

**Minutes**

**BASEHOR CITY COUNCIL WORK SESSION**

**March 10, 2008**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

**Members Present: Pres. Terry Thomas, Iris Dysart, Terry Hill, Keith Sifford, and Jim Washington**

**Members Absent: none**

**Staff Present: Carl Slaugh, Mary Mogle, Lloyd Martley, Dustin Smith, Mark Lee**

**Newspaper: none**

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The work session was called to order with all members present with the exception of Councilmember Washington.

**1. Review chapters 4-16 of the proposed Code of the City of Basehor**

- a. Chapter 4 Buildings and Construction
- b. Chapter 5 Business Regulations
- c. Chapter 6 Elections
- d. Chapter 7 Fire
- e. Chapter 8 Health and Welfare
- f. Chapter 9 Municipal Court
- g. Chapter 10 Police
- h. Chapter 11 Public Offenses
- i. Chapter 12 Public Property
- j. Chapter 13 Streets and Sidewalks
- k. Chapter 14 Traffic
- l. Chapter 15 Utilities
- m. Chapter 16 Zoning and Planning

**Chapter II Animals and Chapter III Beverage**

President Thomas questioned if Chapter III notes were comments or required action. Mr. Slaugh noted they were comments only.

President Thomas questioned who would be responsible for calling the game warden when there was a rabid animal. Chief Martley reported the animal control officer would be contacted first and if he was not available, then the game warden would be called.

President Thomas would like to see Article 2-201 changed allowing residents to have four animals total rather than limiting each household to two dogs and two cats.

Consensus of Council was to change policy "not to exceed four animals total".

The city clerk reported she verified alcohol and cereal malt beverage license from the State Alcoholic Beverage Control office. Currently the City is in compliance with State fees; however, she questioned whether the City should enforce Catering and Temporary Permit fees. (Councilmember Washington arrived at 6:09 p.m.)

Chief Martley recommended removing Catering and Temporary Permit from the Code because it would be difficult for the police department to enforce.

The city superintendent was instructed to add "no alcohol allowed" sign at city park.

Consensus was to leave policy as written.

#### **Chapter IV. Buildings and Construction**

The proposed Code references the 2003 Building Codes. Council suggested adopting new Codes in 2009.

Consensus was to adopt proposed revisions as submitted.

#### **Chapter V. Business Regulations**

No recommended changes.

#### **Chapter VI. Elections**

Councilmember Washington noted Charter Ordinance No.1, Section 5 states the City would not have primary elections and should be amended.

#### **Chapter VII. Fire**

Consensus was to adopt recommended changes.

#### **Chapter VIII. Health and Welfare**

Consensus was to adopt recommended changes.

**Chapter IX. Municipal Court**

Consensus was to adopt recommended changes.

**Chapter X. Police**

Consensus was to adopt recommended changes.

**Chapter XI. Public Offenses**

No recommended changes.

**Chapter XII. Public Property**

Consensus was to adopt recommended changes.

**Chapter XIII. Streets and Sidewalks**

14-202           The city superintendent requested Council designate emergency snow routes in certain areas.

Councilmember Washington asked about overnight parking. No final recommendations made.

Mr. Slauch commented the main intent of the changes was to remove the designation of stop signs, no parking zones, and designated school crosswalks in the Code.

Consensus was to draft a blanket statement that would read "speed limits shall be changed in conjunction with Standard Traffic Ordinance unless otherwise amended by City Council". Create a one-line statement and map for "Emergency snow routes as posted".

Chief Martley suggested changing the speed limit on 155<sup>th</sup> Street to 30 mph with the exception of the school zones. He explained the current speed limit ranges from 20 mph to 50 mph in a short span of roadway.

**Chapter XV. Utilities**

15-106           City attorney review current laws (HB2592, Year 2006).

Consensus was to adopt recommended changes.

Councilmember Washington questioned if Section 15-206 should site a State code to encompass private septic systems. Mr. Slauch reported generally septic systems are not allowed within the city limits. Mr. Myracle stated, in the past, if the property was not within 200 ft. of a sanitary sewer system, the property owner was allowed to go back with

an engineered sewer system. Council agreed Section 15-206 should be updated in accordance with current KDHE requirements.

## **Chapter XVI. Zoning and Planning**

Consensus was to adopt recommended changes.

### **Municipal Policies**

Mr. Slaugh recommended incorporating the Municipal Policies into the Municipal Code.

Consensus was to incorporate Municipal Policies into the Municipal Code.

Consensus was to create a fee schedule to incorporate all fees into one document and review annually.

## **2. Review Appendix of the proposed Code of the City of Basehor:**

- a. Appendix A Charter Ordinances
- b. Appendix B Franchises

Councilmember Dysart pointed out there was not a franchise ordinance for AT&T and questioned the franchise fee rate.

Councilmember Washington felt Sunflower Cable should pay franchise fees on "voice over internet provider" (VOIP).

Recommended changes have been incorporated by reference to the original minutes.

Work Session adjourned at 7:45 p.m.

Submitted for Council approval with/without corrections or additions this 17<sup>th</sup> day of March, 2008.

\_\_\_\_\_  
Chris Garcia, Mayor

Attest:

\_\_\_\_\_  
Mary A. Mogle, CMC, City Clerk

(1 audio tape)

## Municipal Code Summary of Revisions 2008

**CHAPTER I. ADMINISTRATION**

- 1-102(i) Should this read four (4) since that is a legal quorum for Basehor?
- 1-107 “Basehor” is misspelled.
- 1-212 No changes to code. Recommend incorporating into Personnel Policies and Guidelines manual.
- 1-301 Amend or rescind per Council discussion on 11/19/2007 (“at-will”)  
1-302  
1-303
- 1-306(a) (c) (d) City treasurer performs these duties.  
Add “City Prosecutor” duties per Ordinance 519.
- 1-401 Change Personnel Policy (adopted 12/3/07) to read “Uniform Personnel Policies and Guidelines of the City of Basehor” per proposed Municipal Code.
- 1-503 Risk Management company suggested having one blanket bond in the amount of \$50,000 for designated positions rather than each position being bonded for \$50,000. (cost saving measure)
- 1-610 Revise to read same as our “no cash” policy. Currently we deposit all monies 3-5 times per week.
- 1-804 Add clause regarding collection fees:  
\$100 – Ad Valorem Tax rolls  
Percentage – State Setoff program

*The consensus of opinion on animal control regarding vicious dogs was that a specific breed should not be mentioned when referring to a vicious dog; however, when requiring special insurance a specific breed of dog may be identified.*

**CHAPTER II. ANIMAL CONTROL AND REGULATION**

- Article 1. General Provisions  
Article 2. Dogs and Cats  
Article 3. Other Animals  
Article 4. Zoning Regulations

**ARTICLE 1. GENERAL PROVISIONS****2-101. DEFINITIONS.**

(b) Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other

equines, hogs, goats, dogs, cats, rabbits, sheep, birds, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) Animal Control Officer - shall mean the chief of police of the city, or any police officer of the city, or any other person designated by the chief of police or the mayor of the city.

(h) Dog - means any member of the species canis familiaris, regardless of sex, three months of age or older

(i) Fowl - means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons. Means chickens, guineas, geese, ducks, and pigeons

(j) Domestic Birds. Means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

#### 2-104. SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

(b) The animal control officer or any law enforcement officer shall have the right of entry upon any private enclosed lot or land, after attempting to contact the home/land owner, for the purpose of collecting any animal whose presence thereupon is a violation of this chapter.

#### 2-106. BREAKING POUND.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals. Every person convicted of violating this section shall be deemed guilty of an infraction and shall pay upon first conviction a fine in the amount of \$25.00, upon a second conviction pay a fine in the amount of \$50.00, and upon a third or subsequent conviction pay a fine of not less than \$75.00 nor more than \$500.00 along with the required court costs, and sentenced to a period not to exceed 30 days in jail.

