

**CHAPTER XIII. PUBLIC PROPERTY**

ARTICLE 1. RECREATION SYSTEM..... 1

- 13-101. Recreation System Established.....1
- 13-102. Reserved. ....1
- 13-103. Overnight Camping in City Parks  
Prohibited. ....1
- 13-104. City Laws Extended to Park. ....1
- 13-105. Police Jurisdiction Over Parks.....1
- 13-106. Damaging Park Property. ....1
- 13-107. Dangerous Weapons Not Allowed. ....1
- 13-108. Vehicle Regulations.....2
- 13-109. Hunting.....2
- 13-110. Fires.....2
- 13-111. Reserved. ....2
- 13-112. Sanitation.....2
- 13-113. Prohibition Against Alcoholic Beverages  
and Cereal Malt Beverages.....3
- 13-114. Preservation of Natural State.....3
- 13-115. General Regulations. ....3
- 13-116. Use of Parks.....3
- 13-117. Smoke Free Parks and Trails, Designated  
Smoke Areas and Penalty for Violation. ....3
- 13-118. Penalty, General. ....4

ARTICLE 2. CEMETERIES ..... 5

- 13-201. Conveyance of Lots.....5
- 13-202. Records; Duties of City Clerk. ....5
- 13-203. Price and Sale of Grave Lots.....5
- 13-204. Cemetery Funds.....5
- 13-205. Grave Opening, Closing Fee. ....6
- 13-206. Restrictions on Interment. ....6
- 13-207. Cemetery Hours; Speed; Vehicles.....6
- 13-208. Permit for Monuments, Headstones and  
Stepping Stones. ....7
- 13-209. Trees, Shrubs, Plants. ....7
- 13-210. Markers, Monuments, Headstones, Benches,  
Stepping Stones and Vases Generally. ....8
- 13-211. Construction of Foundations, Footings  
Generally. ....8
- 13-212. Location of Graves. ....9
- 13-213. Caskets to Be in Vaults.....9
- 13-214. Enclosure of Lots Prohibited. ....9
- 13-215. Property Damage; Molesting Graves. ....9
- 13-216. Rubbish.....9
- 13-217. Children's Graves. ....9
- 13-218. Sexton; Appointment.....9
- 13-219. Sexton; Duties Generally.....10
- 13-220. Rules and Regulations. ....10
- 13-221. Other Regulations; Rights Reserved.....10
- 13-222. Ordinances Extend Over Cemetery. ....10
- 13-223. Penalty.....10
- 13-224. Notices to Appear.....10

ARTICLE 3. PRIVATE USE OF PUBLIC  
PARKING LOTS..... 11

- 13-301. Permit Required.....11
- 13-302. Permit Fees. ....11
- 13-303. Application. ....11
- 13-304. Restrictions. ....12
- 13-305. Display of Permit.....12
- 13-306. Revocation of Permit. ....13
- 13-307. Hazard Prohibited.....13
- 13-308. Penalty.....13
- 13-309. Appeal. ....13



**ARTICLE 1. RECREATION SYSTEM****13-101. Recreation System Established.**

There is hereby established in and for the City a supervised system of recreation.

(Code 1970, 18-1)

**13-102. Reserved.**

(Code 1970, 18-2; Code 2014)

**13-103. Overnight Camping in City Parks Prohibited.****(a) Definitions**

(1) Overnight camping: Utilizing the premises for the purpose of sleeping or remaining therein through the nighttime, by use of tents, campers, mobile homes, mobile trailers, sleeping bags, or other apparatus commonly used for sleeping purposes.

(2) Nighttime: One hour after sunset until one hour before sunrise.

(b) Except with permission from the City, it shall be unlawful for any person or persons to enter and/or remain in the City parks for the purpose of overnight camping.

(Code 1970, 18-3; Code 2014)

**13-104. City Laws Extended to Park.**

The laws of the City shall extend to and cover all City parks.

