

CHAPTER XII. PUBLIC PROPERTY

Article 1. City Parks

Article 2. Fairmont Cemetery

ARTICLE 1. CITY PARKS

- 12-101. CITY LAWS EXTENDED TO PARK. The laws of the city shall extend to and cover all city parks. (Code 1988)
- 12-102. POLICE JURISDICTION OVER PARKS. The city shall have police regulations governing any public parks belonging to the city and the chief of police and law enforcement officers of the city shall have full power to enforce city laws governing city parks and shall maintain order therein. (Code 1988)
- 12-103. DAMAGING PARK PROPERTY. It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree or improvement or property of any kind belonging to any park owned by the city. (Code 1988)
- 12-104. DANGEROUS WEAPONS NOT ALLOWED. (a) Except as provided in subsection (b), it shall be unlawful for any person to carry or have in his or her possession any firearm, dangerous weapon, any device which is fired by CO2 or compressed air and emits a projectile or to shoot or discharge the same within the limits of any city parks.
(b) The provisions of subsection (a) above shall not apply to duly authorized law enforcement officers in the performance of official duty.
(Code 1999)
- 12-105. VEHICLE REGULATIONS. (a) Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways and motorbikes, go-carts, snowmobiles and other motorized off-the-road vehicles shall be operated in a safe and prudent manner at all times in park areas.
(b) Except as provided in subsection (d), it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.
(c) Except as provided in subsection (d), it shall be unlawful for any person to operate any motor vehicle within any city park except upon roads, drives and parking areas established by the city.
(d) Subsections (b) and (c) above shall not apply to authorized city employees while engaged in the maintenance and care of the park.
(e) It shall be unlawful to operate any such vehicle in any park area at a speed in excess of 20 m.p.h.
(f) It shall be unlawful to park any vehicle or trailer within the city park for more than 96 hours at a time or as posted.
(Code 1988)

- 12-106. HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park unless authorized by the city marshal. (Code 1988)
- 12-107. FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after use thereof. (Code 1988)
- 12-108. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks except where posted. (Code 1988)
- 12-109. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. (Code 1988)
- 12-110. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city any alcoholic liquor or cereal malt beverage. (Code 1988)
- 12-111. PRESERVATION OF NATURAL STATE. It shall be unlawful for any person, except duly authorized city employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks. (Code 1988)
- 12-112. GENERAL REGULATIONS. The city may post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall constitute a violation of this code. (Code 1988)

ARTICLE 2. FAIRMONT CEMETERY

- 12-201. CEMETERY BOARD. (a) There is hereby established a board to be known as the cemetery board.
(b) The board shall consist of the mayor and city council.
(c) The board shall make reports, and regulations governing the operation of Fairmont Cemetery, and perform other duties and functions as dictated by the articles of this code.
(Code 1988)
- 12-202. SEXTON. The city foreman is hereby assigned the additional duty as cemetery sexton. He or she shall have direct charge of the cemetery, under the supervision of the city council. The sexton shall have the authority to enforce all laws, ordinances, rules and regulations created by the statutes of this state or by the governing body of the city which govern Fairmont Cemetery. (Code 1988)
- 12-203. CEMETERY PLAT. The city clerk shall be provided with a proper plat of Fairmont Cemetery showing all unsold lots and shall assist persons interested in the purchase of lots in examining same. The city clerk shall deliver to any purchaser a cemetery deed, executed by the mayor and attested to by the city clerk, upon payment of the scheduled price for the lot selected. (Code 1988)
- 12-204. ORDER TO OPEN GRAVES. Upon payment to the city clerk of the scheduled price for opening and closing a grave, the city clerk shall issue an order to the sexton, directing the sexton to open the grave upon the proper lot. No grave shall be opened by the sexton except upon order from the city clerk. (Code 1988)
- 12-205. SCHEDULE OF PRICES. The charge for opening a grave shall be \$350 for full burial and \$75 for a cremation burial. The charge may be reviewed and revised from time to time by the cemetery board. (Ord. 2230; Code 2013)
- 12-206. LOT PRICES. The following charges, which shall include perpetual care, shall be made for lots and parts of the lots in the Fairmont Cemetery:
(a) Full lot - \$1,200;
(b) One-half Lot - \$600;
(c) Single Space - \$150. The location of the single space shall be designated by the cemetery board.
(Ord. 2230; Code 2013)
- 12-207. GRAVES. All graves shall be rectangular in shape and shall be dug due east and west. (Code 1988)
- 12-208. RESTORE LOT. It shall be the duty of the sexton, after an interment is made upon any lot, to restore the lot to proper condition as soon as practicable. No mound shall be raised upon any lot to a height which would interfere with the operation of lawn mowers over such lot. The cemetery board shall have the authority to regulate the mounding of graves on any lot. (Code 1988)
- 12-209. BURIAL VAULTS. All burials must include as a minimum a two piece concrete vault. No wooden vaults are permissible. (Code 1988)