#### 2-109. KEEPING ANIMALS.

(c) The maintaining of non-poisonous and non-vicious animals and fowl birds which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-113 of this chapter, and does not otherwise violate the zoning ordinances of the city:

2-110. ANIMAL TRAPS. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals. The animal control officer must be contacted prior to any traps being set within the city limits of Basehor. (Code 1989)

#### VICIOUS DOGS (a) Definitions.

(1) Animal Control Officer - shall mean the chief of police of the city, or any police officer of the city, or any other person designated by the chief of police or the mayor of the city. \*Note-moved to definitions section\*

(2) At Large - shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.

(3) Dog - shall include both male and female dogs, three months of age or older.

(4) Own - shall mean and include own, keep, harbor, shelter, manage, possess, or have a part interest in any dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which such minor is a member shall be deemed to own the dog for the purposes of this article.

(5) Owner - shall mean the one who owns, his or her employee, agent, or other competent person into whose charge the actual owner has placed the dog,

(b)(2) Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than \$200,000, to increase an additional \$200,000 per incident insuring the person against any claim, loss, damage or injury to any human being, any property, domestic pet, or livestock resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. The owner or custodian of such dog must provide proof of insurance at the time the dog is registered. If the owner or custodian fails to provide such proof of insurance, the owner or custodian shall be denied registration and shall be subject to such other penalties provided for herein. In order to comply with the provisions of this section, the owner or custodian must provide insurance that specifically insures that specific breed of dog under the insurance policy. Such determination, if disputed, shall be resolved by the City Attorney, and

his/her decision shall be final. This section shall not apply to dogs kept by law enforcement agencies.  
 (7) Registration of Vicious Dogs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the city shall within 10 days of the date of this ordinance register the dogs with the city-police department. Such registration shall include a photograph of each vicious dog owned, kept or harbored.

(k) Insurance Requirements on Specific Breeds of Dogs

(5) All owners, keepers or harborers of registered pit bull dogs, Rottweiler dogs or wolf hybrids must within ten days of the effective date of this ordinance provide proof to the Basehor City Police Department of and thereafter continuously provide public liability insurance in a single incident amount of \$200,000, to increase an additional \$2,000.00 per incident insuring the person against any claim, loss, damage or injury to any human being, any property, domestic pet, or livestock resulting from the acts of such dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is given to the Basehor Police Department.  
 (6) All owners, keepers or harborers of registered pit bull dogs, Rottweiler dogs or wolf-hybrids must within ten days of the incident, report in writing to the Basehor City Police Department the removal from the city or death of a registered pit bull dog, Rottweiler dog or wolf-hybrid, the birth of offspring of a registered pit bull dog, Rottweiler dog or wolf-hybrid, and the new address of a registered pit bull dog. Rottweiler dog or wolf-hybrid owner should the owner move within the corporate limits of the city of Basehor, Kansas

2-117 IMPOUNDMENT OF RABIES SUSPECTS. ~~(a) Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not less than 10 days and not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection this animal will follow the guidelines of a vicious animal and periodically will be checked on by the animal control officer.~~

~~(b) In lieu of the provisions of subsection (a), the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local health officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the animal control officer or any law enforcement officer to be killed and examination made by the state board of health.~~

~~(c) Any animal desired for observation by the local health officer under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.~~

~~(Ord. 449, Sec. 4; Ord. 185, Sec. 12; Code 1989; Code 2007)~~

Responsibility of owner. The owner of any dog or cat shall be held responsible for removing any and all excrements deposited by their dog or cat off of any property other than their own. Every person convicted of violating this section shall be deemed guilty of an infraction and shall pay upon first conviction a fine in the amount of \$25.00, upon a second conviction pay a fine in the amount of \$50.00, and upon a third or subsequent conviction pay a fine of not less than \$75.00 nor more than \$500.00 along with the required court costs.

IMPOUNDMENT OF RABIES SUSPECTS. ~~Any law enforcement officer or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The health officer may authorize the keeping of any such animal on the owners premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. (Code 1989)~~

~~(a) Any law enforcement officer, animal control officer or game warden or local health officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal~~

care facility for a period of not less than 10 days and not more than 30 days during which time the veterinarian local health officer shall determine whether or not such animal is suffering from a disease and, if not, the veterinarian local health officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The animal control officer health officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection this animal will follow the guidelines of a vicious animal and periodically will be checked on by the animal control officer.

(b) In lieu of the provisions of subsection (a), the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation, Such veterinarian shall report his or her findings in writing to the animal control officer local health officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the animal control officer or any law enforcement officer to be killed and examination made by the state board of health.

(c) Any animal desired for observation by the animal control officer local health officer under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

(Ord. 449, Sec. 4; Ord. 185, Sec. 12; Code 1989; Code 2007)

2-119. ANIMALS BITTEN BY RABID ANIMALS. Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health game warden officer and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;

(b) If the bitten animal has a current vaccination, it shall be confined for 90 days;

(c) The bitten animal shall be released from confinement only upon written order from the local health officer game warden, who declares the animal to be free of rabies; and

(d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

(Code 1989)

2-121 EMERGENCY; PROCLAMATION. The mayor is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside any animal outside during this period shall be on a leash but not allowed to remain outside unattended, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of, if showing signs of being rabid, wherever found by any police officer, or the animal control officer of the city. If the animal is running at large, with no signs of being rabid, the owner will be subject to the provisions as stated in 2-206, upon a 10 day waiting period to ensure the animal has not been infected, unless proof of vaccination has been provided to the animal control officer. The owner of such animal shall be prosecuted for such violation thereof. (Code 1989)

2-122. KENNEL LICENSES. (a) In the event that an owner has five or more animals, the owner shall be required to obtain a kennel license as provided herein.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the animal control officer certifying approval of the kennel and compliance with the applicable laws of the city and the State of Kansas, and a certificate by the zoning code enforcement officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the police or city clerk has not received any protest against the kennel, the police or city clerk may request the city clerk to issue a renewal of an existing kennel license at the same location without any upon receiving a report from the animal control officer and zoning code enforcement officer. If the animal control officer or the zoning code enforcement officer finds that the holder of any kennel license is violating any zoning law, or any other law of the State of Kansas, or of the city, or is maintaining the facility in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the police or city clerk, and the license shall not be renewed except after a public hearing before the governing body.

2-213 RIDING, HORSES, ETC., ON SIDEWALKS OR PAVEMENTS. No person shall ride, drive or

lead any horse, mare, mule, gelding or other animal upon any of the sidewalks within this city. Nothing contained herein shall prohibit the use of the streets located within the city for riding, etc. (Ord. 185, Sec. 17)

ARTICLE 2. DOGS AND CATS

2-201. REGISTRATION AND VACCINATION REQUIRED; FEE; REGISTRATION.

(a) Every owner of any dog or cat over six months of age shall annually register with the police or city clerk his or her name, address and phone number with the name, sex, description, veterinary clinic and phone number, and rabies tag number of each dog or cat owned and kept within the city. It shall be unlawful for the owner of any newly acquired dog or cat or any dog or cat brought into the city to fail to register such animal within 30 days from acquisition or bringing the dog or cat into the city. It shall be unlawful for

the owner of any previously registered dog or cat to fail to maintain current registration of such dog or cat.

(c) The police or city clerk shall collect an annual registration fee of \$5.00 for each dog or cat.

(d) The registration year shall be from June 1st through May 31st of each year. The fee shall be payable before June 30th of each year without penalty. The amount shall be a \$5.00 penalty fee from June 30th of each year or within 30 days of acquisition. Each animal must be registered with the city on an annual basis, with the renewal date being the date the original tag was issued. A penalty fee of \$5.00 shall be applied if registration is 30 days late.

(e) Limit on Dogs and Cats. The police or city clerk shall not register nor issue license on more than two cats and two dogs not to exceed four animals that are to be kept at the same address or on the same premises without the consent of the governing body. In such cases where an owner or keeper desires to keep more than two cats and two dogs at the same address or on the same premises, the governing body or an appointed agent shall first view the premises, and if it is determined by the governing body or an appointed agent that the keeping of more than two cats and two dogs not to exceed four animals would be a nuisance or detrimental to the general welfare of the area, then the governing body may refuse to register or issue the license.

Registration fees as enumerated above may be prorated for newly acquired dogs and cats or for dogs and cats owned by a person or persons moving to and establishing a home in the city during a calendar year. Every owner or harbinger of a dog or cat or dogs or cats who shall fail to register the same prior to the 30th day of June of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$5.00.