(Code 1989)

**13-105. Police Jurisdiction Over Parks.**

The City shall have police regulations governing any public parks belonging to the City and the Chief of Police and Law Enforcement Officers of the City shall have full power to enforce City laws governing City parks and shall maintain order therein.

(Code 1989)

**13-106. Damaging Park Property.**

It shall be unlawful for any person, except duly authorized City employees, to willfully or purposely remove, tarnish, damage, deface or destroy any building, walk, trail, bench, tree or improvement or property of any kind belonging to any park owned by the City.

(Code 1989; Code 2014)

**13-107. Dangerous Weapons Not Allowed.**

(a) Except as provided in Subsection (b), it shall be unlawful for any person to carry or have in his or her possession any firearm or dangerous weapon or to shoot or discharge the same within the limits of any City parks.

(b) The provisions of Subsection (a) above shall not apply to duly authorized Law Enforcement Officers in the performance of official duty.

(Code 1989)

**13-108. 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. or as signed.

(Code 1989)

**13-109. 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 1989)

**13-110. Fires.**

It shall be unlawful for any person to build or kindle any fire in any City park except in the 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.

(Code 1989; Code 2014)

**13-111. Reserved.**

(Code 1989; Code 2014)

**13-112. 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. No dead animals, fish, animal parts, or fish parts shall be left or put in park trash containers.

(Code 1989; Code 2014)

**13-113. Prohibition Against Alcoholic Beverages and Cereal Malt Beverages.**

It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other City property within the City any alcoholic liquor or cereal malt beverage except as provided in Chapter III, Beverages, Article 1, General Provisions, Sections 3-104 and 3-105.

(Code 1989, Ord. 2311)

**13-114. Preservation of Natural State.**

It shall be unlawful for any person, except duly authorized City employees, to take, damage, remove or disturb any live or dead tree, plant, shrub, flower, mulch, soil, rock, stone, or otherwise interfere with the natural state of City parks.

(Code 1989; Code 2014)

**13-115. 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 1989)

**13-116. Use of Parks.**

All City parks will be closed during hours of darkness, except as outlined in Subsection (a).

(a) Exceptions. The following exceptional cases will not be considered a violation of this Section:

- (1) City organized or City sponsored events that may run past the closing hour.
- (2) Events that have received permission from the Parks and Recreation Director or his designee in writing.

(b) Enforcement. The members of the Police Department are granted authority to enforce this Section and may place temporary road barricades, gates, and signs, and may also issue notices to appear in Court for violations of this Section.

(c) Penalties. Being present in any City park at a prohibited time shall be a violation of this code. Any person, corporation, or other entity violating this Section shall be fined not more than \$200.00. Each separate violation of this Section shall constitute a separate offense.

(Code 2002)

**13-117. Smoke Free Parks and Trails, Designated Smoke Areas and Penalty for Violation.**

(a) All City Parks, Park Properties and Asphalt Walking Trails and within twenty feet of each side of the Trail or to the edge of private property shall be smoke free except those designated to have Smoke Areas provided in (b) below.

(b) Designated Smoke Areas. Designated smoke areas shall be constructed, signed and a cigarette urn as provided below:

- (1) Community Center, 200 East Third - Corner of Third and Maple and Court Yard area in the rear.

- (2) Kerry Roberts Park, 801 South 130 Street - Current concrete pad space near the parking lot.
  - (3) Lion's Park, 300 West Morse - Area by Field NO.3 Maintenance Gate and the South Side of the Dumpster by Field No.1.
  - (4) North Park, 1200 South 134 Street - Northwest Corner of the Soccer Field Parking Lot and the North Side of the Dumpsters at the Aquatic Park.
  - (5) North Park Lake, 1200 South 134 Street - to within twenty feet of the shoreline.
  - (6) South Park, 246 Shadyside - Area between the Shelter House Parking and the Drainage Ditch.
- (c) Penalty. The penalty for violation of this Section shall be a \$10 fine plus court costs.  
(Ord. 2364; Code 2014)

**13-118. Penalty, General.**

Unless otherwise stated in this Chapter, the penalty for all violations shall be per Section 1-116.  
(Code 2014)

