

AN ORDINANCE AMENDING ORDINANCE NO. 95 (ZONING) BY REZONING PROPERTY DESCRIBED AS:

Beginning at a point 13 rods North of the Corner stone, at the Southwest corner of the West Half of the Southwest Quarter, of Section 32, Township 14 South, Range 17 East of the 6th P.M., thence North 26 Rods; thence East 13 rods; thence South 26 rods; thence West 13 rods, to the place of beginning, except the North 190 feet thereof, in Osage County, Kansas.

FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO B-1 (GENERAL BUSINESS AND COMMERCIAL):

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. That the amendment recommended by the Overbrook Planning Commission to re-zone the following-described property:

Beginning at a point 13 rods North of the Corner stone, at the Southwest corner of the West Half of the Southwest Quarter, of Section 32, Township 14 South, Range 17 East of the 6th P.M.; thence North 26 rods, thence East 13 rods, thence South 26 rods, thence West 13 rods, to the place of beginning, except the North 190 feet thereof, in Osage County, Kansas.

from R-1 (Single Family Residential) to B-1 (General Business and Commercial)

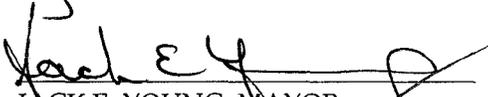
be adopted by the Governing Body of the City of Overbrook, Kansas.

SECTION 2. That the above-described property is rezoned from R-1 (Single Family Residential) to B-1 (General Business and Commercial), and the City Clerk is directed to designate such rezoning on the City Zoning District Map.

SECTION 3. That all ordinances or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED THIS July 23, 2003.


JACK E. YOUNG, MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 252

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUE FOR BUDGET YEAR 2004 FOR THE CITY OF OVERBROOK, KANSAS.

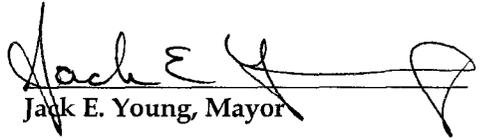
WHEREAS, the City of Overbrook must continue to provide services to protect the health, safety and welfare of the citizens of this community; and

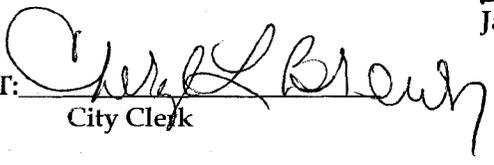
WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Overbrook, Kansas:

- SECTION 1. In accordance with state law, the City of Overbrook has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2004 until December 31, 2004.
- SECTION 2. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2003 budget.
- SECTION 3. This ordinance shall take effect after publication once in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY THIS
23rd DAY OF July, 2003.


Jack E. Young, Mayor

ATTEST: 
City Clerk
(SEAL)

ORDINANCE NO. 253

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2003; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 246.

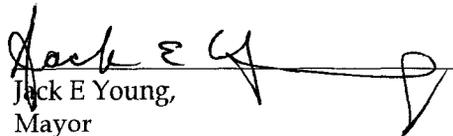
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2003, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 253, and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 13th DAY OF August, 2003.


Jack E Young,
Mayor

ATTEST:

Cheryl L. Brown
City Clerk

ORDINANCE NO. 254

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2003, AND REPEALING ORDINANCE NO. 247.

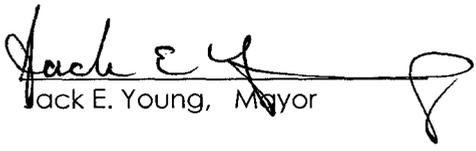
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, That certain code known as the "Uniform Public Offense Code", Edition of 2003, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy As Adopted by Ordinance No. 254", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 13th DAY OF August 2003.


Jack E. Young, Mayor

ATTEST:

Cheryl L. Brown, City Clerk

(Published in [Official City Newspaper] on [publication date])

ORDINANCE NO. 258

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF OVERBROOK, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution Control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Overbrook, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project consists of improvements and rehabilitation to the City' wastewater collection and treatment facilities. It includes rehabilitation and/or replacement of sewer lines and manholes, de-sludging of the lagoon, piping and slope protection (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Three Hundred Thousand Dollars [\$300,000] (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
OVERBROOK, KANSAS:

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of October 8 2003, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

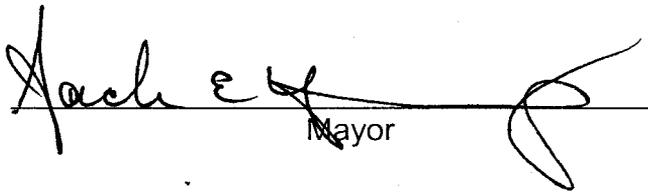
Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

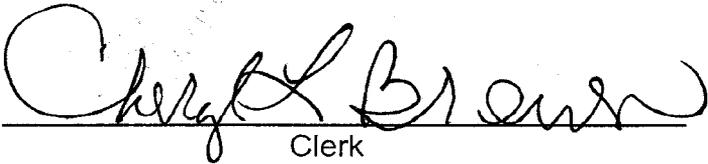
PASSED by the governing body of the City on *October 8, 2003* and [signed][and **APPROVED**] by the Mayor.

(SEAL)



Mayor

ATTEST:



Clerk

[APPROVED AS TO FORM ONLY.]