(Ord. 449, Sec. 6; Code 2007)

2-202. DOG OR CATS TAGS. It shall be the duty of the police or city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of dogs and dogs cats, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefore, and shall deliver to the owner or keeper of the dog or cat a certificate receipt, in writing, stating that the person has registered the dog or cat and the number by which the dog or cat is registered, and shall also deliver to the owner or keeper of the dog or cat a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog or cat so registered. When any tag has become lost during a registration period, the owner of the dog or cat may request a duplicate tag for the remainder of the registration period. When so requested, the police or city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of \$5.00 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog or cat belonging to another, or remove the strap or collar on which the same is fastened. (Ord. 449, Sec. 7; Code 2007)

Article 4 ZONING ORDINANCE TO PREVAIL.

**2-401 Conflict. In case of conflict between this chapter and the present or any future Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail and supersede the provisions of this chapter.**

**2-402 Violation. No animal shall be kept in violation of the Zoning Ordinance.**

**\*\*NOTE ALL SECTIONS, ARTICLES SHALL BE NUMBERED CONSECUTIVELY\*\***

### **CHAPTER III. BEVERAGES**

3-202, 3-203 Start enforcing building and fire inspections prior to issuing or renewing Liquor and Cereal Malt Beverage License

3-202 (f) & (g) start enforcing these provisions

3-216 Check to see if these guidelines are in compliance with revised KSA Sunday sales

### **CHAPTER IV. BUILDINGS AND CONSTRUCTION**

4-110: c) "Construction code" needs to read "International Building Code, the International Residential Code, the International Plumbing code, the International Mechanical Code, the International Fuel Gas Code, the International Fire Code and the National Electric Code".

4-111: Numbers 5-10 need to be removed. The application does not request this information. If we wanted to add that the buildings plans should have this information on it then that would be more accurate.

4-111: e) should read "180 days per the newly adopted building code".

4-121 should read "the International Building Codes".

4-202: b) should read "the following sections are hereby revised: Article 210-12 and Article 230-70 are hereby removed and deleted".

4-211 numbers 6 & 9 should be deleted.

4-311 numbers 7 & 9 should be deleted.

4-324 should read "International Plumbing Code".

4-701 seems to be missing the other information that the rest of the newly adopted codes have in their text.

4-110. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL; PENALTY.

(c) Construction Code shall mean the ~~Uniform~~ International Building Code, the International Residential Code, the ~~Uniform~~ International Plumbing Code, the ~~Uniform~~ International Mechanical Code, the International Fuel Gas Code, the ~~Uniform~~ International Fire Code and the National Electrical Code or such other construction codes as may be adopted by the governing body.

4-111. SAME; APPLICATION INFORMATION REQUIRED. (a) A building permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose no fewer than five (5) days prior to beginning the project. This application shall, among other things, disclose the following:

(5) ~~The class of occupancy;~~

(6) ~~The class of construction;~~

- ~~(7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;~~
- ~~(8) The estimated cost of the work;~~
- ~~(9) The date work will commence;~~
- 4-4
- ~~(10) Expected date of completion;~~

The above information is not asked for on the application, some of the information is included on the building plans but not the application and some of it is irrelevant.

- (12)(d) Any permit issued under this section shall be valid and subsisting for a period of not more than ~~four months~~ 180 days from the date of issuance unless the permittee shall have commenced,
- 4-117. REQUEST FOR INSPECTION. Upon the completion of any building construction work covered by this article, it shall be the duty of the ~~person doing such work~~ applicant to notify the building inspector and request that it is to be inspected; after which such work shall be inspected promptly as hereinafter provided. (Code 1989)
- 4-118. INSPECTION FEE AND REINSPECTION FEE: An inspection fee shall be charged as provided in the ~~Uniform~~ International Building Codes. A re-inspection fee of fifty dollars (\$50.00) shall be assessed and paid prior to any inspection that must be conducted three (3) or more times. (Code 1999)
- 4-121. SEVERABILITY. If any section of the ~~Uniform~~ International Building Code or of this article shall
- 4.202. ADOPTION OF NATIONAL ELECTRICAL CODE BY REFERENCE.
- (b) The following sections are hereby revised: Article 210-12 and Article 230-70 are hereby removed and or deleted ~~is deleted and Article 230-70.~~
- 4.211 SAME; APPLICATION INFORMATION REQUIRED. (a) An electrical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- ~~(5) The class of electrical construction;~~
  - ~~(6) The kind of materials to be used;~~
  - (7) The estimated cost of the work;
  - (8) The date work will commence;
  - ~~(9) Expected date of completion;~~

- 4-311. SAME; APPLICATION INFORMATION REQUIRED. (a) A plumbing permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:
- ~~(7) The estimated cost of the work;~~
  - (8) The date work will commence;
  - ~~(9) Expected date of completion;~~

4-324. SEVERABILITY. If any section of the ~~Uniform~~ International Plumbing Code or of this

- 4-507. SAME; HEARING, ORDER. (a) If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause to be served upon the owner or agent an order directing such owner to either repair or demolish or remove the structure.
- (b) ~~If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he or she has complied with the order.~~
- (c) ~~If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.~~ (Code 1989)

According to the City Attorney, these rules do not apply anymore under current State Law and Statutes.

**ARTICLE 6. DANGEROUS BUILDINGS CODE**

~~4-601. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; INCORPORATED.~~ The Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, the same being a standard code for the abatement of dangerous buildings and available in book or pamphlet form, is hereby incorporated by reference herein and made a part of this article, the same as if fully set out herein, except such part or portions thereof as are specifically changed, omitted or added to in this article. The standard code shall constitute the minimum regulations for the abatement of dangerous buildings under the provisions of this article except as hereinafter provided.

~~Marked Copies of Uniform Code for the Abatement of Dangerous Buildings on~~

~~file. There shall be no less than three copies of the code kept on file in the office of the city clerk and made available for inspection for the public at all reasonable business hours. The file copies of the code shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 219."~~

~~(Ord. 288, Sec. 1)~~

~~4-602. AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.~~

~~The amendments to the Uniform Code for the Abatement of Dangerous Buildings shall be as set out in this section. All references to section and chapter numbers in the text of this section shall be construed as if followed by the words "of the Uniform Code for the Abatement of Dangerous Buildings," unless clearly indicated to the contrary. The Uniform Code for the Abatement of Dangerous Buildings," unless clearly indicated to the contrary.~~

~~1. Sec. 201(b) is deleted in its entirety and the following is substituted therefore:~~

~~Inspections. The chief building inspector is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this code.~~

~~2. Sec. 401(a), (b), (c), (d) and (e) are deleted in entirety and the following is substituted therefore:~~

~~Determination:~~

~~(a) Whenever the enforcing officer shall file with the governing body a statement in writing that any such structure, describing the same and where located, is unsafe or dangerous, the governing body shall by resolution fix a time and place at which the owner, the owner's agent, any lien holder of record, and any occupant of such structure, may appear and show cause why such structure should not be condemned and ordered repaired or demolished.~~

~~(b) Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the first publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lien holder or occupant at their last known place of residence and shall be marked "Deliver to Addressee Only" provided, that if the owner is a resident of the county, the resolution shall be personally served within five days on such owner or delivered to their last known address in lieu of mailing the same, and in this~~

~~4-27~~

~~case, at least one week shall elapse between the service on such owner and the date set for the hearing.~~

~~(c) On the date fixed for hearing or any adjournment thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lien holders of record and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the governing body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe or secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, agents, lien holders of record and occupants in the same manner provided in the notice of hearing. The resolution shall fix a reasonable time within which the repair or the removal of such structure shall be commenced, and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the governing body shall cause the structure to be raised and removed or repaired.~~

~~(Ord. 219, Sec. 2; Ord. 287, Sec. 1)~~

~~4-603. SAME. Chapter 4 Notices and Orders of Building Official, be amended by adding a section:~~

~~Immediate Hazard. When in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored, or otherwise made safe without delay, and such action may, under such circumstances be taken without prior notice to or hearing of the owners, agents, lien holders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided in Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings.~~