## ARTICLE 2. CEMETERIES

### 13-201. Conveyance of Lots.

The cemetery lots, or any part of any lot, in the City Cemetery shall be conveyed by certificate signed by the Mayor and countersigned by the City Clerk, under seal of the City, specifying that the purchaser to whom the same is issued is the owner of the lot, lots or part of lot described therein by number, as laid down on the plat of the cemetery, for the purpose of interment, under the regulations of the Mayor and City Council, as provided by law. Should the owner or owners of any lot or lots in the cemeteries of the City desire to transfer the same to another, he, she or they shall first execute a certificate therefor to the City and deliver the same to the City Clerk, who will in turn execute to the purchaser of such lot or lots a certificate of such purchase under the seal of the City, signed by the Mayor and countersigned by the City Clerk, conveying the estate which by law is intended to be conveyed for the sole purpose of interment. A transfer fee as approved by the City Council shall be paid to the City Clerk by such purchaser for the issuance of the new certificate. No transfer of any kind of any lot or lots shall be recognized by the City for any purpose if done or attempted to be done in any manner other than provided herein.

(Ord. 1575, Sec. 1)

### 13-202. Records; Duties of City Clerk.

The City Clerk shall be responsible for the keeping of all records pertaining to the cemetery. The records shall include, but not be limited to, accurate and up-to-date plats showing the ownership of all cemetery lots and the names and dates of interment of all persons buried therein. The City Clerk shall keep an accurate record of all funds received from the collection of taxes levied for the care and maintenance of the cemetery and all funds received from the sale of cemetery lots. The City Clerk shall make payment out of any funds held for cemetery purposes only after approval by the Governing Body and such payments shall be in the same manner as other obligations of the City are paid. The City Clerk shall attest the signature of the Mayor on all conveyances of cemetery lots to purchasers thereof in the same manner as any other conveyance of real property by the City.

(Ord. 1575, Sec. 1)

### 13-203. Price and Sale of Grave Lots.

(a) Sale to Residents and to Non-Residents with Family Buried in the Cemetery Effective January 1, 2010. The sale price of each full size grave lot in the City Cemetery sold by the City is as approved by the City Council. The sale price of each half size grave lot in all sections of the City Cemetery is as approved by the City Council.

(b) Sale to Non-residents Who do not Have Family Buried in the Cemetery Effective January 1, 2010. The sale of each full size grave lot in the City Cemetery sold by the City is as approved by the City Council. The sale price of each half size grave lot in all sections of the City Cemetery is as approved by the City Council.

(c) The Mayor and City Clerk are hereby authorized to repurchase grave lots at prices approved by the City Council.

(Ord. 1938, Sec. 1, Ord. 2020, Sec. 1, Ord. 2042, Ord. 2261)

### 13-204. Cemetery Funds.

All money received from the sale of lots, parts of lots, or graves in the City Cemetery, or by assessments or taxation for the benefit of and to be used upon the cemetery shall be paid over to the City

treasury of the City and the same shall be kept by him or her in a separate fund in the general fund, and such fund shall be used for the improvement, care, protection, maintenance and up-keep of the cemetery.

(Ord. 1575, Sec. 1)

**13-205. Grave Opening, Closing Fee.**

(a) The Opening and Closing Fees for the City of Bonner Springs shall be as approved by the City Council for the following sizes:

- (1) Full Size Graves Monday through Friday before 2:00 p.m.
- (2) Full Size Graves Monday through Friday after 2:00 p.m. or on Saturday
- (3) Half Size Graves Monday through Friday before 2:00 p.m.
- (4) Half Size Graves Monday through Friday after 2:00 p.m. or on Saturday
- (5) Burial of Ashes Monday through Friday before 2:00 p.m.
- (6) Burial of Ashes Monday through Friday after 2:00 p.m. or on Saturday

(b) No graves will be opened or closed on Sunday or any legal holiday.

