

LENGTH OF GATE #1 20' (ROADWAY)
 GATE #2 20' (ROADWAY)

PRELIMINARY
 NOT YET APPROVED

DRAWN BY: JWK
 CHECKED BY: MJP
 FILE NO: 841163J.H01

PROPOSED CROSSING LAYOUT
 ASHERVILLE ROAD
 RR MP. 56.58
 BELLOIT, (MITCHELL), KANSAS
 CENTRAL REGION/SLOMON SUBDIVISION

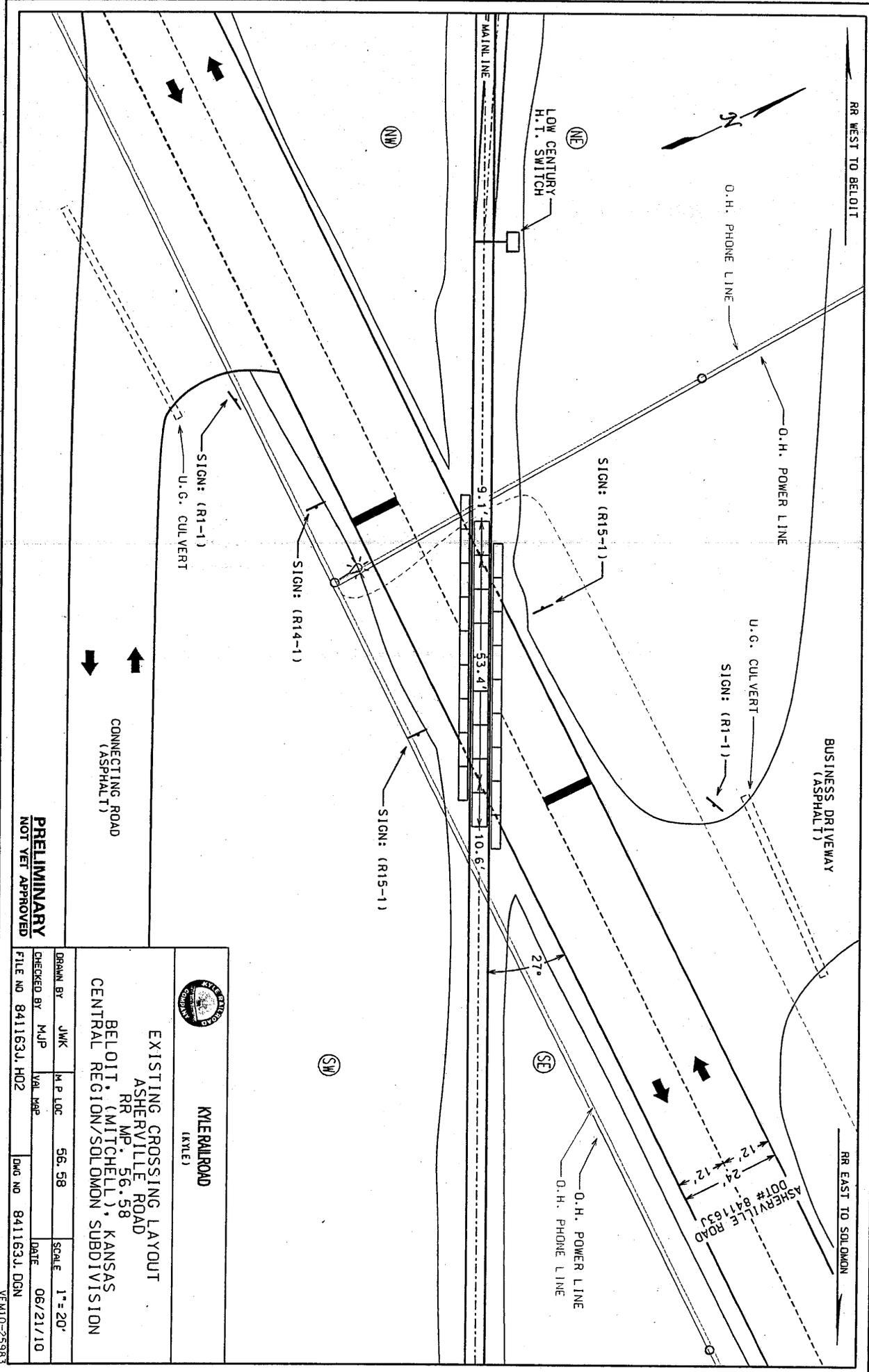
KIERA ROAD
 (KYLE)

EXISTING UTILITY LINES MAY CAUSE SIGHT OBSTRUCTION AND/OR CONFLICT WITH NEW WARNING DEVICE PLACEMENT AND OPERATION.