~~(Ord. 219, Sec. 3)~~

~~4-604. SAME. Chapter 9, Recovery of Cost of Repair or Demolition, is deleted in its entirety and the following is substituted therefore:~~

~~Abatement by City: Collection of Costs. If the owner of any structure fails to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raise and remove the structure, make the premises safe and secure or let the same to contracts. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises secure. All monies in excess of that necessary to pay such costs and the cost of publication of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located. If there is no salvageable material or money received from the salvage is insufficient to pay the cost of such work, such cost, or any portion thereof, including an administrative cost, shall be assessed as a special assessment against the parcel of land on which the structure is located and the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs, and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. Whenever any structure is removed from~~

~~any premises under the provisions of this article, the city clerk shall certify to the county assessor that such structure, describing the same, has been so removed.~~

~~If there is no salvageable material, or if the monies received from the sale of salvage is insufficient to pay the cost of the work, such cost, or any portion thereof in excess of that received from the sale of the salvage may be or by the issuance of no fund warrants. Whenever no fund warrants are issued under the authority of K.S.A. 12-1-755, a tax levy at the first tax levying period for the purposes of paying such warrants and the interest thereon, all as provided in K.S.A. 12-1755, and amendments thereto.~~

~~(Ord. 219, Sec. 4)~~

~~4-605. SAME. The Uniform Code for the Abatement of Dangerous Buildings is amended by adding:~~

~~Duties of Owner After Removal of Structure. The owner of any structure upon removing the same shall fill any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe condition.~~

~~(Ord. 219, Sec. 5)~~

~~4-29~~

**It seems that the Dangerous Buildings Code is no longer acceptable and cannot be used due to changes in the State Statutes. Something needs to be done with this entire section.**

~~(c) That nothing in this provision, or in the Electrical Code Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section (b) of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this provision.~~

~~(Ord. 509, Sec. 1; Code 2007)~~

~~4-203. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 1989)~~

~~4-204. BUILDING OFFICIAL; AUTHORITY. The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-104 of this chapter, which shall apply in a like manner to this article. (Code 1989)~~

~~4-205. ELECTRICAL MECHANICAL INSPECTOR; APPOINTMENT. The mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of electrical mechanical inspector as may be required, subject to the consent and approval of the governing body. (Code 1989)~~

~~4-206. SAME; DUTIES. The electrical mechanical inspector shall have the following duties:~~

~~4-208. SAME; RIGHT OF ENTRY. The electrical mechanical inspector, or his or her agent, upon proper~~

~~4-209. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.~~

~~(b) The electrical mechanical inspector shall have power to modify any of the provisions of the electrical code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the electrical mechanical inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of~~

a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the electrical inspector and a signed copy shall be furnished to the applicant.

(Code 1989)

4-210. ~~ELECTRICAL MECHANICAL PERMIT REQUIRED; APPLICATION; APPROVAL.~~ (a) Except as provided in subsection (b), it shall be unlawful for any person to engage in any electrical construction as defined in section 4-201 within the city without an ~~electrical~~ mechanical permit being first obtained therefore from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

(b) No ~~electrical~~ mechanical permit shall be required for any of the following:

4.211 SAME; APPLICATION INFORMATION REQUIRED. (a) A ~~electrical~~ mechanical permit shall be issued upon an application in writing to the office of city clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

~~(5) The class of electrical construction;~~

~~(6) The kind of materials to be used;~~

(7) The estimated cost of the work;

(8) The date work will commence;

~~(9) Expected date of completion;~~

(10) Name and address of ~~electrical~~ mechanical contractor or contractors doing the work;

(11) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for an ~~electrical~~ mechanical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described, or an electrical permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself and not by a licensed ~~electrical~~ mechanical contractor, and likewise subject to the final approval of the electrical inspector for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner, ~~electrician or electrical~~ mechanical contractor authorizing the ~~electrical~~ mechanical construction work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the ~~electrical~~ mechanical construction work authorized by such permit. ~~Electrical~~ Mechanical construction work commenced, for the purpose of this section, shall mean the beginning of ~~electrical~~ mechanical construction work other than the preparation of plans or the letting of an ~~electrical~~ mechanical contract. (Code 1989)

4-10

4-212. SAME; PLANS AND SPECIFICATIONS. Whenever an application for a ~~electrical~~ mechanical permit is made, the chief building official or the ~~electrical~~ mechanical inspector may, if he or she finds it necessary to determine whether ~~electrical~~ mechanical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed ~~electrical~~ mechanical construction as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete electrical and engineering plans and specifications for such ~~electrical~~ mechanical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any ~~electrical~~ mechanical construction work for conformity with this article. (Code 1989)

4-213. SAME; POSTING. A copy of the ~~electrical~~ mechanical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The ~~electrical~~ mechanical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. (Code 1989)

4-214. REQUEST FOR INSPECTION. Upon the completion of any ~~electrical~~ mechanical work covered by this

article, it shall be the duty of the person doing such work to notify the ~~electrical~~ mechanical inspector and request that it be inspected: after which such work shall be inspected promptly as hereinafter provided. (Code 1989)

4-235. SEVERABILITY. If any section of the ~~National Electrical Code~~ or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1989)  
4-14

#### **ARTICLE 7. MECHANICAL CODE**

**4-701. INTERNATIONAL MECHANICAL CODE INCORPORATED.** (a) That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Basehor, being marked and designated as the International Mechanical Code, 2003 edition, including Appendix Chapter A (see International Mechanical Code

Article 7 does not read the same as the other code sections that were adopted? Anywhere electrical is mentioned it should read mechanical.

### **CHAPTER V. BUSINESS REGULATIONS**

### **CHAPTER VI. ELECTIONS**

### **CHAPTER VII. FIRE**

7-313. **AUTHORITY OF POLICE AND FIRE CHIEF.** ~~The police and/or fire chief can authorize a seizure and confiscation of all chief of the fire department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this article, and all of the rules of the state fire marshal. He or she shall dispose of all such fireworks as may be directed by the governing body. He or she will destroy all fireworks in safe and timely manner.~~ (Code 1989)

### **CHAPTER VIII. HEALTH AND WELFARE**

8-301, add "unlawfully tagged" after "dismantled,".

8-702. **LOUDSPEAKERS, SOUND AMPLIFIERS: PERMITS.**  
It shall be unlawful for any person to play, use or operate on the streets, alleys, private property or public grounds of the city any instrument know as a loudspeaker or amplifier, without first procuring a permit. A formal request for a permit shall be submitted to the police department 15 days ~~city council 60 days~~ prior to the event. Upon approval from the Chief of Police, or designated Police Department Supervisor ~~of the city council~~ a permit may be obtained from the police department ~~city clerk~~ and shall be made available to law enforcement upon requested during the course of the event.  
(Ord. 476, Sec 2: Code 2007)

### **CHAPTER IX. MUNICIPAL COURT**

9-107. **SAME; SALARY.** The municipal judge shall receive a salary ~~shall be fixed by ordinance~~ as approved by municipal policy. (Ord 212, Sec. 7)