(Ord. 1938; Ord. 2020; Ord. 2146; Ord. 2351; Code 2014)

**13-206. Restrictions on Interment.**

(a) There shall be no burial permitted without a grave opening permit secure from the City Clerk. No grave opening permit shall be issued until the purchase price thereof has been paid to the City Clerk. Lots and portions thereof shall be sold for the purpose of human interments only. Interment in lots, or part of lots, shall be restricted to members of the family and relations of the owner. No interment shall be made on Sundays and legal holidays.

(b) Exhumation. Any person desiring to re-open any grave in the City Cemetery or any crypt space in the mausoleum or to exhume or remove the body therefrom or for any other purpose, shall first obtain a permit from the City Clerk.

(Ord. 1575, Sec. 1)

**13-207. Cemetery Hours; Speed; Vehicles.**

(a) Cemetery Hours; Unlawful Entrance; Operation of Vehicles. Except as otherwise authorized by the sexton it shall be unlawful for any person or person to enter into or be upon the cemetery grounds of the City during the time between one hour after sunset and the hour of sunrise of any day. Entrance to the City Cemetery after hours may be obtained from the sexton.

(b) Speed of vehicles. It shall be unlawful for any person to drive a vehicle in the cemetery faster than ten (10) miles per hour.



(c) Vehicles; Operation; Parking. It shall be unlawful to drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or to obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare nor drive any vehicle through the grounds except for the purpose of making deliveries in connection with cemetery work or other lawful purpose.

(Ord. 1575, Sec. 1)

### **13-208. Permit for Monuments, Headstones and Stepping Stones.**

Any person desiring to set a monument, headstone and stepping stones shall first get a written permit from the City Clerk, which shall be delivered to the cemetery sexton before any work is commenced thereon. The City shall receive a fee as approved by the City Council for each such permit.

(Ord. 1618; Ord. 2042)

### **13-209. Trees, Shrubs, Plants.**

(a) Shrubs, bushes, trees, flowers or plants are not permitted. If owners of graves or residents wish to donate funds to the City, they may do so and the City will plant such trees, plants, flowers, shrubs or bushes in landscaped areas of the Cemetery as determined by the City.

(b) Care. The cemetery sexton shall have the right to trim, prune and/or remove all trees and shrubbery as is necessary.

(c) Temporary Display of Plants, Flowers & Artificial Arrangements – The City of Bonner Springs assumes no responsibility for plants, flower arrangements or any other items. No glass containers are permitted. Winter decorations are permitted to be placed between November 1 and March 1, but must be removed by March 2. If not removed, the City will remove all winter decorations including wreaths, fall and winter holiday decorations, seasonal holiday items, or those with evergreen, balsam, pine, red berries, and/or pinecones, and decorations that are not in vases on headstones or otherwise placed in compliance with these regulations. All flowers and decorations set out for Memorial Day that are not in vases on headstones or otherwise placed in compliance with these regulations shall be removed and discarded by the sexton the seventh day after Memorial Day.

(d) Hanging plants and other decorations may be displayed on "shepherd hooks" or similar device placed directly next to (touching) or attached to the monument or headstone but shall not interfere with maintenance or be made of glass. Shepherd hooks shall be dark brown or black, made of heavy metal, not to be more than five (5) feet in height from ground level, shall only have two (2) hooks each with a maximum length of 15 inches, shall be perpendicular to the ground and fully upright at all times and items displayed on them shall be not less than three (3) feet above the ground. One shepherd hook permitted for each full size grave and one for each one-half size (baby) grave.

(e) Items placed on a grave prior to the placement of a monument or headstone will be permitted for a period not to exceed six (6) months following the date of burial or until the monument or headstone is in place, whichever is sooner. If not removed by that time, the City will remove all items.

(f) The City will remove any items that do not comply with regulations or are found to interfere with maintenance.

(g) Permitted decorations shall not include containers of cereal malt or alcoholic beverage, any obscene items or words, weapons of any type or any illegal substances or paraphernalia.