INSTALL NEW STANDARD WARNING DEVICE AS SHOWN.

INSTALL NEW STANDARD WARNING DEVICE AS SHOWN WITH BELL AND ADDITIONAL ONE-WAY SIDELIGHTS.

VEN10-25983



PRELIMINARY
NOT YET APPROVED

		KYLE ROAD (AXLE)	
EXISTING CROSSING LAYOUT			
ASHERVILLE ROAD RR MP. 56.58 CENTRAL REGION/SOLOMON SUBDIVISION			
DRAWN BY JWK	H.P. LOC 56.58	SCALE 1" = 20'	
CHECKED BY MJP	VAL. MAP	DATE 06/21/10	
FILE NO 841163J.H02	DWG NO 841163J.DGN		VEMIO-25983

RR WEST TO BELOIT

RR EAST TO SLOMON

BROOKLYN AVENUE
DOT# 841165X
M.P. 57.16
XB
DC/AFO

S. ELM STREET
DOT# 841188R
M.P. 56.88
XB
DC/AFO

ASHERVILLE ROAD
DOT# 841136J
M.P. 56.58
XB
DC/AFO

HIDE ROAD
DOT# 841162C
M.P. 56.31
XB
DC/AFO

M/L

KYLE RR TRACK

PS 3184'

3094'

PS 3022'

1612'

PS 97'

0'

1416'



KYLE RAILROAD
(KYLE)

EXISTING TRACK LAYOUT
ASHERVILLE ROAD
RR MP. 56.58
BELOIT, (MITCHELL), KANSAS
CENTRAL REGION/SOLOMON SUBDIVISION

PRELIMINARY
NOT YET APPROVED

DRAWN BY	JWK	M.P. LOC	56.58	SCALE	NTS
CHECKED BY	MJP	VAL. MAP		DATE	06/21/10
FILE NO	841163J.H03	DWG NO	841163J.DGN		

VENIO-25983

RR WEST TO BELOIT

RR EAST TO SOLOMON

BROOKLYN AVENUE
DOT# 841161X
M.P. 57.16
XB
DC/AFD

S. ELM STREET
DOT# 841164R
M.P. 56.88
XB
DC/AFD

ASHERVILLE ROAD
DOT# 841136J
M.P. 56.58
XB
DC/AFD
CMV

HYDE ROAD
DOT# 841162C
M.P. 56.31
XB
DC/AFD

PS 3184'

3094'

PS 3022'

1612'

PS 97'

ISL/HOUSE 78'

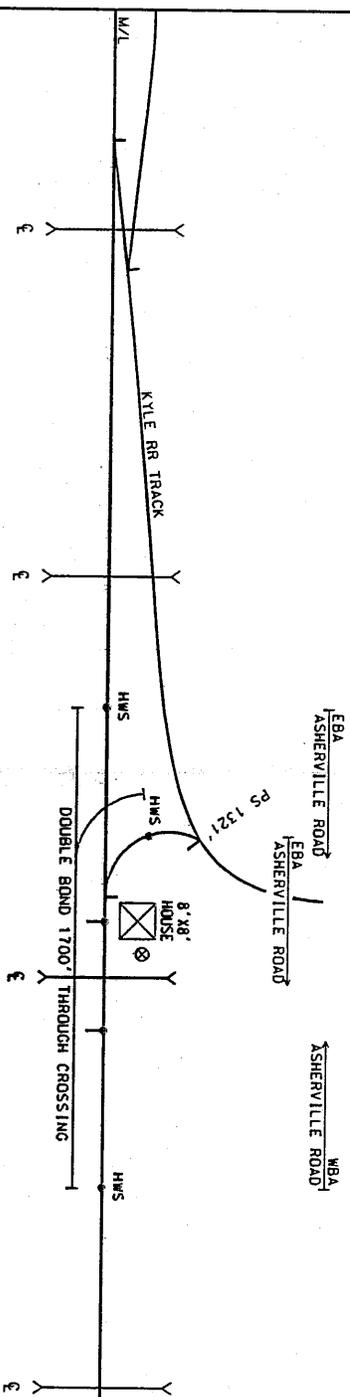
METER 65'