9-108. ~~(c) The monthly salary of the clerk shall be fixed by ordinance.~~

- (d) (c)
- 9-111. (d) Failure to appear, upon conviction thereof, shall be punishable by incarceration for up to 30 days and/or a fine of up to \$250.00 and assessed a fine as set by the municipal judge as to the severity of the offense.  
(Ord 212, Sec. 111)
- 9-112. COURT COSTS (a) For any traffic offense, moving violations, which results in a conviction, diversion or amendment, the costs of \$19.50 (State Mandated Fees) and \$25.50 (Court Fees), totaling thirty-five dollars \$35.00 shall be assessed by the Municipal Court. ~~shall be thirty-five dollars (\$35.00)~~  
(b) For any offense listed in the public offense code, duly passed, approved and adopted by the governing body, the costs to be assessed by the Municipal Court shall be \$25.50 ~~thirty-five dollars (\$35.00)~~.  
(c) For any other municipal offense, the costs to be assessed by the Municipal Court shall be \$25.50 ~~thirty-five dollars (\$35.00)~~.  
(d) The costs set forth in Section (1), (2), and (3) (a), (b), and (c) shall be in addition to any fines, forfeitures, or penalties imposed by the municipal court judge.
- 9-113. (a) The Municipal Court Judge shall prepare and file in the office of the clerk of the Municipal Court a list of attorneys who are eligible for assignment to represent indigent persons accused of municipal offenses recommend an eligible attorney for approval for the court appointed attorney. Upon approval this shall be the primary Court Appointed Attorney for the City of Basehor.  
(j) ~~A fee schedule is established for the determination of the amount of compensation to be paid to Court Appointed counsel in Municipal Court; the fee schedule shall be as follows:~~  
(1) ~~\$100.00 for a case in which the Defendant obtains diversion or enters a plea to any charge;~~  
(2) ~~\$150.00 for a case in which the Defendant's case is tried to the Court;~~  
(3) ~~\$250.00 for a case in which a guilty finding is appealed to the District Court and tried.~~  
(j) (k) ~~In lieu of appointing an attorney from a list of attorneys the City of Basehor's Court Appointed Attorney as provided in subsection (c) ...~~  
(k) (i) The City Treasurer shall create an Indigent fund in which to accumulate funds to pay attorneys appointed pursuant to this provision. The City Treasurer shall transfer a monthly salary as approved by municipal policy, ~~the sum of Three Hundred Dollars (\$300.00) per month~~ into said fund to provide for payment pursuant to this provision.  
(Ord. 492; Code 2007)

## CHAPTER X. POLICE

- 10-202. DISPOSITION. Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the property owner cannot be ascertained shall may be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-203, shall may be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Code 1989)

- 10-203. SAME; EXEMPT PROPERTY. The following classes of property shall be considered exceptions to section 10-202 and shall be dealt with in the following manner:
- (a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall may be auctioned according to the provisions in section 10-202.
  - (b) Firearms which are available for disposition may be dealt with in the following manner:
    - (1) If compatible with law enforcement usage, they may be turned over to the police department inventory.
    - (2) ~~They may be sold to a firearms dealer who maintains the appropriate federal firearms license.~~
    - (3) (2) They may be destroyed.
    - (4) In no case shall firearms be sold at public auction.
  - (c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.
    - (i) Items with a value less than \$500 may be donated to any appropriate social service agency or destroyed.
- (Code 1989)

## **CHAPTER XI. PUBLIC OFFENSES**

## **CHAPTER XII. PUBLIC PROPERTY**

12-104. Update with new state laws regarding concealed carry.

12-113. Add reservation requirements.

12-201 (c) The board will meet once a month at Basehor City Hall on the second Wednesday of each month at 4:00 p.m.

## **CHAPTER XIII. STREETS AND SIDEWALKS**

- In sections 13-101 and 13-102, substitute "Planning and Codes Department" for "city clerk".
- In section 13-106, at the end of the final sentence, add "and assess costs to the associated property".

## **CHAPTER XIV. TRAFFIC**

### **ARTICLE 1. STANDARD TRAFFIC ORDINANCE**

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Basehor, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Yearly Edition of 1999, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas.

14-201. INCORPORATING UNIFORM TRAFFIC CONTROL DEVICES. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the placement and specifications of traffic control devices in the City of Basehor, Kansas, the Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition and 1993 Edition, Part VI, Standards and Guide for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations, such code being made as a part of the ordinances of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto (Current Editions of this Manual shall Apply).

14-202. NO PARKING ZONES. The parking of vehicles is prohibited where posted, on the following streets:

- ~~— (a) — The north side of Leavenworth Road from 154th Street to 155th Street.~~
- ~~— (b) — The south side of Leavenworth Road from 155th Street to 156th Street.~~
- ~~— (c) — The east side of 155th Terrace from Leavenworth Road to Hickory Street.~~
- ~~— (d) — The west side of 156th Street from Leavenworth Road to Hickory Street.~~
- ~~— (e) — The south side of Hickory Street from 155th Street to 156th Street, excluding that portion adjacent to the post office.~~
- ~~— (f) — On the south side of Ripley Street from a point 35 feet west of alley to the alley between 155th and 155th Terrace.~~

14-203. TRUCKS, BUSES ETC.; PARKING OR DRIVING RESTRICTED. (a) It shall be unlawful to park any bus, truck, box truck, tractor, tractor-trailer combination, industrial equipment, or like conveyances, having a state licensing rating of 26M (13 tons or 26,000 pounds) or more upon a residential street within the city for any period of time exceeding two hours. For the purpose of this section, the word tractor shall include both road tractors and farm tractors.

(b) Vehicles with a Weight of 13 Tons or Over. It shall be unlawful for any bus (excluding any school buses), truck, box truck, tractor, tractor-trailer combination, industrial equipment, or like conveyances, having a state licensing rating of 26M (13 tons or 26,000 pounds) or more to drive or park upon any residential street within the city unless such vehicle is picking up or delivering merchandise to a location that is only accessible via the residential street.

(Ord. 176, Sec. 1; Ord. 259, Sec. 2; Ord. \_\_\_\_, Sec. 1); Ord 525 passed 4 Feb 2008

~~14-204. SPEED LIMIT; CHILDREN AT PLAY SIGNS. The speed limit on Hickory Street be reduced from 30 mph to 20 mph. Twenty mph signs along with Children At Play signs shall be posted as stipulated by the chief of police. (Ord. 258, Sec. 1)~~

~~14-205. MAIN TRAFFICWAYS. The following roads and streets be, and are hereby designated as main trafficways in the city all in accordance with K.S.A. 12-685 et seq., to-wit:~~

- ~~— (a) — Poplar Street from 157<sup>th</sup> Terrace east to 155<sup>th</sup> Street;~~
- ~~— (b) — Klamm Street from 157<sup>th</sup> Terrace east to 156<sup>th</sup> Street;~~
- ~~— (c) — 157<sup>th</sup> Terrace from Leavenworth Road north to Poplar Street;~~
- ~~— (d) — 157<sup>th</sup> Street from Klamm Street north to Poplar Street;~~
- ~~— (e) — 156<sup>th</sup> Terrace from Klamm Street north to Poplar Street;~~
- ~~— (f) — 155<sup>th</sup> Terrace from Klamm Street north to Poplar Street;~~
- ~~— (g) — 156<sup>th</sup> Street from Klamm Street north to Poplar Street;~~
- ~~— (h) — Leavenworth Road from 155<sup>th</sup> Street to 158<sup>th</sup> Street;~~

- ~~.....(i) 142<sup>nd</sup> Street from Parallel south to 24-40 Highway;~~
- ~~.....(j) Elm Street from 155<sup>th</sup> Street east to 153<sup>rd</sup> Terrace;~~
- ~~.....(k) 154<sup>th</sup> Terrace from Elm Street south to Rickel Drive;~~
- ~~.....(l) Rickel Drive from 154<sup>th</sup> Terrace east to 153<sup>rd</sup> Street;~~
- ~~.....(m) North Circle Drive from 153<sup>rd</sup> Street west to 154<sup>th</sup> Street;~~
- ~~.....(n) South Circle Drive from 153<sup>rd</sup> Street west to 154<sup>th</sup> Street;~~
- ~~.....(o) 153<sup>rd</sup> Street from Elm Street south Rickel Drive;~~
- ~~.....(p) Cedar Street from 155<sup>th</sup> Street east to 153<sup>rd</sup> Terrace;~~
- ~~.....(q) Landauer Street from 155<sup>th</sup> Street east to 153<sup>rd</sup> Terrace;~~
- ~~.....(r) 153<sup>rd</sup> Terrace from Rickel Drive south to Landauer Street;~~
- ~~.....(s) 152<sup>nd</sup> Street from Parallel south to Landauer Street; and~~
- ~~.....(t) 150<sup>th</sup> Street from Parallel south to 24-40 Highway.~~

~~.....(Ord. 262, Sec. 1)~~

~~14-206. UNLAWFUL PARKING. (a) It shall be unlawful for any person to park, or fail to remove a vehicle of any kind parked along either side of Leavenworth Road from 155<sup>th</sup> Street west to 158<sup>th</sup> Street, Basehor, Kansas, Leavenworth County, Kansas. The Leavenworth Road shall be properly marked with no parking signs.~~