(Ord. 1575; Ord. 2042; Ord. 2196; Ord. 2217; Ord. 2362; Ord. 2399)

**13-210. Markers, Monuments, Headstones, Benches, Stepping Stones and Vases Generally.**

(a) The face of all markers, monuments and headstones within the City Cemetery shall be set true and square and shall be set at least six (6) inches in from the line of the lot where placed, not exceed the width of the grave or exceed two (2) feet in length. All monuments and markers shall be of granite, marble or granite and marble composition of approved standard quality or brass. All monuments shall be erected and located in accordance with the administrative regulations. Ground mausoleums shall not be allowed after April 20, 2000 except for those adjacent to existing mausoleums installed before April 20, 2000. Headstones in Sections N, O, P, Q & R, as replatted in the Second Replat of the Bonner Springs Cemetery, shall be restricted to ground level headstones. Ground level headstones shall be level with the ground.

(b) Stepping stones shall not be permitted unless the stone is made of the material required for monuments and headstones and used in place of a monument or headstone, with an appropriate foundation and a permit obtained for its installation and shall not exceed the length and placement requirements in Subsection (a).

(c) Permanent Vases above ground are permitted only when attached to or made a part of the monument or headstone.

(d) In ground vases will not be permitted after October 25, 2007, the effective date of the ordinance amendment.

(e) Benches are permitted when made a part of the monument and constructed of the same material required for a monument or headstone and as provided in Section 13-210 and 13-211. Benches integrated with the monument or headstone shall only be installed at the head of the grave and cannot exceed the dimensions in Subsection (a).

(f) No walkways, boxes, fences, edging material, mulch material, gravel, chairs, settees, structures or other materials or items of any kind shall be permitted.

(g) Any item placed on a grave in violation of Subsections (a) through (f) shall be removed by the City.

(h) Care & Maintenance of Headstones, Monuments, Benches & Stepping Stones Used in Place of a Headstone or Monument - The owner will be responsible for maintenance with the exception of damage caused by the City or where owners cannot be located and the damage to the stone is a safety or maintenance issue.

(i) Markers at the foot of a grave are only permitted for:

(1) VA approved military stones placed flush with the ground

(2) Cremains burials placed within the grave area shall measure no more than twenty-four inches by eighteen inches and shall be flush with the ground.

(Ord. 1891; Ord. 1938; Ord. 2042; Ord. 2196; Ord. 2211)

**13-211. Construction of Foundations, Footings Generally.**

Foundations and footings for monuments within the City Cemetery shall be constructed to a depth of at least one and one-half feet for monuments up to three (3) feet tall and a minimum depth of two (2) feet for monuments over three (3) feet tall, and shall be constructed of a mixture of one part of cement to two and one-half parts of sand and three and one-half parts of rock. (Ord. 1575, Sec. 1)

**13-212. Location of Graves.**

The foot of all graves within the City Cemetery shall be located at least six (6) inches from the line of the grave lot.

(Ord. 1575, Sec. 1)

**13-213. Caskets to Be in Vaults.**

All caskets shall be enclosed in a vault, which shall be constructed of concrete or metal. It is the responsibility of the funeral home to arrange with a vault company for the vault to be at the cemetery for a scheduled burial.

(Ord. 1891, Sec. 2)

**13-214. Enclosure of Lots Prohibited.**

It shall be unlawful for any person to enclose any lot in the City Cemetery in any manner whatsoever.

(Ord. 1575, Sec. 1)

**13-215. Property Damage; Molesting Graves.**

It shall be unlawful for any person to willfully or maliciously injure, mar, deface, destroy or remove without permission, any headstone, monument, marker or decoration on any cemetery lot, or to disturb or molest any grave. Except this does not apply to the cemetery sexton or anyone authorized by the sexton, in the performance of maintenance duties.

(Ord. 1575, Sec. 1)

**13-216. Rubbish.**

It shall be unlawful for any person to dispose of any rubbish, trash or waste materials or debris of any kind in the cemetery, other than in containers provided for such purposes.

(Ord. 1575, Sec. 1)

**13-217. Children's Graves.**

(a) Vaults. Vaults used in the children's section of the City Cemetery shall be no larger than 23 inches by 54 inches or no larger than a Number 20 vault.