ISL/HOUSE 78'

1416'

START ASHERVILLE ROAD 850'

START ASHERVILLE ROAD 850'



PRELIMINARY
NOT YET APPROVED

■ IN
■ OUT

DRAWN BY	JWK	M.P. LOC	56.58	SCALE	NTS
CHECKED BY	MJP	VAL. M.P.		DATE	06/21/10
FILE NO.	841163J.H04	DWG NO.	841163J.DGN		



KYLE RAILROAD
(KYLE)

PROPOSED TRACK LAYOUT
ASHERVILLE ROAD
RR MP. 56.58
BELOIT, (MITCHELL), KANSAS
CENTRAL REGION/SOLOMON SUBDIVISION

VEN10-25983

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
July 6, 2010	VALVE BID
ORIGINATING DEPARTMENT:	TYPE OF ACTION:
Systems	<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the Council approve the bid from Municipal Supply for 18" Water Valve in the amount of \$7,170.16

FISCAL NOTE:

- The approximate cost of this item is \$7,170.16
- Funding for this type of item is available in line item 51-43-8100.

BIDS RECEIVED:

<u>COMPANY</u>	<u>PRICE</u>
Municipal Supply	\$7,170.16
HD Supply Waterworks	\$10,347.00

DISCUSSION:

The Systems Operations Department received two qualified bids to replace one of the broken water valves at the city water tower. A third bidder did not respond to our bid request.

Respectfully submitted,

Glenn Rodden
City Administrator

502 East 12th Street
Beloit, Kansas 67420



Tel No (785) 738-3781
Fax No (785) 738-2290

TO: Glenn Rodden
City Administrator

FROM: Jerry Blass
Director of System Operations

RE: 18" Water Valve

DATE: June 30, 2010

Glenn,

This valve is to replace one of the two valves broken on the new water tower. We need to get this one installed before we can try to fix the other valve
I sent this bid to three Mueller dealers but only received two back and they are listed below:

HD Supply Waterworks -----	\$10,347.00
Municipal Supply -----	\$ 7,170.16
Salina supply -----	No Bid

This bid would be purchased from (51-43-8100). I recommend the Municipal Supply Bid at \$7,170.16.

Thanks Jerry

Bid W-1042
CITY OF BELOIT
119 North Hersey
Box 567
Beloit, Kansas 67420

The City of Beloit, Kansas, 119 North Hersey, Box 567, Beloit, Kansas, will be accepting bids at the office of the City Clerks until:

TIME: 3:30 PM

DATE: June 29, 2010

for the purchase of the following item(s)/ material(s): **18" Water Valve**
All items(s)/ material(s) are to be bid FOB, Beloit, Kansas.

All bids submitted in a envelope are to be prominently marked: **Bid 18" Water Valve or W- 1042**

All bids received by the closing date and time will be publicly opened and read aloud at the time and date above in the office of the City Clerk, 119 North Hersey, Beloit, Kansas.

All Bids must be good for fifteen days from date above.

The City of Beloit, reserves the right to select the best bid, waiver formalities and reject any and all bids.

For additional information on bid specifications, contact System Operations Department, (785) 738-3781.

Jerry Blass
Director of System Operations

For additional information on results of the bid opening, contact the Office of the City Clerk, (785) 738-3551

Kerry Benson
Director of Finance / City Clerk

Material list
For Bid W- 1042

Quantity	Description	Unit Cost
1	18" Mueller A-2361, ductile iron, Resilient Wedge Gate Valve, - FL. X FL. Bid complete with Gaskets, bolts and nuts.	\$ <u>6,671³⁸</u>
1	FS3-2070 X 20 Ford All stainless steel repair clamp	\$ <u>498⁷⁸</u>

Total Cost FOB City of Beloit \$ _____

Company Name Municipal Supply Inc.