[City Attorney]

EXHIBIT F

FORM OF MUNICIPALITY ORDINANCE

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF OVERBROOK, KANSAS
HELD ON *October 9, 2008*

The Governing Body of the City met in [regular ~~session~~] session at the usual meeting place in the City, at [*7:00 pm*], the following members being present and participating, to-wit:

Bruce Smith Ira Allen David Gerisch Jim Gates

Absent: *Rich Hamit*

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF OVERBROOK, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

Thereupon, Council member Bruce Smith moved that said Ordinance be passed. The motion was seconded by Council member Jim Gates. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the Governing Body, the vote being as follows:

Yes: Jim Gates, Bruce Smith, Rich Hamit, Ira Allen, David Gerisch

No: _____

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 258 and was signed and approved by the Mayor and attested by the Clerk. The Clerk was directed to publish the Ordinance one time in the official newspaper of the City.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

(SEAL)


Clerk

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Option 1

Ordinance No. 259

AN ORDINANCE AMENDING ORDINANCE NO. 242 RELATING TO A FRANCHISE AGREEMENT WITH SPRINT PURSUANT TO K.S.A. 12-2001.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF Overbrook, KS

Section 1. As used in this ordinance, the term "gross receipts" shall mean:

"Gross receipts" means only those receipts collected from within the corporate boundaries of the city enacting the franchise and which are derived from the following: (A) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (B) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (C) local directory assistance revenue; (D) line status verification/ busy interrupt revenue; (E) local operator assistance revenue; and (F) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If a telecommunications local exchange service provider offers additional services of a wholly local nature which if in existence on or before July 1, 2002, would have been included with the definition of gross receipts, such services shall be included from the date of the offering of such services in the city.

Section 2. This ordinance shall take effect upon publication in the official city newspaper.

PASSED BY THE GOVERNING BODY, this 27th day of August, 2003.

Jack E. G.
Mayor

Attest: Cheryl Brown
City Clerk

(SEAL)

ORDINANCE NO. 261

AN ORDINANCE DESIGNATING SPECIAL TIMES RELATED TO REGULAR COUNCIL MEETINGS IN 2003.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. Due to the Thanksgiving and Christmas holidays, the Second regular council meeting in November, scheduled for Wednesday, November 26, 2003 is cancelled.

SECTION 2. The Second regular council meeting in December, 2003, scheduled for Wednesday, December 24, 2003 has been rescheduled for Monday, December 29, 2003 at 7:00 P.M.

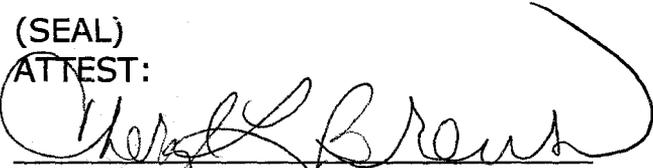
SECTION 3. EFFECTIVE DATE: This ordinance shall take effect and be in place from and after its approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 12th DAY OF November, 2003.


Jack E. Young
Mayor

(SEAL)

ATTEST:


Cheryl L. Brown, City Clerk

AN ORDINANCE AMENDING ORDINANCE No. 95 (ZONING) BY REZONING PROPERTY DESCRIBED AS:

SEE ATTACHED LEGAL DESCRIPTION

FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO B-1 (GENERAL BUSINESS AND COMMERCIAL):

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. That the amendment recommended by the Overbrook Planning Commission to rezone the following-described property:

SEE ATTACHED LEGAL DESCRIPTION

From R-1 (Single Family Residential) to B-1 (General Business and Commercial)

Be adopted by the Governing Body of the City of Overbrook, Kansas.

SECTION 2. That the above-described property is rezoned from R-1 (Single Family Residential to B-1 (General Business and Commercial), and the City Clerk is directed to designate such rezoning on the City Zoning District Map.

SECTION 3. That all ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 4. This ordinance shall be in effect from and after its passage, approval, And publication in the official city newspaper.

PASSED AND APPROVED THIS 10th DAY OF March, 2004.

Jack E. J.
MAYOR

ATTEST:
Cerise Brown
CITY CLERK

(SEAL)

ORDINANCE NO. 265

AN ORDINANCE PROVIDING FOR THE CHANGE OF DATES FOR THE REGULAR SECOND MONTHLY MEETING IN MARCH, 2004.

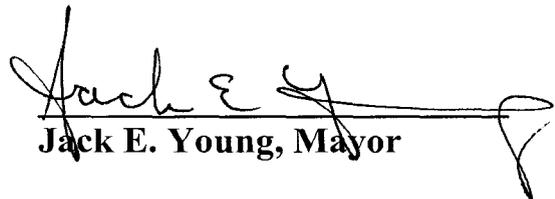
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. There being the possibility of not being able to establish a quorum at the regular council meeting on Wednesday, March 24, 2004,

SECTION 2. THE date for the second regular council meeting has been changed to Monday, March 22, 2004 at 7:00 P.M.

SECTION 3. EFFECTIVE DATE: This ordinance shall take effect and be in place from and after its approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 10th DAY OF March, 2004


Jack E. Young, Mayor

ATTEST:

Cheryl L. Brown, City Clerk


(Seal)

AN ORDINANCE AMENDING ORDINANCE NO 95 (ZONING) BY AMENDING SECTION 12 (BUILDING PERMITS).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

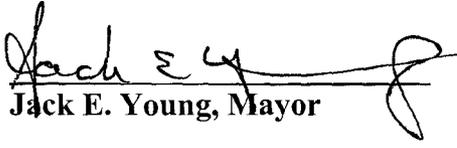
SECTION 1. THAT ORDINANCE NO 95, SECTION 12, BE CHANGED TO READ AS FOLLOWS:

“BUILDING PERMITS. No building or structure shall be erected, added to or structurally altered until a permit therefore has been approved by the building inspector and issued by the city clerk at a total cost of \$1.00 per \$1,000.00 of estimated value with a minimum charge of \$25.00 for each permit. All applications for such permits shall be made to the building inspector and such applications shall set forth a plan or sketch of the proposed building or structure and shall be in compliance with this ordinance and shall have an expiration of 12 months. The approved permit shall be posted on the property in a location that is visible from the adjacent roadway until the building project is completed, or the 12-month period has expired, whichever comes first.