(b) Cost of plots. The cost of a plot in the children's section of the City Cemetery shall be one-half the cost of an adult plot.

(c) Fee for opening. The cost of opening any children's vault shall be one-half the like charge of opening an adult grave.

(d) Size of Monument. The size of a child monument shall be between 16-18 inches wide.

(Ord. 1575, Sec. 1; Ord. 1891, Sec. 3)

**13-218. Sexton; Appointment.**

The City Cemetery and all burial and cemetery grounds of the City shall be under the charge and control of a sexton who shall be appointed by the City Manager.

(Ord. 1575, Sec. 1)

**13-219. Sexton; Duties Generally.**

(a) The sexton shall have charge of the care, upkeep and maintenance of the City Cemetery and all work in connection therewith.

(b) The sexton shall locate all lots and graves when requested by any person.

(Ord. 1575, Sec. 1)

**13-220. Rules and Regulations.**

The City Manager shall promulgate suitable and proper rules and regulations for the operation and government of the cemeteries consistent with ordinances and regulations of the City. All such rules and regulations shall be published by printing or in pamphlet form and filed in the office of the City Clerk.

(Ord. 1575, Sec. 1)

**13-221. Other Regulations; Rights Reserved.**

This City reserves the right to amend any cemetery regulation established for the government and care of the municipal cemetery, and may at any time establish other and more suitable regulations therefor as the condition of the cemetery may require from time to time. The City further reserves the right to adopt and promulgate additional rules and regulations for the use, care and adornment of such other cemetery grounds as may hereafter be acquired. The City may insert restrictive covenants in cemetery deeds, which covenants shall be binding on the matters therein stated and shall be for the purpose of obtaining uniformity in size and height of markers and in the general usage of the lots.

(Ord. 1575, Sec. 1)

**13-222. Ordinances Extend Over Cemetery.**

The provisions of this code and of all ordinances now in force or which may hereafter be passed relating to municipal violations in the City limits shall, insofar as the same are applicable, be in full force and effect in the Bonner Springs cemetery. Any violation of any law of the City in the Bonner Springs cemetery shall be punishable before the Municipal Judge of the City.

(Ord. 1575, Sec. 1)

**13-223. Penalty.**

Any person convicted of violating any of the provisions of Chapter 12, Article 4 of the City Code shall be deemed guilty of a public offense and subject to the general penalty provisions of Section 1-116 of the code.

(Ord. 1575, Sec. 1)

**13-224. Notices to Appear.**

Pursuant to the authority of Charter Ordinance No. 29, Law Enforcement, the City Clerk, Deputy City Clerk or any other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance.

(Ord. 2353)

**ARTICLE 3. PRIVATE USE OF PUBLIC PARKING LOTS****13-301. Permit Required.**

It shall be unlawful for any person, individual, organization or business to use public parking lot for any private purpose or special event without a permit approved by the Governing Body upon submission of an application per this Article to the City Clerk's office no later than two (2) weeks prior to the City Council meeting before the planned event. "Special Event" shall mean a temporary, short-term use of a public parking lot for uses, including but not limited to, the following:

(a) Fundraising or non-commercial events for nonprofit religious, educational or community service organizations.

(b) Promotional activities intended to attract attention to a specific place, business, organization, event or district, such as outdoor entertainment or display booths.

(c) Public events primarily for entertainment or amusement, such as concerts or festivities.

**13-302. Permit Fees.**

The City Council shall establish permit fees for special events permitted under this Article. Not-for-profit associations, organizations or individuals shall be exempt from payment of the established fees. The approved fee shall be published in the City Fee Schedule.

**13-303. Application.**

Any person, individual, organization, association or business that wishes to use a public parking lot for a special event shall make application to the City Clerk's office as provided in Section 13-301 on application forms provided by the City Clerk's office which requests the following information:

(a) The name of the applicant/sponsor of the event.

(b) The purpose of the event.