Name Allan Strobl

Phone # 800-395-7473

Bid will ship to: City of Beloit, 502 E. 12th street, Beloit, Kansas 67420

Must use this bid sheet

Mueller only please

Material list
For Bid W- 1042

Quantity	Description	Unit Cost
1	18" Mueller A-2361, ductile iron, Resilient Wedge Gate Valve, - FL. X FL. Bid complete with Gaskets, bolts and nuts.	\$ <u>9598⁰⁰</u>
1	FS3-2070 X 20 Ford All stainless steel repair clamp	\$ <u>749⁰⁰</u>

Total Cost FOB City of Beloit \$ 10,347⁰⁰

Company Name H D Supply Waterworks

Name Kyle Arnok

Phone # 620-727-3635

Bid will ship to: City of Beloit, 502 E. 12th street, Beloit, Kansas 67420

Must use this bid sheet

Mueller only please

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
July 6, 2010	CEREAL MALT BEVERAGE LICENSE APPLICATION
ORIGINATING DEPARTMENT:	TYPE OF ACTION:
Administration	<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the Council approve the Cereal Malt Beverage License for the Chamber of Commerce.

FISCAL NOTE:

- There is no direct cost associated with this item. There is a \$150 license fee.

DISCUSSION:

The Chamber is requesting a license in order to host a beer garden on July 23rd, 2010 from 9:00 p.m. to 1:00 a.m. The Chamber is not requesting a special permit because this event will be held entirely on private property. The Chamber, however, is requesting an extension of the normal time limit for this event. The police chief and the city attorney have no objections to the extension.

Respectfully submitted,

Glenn Rodden
City Administrator

BELOIT AREA
CHAMBER OF
COMMERCE

123 North Mill Street
P.O. Box 582
Beloit, Kansas 67420

www.solomonvalley.com

Phone: 785-738-2717

E-mail:
beloitchamber@nckcn.com

Chamber of Commerce Dance

Date of Event: July 23, 2010

Sponsor: Beloit Area Chamber of Commerce

To: City Administrator, Chief of Police, City Council

The Beloit Area Chamber of Commerce would like to host a dance on July 23, 2010.

We will be holding the event in the parking lot of Down Under. This will be similar to the arrangements we had for the past couple of years when we hosted a street dance on the 200 block of South Mill Street.

The Chamber of Commerce will be responsible for seeing that the Band is set up and the fencing for the beer garden is set up in accordance with what has been approved by the Police Chief and the City Administrator.

We have attached a map to indicate where we plan to have everything for the dance. The beer garden area will be 2,000 square feet, in accordance with the city ordinance, with cattle panels as the barrier. It will have one entrance and will be operated by the Beloit Area Chamber of Commerce.

The Chamber of Commerce has also applied for a Cereal Malt Beverage License. By hosting the event and operating the beer garden ourselves we feel that we will have better control of what happens at this event. Members of the Chambers' Board of Directors and volunteers will operate the beer garden in accordance with Kansas laws pertaining to cereal malt beverage sales. The beer will be poured into plastic cups so there will be no cans or bottles in the beer garden area.

Last year the Street Dance was held from 9:00pm to 12:00pm. We are asking for permission to have the dance and beer garden open from 9:00pm to 1:00am on July 23rd, due to the fact we are not in a residential area, we would like to extend our hours to allow the public more time to enjoy the event. We have spoken with the City Attorney and Chief of Police about this change in hours. Neither of them objected to the change.

If you have any questions or concerns please contact the Chamber office at (785) 738-2717.

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

_____, Mitchell COUNTY, KANSAS, June 14, 2010
TO THE GOVERNING BODY OF THE CITY OF Beloit, KANSAS,

or
THE BOARD OF COUNTY COMMISSIONERS OF Mitchell COUNTY, KANSAS.