~~.....(b) The chief of police or any law enforcement officer of the city may cause cars or other vehicles to be towed away which are parked on the street. Any cars or vehicles thus towed away may be reclaimed by the owner after paying a towing fee and/or storage.~~

~~.....(Ord. 265, Secs. 1:2)~~

~~14-207. REDUCING SPEED LIMIT. (a) The speed limit for any roadways located within the perimeters of the Klamm subdivision and the perimeters of the Rankin subdivision shall be reduced from 30 mph to 20 mph.~~

~~.....(b) Speed limit signs shall be posted in the subdivisions on all streets as soon as practical.~~

~~.....(Ord. 267, Secs. 1:2)~~

~~14-208. SAME; POSTING OF SIGNS. (a) The speed limit shall be reduced from 30 mph to 20 mph on 152<sup>nd</sup> Street.~~

~~.....(b) Speed limit signs shall be posted on 152<sup>nd</sup> Street as soon as practical.~~

~~.....(c) Signs entitled, Wanted Our Children Alive be posted at 152<sup>nd</sup> Street and Chestnut and at 152<sup>nd</sup> Street and Parallel.~~

~~.....(Ord. 310, Secs. 1:3)~~

~~14-209. SAME. (a) The speed limit shall be reduced from 30 mph to 20 mph in the Crestwood Country Estates Subdivision.~~

~~.....(b) Speed limit signs shall be posted on 155<sup>th</sup> Street and Crestwood Drive and 155<sup>th</sup> Street and Elm Street, Crestwood Country Estates Subdivision~~

~~.....(c) Signs entitled, Wanted Our Children Alive be posted at 155<sup>th</sup> Street and Crestwood Drive and 155<sup>th</sup> Street and Elm Street, Crestwood Country Estates Subdivision.~~

~~.....(Ord. 311, Secs. 1:3)~~

~~14-210. PLACING A STOP SIGN. (a) A stop sign shall be located at 157<sup>th</sup> Street at Klamm Street and that a stop sign should be located at Popular Street at 157<sup>th</sup> Street.~~

~~(b) The stop sign shall be in conformity with the city's traffic sign ordinance and shall be placed at said locations as soon as practical.~~

~~(Ord. 268, Secs. 1:2)~~

~~14-211. SAME. (a) Stop signs shall be located at 155<sup>th</sup> Terrace and Poplar, 156<sup>th</sup> Street and Poplar, and 156<sup>th</sup> Terrace and Poplar.~~

~~(b) The stop sign shall be in conformity with the city's traffic sign ordinance and shall be placed at said locations as soon as practical.~~

~~(Ord. 273, Secs. 1:2)~~

~~14-212. SAME. (a) Stop signs shall be located at 157<sup>th</sup> and Klamm and 156<sup>th</sup> Terrace and Hickory.~~

~~(b) The stop sign shall be in conformity with the city's traffic sign ordinance and shall be placed at said locations as soon as practical.~~

~~(Ord. 279, Secs. 1:2)~~

~~14-213. ERECTION OF A "CHILDREN AT PLAY" SIGN. (a) A "Children at Play" sign shall be erected on Wellington Place Drive within the Wellington Place subdivision, the exact location to be determined by the chief of police of the city.~~

~~(b) A sign designating Wellington Place Drive as a "Not a Thru Street" shall be erected within the Wellington Place subdivision, the exact location to be determined by the chief of police of the city.~~

~~(c) The signs shall be in conformity with the city's traffic sign ordinance requirements and shall be placed at said locations as soon as practical.~~

~~(Ord. 281, Secs. 1:3)~~

~~14-214. DESIGNATING SCHOOL CROSSWALKS; NO PARKING; STOP SIGNS.~~

~~(a) Painted school crosswalks shall be placed at the following intersections:~~

~~(1) 156<sup>th</sup> and Klamm Street;~~

~~(2) 156<sup>th</sup> Terrace and Klamm Street;~~

~~(3) 157<sup>th</sup> and Klamm Street.~~

~~(b) Crosswalk and pedestrian sign(s) concerning the above shall be erected in accordance with the requirements of the manual on Uniform Traffic Control Devices as adopted by the city.~~

~~(c) Stop sign(s) shall be erected in the vicinity of 156<sup>th</sup> Terrace and Klamm Street.~~

~~(d) No Parking Sign(s) shall be erected on the north side of Klamm Street from 156<sup>th</sup> Street to 157<sup>th</sup> Street which shall prohibit parking on the north side of Klamm Street during the hours of 8:45 a.m. to 98:15 a.m. and during the hours of 3:45 p.m. to 4:15 p.m. The prohibition shall only apply during school days.~~

~~(e) All signs and the placement of the signs authorized by this article shall be in accordance with the Manual on Uniform Traffic Control Devices as adopted by the city.~~

~~(Ord. 318, Secs. 1:5)~~

## CHAPTER XV. UTILITIES

15-103 (a) (c) Add "...city clerk or designee".

- 15-106            Currently bill landlord only.    Law has changed.    Mr. Thompson was in the process of reviewing the new law when he was replaced.
- 15-107            Remove.    We no longer maintain petty cash funds.
- 15-108
- 15-109

Add section requiring lessors/lessees to file a service agreement when purchasing or renting property.

#### **CHAPTER XVI. ZONING AND PLANNING**

- In section 16-306, (a), (1), change “elevated to or above” to “elevated a minimum of one (1) foot above”.
- In section 16-306, (a), (2), change “elevated tot he level” to “elevated a minimum of one (1) foot above”.

**16-306 Verify that provisions of this section are in compliance with the minimum housing code.**

#### **\*Incorporate the Municipal Policy Manual into the Municipal Code.**

1.01 MP Municipal Policy Procedures – delete, provisions for changes are already incorporated in the Municipal Code as normal change procedures, change by adoption of an ordinance IAW 1-107.

1.02 MP Citizen Access to the Public Decision Making Process – incorporated as part of 1-211 Code of Procedures.

1.03 MP Audio & Video Retention Policy – delete, provisions will be in accordance with Kansas Open Records Act and record retention policies.

1.04 MP Not used

1.05 Payment & Procedure Policy – Add as Article 8 under Chapter I. Administration

1.        The City Clerk, Assistant City Clerk, or Police-Court Clerk or their designated relief staff shall be responsible for receiving and receipting all revenues received to the City of Basehor.
2.        The Police-Court Clerk or their relief staff shall be responsible for receiving and receipting revenues for the police department, but not limited to police reports, pet license, copies, and finger print fees.    This staff member shall be responsible for any other revenues concerning the police department.
3.        The Police-Court Clerk or their relief staff shall be responsible for receiving and receipting revenues for municipal court, but not limited to court fines, bonds,    reinstatement fees, copy fees, and fees concerned with reproduction of audio-video tapes.    This staff member shall be responsible for any other revenues concerning municipal    court.
4.        The City Clerk, Assistant City Clerk, and City Treasurer or their relief staff shall be responsible for receiving and receipting revenues for the administrative department, but not limited to accounts receivable, utility billing, building

permits, reproduction fees, maps, manuals, franchise fees, local ad valorem tax payments, park reservation fees, business license, private haulers permits, and sewer connection fees. These staff members shall be responsible for any other revenues concerning the administrative department.

5. All revenues shall be payable to "City of Basehor" in the form of personal or business check, money order, or cashiers check.
6. If service or goods provided are less than \$20.00, staff has the discretion to accept cash under certain circumstances. No cash shall be accepted for monthly utility bills, municipal court fines, bonds, building permits, or delinquent sewer and solid waste accounts.
7. In the event a check is returned for insufficient funds, the issuer of the check, shall be required to make restitution for the original amount, plus insufficient check fee of \$30, in the form of a money order or cashiers check, payable to "City of Basehor".

### 1.06 MP Goods and Services Purchase Policy

#### **Add as Article 8 under Chapter I. Administration**

1. "Administrators" shall have the authority to purchase or authorize goods and services not to exceed \$2500.
2. "Department Supervisors" shall have the authority to purchase goods and services not to exceed \$1500.
3. "Staff" shall have the authority to purchase goods and services not to exceed \$50 upon authorization from their Department Supervisor.
4. Any goods or service exceeding the authorized amount stated in Policy 1, 2, and 3 shall be submitted before the City Council at a regular meeting for authorization to purchase.