(c) The public parking lot(s) requested.

(d) A clear diagram of the area of the public parking lot to be used.

(e) The dates and times of the event.

(f) The need for Police, Fire, EMS or other municipal services.

(g) Security for the event.

(h) Certificate of Insurance that names the City as an additional insured.

(i) Statement that the applicant will clean the entire parking lot and surrounding area immediately following the end of the event.

(j) Not-for-profit organizations, association or individuals must provide proof of their non-profit status. A not-for-profit certificate of good standing from the Kansas Secretary of State is an acceptable proof for purposes of this Subsection.

(k) Unincorporated associations, organizations or individuals not registered with the Kansas Secretary of State requesting use of a parking lot for a not-for-profit event or activity must provide certification of their not-for-profit status.

(l) All applicants must have or obtain all applicable business licenses and ensure vendors that participate in the event have or obtain an occupational license from the City.

### **13-304. Restrictions.**

(a) No more than four (4) special event permits will be approved per calendar year to any individual, business, association, or organization for the use of a public parking lot, except for City sponsored events.

(b) Any event or activity that a for-profit individual, business, association or organization co-sponsors, promotes or participates in any way with any not-for-profit qualified individual, business, association or organization as defined in Section 12-703, paragraph J or K of this ordinance, will count as an event for the for-profit entity.

(c) No permit will be approved for more than three (3) consecutive days, except for the carnival for Tiblow Days and other City sponsored events.

(d) No permit will be issued for use of the Centennial Park Parking Lot that is within thirty (30) feet of Centennial Park.

(e) No permit will be approved that will conflict with the Annual Chamber of Commerce Tiblow Days, Marble Days or any other city approved celebration.

(f) Activities for any approved event shall not take place between the hours of 12 a.m. midnight and 6 a.m. of any day of the permitted event.

(g) No permit will be issued in conflict or in violation with any Zoning Ordinance, or other City Ordinance or regulation.

(h) Sale, possession and/or consumption of alcoholic beverages or cereal malt beverages require separate permits per Chapter III Beverages, Article 1 General Provisions, Sections 3-104 and 3-105 and Chapter 8 Temporary Permits of this Code. Applications for these permits shall be submitted at the same time as the permit required in this Article. At any Farmers' Market, a Kansas Farm Winery licensee, with proof of licensure from the Kansas Department of Revenue, Alcoholic Beverage Control Division, may sell their domestic wine in the original unopened container which was produced and bottled by the licensee.

(Ordinance No. 2445)

### **13-305. Display of Permit.**

Any applicant using a public parking lot pursuant to a valid permit pursuant to this Article shall prominently display the permit at the special event site, or have the permit available to display to any officer or employee of the City upon demand.

**13-306. Revocation of Permit.**

The City Manager or designee, may suspend or revoke a permit issued under this Article if:

- (a) The permittee fails to meet the conditions imposed on the issuance of the permit.
- (b) The permittee violates any provision of this Code or other ordinance of the City governing the activities permitted by the permit.
- (c) The permit was obtained by fraud or misrepresentation.

**13-307. Hazard Prohibited.**

Notwithstanding that a permit may have been issued for the private use of the public parking lot pursuant to this Article, no person shall make any use of the public parking lot that constitutes an immediate hazard requiring immediate action to protect the public.

**13-308. Penalty.**

(a) Any person who violates the requirements of this Article shall, upon conviction, be fined not less than \$20.00 nor more than \$500.00, or be imprisoned for not more than thirty (30) days, or be both so fined and imprisoned. Each day that a person violates the requirements of this Article shall constitute a separate offense.

(b) The violation of any condition imposed on the issuance of a permit shall constitute a violation of this Article.

**13-309. Appeal.**

Any person may appeal to the City Council from the denial, suspension or revocation of a public parking lot use permit or the conditions imposed on the issuance of a permit by the City Manager or designee. Notice of such appeal must be given in writing to the City Clerk within fifteen (15) days of the denial, suspension, revocation or conditional issuance of the permit.

(Ord. 2304)