

CHAPTER XII. PUBLIC PROPERTY

Article 1. City Parks and City Lake

Article 2. Library Board

Article 3. Cemeteries

ARTICLE 1. CITY PARKS

- 12-101. PUBLIC PARKS. All areas described and set forth in the plats attached hereto, designated public parks or playgrounds, shall be and herewith constitute the public park system of the city. (Code 1975, 2-101)
- 12-102. CITY LAWS EXTENDED TO PARK. The laws of the city shall extend to and cover all city parks.
(Code 1998)
- 12-103. 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 1998, 12-105)
- 12-104. 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 1998, 12-106)
- 12-105. 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 1998, 12-107)
- 12-106. 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 1998, 12-108)

12-107. HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park. (Code 1998, 12-109)

12-108. FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after use thereof. (Ord. 576, Sec. 3; Code 2006)

12-109. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks except where posted. (Code 1998, 12-111)

12-110. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. (Code 1998, 12-112)

12-111. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city any alcoholic liquor or cereal malt beverage. (Ord. 576, Sec. 3; Code 2006)

12-112. FISHING PERMITS AND FEES.

- (1) Udall Residents (inside city limits) \$5.00 single/yr \$20.00/family/yr
- (2) Udall Residents (outside city limits) \$7.00/single/yr \$30.00/family/yr
- (3) Daily Guest Fees - \$5.00/day

Private businesses within the Udall City limits will be allowed to sell permits using the following criteria:

- (a) State fishing guidelines for state fishing license.
 - (b) Must provide Kansas driver's licenses with Udall address or current city bill with name and Udall address provided.
 - (c) Private business will collect a \$1.00 handling fee.
- (Ord. 576, Sec. 1; Code 2006)

12-113. NORTH POINT PARK HOURS. North Point Park will be open to the public: 6:00 a.m. to 9:00 p.m. Sun-Thurs 6:00 a.m. to 11:00 p.m. on Friday and Saturday.
(Ord. 576, Sec. 2; Code 2006)

12-114. RESTRICTIONS AND PROHIBITED USE.

- (a) Boating, swimming, and wading is prohibited on park property.
- (b) Entering private property from park property is prohibited without permission.

- (c) Discarding of rough fish or dead fish in the water or on land is prohibited.
 - (d) Persons under the age of 12 are prohibited without parent or guardian.
- (Code 2006)

12-115. FISHING. (a) Fishing is permitted in accordance with the laws of the State of Kansas and the rules and regulations of the Kansas Department of Wildlife & Parks. Daily limit and size are as follows:

<i>Species</i>	<i>Size</i>	<i>Number</i>
Channel Catfish	16 inches	2
Flathead	36 inches	1
Crappie	N/A	No Limit
Bass	catch & release only	

(b) It shall be unlawful to possess any species of bass fish taken from North Point Park Lake regardless of size. Rough fish, dead fish or bait shall not be thrown or left in the water or on the land at North Point Lake.

(c) Violation of this section is a Class C misdemeanor, with a fine not to exceed \$500.00.
(Ord. 571, Sec. 1; Code 2006)

12-116. 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 1998, 12-118)

12-117. 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 1998, 12-119)

ARTICLE 2. LIBRARY BOARD

- 12-201. PUBLIC LIBRARY ESTABLISHED. A public library is hereby established, and by virtue of the laws of the State of Kansas, it shall be known as, "The Udall Public Library." (Code 1975, 2-201)
- 12-202. LIBRARY BOARD; APPOINTMENT; TERMS; ELIGIBILITY; VACANCIES. The management and control of the library shall be vested in the board of directors, which shall consist of seven members appointed by the mayor with the approval of the city council, for terms of four years each from the first day of May, following their date of appointment. The members first appointed to the board shall have staggered terms pursuant to K.S.A. 12-1222. In addition to the appointed members of the board, the mayor shall be ex officio member of the library board, with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office. All members appointed to the library board shall be residents of the municipality. Members of the library board shall receive no compensation for their services. (Code 1975, 2-202)
- 12-203. LIBRARY BOARD; CORPORATE STATUS. The library board of the "The Udall Public Library" as provided by law, shall constitute a body, corporate and politic, possessing the usual powers of a corporation for public purposes under the name and style of "The Board of Directors of the City of Udall Library," and under such name, may contract, sue and be sued, and acquire, hold and convey real and personal property in accordance with law. The acquisition or disposition of real property shall be subject to the approval of the governing body of the city. (Code 1975, 2-203)
- 12-204. MEETINGS; NOTICE. The library board shall fix the date and place of their regular meetings which shall be held annually. They shall elect a chairperson, secretary and a treasurer, and such other officers as they deem necessary. special meetings may be called by the chairperson or upon written request of a majority of he members. Written notice stating the time and place of any special meeting and the purpose for which called shall, unless waived, be given each member of the board at least two days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such meeting. (Code 1975, 2-204)
- 12-205. POWERS AND DUTIES OF BOARD. The board shall have the following powers and duties:
- (a) To make and adopt rules and regulations for the administration of the library.
 - (b) With the approval of the governing body of the city, to purchase or lease a site or sites, and to lease or erect a building or buildings for the use of the library.
 - (c) To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material deemed necessary by the board for the maintenance and extension of a modern library service.
 - (d) To employ a librarian and such other employees as the board shall deem necessary and to remove them and to fix their compensation, provided, however, no