#### **PROCEDURE**

1. Authorized personnel shall produce a purchase order for any goods or services.
2. Any purchases over \$2,500 must be submitted to the City Council for approval prior to purchasing goods or services.
3. Department Supervisors must submit a written purchase order to the city administrator, for signature and authorization to purchase, if the purchase exceeds \$1500. In the absence of the city administrator the mayor may be contacted for authorization.
4. Once the goods and services are received, the purchase order shall be attached to the invoice and then submitted to the city treasurer for payment.
5. The city treasurer (or relief staff) shall enter the invoice into the Accounts Payable ledger, generate a pay voucher, and list of vendor payments.
6. A list of vendor payments shall be submitted to the City Council at the next regular meeting. The City Council shall then review and take action to approve or deny payments.
7. Utility bills, employment taxes, credit card invoices, or other vendor payments; which generate late fees, may be mailed prior to the City Council meeting.

- 8. Following the City Council meeting, the city treasurer shall process and mail the approved vendor payments.

2.01 MP Petty Cash Funds – delete, no petty cash funds are maintained.

2.02 MP Purchasing Authority – incorporate provisions of this section into Chapter 1, Article 8. It appears that this policy was mostly superseded or incorporated into 1.06 MP.

2.03 MP Assessment of Costs and Fees for Police and Court Services, 7/14/03, changed May 9, 2005

**BACKGROUND**

The City of Basehor charges municipal fees for various permits, licensing and other municipal activities. These fees are specified throughout the various City ordinances dealing with the various subject matters.

**PURPOSE**

The purpose of the policy statement is to establish and restate all of the Municipal Fees which are charged and collected by the City of Basehor into one specific policy statement.

**POLICY**

Attached hereto as Exhibit A and specifically incorporated herein by reference is a summary of all of the Municipal Fees which are charged for Municipal activity concerning the City of Basehor.

**PROCEDURE**

The Fees attached hereto as Exhibit A shall become effective the 9th day of May, 2005 and such fees shall remain in full force and effect until amended thereafter as by future actions of the Basehor City Council.

Approved by the Governing Body of the City of Basehor on the 9th day of May, 2005.

\_\_\_\_\_

Mayor
City Clerk

**EXHIBIT A**

**CITY OF BASEHOR**

**FEES, PERMITS AND LICENSE COLLECTED**

Pet License (Due June 1 of every year, expires May 31)		\$5.00
Penalty for Not Obtaining Pet License by June 1 <sup>st</sup>		\$5.00
Animal Running At Large- 1 <sup>st</sup> Offense		\$25.00
2 <sup>nd</sup> Offense		\$50.00
3 <sup>rd</sup> Offense		\$75.00
4 or more offenses		Not to exceed \$500.00

<b>Kennel License</b> – (based on calendar year)	\$10.00 per run
<b>Business License</b> (based on calendar year)	\$50.00
<b><i>Penalty for Not Obtaining A Business License</i></b>	<b>\$50.00</b>
<b>Private Haulers Permit</b> (based on calendar year)	\$50.00
<b>Return Check Fee (Res. 2004-06)</b> (Cash payment required within 7 days)	\$30.00
<b>Building Permit</b> (call for more information)	Cost Varies
<b><i>Park Fee</i></b>	
Residential – Per Dwelling Unit	\$200.00
Commercial/Industrial – Per Store Front	\$200.00
- Per Lot	\$200.00
<b>Sewer Connection</b>	\$2,200.00
(Collect at time of building permit \$100 is deposited into Sewer Capital Improvement Fund) Note: Connection fee will increase \$250 per year starting 1/1/2006)	
<b>Transportation Excise Tax</b>	.09 per sq. ft. of platted property
<b>Aerial Topography</b>	\$100.00 per ¼ section
<b>Map Printing/Plotting Reproductions:</b>	
<u>Black &amp; White</u>	<u>Color</u>
24x36      \$6.00	24x36      \$8.00
11x17      \$2.00	11x17      \$4.00
8 1/2x11 \$.50	8 ½ x 11 \$2.00
Plus Computer Generated Mapping Labor Charge	\$25.00 per hour
<b>“Attachment A”</b>	
<b>2.03MP Fees, Permits, and License</b>	
<b>Miscellaneous Copying and Reproduction Charges:</b>	
<u>Black &amp; White</u>	<u>Color</u>
24x36      \$6.00	24x36      Per Vendor Billing
11x17      \$2.00	11x17      Per Vendor Billing
8 1/2x11 \$.50	8 ½ x 11 \$2.00
Plus Labor Rate for Reproductions of Copies	\$15.00 per hour per employee
<b>Specialized Copying or Reproduction of Documents or Mapping</b>	Per Vendor Billing
<b>Video Reproduction Costs</b>	<b>\$25.00 per video</b>
<b>Change in Zoning</b> (per request)	\$150.00
<b>Board of Zoning Appeals</b> (per variance request)	\$150.00

<b>Special Use Permit</b> (per request)	\$150.00
<b>Preliminary Development or Preliminary Plat</b>	\$250.00 + \$5.00 per lot
<b>Final Development Plan or Final Plat or Replat</b>	\$250.00 + \$5.00 per lot
<b>Lot Split</b>	\$150.00
<b>Subdivision &amp; Improvement Plan Review Fees</b>	Per City Engineer Billing
<b>Development/Project Inspection Fees</b>	Per City Engineer Billing
<b>Legal Fees Deemed Reimbursable</b>	Per City Attorney Billing
<b>Residential Permit Fees:</b>	
Electrical	\$130.00
Mechanical	\$95.00
Plumbing	\$160.00
(Subject to change with adoption of future building codes.)	
<b>Commercial Permit Fees:</b>	
Electrical	Per Building Codes
Mechanical	Per Building Codes
Plumbing	Per Building Codes
(Subject to change with adoption of future building codes.)	
<b>Doc Box Replacement Fee</b>	\$60.00
<b>Zoning &amp; Subdivision Manual</b>	\$20.00
<b>“Attachment A”</b>	
<b>2.03MP Fees, Permits, and License</b>	
<b>Commercial Development Corridor Guidelines</b>	\$10.00
<b>Technical Specifications Manual</b>	\$25.00
<b>Sign Permits:</b>	
Marquee Sign	\$125.00
Business Sign	\$125.00
Advertising Sign	\$125.00
Temporary Sign	(no fee)
<b>Cereal Malt Beverage License (3.2%)</b>	\$100.00
<b>State CMB Stamp</b>	\$25.00
<b>Limited Retailer License</b>	\$50.00
<b>Class A and Class B Liquor License</b>	\$250.00
<b>Caterer Liquor License Fee</b> (With maximum of \$250.00.yr)	\$25.00/day
<b>Temporary Liquor License Fee</b> (for special events)	\$25.00/day
<b>Franchise Tax Fees:</b>	

KPL-20 yrs. (exp. 10/1/25)		3%
Greeley Gas – 20 yrs. (exp 8/6/05)		3%
Suburban Water – 20 yrs (exp 2020)		5%
World Co. /Sunflower Cable – 10 yrs. (exp 12/18/05)	3%	
Southwestern Bell – 5 yr. increment (exp. 2010)		3%

**Reimbursable Charge of Work Performed by Public Works Dept.**

- \$100 per hour per employee and piece of equipment
- Cost of materials (i.e. culverts, gravel, etc.) shall be charged per vendor billing

**Retail Sales Tax:**

Sales Tax shall be charged on all copies, manuals, and goods in accordance with the State of Kansas Retailers Sales and Compensation Use Tax guidelines at the current tax rate filed with the Department of Revenue.

5.01 through 5.05 Wastewater Connection and Treatment Fees – rescinded by Ordinance 524, Jan. 10, 2008

7.01 MP Use of City Facilities for Non-City Purposes – June 20, 2000

These policies may be retained as guidance for staff, but do not appear to be something that needs to be part of the Municipal Code.

**SUBJECT:** Use of City Facilities for Non- Policy # Effective Date Pages City Purposes 7.0 MP June 20, 2000 4

**BACKGROUND**

The city of Basehor owns facilities that may be utilized by members of the community for non-city functions. In order to insure these facilities are made available in a fair and consistent manner and their use is made in a responsible way, it is desirable to establish a written policy to govern the non-city use of city facilities.

