansas. The minimum contribution will be \$1,500.00 per grave site. The City will decorate, as the city work schedule permits, grave sites annually for the Memorial Day Holiday. The selection of flowers including artificial flowers will be at the discretion of the City. A bouquet of not less than eight flowers or wreath may be placed at the grave site by the City. Any funds earned from the investment of the endowment less decoration expenses will be used for any cemetery related function or purpose at the discretion of the City. Monument repair cost will not be included as a service nor paid for by the earnings of the endowment. (Ord. 1234, Sec. 1; Code 2010)
- 12-414. MONUMENTS AND STONES. All monuments and stones shall be set upon a concrete base that is flush with the ground and extends five inches outside the monument or stone base dimensions. Monuments and stones shall be constructed of lasting durable material, such as stone, brick, or bronze, which require minimal maintenance and are compatible with current existing monuments. No monument or stone may be set by family, individual, Monument Company, or other entity without contacting the City for an appointment to review the proposed monument and ultimate approval of same by the City. Any questions regarding monuments and stones shall be directed to the city council whose decision shall be final. (Ord. 1234, Sec. 1; Code 2010)
- 12-415. PLANTINGS. All planting, care, and maintenance for trees, shrubs, and bushes will be furnished by the City with city council approval. Trees, shrubs, and bushes will not be allowed upon individual grave sites. Plantings such as flowers are limited to the North or South side of each monument stone. Any tree, shrub, bush, or

other planting within the cemetery that is not maintained and becomes diseased or dies, may be removed by the city with the approval of the city council. (Ord. 1234, Sec. 1; Code 2010)

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DECORATION/ADORNMENT REGULATIONS. (a) No statues, benches, chairs, or other such items are allowed to be placed on burial lots, right-of-ways, or where mowing is required.

(b) No fences are allowed on grave sites unless a detailed diagram is submitted showing how far the fence will be from the memorial stone, the fence will be within the space boundaries, what will be inside the fenced area along with a plan of how the fence and area inside the fence will be maintained by the owner. At no time will fences be allowed to cover the entire grave or lot. At a regular meeting, the Phillipsburg City Council will determine if the fence will be allowed after consulting with the public works supervisor concerning maintenance issues.

(c) Decorations are allowed to be placed at the cemetery 3 days prior to Memorial Day and must be removed by June 10th. If not removed by June 10th the city will cause the decorations to be disposed of. Approval for all other decorations, other than Memorial Day and temporary decorations must be obtained at a regular meeting of the Phillipsburg City Council who will consult with the public works supervisor concerning maintenance issues.

(d) The Phillipsburg City Council may authorize the public works supervisor to cause the removal and disposal of fences and decorations previously approved if not maintained by the owner and the decorations become unsightly or broken. The public works supervisor or his appointees shall be authorized to cause the removal and disposal of items not previously approved by the City Council including but not limited to wilted flowers, faded and broken artificial flowers, solar lights, other decorations which are not on the monument. (Ord. 1361; Code 2013)

ARTICLE 5. LIBRARY

- 12-501. LIBRARY BOARD. There is hereby created a library board consisting of seven members to be appointed by the mayor with the approval of the governing body. The mayor shall be an ex-officio member of the board with the same powers as appointed members. Of the members first appointed, one shall hold office for a term of one year, two, for a term of two years; two, for terms of three years, and two for terms of four years. Thereafter, all persons shall be appointed to a four-year term. All terms shall expire on April 30. (K.S.A. 12-1222; Code 1971, 10-101; Code 1999, 14-101)
- 12-502. SAME; MEETINGS. The board shall annually elect a chairman, secretary and a treasurer and such other officers as they may deem necessary. The board shall fix the date and place of its regular meetings. Special meetings may be called by the chairman upon written request of a majority of the members. (K.S.A. 12-1224; Code 1971, 10-102; Code 1999, 14-102)
- 12-503. SAME; POWERS, DUTIES. The library board shall be responsible for the general operation and maintenance of the city library and shall make and adopt rules and regulations for the administration thereof. (K.S.A. 12-1225; Code 1971, 10-103; Code 1999, 14-103)
- 12-504. SAME; TREASURER. The treasurer shall give bond in an amount fixed by the library board and approved by the governing body of the city for the safekeeping and disbursement of all funds that may come into his hands as treasurer. Said bond shall be filed with the city clerk. (Code 1971, 10-102; Code 1999, 14-104)
- 12-505. DESTROYING LIBRARY PROPERTY. It shall be unlawful for any person to willfully injury or destroy any book, map, chart, magazine, or any property of like nature, or any equipment fixtures or building belonging to the city library. (K.S.A. 12-1228; Code 1971, 10-104; Code 1999, 14-105)
- 12-506. RETAINING LIBRARY PROPERTY. It shall be unlawful for any person to take from the library any book, map, chart, magazine, or other personal property, except in conformity with the rules of the library, or for any person willfully to retain any such personal property, having lawfully or unlawfully obtained possession of same, after having been notified by the librarian to return the same. (K.S.A. 12-1228; Code 1971, 10-105; Code 1999, 14-106)