expenditure made by the library board shall obligate the city for any greater amount than has been budgeted for library expenses.

(e) To establish and maintain a library or libraries, and traveling library service within the city or within any other municipality with which service contracts or arrangements have been made.

(f) To contract with other libraries established under the state library laws, or with the governing body the furnishing of library service to the inhabitants of such municipality to the extent and upon such terms as may be agreed upon and to contract and to furnish library service to any school library.

(g) 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 library service.

(h) To receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof.

(i) To make annual reports to the Kansas traveling library commission and the governing body of the city on or before January 31st 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 library materials acquire and on hand, number of library users, library services available, and other information of general interest as the governing body of the city may require.
(Code 1973, 2-205)

12-206. **USE OF LIBRARY; REGULATIONS.** The public library shall be free to the use of the inhabitants of the city, subject to such reasonable rules and regulations as the library board may adopt, and the board may exclude from the use of the library, any and all persons who shall willfully violate such rules. The library board may extend the use and privileges of the city to non-residents of the city and may make exchanges of books with any other library upon such terms and conditions as the board may from time to time by its regulations prescribe. (Code 1975, 2-206)

12-207. **TREASURER OF BOARD; DUTIES.** The treasurer of the library board shall give bond in an amount fixed by the board and approved by the governing body of the municipality for the safe-keeping and due disbursement of all funds that may come into his or her hands as such treasurer. The bond shall be filed with the clerk of the municipality. Except where otherwise provided by the law, the treasurer of the municipality shall pay over to the treasurer of the library board, all funds collected for the maintenance of the library and the treasurer of the library board shall pay out the funds on orders of the board, signed by the secretary and chairperson thereof. Such treasurer shall keep an accurate record of all moneys received and disbursed by him or her and make a report thereof to the library board monthly, or as often as the board shall require. (Code 1975, 2-207)

12-208. **TAX LEVY; FUNDS; DISBURSEMENT.** The governing body is authorized to levy a tax for the maintenance of the city library in such sum as the library board shall determine within the limitations fixed by law. Such tax shall be levied and collected in like manner as other taxes of the city and shall be kept in a separate fund to be known as the "Library Fund of the City." The city treasurer shall make no disbursements to the library board and pay over no money to the treasurer thereof until he or she has received a certificate signed by the chairperson and secretary of the library board to

the effect that the person named in such certificate has been duly elected as treasurer and has given bond as required by law.
(Code 1975, 2-208)

12-209. **DAMAGE TO PROPERTY.** It shall be unlawful for any person to willfully injure or damage any building occupied by the public library or to willfully injure or destroy any book, map, chart, magazine, pictures, or other personal property belonging to or under the control of the public library. (Code 1975, 2-209)

12-210. **UNLAWFUL REMOVAL OR RETENTION OF PROPERTY.** It shall be unlawful for any person to take from the public library or any premises thereof, any book, map, plat, charter, picture or other personal property belonging to or under the control of the public library except with the permission of the librarian or person or persons in charge thereof and in compliance with the rules of the public library, or to retain such book, map, plat, charter or other personal property in this or her possession or keep the same out of the public library for a longer period of time than that designated on each book or date card. (Code 1975, 2-210)