**PURPOSE**

The purpose of this policy statement is to outline the conditions and the procedures to be followed to reserve and use city facilities for non-city functions by individuals or groups.

**POLICY**

1. The city council meeting room and parking lots at the city hall, and the gazebo, volleyball court, picnic tables and outdoor classroom, at the city park may be reserved for exclusive use at specific times by individuals or groups for non-profit purposes.
2. The use of the facilities shall be reserved on a first come, first served basis.
3. The entire city park may not reserved for exclusive use. At times the gazebo, outdoor classroom, volleyball court and/or picnic tables are reserved the remaining facilities at the city park shall be available to individuals and groups without reservations or restrictions.
4. City offices and other city facilities may not be utilized for non-city use without the approval of the city council, except that the mayor's office may be utilized by non- profit groups for small meetings and/or conferences with the approval of the Mayor.
5. The city clerk shall be responsible to maintain a calendar and schedule the use of city facilities for non-city functions.

**PROCEDURE**

Any individual or group desiring to use the approved facilities shall contact the city clerk to make reservations. The city clerk shall reserve the facility on a first come first served basis, record the name of the group or individual, and the person responsible, on the calendar, and notify the police department and/or public works department of any scheduled use of the city hall facilities, outside of normal business hours, and any reserved use of city park facilities.

#### City Council Meeting Room:

1. If the city council meeting room is to be utilized, outside of normal business hours, a responsible person shall obtain a key to the outside double glass doors from the city clerk during normal business hours and prior to the scheduled use. A \$10.00 deposit may be required at the discretion of the city clerk to insure the return of the key.
2. Tables and chairs may be rearranged to suit the needs of the group or individual, but shall be returned to their original arrangement upon conclusion of the use.
3. When the city council meeting room is utilized outside of normal business hours, the door between the city council room and the rest of the city hall and the east door of the adjacent restroom shall be locked.
4. A vacuum cleaner and cleaning supplies shall be available in the southwest storage room. The facilities shall be left in as good or better condition of cleanliness as when the use began.
5. Upon departure, the glass doors shall be locked. The key may be deposited in the drop box next to the main entrance or returned personally to the city clerk. Return of any key deposit shall be made as agreed by the city clerk and the individual responsible.

#### City Hall Parking Lots:

1. At the time of reservations, or prior to the scheduled use, the individual responsible shall indicate to the city clerk if trash cans and/or tables and chairs are required. The city clerk shall notify public works employees who shall insure that trash cans are placed in the general area prior to the scheduled use.
2. If tables and chairs are required or if restroom access is desired, a responsible individual shall obtain a key to the city council meeting room during normal business hours and prior to the scheduled use. Only folding tables and metal folding chairs may be used in the parking lots. Persons using the facility shall be responsible to set-up and take down any tables and chairs used.
3. Prior to departure, all tables and chairs shall be returned to their original location and all trash shall be placed in trash cans provided or removed from the facility. The doors to the city hall meeting room shall be locked. The key may be deposited in the drop box next to the main entrance of the city hall or returned personally to the city clerk. Return of any key deposit shall be made as agreed by the city clerk and the individual responsible.

#### Mayor's Office:

Use of the mayor's office shall be limited to small gatherings of non-profit groups only and shall be utilized only when the city council meeting room is otherwise not available. Use shall be coordinated with the city clerk and approved by the mayor on a case by case basis.

#### City Park:

- At the time of reservation, or prior to the scheduled use, the individual responsible shall indicate to the city clerk if additional picnic tables or trash cans are needed near the gazebo, or if a group of picnic tables is needed at some other location in the park. The city clerk shall notify public works employees who shall insure that tables are relocated to the general area prior to the scheduled use.
2. Water shall be available from a locked hydrant located near the gazebo. Prior to the scheduled use, a responsible person may obtain a key to the hydrant from the city clerk. A \$10.00 deposit may be required at the discretion of the city clerk to insure return of the key.
  3. Prior to the scheduled use, the city clerk shall notify public works employees who shall post a sign at the reserved facility stating the name of the group or individual the facility is reserved for and the date and time it is reserved. The city clerk shall also notify the police department

regarding the reservation.

4. Picnic tables may be rearranged to suit the needs of the group or individual but need not be rearranged upon the completion of the use except that tables on the gazebo shall be returned to their original location.

5. Prior to departure, all trash shall be placed in trash cans provided or removed from the park. The key to the water hydrant may be deposited in the drop box next to the main entrance of the city hail or returned personally to the city clerk. Return of any key deposit shall be made as agreed by the city clerk and the individual responsible.

## **Comments from January 14, 2008 Work Session:**

### **Review draft of Municipal Code, Chapter 1**

Mr. Slauch said if the City would become a City of the Second Class now would be the time to do it and could be incorporated within the Municipal Code. Council discussed possible changes that would take place as a City of the Second Class. If the City chose to make the change now, it would take a vote of the public; however, if they wait until the next census, it would become automatic.

Councilmember Washington asked if the recently rescinded Charter Ordinances been added to the Municipal Code. The city clerk was directed to research the minutes and ordinances for amendments.

Mr. Slauch reported a major change has been to incorporate the "city administrators" position.

Councilmember Washington said he spoke with a senior facility member at Washburn Law that felt the policy gave too much power to the city administrator. Mr. Slauch asked if the staff member identified any item in particular or if he was just talking in general. Councilmember Washington stated they were talking in general. Mr. Slauch stated there were very few differences between a city administrator and city manager. The city administrator would not have the power to hire/fire a police chief or city clerk and a city manager would have that power in many cities. Council discussed the authority that should be given to the city administrator.

Council agreed with all the recommended changes as proposed by staff.

## **Comments from the February 14, 2008 Work Session:**

### **3. Review chapters 2-4 of the Code of the City of Basehor**

- a. Chapter 2 Animal Control**
- b. Chapter 3 Beverages**
- c. Chapter 4 Buildings and Construction**

Mr. Slauch reported the next time Council meets he hoped to complete review and make final changes. Those final changes would be made and submitted to Council for final approval.

One item yet to be decided is whether the City should become a city of the Second Class. Mr. Slauch noted the only advantage to make the change at this time was to include new language in the proposed Municipal Code. Councilmember Washington said the earliest the City would be required to change was in year 2011 and when a population of 5,000 was reached. He felt the City had more advantages to remaining a city of the Third Class.

*a. Chapter 2 Animal Control*

2-101 (c)

Definitions – add “either” chief of police or mayor

Council preferred original wording. *(Tape 1, Side B)*

Page 3            Change \$2,000 to \$200,000

Mr. Slauch reported it appears other cities are staying with “vicious dog” rather than designating a specific breed.

2-115 (8)

Thomas did not feel this section should be breed specific. The section referenced if a pit bull had pups, the owner would have six weeks to make arrangements to remove them from the city limits. He did not see this happening and would be difficult to enforce.

Chief Martley reported recently an incident where a terrier killed a neighbor’s dog adding he would not be in favor of designating specific breeds. Councilmember Washington suggested expounding on the definition of “vicious”. Council agreed to remove any text that referred to specific breeds.

Chief Martley addressed registration of vicious animals. He explained currently the Code requires Pit Bulls, Rottweiler’s, and wolf-hybrids to register and have insurance and questioned if Council wanted to remove that part of the Code. Council agreed to leave the section as written.

*b. Chapter 3 Beverages:*

The city clerk reported it appeared that fees have changed on the State level for Cereal Malt Beverage license and requested additional time to research the matter. No further discussion at this time.

*c. Chapter 4 Buildings and Construction*

President Thomas suggested tabling discussion until they received staff comments. He then questioned if the tractors setting across from the VFW post were in violation. Building Inspector Mark Lee reported the tractors are to be moved to the county; however, the weather conditions had not been conducive.

President Thomas questioned why the old gas station still standing. Mr. Lee reported there was a man living in it and it and the owner was in the process of selling the building. Mr. Myracle

stated the old fuel tanks have been removed; however, environmental sampling was never performed. Mr. Lee noted the property was kept clean.