On behalf of the Beloit Area Chamber of Commerce
corporation whose principal place of business is 123 North Mill Street, Beloit, KS 67420

and under authority of the resolution of the Board of Directors of said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by your relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statements under oath:

1. The proposed licensee is Beloit Area Chamber of Commerce corporation with principal place of business at 123 North Mill Street, Beloit, KS
The resident agent is Lydia Becker with offices at 123 North Mill, Beloit
Said corporation was incorporated on 05/21/1902
A copy of the Articles of Incorporation is presently on file with the Register of Deeds of this County.
Yes () No ()
2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.
See attached list of officers and directors
3. The premises for which the license is desired are located at Down Under
121 West South Street, Beloit, KS
(a) The legal description of the premises is _____
(b) The street number is 121 West South Street
(c) The building is described as Down Under
(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:
Beloit Area Chamber of Commerce
4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are Brett Wichers 121 West South Street Beloit, KS 67420
5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:
 - (a) None of them has within the last two years from this date been convicted of
 - (1) A felony
 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor law
 If any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.
 - (b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:
 - (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - (B) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.
6. The place of business will be conducted by the following manager or agent:
Name Lydia Becker
Address 123 North Mill, Beloit
Residence 805 East Court Street, Beloit
Length of residence within this city or county in which the application is being made _____
Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____
Date and place of birth 10-13-83, Osborne, KS
I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.
7. This application is for a license to retail cereal malt beverages for consumption on the premises (x). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises ().

A license fee of \$ 150 is enclosed herewith.

I, Lydia Becker, President (Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, and do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal)

Beloit Area Chamber of Commerce
(Corporation)

By [Signature], President
(Signature and position of individual making application on behalf of corporation)

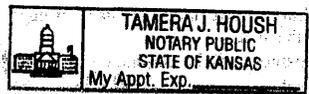
Attest: [Signature]
(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF Mitchell, ss.
I, [Signature], President, of the
Beloit Area Chamber of Commerce do solemnly
(Name of corporation)

swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

[Signature], President
(Signature and official position)

SUBSCRIBED AND SWORN TO before me this 1st day of July, 2010



Tamera J. Housh
(Character of official administering oath)

My commission expires on the 3rd day of June, 2014

APPLICATION APPROVED this _____ day of _____, _____

By _____ (Official position)

of _____, Kansas.
(City or county)

Recorded in Volume _____, at page _____.

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
July 6, 2010	PATROL OFFICER HIRE
ORIGINATING DEPARTMENT:	TYPE OF ACTION: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION
Police	<input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the Council hire Bryan Volkel as Patrol Officer for the City of Beloit, Kansas.

FISCAL NOTE:

This position is currently at pay grade 24, step 1 which pays a wage of \$14.04 per hour.

DISCUSSION:

After interviewing several candidates for this position, Police Chief Ryan Stocker has recommended that we hire Bryan Volkel to serve as a police officer for the City of Beloit, Kansas.

Respectfully submitted,

Glenn Rodden
City Administrator

114 S. Campbell St.
Beloit, Kansas 67420

Chief Ryan Stocker



Ph. (785) 738-2203
Fax (785) 738-2759
Email: bpdchief@nckcn.com

Memorandum

To: Glenn Rodden
City Administrator

From: Chief Ryan Stocker

Date: June 30, 2010

Re: Police Officer Hire

I recommend the hiring of Bryan Volkel to fill one of our vacant Police Officer position at step 1 of Grade 24 which is \$14.04 per hour.

Bryan was one (1) of (6) applicants that were interviewed for (2) of the open patrolman positions. The interview panel unanimously recommended the hire of Bryan.

Bryan is currently living in Manhattan Kansas. Bryan will need to attend the Kansas Law Enforcement Academy in Hutchinson Kansas within (1) year of his hiring. Bryan is excited and eager to start his career in Law Enforcement. Bryan appears to get along well with all the Officers that have had contact with him and I think Bryan will be a very good fit of the Beloit Police Department.

Therefore, I recommend the hiring of Bryan Volkel as a Police Officer for the Beloit Police Department.

Thanking you in advance for your consideration.

A handwritten signature in black ink, appearing to read "Ryan Stocker".

Ryan Stocker
Chief of Police

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
July 6, 2010	PATROL OFFICER HIRE
ORIGINATING DEPARTMENT:	TYPE OF ACTION: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION
Police	<input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the Council hire Corey Lusk as Patrol Officer for the City of Beloit, Kansas.

FISCAL NOTE:

This position is currently at pay grade 24, step 1 which pays a wage of \$14.04 per hour.

DISCUSSION:

After interviewing several candidates for this position, Police Chief Ryan Stocker has recommended that we hire Corey Lusk to serve as a police officer for the City of Beloit, Kansas.