ARTICLE 3. CEMETERIES

- 12-301. DESCRIPTION OF CEMETERY. The public cemetery of the city shall be composed of the Udall cemetery as the same is described and designated in the plats thereof. (Code 1975, 10-101)
- 12-302. SALE OF LOTS. Lots or spaces may be sold for burial purposes only and the certificates of sale shall be issued by the mayor and the city clerk under the seal of the city. The price of which such sale shall be made shall be determined and fixed by the governing body of the city who shall make a schedule of prices for all lots as already offered for sale, which prices shall be uniform to all applicants. (Code 1975, 10-102)
- 12-303. SELECTION OF LOTS. Where a space or lot may be desired for one or more single interments, it shall be the duty of the city clerk to select and determine and issue his or her proper certificate for such lot or space out of some block in the cemetery which shall not have been previously set aside for that purpose and marked on the record for such purpose, for which no whole lot has been sold to any one person. (Code 1975, 10-103)
- 12-304. BURIAL PERMIT. (a) The city clerk shall, on payment to him or her of such sum as may be fixed by the governing body for digging and filling grave and furnishing to him or her the information in this article required, shall issue to any person applying for the same, a burial permit which shall set forth:
- (1) The name, age, sex and last place of residence of the deceased person to be buried.
 - (2) The number of the space, lot and block in the cemetery in which the interment is to be made.
 - (3) The name of the owner of such lot or space, and of the person at whose request such certificate is issued.
- (b) In case such lot belongs to any other person than the deceased, or to the applicant for such permit, such permit shall not be issued unless the clerk is satisfied that the burial of such person thereon is authorized by such owner; provided, however, that if the interment is to be made in such manner that digging and filling of a grave is not required, the permit shall be issued on payment of such sum as the mayor may determine and upon furnishing the information required above. (Code 1975, 10-104)
- 12-305. RECORDS. It shall be the duty of the city clerk to keep a record in a book to be provided and kept for that purpose to be known as the "Cemetery Lot Record," and ruled with columns for the several separate items and with cross-lines to each page for the separate lots; the records shall contain the following:
- (1) The names of all persons who have in the past purchased or who may purchase any space in the cemetery.
 - (2) The description of the property purchased, by number of space or lot.
 - (3) The date of its purchase.
 - (4) The amount paid therefore.
 - (5) The number of the certificate of ownership or deed.

(Code 1975, 10-105)

12-306. BURIAL PERMIT BOOKS. The city shall provide "Burial Permit Books" with stubs to correspond, and numbered on the stubs to correspond with the permits to which they respectively belong and conform to requirements or permits as contained in this article. All burial permits issued by the city clerk shall be made out on such blank permits in their proper order and at the time of the issuance thereof, the clerk shall fill out the stub of such permit so as to show the contents thereof and shall also enter the number of such permit and the memorandum relating thereto in the proper columns of the cemetery lot record as required herein. The stubs of such permits shall be retained and preserved by the clerk and together with the cemetery lot record, shall constitute a part of the records of the city. The sale of all lots or spaces which have heretofore been made by the city are hereby ratified and confirmed.

(Code 1975, 10-106)

12-307. MANAGEMENT OF CEMETERY. The management of the cemetery shall be under the direction of the mayor, but the mayor may appoint an advisory committee for such purposes as he or she deems advisable. The city clerk and sexton shall make such reports to the governing body as may be required. No graves shall be dug or opened in the cemetery except by the sexton or under his or her supervision; provided, that in case of the absence or disability of the sexton, the mayor may designate some person to act in his or her stead and no grave shall be dug or opened therein, except where a permit therefor has been issued as provided in this article, nor shall any grave be dug or opened on any other lot than the one described in such permit. (Code 1975, 10-108)

12-308. PERMIT TO OPEN GRAVE; EXHUME BODY. Any person or persons desiring to open any grave or to exhume or remove any body now buried, or that may hereinafter be buried in the cemetery, shall first pay a fee for opening such grave, exposing rough box or vault, filling hole; provided, the mayor shall make a uniform schedule of prices for all such services; provided further, such person must obtain a permit therefor from the city clerk setting forth:

(1) The number of the space, lot and block, where the same can be ascertained, on which such grave is situated.

(2) The name of the person buried therein, and the time of burial as nearly as the same can be ascertained.

(3) The extent and character of the work to be done or the change to be effected.