SECTION 2. THAT all ordinances or parts thereof in conflict with this ordinance are hereby repealed.

SECTION 3. THIS ordinance shall be in effect from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED THIS 14th DAY OF April, 2004.


Jack E. Young, Mayor

ATTEST:
(SEAL)

Cheryl L. Brown, City Clerk

AN ORDINANCE PROVIDING FOR CHANGING THE TIME FOR THE REGULAR MEETING OF THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS AT CITY HALL, LOCATED AT 401 MAPLE STREET, AND REPEALING ORDINANCE NO. 250.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THAT the Governing Body of the City of Overbrook will Meet on a regular basis the SECOND and FOURTH THURSDAY of each month, commencing at 7:00 P.M.

SECTION 2. THAT should the regular meeting scheduled for the SECOND Thursday conflict with a holiday, it shall be rescheduled for the FOURTH Tuesday of that particular month, or cancelled if necessary.

SECTION 3. THAT Ordinance No. 250, and any and all other ordinances in conflict herewith be repealed.

SECTION 4. THAT this ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 28th DAY OF April, 2004

Jack E. Y...
MAYOR

ATTEST:
Cheryl L. Brown
CHERYL L. BROWN
CITY CLERK

ORDINANCE NO. 269

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF OVERBROOK, COUNTY OF OSAGE, STATE OF KANSAS.

Be it ordained by the governing body of the City of Overbrook, State of Kansas, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle, greater than one-half (½) inch (1.27 centimeters) in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 17. "Shall" is mandatory; "May" is permissive.
- Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the city of Overbrook, or his authorized deputy, agent, or representative.
- Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Overbrook, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the city of Overbrook, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

- Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line.

ARTICLE III

- Sec. 1. All sewage generated within the city limits shall be discharged to a public sanitary sewer. Private sewage disposal systems are prohibited within the city limits.
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$100 shall be paid to the city at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ~~3 acres square feet~~. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of \$100.00 dollars for a residential, commercial or industrial building sewer permit shall be paid to the city of Overbrook at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city of Overbrook from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Overbrook. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

ARTICLE V

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).
 - (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half (1/2) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor- producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

- Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and

identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount up to \$500.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

ARTICLE IX

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the governing body of the city of Overbrook, State of Kansas on the 12th day of May, 2004, by the following vote:

Ayes 5:namely
Nays 0:namely

Approved this 12th day of May 2004.

(Signed) [Signature], (Mayor)

Attest:

(Signed) [Signature], (Clerk)

ORDINANCE NO. 270

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS.

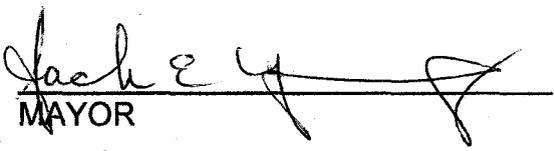
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS;

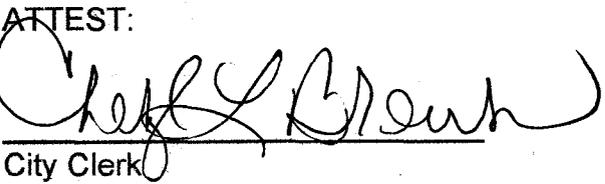
SECTION I. That the following described land meeting one or more of the conditions for annexation as prescribed by K.S.A. 12-520 (a)(2) and 12-520 a(f), the same being owned by the City of Overbrook, is hereby annexed to, included and brought within, the corporate limits of the City of Overbrook, Kansas:

A tract of land lying in the East ½ of the Northwest ¼ of Section 5, Township 15 South, Range 17 East of the 6th P.M., more particularly described as follows; Commencing at the Northeast corner of the said East ½; thence South along the East line of said East ½ an assumed bearing of S 01 degree 04' 22" E a distance of 69.00 feet to the point of beginning on the South right-of-way line of U. S. Highway 56; thence continuing S 01 degree 04' 22" E along said East line a distance of 740.00 feet; thence S 31 degrees 35' 11" W a distance of 758.73 feet to the East line of the City Park; thence N 01 degree 05' 25" W along said East line of the City Park a distance of 370.00 feet; thence N 21 degrees 01' 26" E continuing along said East line of the City park a distance of 1088.74 feet measured 1088.27 feet deduced to the point of beginning, containing 5.22 acres more or less and subject to easements and right-of-way of record.

SECTION II. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the governing body this 12th day of MAY, 2004.


MAYOR

ATTEST:

City Clerk

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUE FOR BUDGET YEAR 2005 FOR THE CITY OF OVERBROOK, KANSAS.

WHEREAS, the City of Overbrook must continue to provide services to protect the health, safety and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

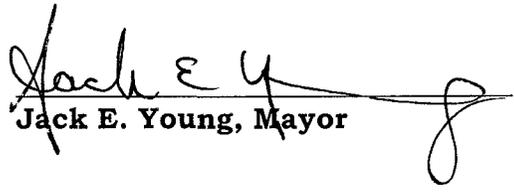
NOW, THEREFORE, be it ordained by the Governing Body of the City of Overbrook, Kansas:

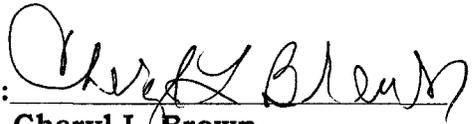
SECTION 1. In accordance with state law, the City of Overbrook has Scheduled a public hearing and has prepared the Proposed budget necessary to fund city services from January 1, 2005 until December 31, 2005.

SECTION 2. After careful public deliberations, the governing body Has determined that in order to maintain the public Services that are essential for the citizens of this City, it will be necessary to budget property tax Revenues in an amount exceeding the levy in the 2004 budget.