Respectfully submitted,

Glenn Rodden
City Administrator

114 S. Campbell St.
Beloit, Kansas 67420

Chief Ryan Stocker



Ph. (785) 738-2203
Fax (785) 738-2759
Email: bpdchief@nckcn.com

Memorandum

To: Glenn Rodden
City Administrator

From: Chief Ryan Stocker

Date: June 30, 2010

Re: Police Officer Hire

I recommend the hiring of Corey Lusk to fill the last vacant Police Officer position at step 1 of Grade 24 which is \$14.04 per hour.

Corey was one (1) of (6) applicants that were interviewed for (2) of the open patrolman positions. The interview panel unanimously recommended the hire of Corey.

Corey is currently living in Belle Plain Kansas. Corey will need to attend the Kansas Law Enforcement Academy in Hutchinson Kansas within (1) year of his hiring. Corey is excited and eager to start his career in Law Enforcement. Corey appears to get along well with all the Officers that have had contact with him and I think Corey will be a very good fit of the Beloit Police Department.

Therefore, I recommend the hiring of Corey Lusk as a Police Officer for the Beloit Police Department.

Thanking you in advance for your consideration.

A handwritten signature in cursive script, appearing to read "Ryan Stocker".

Ryan Stocker
Chief of Police

Second Quarter 2010

Enforcement Division		Quarterly Totals	
1. Nuisance Abatement: Total		165	37%
Tall Weeds/Grass	New	55	12%
	Continuing	16	4%
	Compliant	53	12%
	City mowed	6	1%
Junk Vehicles		17	4%
Health/Welfare		12	3%
Transient Merchant Confrontations		5	1%
Transient Merchant Licenses		0	0%
Fireworks Stands		1	0%
Code Enforcement Training (in hours)		0	0%
2. Animal Control: Total		128	29%
Live Animals		94	21%
Dogs		33	7%
Cats		44	10%
Other (opossum, snake, skunk)		7	2%
Citations		7	2%
Bite Reports		1	0%
Breed Specific issues		2	0%
Animal Shelter Presentation pending		0	0%
Other animal issues		0	0%
Animal Control Training (in hours)		0	0%
Dead Animals		34	8%
Dogs		0	0%
Cats		8	2%
Other		26	6%
Squirrels: 18 Rabbits: 1			
Skunks: 4 Opossum: 2			
Raccoons: Snake: 1			
3. Building Inspection: Total		78	17%
Residential Construction Permits		20	4%
Residential Inspections		36	8%
Commercial Construction Permits		3	1%
Commercial Inspections		13	3%
Sidewalks		0	0%
Dangerous / Unfit Structures		0	0%
Demo Structures		0	0%
Swimming Pools		6	1%
Building Advisory Board meetings		0	0%
Building Inspection Training (in hours)		16	4%

4. Zoning Administration: Total	78	17%
Rezoning Inquiries	1	0%
Variance Inquiries	10	2%
Fence Inquiries	13	3%
Request for Rezoning	0	0%
Requests for Variance	4	1%
Fence Variance	1	0%
Requests for Conditional Use Permit	1	0%
Non-Conforming Uses	3	1%
Site Triangle Corrections	2	0%
Regulation Violations	5	1%
Floodplain Construction Inquiries	3	1%
Other Zoning Regulation Violations	0	0%
Zoning training (in hours)	8	2%
5. GIS Work: (in hours) Total	12	3%
Projects	6	1%
Other work	6	1%
GIS Training	3	1%
6. Other issues		
Darrell Kelley, Externship	70 hours	
Total Code Enforcement Activities	449	100%

ITEMS FOR COUNCIL DISCUSSION

DATE:

July 6, 2010

TITLE:

WORK SESSION DISCUSSION

DISCUSSION:

Items for discussion at your July 6, 2010 Work Session will include the following:

1. **Junk Vehicle Code:** Code Officer Chris Jones would like to adopt a model ordinance that was written by the League of Kansas Municipalities that would allow city staff to use the court system to handle junk vehicle complaints. A copy of the model ordinance is attached.
2. **City Drainage Policy:** The recent drainage problems have led city staff the reconsider our drainage policy. We currently have no provisions in our city code to address drainage within the city limits and we have nothing in our new subdivision ordinance. The planning commission will be taking up this issue at its next meeting.