(4) Where such body is to be re-buried in any other part of the cemetery, such permit shall confirm, as nearly as may be, to the requirements for permits contained for original burials. No person shall, without authority, or in violation of the laws of the State of Kansas, open any grave or exhume or remove any body, or without written permit from the county coroner; provided, the provisions of this section may be waived for officers or parties acting under court order.

(Code 1975, 10-109)

12-309. KIND OF IMPROVEMENTS PERMITTED. No fence, curbing or other structure of any kind whatsoever shall be erected on any lots, section, or in any cemetery, except metal, marble or granite slabs or monuments; provided however, that the

owner of one or more lots who shall desire to erect any vault, tomb or sepulcher, monument or other structure on any such property, to be composed entirely of metal, stone, brick, marble or granite, or in any two or more of such articles, may be allowed to do so upon the approval of the plans and designs therefor by the mayor; provided, further, That all fences, curbing, railings and other structures heretofore erected for the protection or beautifying the cemetery or any part thereof, may be allowed to remain thereon so long as they shall be and remain out of proper repair and become unsightly, it shall be the duty of the sexton to remove the same from the cemetery; provided further, that the mayor may establish certain areas wherein only certain types of monuments may be used. (Code 1975, 109-110)

12-310. OFFICE CREATED. The office of sexton of the cemetery is hereby created and the same shall be filled by appointment by the mayor. (Code 1975, 10-201)

12-311. DUTIES OF SEXTON; POLICE OFFICER; MAINTENANCE SUPERVISOR.
The sexton of the cemetery shall have general charge and exercise immediate control of the cemetery of the city under the supervision and direction of the mayor and it shall be his or her duty to attend to the digging and filling of all graves and to superintend and carry out all ordinances of the city relating to the cemetery, and all rules and orders of the mayor and commissioners for the regulation, protection, government and improvement of the cemetery and to do and perform such work and labor therein as may from time to time be ordered by the mayor or by resolution of the board of commissioners. He or she shall have the exclusive use, control and management of all water hydrants and all hose used for watering purposes in the cemetery, subject only the instructions and orders of the mayor, and he or she shall keep all graves in good condition and shall dig all graves on lots sold by the city for burial purposes and shall fill up and keep filled up all graves in the cemetery. He or she shall also keep the cemetery free from weeds and tall grass by mowing the same and shall perform all other work necessary for the keeping of the cemetery in good condition. (Code 1975, 10-202)

12-312. EX-OFFICIO POLICE OFFICER. The sexton is hereby made and constituted ex officio, a police officer of the city, with authority to arrest and detain without process, all persons who may be found violating any of the rules or ordinances of the city in or relating to the cemetery, when the violation was committed within his or her view. (Code 1975, 10-203)

12-313. WALKING OR DRIVING OVER GRAVES. No person shall be allowed to walk, ride or drive over or across any grave or occupied or improved lot, block or section in the cemetery; provided however, this section shall not apply to the sexton in the discharge of his or her duties. (Code 1975, 10-301)

12-314. DEFACING, DESTROYING PROPERTY. It shall be unlawful for any person to willfully cut, carve, mark, break or otherwise deface or injure any monument, gravestone, slab, corner post, building, fence, railing, trees, shrub or flower in the cemetery or used for the protection, beautifying or improvement of the cemetery or any grave, lot, section or block therein. It shall further be unlawful for any person or persons to go into the cemetery, unless accompanied by the sexton, at any time between sundown and sunrise, or to remain loitering in the cemetery without any apparent errand or object. (Code 1975, 10-302)

12-315. USE FOR BURIAL ONLY. It shall be unlawful for any person to divert or attempt to divert the cemetery, or any block, section, lot, street, alley or part thereof, from the usual and proper use and occupancy thereof, from the usual and proper use and occupancy thereof for cemetery and burial purposes, and no person shall dig or excavate in any street, lane, alley, walk, or common in the cemetery, except in grading or otherwise improving the same under the direction of the sexton.
(Code 1975, 10-303)

12-316. GENERAL CITY ORDINANCES APPLY. All of the cemetery grounds as defined in this article shall be governed by the general ordinances of the city, in all cases where the same are not in conflict with the provisions of this article and where such ordinances are applicable thereto; the police power of the city and its officers, are hereby extended so as to include all of the cemetery grounds for the purpose of the government and control thereof. (Code 1975, 10-304)