SECTION 3. This ordinance shall take effect after publication once In the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY THIS
22nd DAY OF July, 2004.


Jack E. Young, Mayor

ATTEST: 
Cheryl L. Brown
City Clerk

(SEAL)

ORDINANCE NO. 272

AN ORDINANCE RELATING TO THE WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME AND FEES, AND REPEALING SECTION 1 OF ORDINANCE NO. 249.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THAT EFFECTIVE August 1, 2004, there is hereby assigned And fixed, the following monthly rates and charges for the use Of water from the waterworks system supplied by the City Of Overbrook, Kansas:

MINIMUM CHARGE - FIRST 1,000 GALLONS....\$12.00

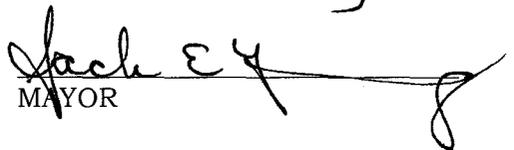
ALL OVER 1,000 GALLONS.....\$6.50/1000 GALLONS
OR FRACTION THEREOF

PUBLIC SCHOOLS WITHIN THE CITY LIMITS OF OVERBROOK SHALL BE SUBJECT TO A MONTHLY CHARGE OF A FLAT RATE OF \$6.50/1000 GALLONS. (NOT SUBJECT TO MINIMUM)

SECTION 2. THAT said Section 1 of Ordinance No. 249 is hereby repealed.

SECTION 3. THAT this Ordinance shall take effect and be kept in force From and after its passage, approval and publication in the Official city newspaper as provided by law.

PASSED AND APPROVED THIS 22nd DAY OF July, 2004.


MAYOR

ATTEST:

(SEAL) 
CITY CLERK

ORDINANCE NO. 273

AN ORDINANCE RELATING TO THE SEWER SERVICE SYSTEM AND FIXING RATES AND CHARGES FOR THE USE THEREOF FROM THE SAME, AND REPEALING ORDINANCE NO. 201.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THAT EFFECTIVE August 1, 2004, there is hereby assigned and fixed, The following monthly rates and charges for the use of sewer services Within the City of Overbrook, Kansas:

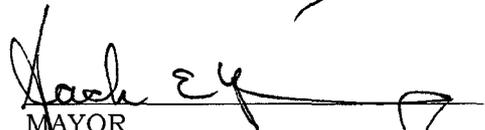
THERE SHALL BE a minimum charge of Six dollars (\$6.00) per month, Or any portion thereof, for each single family dwelling, mobile home, Apartment, multiple family dwelling, commercial and industrial building Whose water consumption is less than 1,000 gallons per month.

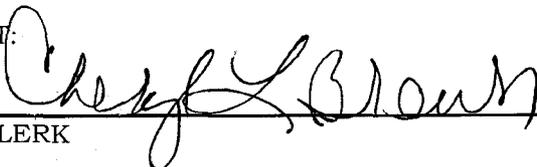
THERE SHALL be an additional charge of Two dollars (\$2.00) per month, Or any portion thereof, for each additional 1,000 gallons of water used In excess of 1,000 gallons per month with no maximum charge.

SECTION 2. THAT Ordinance No. 201 in its entirety is hereby repealed.

SECTION 3. THAT this Ordinance shall take effect and be kept in force from and After its passage, approval and publication in the Official city Newspaper, as provided by law.

PASSED AND APPROVED THIS 22nd DAY OF July, 2004.


MAYOR

ATTEST:
(SEAL) 
CITY CLERK

ORDINANCE NO. 274

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK:

SECTION I. That the following described land, meeting one or more of the conditions for annexation as prescribed by K.S.A. 12-520 (a), after hearing as required by law, is hereby annexed to, included and brought within, the corporate limits of the City of Overbrook, Kansas:

- 1) Tract to bring in 1/2 of abandoned railroad South of Lots 1-7, Block "A", the Meadows Subdivision:

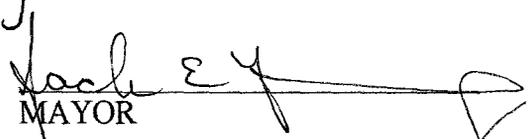
A tract of land in the Northeast Quarter of Section 6, Township 15 South, Range 17 East of the 6th P.M., Osage County, Kansas, described as follows: Beginning at the Southeast corner of The Meadows Subdivision, an addition to the City of Overbrook, Kansas; thence S 1 degree 1 minute 53 seconds E to the center of the former right of way of the Topeka Industrial Lead of the Missouri Pacific Railroad Company; thence N 79 degrees 00 minutes 25 seconds W, 699.50 feet to a point on the West line of the Northeast Quarter of said Section 6; thence North to the Southwest corner of The Meadows Subdivision; thence S 79 degrees 00 minutes 25 seconds E, 699.50 feet to the point of beginning.

- 2) Tract to bring in the 150 X 170 tract at the Northwest corner of Western Heights Addition to Overbrook:

Beginning at a point 468.25 feet East and 50 feet South of the Northwest corner of Section 6, Township 15 South, Range 17 East of the 6th P.M., Osage County, Kansas; thence East 170 feet; thence South 150 feet; thence West 170 feet; thence North 150 feet to the point of beginning.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said city.

Passed and approved this 2nd day of August 2004.


 MAYOR

ATTEST:


 Cheryl L. Brown
 City Clerk

ORDINANCE NO 275

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, "EDITION OF 2004"; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 253.