- 12-210. **BURIAL LIMITS.** On each individual burial space in the cemetery, the following burial limits shall apply:
- (a) One adult casket;
 - (b) No more than two (2) cremation urns;
 - (c) One infant casket;
 - (d) Stacking of caskets is not permissible.
- (Ord. 2038; Code 2013)
- 12-211. **MONUMENTS AND GRAVE STONES.** All monuments or grave stones shall be placed on a concrete foundation, which foundation shall be sufficient to prevent the tipping of the stone. A grave stone/monument cannot exceed 60% of the width of a burial space. City reserves the right to remove and replace stones as needed to allow for digging a new grave. Openings for full burials and cremation shall be made by the city only. Each full burial or cremation shall have a permanent stone or marker placed within 180 days of interment. A permanent marker is defined as stone or metal set in concrete. The sexton must approve all markers. If no marker is placed within 180 days or proof of intent to do so is shown to the City Clerk, the city shall place a marker engraved with the initials of the deceased and date of death only. If there is a headstone in place for a cremation urn, the urn does not require a ground level marker. Two (2) urns on the same space will be placed on opposite ends with the second urn requiring a ground level marker. Scattering cremated remains within the boundaries of the cemetery is strictly prohibited. (Ord. 2038; Code 2013)
- 12-212. **DECORATIVE DEVICES.** The cemetery board shall have the right to prevent the erection of any structure or other decorative device which it deems detrimental to the general appearance of the cemetery, or which would tend to hinder the proper care of the cemetery. The cemetery board shall have the right to remove or require to be removed any such structure or material heretofore or hereafter erected. All decorations and flower containers must be removed from graves not later than 14 days following Memorial Day. (Code 1988)
- 12-213. **PLANTINGS.** No more than four evergreens and shrubs shall be planted on any lot. Trees may be planted only by the cemetery board or its designee and under the board's direction. The location of any shrubs, bushes or plants on the lot must first be approved by the cemetery board. The standard which the cemetery board shall use in such approval is to allow such planting of plants, shrubs and bushes which shall not interfere with the efficient operation of the cemetery or the mowing of the cemetery for general appearances. Upon the finding that the proposed planting for plants, shrubs, or bushes comply with this standard, the cemetery board shall allow the planting. In the event that the proposed planting or plant improvement shall not comply therewith, approval shall be denied by the cemetery board. The sexton, upon direction from the cemetery board, shall remove all such plants, shrubs or bushes hereafter planted which are not in conformity with the standards set forth herein and/or not approved by the cemetery board under these standards. No trees or shrubs growing on any lot in the cemetery shall be cut down or destroyed without the consent of the cemetery board. (Code 1988)

- 12-214. UNLAWFUL ACT; UNAUTHORIZED SALE; TRANSFER OF LOT. It shall be unlawful for the owner of any lot to permit or authorize any interment to be made upon his or her lot for remuneration. It shall be unlawful for any person to sell, assign or transfer any lot or part thereof to another person without first filing a quit claim deed with the city clerk. (Code 1988)
- 12-215. SAME; PICKING FLOWERS. It shall be unlawful for any person to pick any flower or shrub in the cemetery unless it be from his or her lot. (Code 1988)
- 12-216. SAME; ADVERTISING. It shall be unlawful for any person to erect, post or paint any sign or any other advertising matter in the cemetery or on any city property surrounding the cemetery. (Code 1988)
- 12-217. SAME; HUNTING, TRAPPING. It shall be unlawful for any person to hunt or trap in Fairmont Cemetery. Firearms will not be authorized except as part of a military honor guard. Persons accompanied by dogs running at large will not be admitted. Horses, automobiles, and other vehicles shall be kept on the roads and drives in the cemetery and, in all cases, shall be kept off the grass in the cemetery. (Code 1988)
- 12-218. PERPETUAL ENDOWMENT FUND. All revenues received through the sale of each lot, one-half or single space, as well as the annual interest received from the "Permanent Endowment Fund" shall be placed in the city's general fund. All funds so received shall be expended only for keeping the lots and grounds in the cemetery in a suitable and proper condition. The city shall guarantee that no part of the existing "Permanent Endowment Fund" will ever be expended for any purpose whatsoever. It shall be the duty of the city council or city clerk to keep the funds invested in investments authorized by K.S.A. 12-1675, and amendments thereto, or in state, county or municipal bonds, or bonds of or guaranteed by the United States of America. The city shall not furnish markers for perpetual care lots. (Code 1988)