Respectfully submitted,

Glenn Rodden
City Administrator

Sample ordinance offered by the Kansas League of Municipalities

JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

(Revised 7/19/04)

Section 1. FINDINGS OF GOVERNING BODY. The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:

- (a) Serves as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (c) Are a ready source of fire and explosion;
- (d) Encourage pilfering and theft;
- (e) Constitute a blighting influence upon the area in which they are located;
- (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

Section 2. DEFINITIONS. As used in this ordinance, unless the context clearly indicates otherwise:

- (a) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
- (b) Vehicle means, without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

Section 3. NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

- (a) 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 in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;
 - (1) Absence of a current registration plate upon the vehicle;
 - (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
 - (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.
- (b) The provisions of this ordinance shall not apply to:
 - (1) Any motor vehicle which is enclosed in a garage or other building;
 - (2) To the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or
 - (3) To 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.

Section 4. PUBLIC OFFICER. The City Administrator shall designate a public officer to be charged with the administration and enforcement of this ordinance.

Section 5. COMPLAINTS; INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the board of health, chief of police or the fire chief. The public officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings.

Section 6. RIGHT OF ENTRY. The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

Section 7. ORDER OF VIOLATION. (a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 3 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (K.S.A. 12-1617e)

Section 8. SAME; CONTENTS. The order shall state the condition(s) which is (are) in violation of Section 3. The notice shall also inform the person, corporation, partnership or association that

- (a) He, she or they shall have 10 days from receipt of the order to abate the condition(s) in violation of Section 3; or
- (b) He, she or they have 10 days from receipt of the order to request a hearing before the governing body or its designated representative of the matter as provided by section 12;
- (c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 9 and of abatement of the condition(s) by the city as provided by Section 10.

Section 9. FAILURE TO COMPLY; PENALTY. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the municipal court of the city against such person and upon conviction of any violation of provisions of Section 3, 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.

Section 10. ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section 9, the public officer may seek to remedy violations of this ordinance in the following manner. If a person to whom an order has been sent pursuant to Section 7 has neither alleviated the conditions causing the alleged violation or requested a hearing before the

governing body within the time period specified in Section 8, ~~the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution.~~

The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 13. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Service by certified mail, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail

Section 11. DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE. (a) Disposition of any motor vehicle removed and abated from private property pursuant to this ordinance shall be as provided by K.S.A. Supp. 8-1102, as amended.

- (b) Any person attempting to recover a motor vehicle impounded as provided in this ordinance, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

Section 12. HEARING. If a hearing is requested within the 10 day period as provided in Section 8, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, 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 governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the matter provided in Section 10.

Section 13. COSTS ASSESSED. If the city abates or removes the nuisance pursuant to section 10, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice

shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land 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 the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

ARTICLE 3. JUNKED, ABANDONED VEHICLES

7-301. UNLAWFUL ACTS. It shall be unlawful, without prior authorization of the governing body, to park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, for a period of time in excess of 72 hours upon any private property and/or upon any street, alley, highway, or thoroughfare within the city, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated in the appropriate business zone pursuant to the zoning laws of the city.

7-302. NUISANCES. Any motor vehicle parked, stored, left or permitted to be parked, stored or left in violation of the provisions of section 7-301 hereof shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and welfare of the inhabitants of the city, and it shall be the duty of the registered or other owner of such vehicle, and it shall also be the duty of the owner, lessee or occupant of the private property upon which such vehicle is located, to either remove the same from the city or to have the same housed in a building where it will not be visible from the street or other private property.

7-303. SAME; EXCEPTION. (a) All premises or portions of premises within the city situated within 100 feet of any area bearing a classification under zoning regulations of R-S (residential suburban district), R-1 (single family dwelling district), R-2, (two family dwelling district), R-3 (multiple family dwelling district), or MP (mobile home park district) which shall be used for the storage of motor vehicles or machine parts shall be screened from public view by the erection of board fencing to a height of eight feet, bottom of which fencing shall not be more than one foot from the ground surface of the premises. Public parking along any street shall not be used for the storage of motor vehicles or machine parts and all screen fencing herein required shall be erected under the inspection and approval of the building inspector.

(b) All premises or portions of premises within the city which shall be used for the storage of motor vehicles or machine parts and which shall be located within 100 feet of a public street shall be screen fenced as provided in subsection (a).