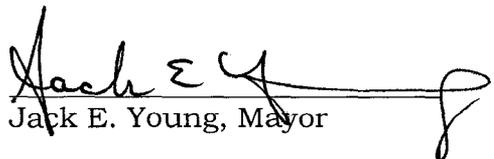
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

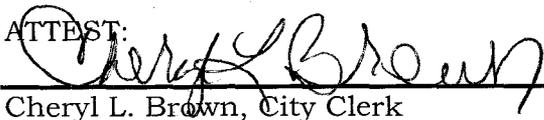
SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of Regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2004, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 275, and to which shall be attached a copy of this Ordinance, and filed with the city clerk to be open to inspection and Available to the public at all reasonable hours. The police department, Municipal Judge, and all administrative departments of the city charged With the enforcement of the ordinance shall be supplied, at the cost of The city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect and Be in force from and after its passage, approval and Publication in the official city newspaper as provided By law.

PASSED AND APPROVED THIS 26th DAY OF August, 2004.


Jack E. Young, Mayor

ATTEST:

Cheryl L. Brown, City Clerk

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2004, AND REPEALING ORDINANCE NO 254.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference For the purpose of regulating public offenses within The corporate limits of the City of Overbrook, Kansas, that certain Code known as the "Uniform Public Offense Code", Edition of 2004, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than 3 (three) Copies of said Uniform Public Offense Code shall be marked or Stamped "Official Copy As Adopted by Ordinance No. 276", And to which shall be attached a copy of this ordinance, and Filed with the city clerk to be open to inspection and available to The public at all reasonable hours.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect And be in force from and after its passage, approval, And publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 26th DAY OF August, 2004.


Jack E. Young, Mayor

ATTEST:

Cheryl L. Brown, City Clerk

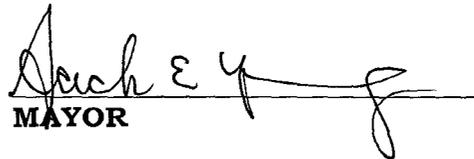
ORDINANCE NO. 277

AN ORDINANCE PROVIDING FOR CHANGING THE TIME FOR THE REGULAR MEETING OF THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS AT CITY HALL, LOCATED AT 401 MAPLE STREET, AND REPEALING ORDINANCE NO. 268.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

- SECTION 1. THAT the Governing Body of the City of Overbrook Will meet on a regular basis the SECOND and FOURTH WEDNESDAY of each month, commencing at 7:00 P.M.**
- SECTION 2. THAT should any regular meeting conflict with a Holiday, it shall be rescheduled, or cancelled if Necessary.**
- SECTION 3. THAT Ordinance No. 268, and any and all other Ordinances in conflict herewith be repealed.**
- SECTION 4. THAT this ordinance shall take effect and be in force From and after its passage, approval and publication As provided by law.**

PASSED AND APPROVED THIS 23rd DAY OF September, 2004.


MAYOR

ATTEST:


Cheryl L. Brown
City Clerk

ORDINANCE NO. 278

AN ORDINANCE DECLARING, ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF OVERBROOK, KANSAS:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK:

SECTION 1. That the Corporate Limits and Entire Boundaries of the City of Overbrook, Kansas, are hereby declared, established and defined to be as follows, to-wit:

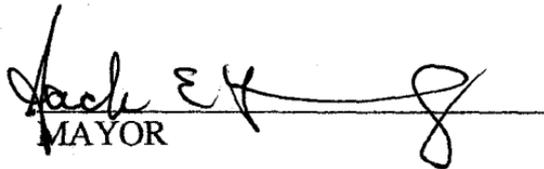
Commencing at a point on the North right-of-way line of Highway US 56 and the East line of the West ½ of the Southwest ¼ of Section 32, Township 15 South, Range 17 East; thence North 89 degrees, 50 minutes, 28 seconds East along the North right-of-way line of Highway US 56, a distance of 1,008.12 feet; thence continuing Easterly a distance of 328.78 feet; thence South a distance of 119 feet; thence South to a point 56.92 feet more or less East of the Northeast corner of Meadowbrook Addition No. 2 to the City of Overbrook; thence West 56.92 feet more or less to the Northeast corner of said Meadowbrook Addition No. 2 to Overbrook; thence South 00 degrees, 14 minutes, 40 seconds East 590.03 feet to the Northwest corner of a cemetery; thence continuing South 01 degree, 14 minutes, 40 seconds East 313.09 feet to the South line of the East ½ of the Northwest ¼; thence North 89 degrees, 45 minutes, 23 seconds West along said South line 1,778 feet more or less to the East line of Walnut Street; thence South 300 feet; thence West 390 feet more or less to the center line of Maple Street, being the East line of Section 6, Township 15 South, Range 17 East; thence South 335 feet; thence West 262 feet; thence North 335 feet; thence West 460 feet; thence North 300 feet to the South line of the Northeast ¼ of Section 6, Township 15 South, Range 17 East; thence West to a point 677 feet East of the West line of said Northeast ¼; thence North to the center line of the former Missouri Pacific Railroad right-of-way; thence Westerly along said center line a distance of 699.50 feet more or less to the West line of Northeast ¼ of Section 6, Township 15 South, Range 17 East; thence North a distance 2,218.12 feet more or less to a point on the South right-of-way line of Highway US 56; thence North 100 feet to the North line of Highway US 56; thence East on the North line of said Highway to a point 180 feet West and 295 feet South of the Southwest corner of Frieruble Addition No. 2 to the City of Overbrook in Section 31, Township 14 South, Range 17 East; thence North parallel to the East line of said Section 31, a distance of 245 feet to a point 180 feet West of the Southwest corner of Frieruble Addition No. 2; thence East 180 feet to the Southwest corner of the said Frieruble Addition No. 2; thence North along the said West line of Frieruble Addition No. 2 to the Northwest corner thereof; thence North 00 degrees 19 minutes 40 seconds West 417.4 feet; thence East 634.47 feet to a point 1,784.44 feet North of the Southeast corner of Section 31; thence East to the East line of Maple Street extended; thence South 529.94 feet along the East line of said Maple Street extended to the North line of 10th Street; thence South to a point 1,008 feet North of the Southwest corner of Section 32, Township 14 South, Range 17 East and 30 feet East of the West line of said Section 32; thence East 184.5 feet; thence South 625.03 feet; thence East to a

point 66 feet West of the East line of the West ½ of the Southwest ¼ of Section 32, thence South to the North line of Highway US 56; thence East 66 feet to the point of beginning, in Osage County, Kansas.