(c) The owner or owners of all premises defined in this section together with the lessees of the premises shall be jointly and severally liable for erecting the screen fencing as required by this section. The term "storage of motor vehicles or machine parts" shall contemplate under this section the accumulation of said items for the purpose of salvaging parts therefrom for sale. Each day that a premises or portion thereof shall be used in violation of this section shall constitute a separate violation.

7-304. NOTIFICATION. (a) It shall be the duty of the chief of police to give written notice to the registered or other owner of any motor vehicle which is in violation of this article, or in the alternative to give such notice to the owner, lessee or occupant of the private property upon which such motor vehicle is situated, to the effect that the parking, storing, leaving or permitting of the parking, storing, or leaving of such vehicle is in violation of this article and requiring that the vehicle be removed from the premises within 72 hours or that within 72 hours the same be housed in a building where it will not be visible from the street or adjoining private property.

(b) Notice shall be given by personal service or by registered or certified mail.

(c) In case of a motor vehicle abandoned on the streets of the city, the notice shall be attached to the vehicle in a conspicuous manner.

7-305. FAILURE TO COMPLY. If notice is given as provided in section 7-304 hereof and the person upon whom the notice and demand is made shall fail to meet the requirements of the notice, then the persons shall be in violation of this article.

7-306. IMPOUNDMENT AND DISPOSITION. Notwithstanding the provisions of section 7-305 hereof, and regardless of whether or not the person or persons mentioned herein have been charged with a violation of this article, the chief of police, after the giving of notice required by section 7-304 hereof, and if the requirements of such notice have not been complied with upon the expiration of said 72 hour period, shall cause the vehicle or vehicles to be removed to such suitable place for storage as may be designated by the mayor.

7-307. DISPOSITION AND SALE OF VEHICLES IMPOUNDED. Any vehicle subject to the provisions of this article which has been impounded by the police department shall be sold and disposed of in the following manner:

(a) If the vehicle has displayed thereon a registration plate issued by the State of Kansas, the city shall notify by registered mail the registered owner of the vehicle addressed to the address shown on the certificate of registration, and the lienholder, if any, giving notice to the same to claim the vehicle in 30 days from the date of mailing the notice or the vehicle will be sold at public auction sale for cash. The titleholder or registered owner of a vehicle not displaying such a registration plate shall be notified and the vehicle sold as hereinafter set forth. The city shall exercise reasonable diligence in determining the title owner or registered owner of vehicles and shall inquire by mail of the office of the register of deeds of the county in which the title shows the owner resides as to any lienholder of record.

(b) After 30 days from the date of mailing notice if the abandoned motor vehicle is more than four model years of age, or after 60 days from date of mailing notice, if the abandoned motor vehicle is four model years of age or less the city shall publish a notice once a week for two consecutive weeks in the official city newspaper which notice shall as accurately as possible describe the vehicle. In the case of a motor vehicle, such description shall be by name of maker, color, serial number and owner, if known. The notice shall state that the same has been impounded by the city and that the same will be sold at public auction to the highest bidder, for cash, if the owner thereof does not claim the same within 10 days from the date of the second publication of the notice and pay the removal and storage charges and publication costs incurred by the city.

(c) If such motor vehicle does not display a registration plate issued by the motor vehicle department of the highway commission of this state and is not registered with the department, the city may after 30 days from the date of abandonment publish a notice in the official city newspaper which notice shall describe the motor vehicle by name of maker, model, color and serial number and stating that the same has been impounded by the city and the 7-5 same will be sold at public auction to the highest bidder for cash if the owner thereof does not claim the same within 10 days of the date of the second publication of the notice and pay the removal and storage and publication charges incurred by the city.

(d) All proceeds from the sale of vehicles under this section shall go first toward satisfying the towing, storing, publication and other expenses of the city, with the surplus, if any, going to the general fund of the city to be used for street purposes.

7-308. RELEASE FROM IMPOUNDMENT. After any vehicle is impounded and stored, as aforesaid, the same shall not be released until all charges connected with the removal, towing and storage of such vehicle have been paid.

7-309. PENALTY. Any person violating the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$25 or more than \$50 or by imprisonment in jail for a term of not less than 10 days nor more than 30 days, or by both such fine and imprisonment.