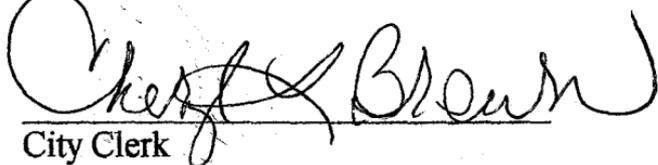
SECTION 2. That the City Clerk shall forthwith file a certified copy of the Ordinance, as published, with each of the following officers: the County Clerk of Osage County, Kansas, the Register of Deeds of Osage County, Kansas, and the State Highway Engineer of the State of Kansas.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and approval and publication in the official newspaper of said city.

Passed and approved this 8th day of December 2004.


MAYOR

ATTEST:


City Clerk

MEMO TO PUBLISHER

Please publish one on Dec. 16 2004 and make proof of publication to the City Clerk, City Building, Overbrook, Kansas 66524.

I, Cheryl L. Brown, City Clerk of the City of Overbrook, Kansas do hereby certify the above and foregoing is as a true and correct copy of Ordinance No. 278, which was passed and approved by the mayor and city council on December 8, 2004 and thereafter published in the Osage County Chronicle.


Cheryl L. Brown
City Clerk

(Municipal Seal)

ORDINANCE NO 279

AN ORDINANCE RELATED TO THE FISHING REGULATIONS ON CITY LAKES; AND AMENDING ORDINANCE NO 248, REPEALING SECTION 1 AND AMENDING SECTION 6 OF ORDINANCE NO 248.

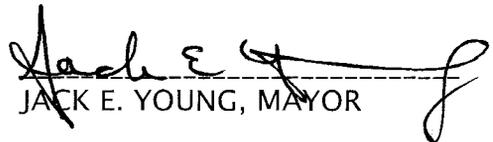
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS THAT:

SECTION 1. THAT SECTION 1 OF ORDINANCE NO 248 BE REPEALED THEREBY ELIMINATING THE REQUIREMENT OF OBTAINING A CITY LICENSE FOR FISHING REGARDLESS OF AGE. ALL STATE REQUIREMENTS SHALL REMAIN IN EFFECT.

SECTION 2. OVERBROOK CITY LAKE WILL BE OPEN FOR FISHING AND PERMITTED BOATING ACTIVITIES FROM
5 A.M to 11 P.M. DAILY

SECTION 3. THIS ORDINANCE SHALL BE IN EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION IN THE OFFICIAL CITY NEWSPAPER.

PASSED AND APPROVED THIS 22nd DAY OF December, 2004.


JACK E. YOUNG, MAYOR

ATTEST:


Cheryl L. Brown, City Clerk

AN ORDINANCE CHANGING THE SPEED LIMIT ON MAPLE STREET SOUTH OF FIRST STREET TO THE CITY LIMITS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

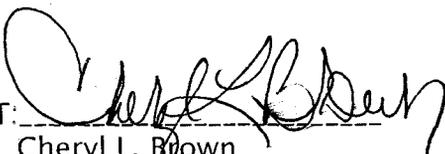
SECTION ONE: THE GOVERNING BODY has made an investigation of the maximum speed limit on Maple Street south of First Street to the city limits as required by K.S.A. 8-1560(a), and based upon such investigation finds that the current maximum speed limit of 20 miles per hour is less than is reasonable under the conditions.

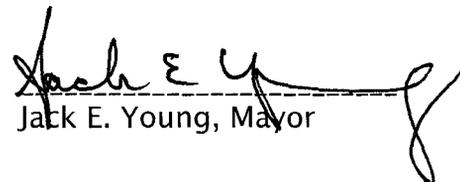
SECTION TWO: THE MAXIMUM SPEED LIMIT on Maple Street south of First Street to the city limits is hereby changed to 30 miles per hour.

SECTION THREE: ALL ORDINANCES previously enacted and in conflict with this ordinance are hereby repealed.

SECTION FOUR: THIS ORDINANCE shall take effect and be in force on and after the date of publication in the official city newspaper.

ADOPTED AND APPROVED AT THE REGULAR MEETING OF THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS THIS 25th DAY OF May, 2005.

ATTEST: 
Cheryl L. Brown
City Clerk


Jack E. Young, Mayor

AN ORDINANCE RENEWING THE CABLE TELEVISION FRANCHISE WITH GALAXY CABLE INC., D/B/A GALAXY CABLEVISION, AND APPROVING THE CHANGE OF EXPIRATION DATE.

WHEREAS, Galaxy Cable Inc., d/b/a Galaxy Cablevision, operates a cable television system within the City of Overbrook, Kansas under the franchise Ordinance #199 passed by the City Council on November 8, 1995, as thereafter amended and assigned; and

WHEREAS, said franchise was granted for a period of ten (10) years and is due to expire on November 8, 2005; and

WHEREAS, Galaxy Cable Inc., d/b/a Galaxy Cablevision, has requested that the City of Overbrook renew the franchise to operate the cable television system within the City for an additional ten (10) years.

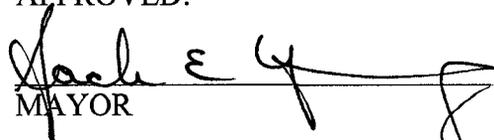
NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Overbrook, that:

SECTION 1: The request of Galaxy Cable Inc., d/b/a Galaxy Cablevision, to renew the cable television franchise dated November 8, 1995, as assigned and amended, and to change the expiration date thereof to November 8, 2015, is hereby granted.

SECTION 2: Except to the extent affected herein, the franchise Ordinance #199 dated November 8, 1995, as assigned and amended, shall continue in full force and effect.

READ, PASSED AND APPROVED this 8th day of June, 2005.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO 282

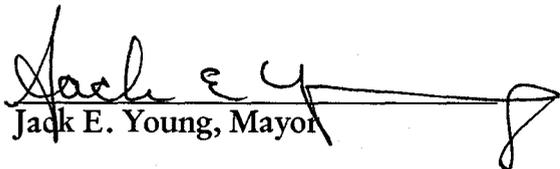
AN ORDINANCE REPEALING ORDINANCE NO 198 AND AMENDING ORDINANCE NO 97 (WATERWORKS SYSTEM AND FIXING RATES AND CHARGES FOR THE CONNECTION WITH AND USE OF WATER FROM THE SAME) BY CHANGING CERTAIN PROVISIONS OF SECTION 7 REGARDING SERVICE CONNECTION FEES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THAT ORDINANCE NO 198 BE REPEALED IN ITS ENTIRETY, AND THAT ORDINANCE NO 97, SECTION 7 BE AMENDED BY STRIKING THE FIGURE \$350.00 AND INSERTING THE FIGURE \$1500.00 IN ITS PLACE.

SECTION 2. THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE, ADOPTION, AND PUBLICATION IN THE OFFICIAL CITY NEWSPAPER AS PROVIDED BY LAW.

PASSED AND APPROVED THIS 10th DAY OF AUGUST, 2005.


Jack E. Young, Mayor

ATTEST:


Cheryl L. Brown, City Clerk

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, "EDITION OF 2005"; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 275.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2005, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 283, and to which shall be attached a copy of this Ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the city charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 24th DAY OF August, 2005.

Jack E. Young
Jack E. Young, Mayor

ATTEST:
(SEAL)
Cheryl L. Brown
Cheryl L. Brown, City Clerk

ORDINANCE NO 284

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2005, AND REPEALING ORDINANCE NO 276.

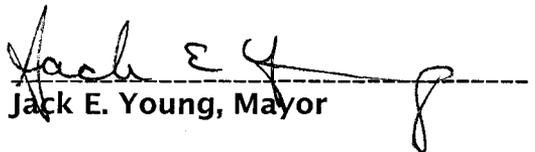
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain Code known as the "Uniform Public Offense Code", Edition of 2005, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy As Adopted by Ordinance No. 284", and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

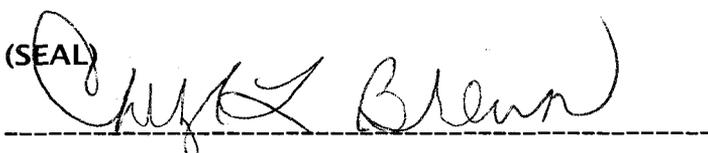
SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 24th DAY OF August, 2005.



Jack E. Young, Mayor

ATTEST:

(SEAL) 

Cheryl L. Brown, City Clerk

AN ORDINANCE RELATING TO THE SEWER SERVICE SYSTEM AND FIXING RATES AND CHARGES FOR THE USE THEREOF FROM THE SAME; AND REPEALING ORDINANCE NO. 273.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. THAT EFFECTIVE NOVEMBER 1, 2005, there is hereby assigned and fixed, the following monthly rates and charges for the use of sewer services within the City of Overbrook, Kansas:

THERE SHALL BE a minimum charge of Seven dollars and Fifty cents (\$7.50) per month, or any portion thereof, for each single family dwelling, mobile home, apartment, multiple family dwelling, commercial and industrial building whose water consumption is less than 1,000 gallons per month.

THERE SHALL BE an additional charge of Two dollars and Twenty-five cents (\$2.25) per month, or any portion thereof, for each additional 1,000 gallons of water used in excess of 1,000 gallons per month with no maximum charge.

SECTION 2. THAT Ordinance No. 273 in its entirety is hereby repealed.

SECTION 3. THAT this Ordinance shall take effect and be kept in force from and after its passage, approval and publication in the Official city newspaper, as provided by law.

PASSED AND APPROVED THIS 14th DAY OF September, 2005

Jack E. Young
Jack E. Young, Mayor

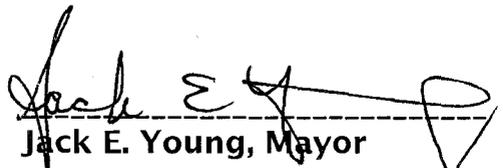
ATTEST:
(SEAL)
Cheryl L. Brown
Cheryl L. Brown, City Clerk

AN ORDINANCE ESTABLISHING COMPENSATION FOR MEMBERS OF THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

- SECTION 1. EACH member of the governing body shall be compensated at the rate of \$15.00 for each regular and special meeting of the council attended by such member.**
- SECTION 2. NO compensation shall be paid for activities of the governing body except as specifically set forth in Section 1. above.**
- SECTION 3. NOTHING in this ordinance shall be construed to limit or prohibit reimbursement to a member of the governing body for necessary expenses reasonably incurred in the discharge of his or her duties as member of the governing body.**
- SECTION 4. THIS ordinance shall take effect and be kept in force from and after its passage, approval and publication in the official city newspaper, as provided by law.**

PASSED AND APPROVED THIS 14th DAY OF September, 2005.



Jack E. Young, Mayor

ATTEST:
(SEAL)


Cheryl L. Brown, City Clerk

AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF OVERBROOK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. PURSUANT to 2005 Kan. Sess. laws, Ch. 201, the sale at retail of cereal malt beverage in the original package is allowed within the city on any Sunday, except Easter, between the hours of 12 Noon and 8:00 P.M.

SECTION 2. PURSUANT to 2005 Kan. Sess. laws, Ch. 201, the sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to allow such sale within the city on any Sunday, except Easter, between the hours of 12 Noon and 8:00 P.M. and on Memorial Day, Independence Day, and Labor Day.

SECTION 3. THIS ordinance shall take effect 61 days after final publication or on November 15, 2005, whichever is later, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in 2005 Kan. Sess. laws, Ch. 201, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND APPROVED THIS 28th DAY OF September 2005.

Jack E. Young
Jack E. Young, Mayor

ATTEST:
(SEAL)

Cheryl L. Brown
Cheryl L. Brown, City Clerk

ORDINANCE NO. 288

AN ORDINANCE TO AMEND ORDINANCE NO. 91, SECTION 91-625, SUBSECTION (B) REGARDING THE FEES CHARGED FOR ANIMAL LICENSES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1: PERMIT FEE: The permit fees for the permit year beginning on January 1 of each calendar year are as follows:

- 1. For each non-neutered male animal ----- \$ 10.00
- 2. For each neutered male animal ----- 5.00
- 3. For each unsprayed female animal ----- 10.00
- 4. For each spayed female animal ----- 5.00

SECTION 2. THIS ORDINANCE shall take effect and be kept in force from and after its passage, approval and publication in the official city newspaper, as provided by law.

PASSED AND APPROVED THIS 14th DAY OF December, 2005.

Jack E. Young
Jack E. Young, Mayor

ATTEST:
(SEAL)

Cheryl L. Brown
Cheryl L. Brown,
City Clerk

ORDINANCE NO. 289

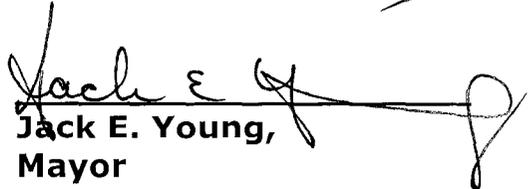
AN ORDINANCE PROHIBITING THE SALE OF ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE WITHIN THE CITY OF OVERBROOK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

1. Section 1. PURSUANT TO 2005 Kan. Sess. Laws, Ch. 201, the sale of alcoholic liquor in the original package is prohibited within the corporate limits of the City of Overbrook.

2. Section 2. This ordinance shall take effect upon its passage and approval and publication in the official city newspaper.

PASSED AND APPROVED THIS 25th DAY OF January, 2006.


Jack E. Young,
Mayor

ATTEST:

(SEAL)

Cheryl L. Brown, City Clerk

ORDINANCE NO. 290

AN ORDINANCE AMENDING ORDINANCE NO. 269, ARTICLE IV, SECTION 10. BY ADDING THE PHRASE " BEFORE ANY UNDERGROUND PORTIONS OF THE BUILDING SEWER ARE COVERED".

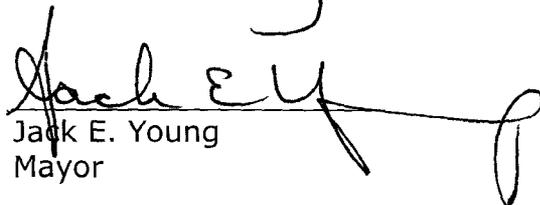
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

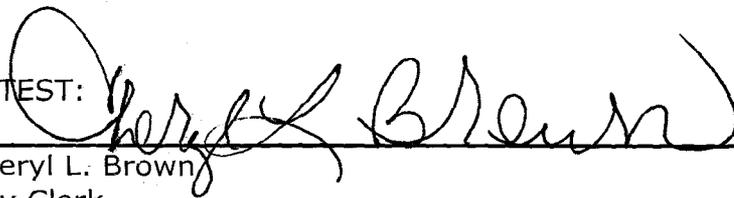
SECTION 1. THAT EFFECTIVE UPON PUBLICATION, Ordinance No 269, which regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes in the public sewer system(s); and providing penalties for violations thereof, in the City of Overbrook, County of Osage, State of Kansas, is hereby amended to read as follows:

ARTICLE IV, SECTION 10: The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative before any underground portions of the building sewer are covered.

SECTION 2. THIS ORDINANCE shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

PASSED AND APPROVED THIS 8th DAY OF February, 2006.


Jack E. Young
Mayor

ATTEST: 
Cheryl L. Brown
City Clerk

ORDINANCE NO. 291

An Ordinance, granting to Westar Energy, Inc., a Kansas corporation, its successors and assigns, an electric franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

BE IT ORDAINED BY THE GOVERNING BODY OF: Overbrook, Kansas

SECTION 1. That in consideration of the benefits to be derived by the City of Overbrook, Kansas, and its inhabitants, there is hereby granted to Westar Energy, Inc., a Kansas corporation, hereinafter sometimes designated as "Company," said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, into and through which it has built transmission lines, the right, privilege, and authority for a period of **twenty (20)** years from the effective date of this ordinance, to occupy and use the several streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing electricity for all purposes to the City of Overbrook, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said electricity from any source available; and to do all things necessary or proper to carry on said business in the City of Overbrook, Kansas.

SECTION 2. As further consideration for the granting of this franchise, and in lieu of any city occupation, license, or revenue taxes, the Company shall pay to the City during the term of this franchise **three percent (3%)** of its gross cash receipts from the sale of electric energy for use within the corporate limits of said City, such payment to be made monthly for the preceding monthly period. Gross cash receipts shall not include other operating revenues received by the Company, which are not related to the "sale of electric energy". Other operating revenues include, but are not limited to, delayed payment charges, connection fees, disconnection and reconnection fees, collection fees and return check charges. Company will use commercially reasonable efforts to ensure the accuracy of its records and of the determination of the amount of gross cash receipts subject to the fee provided for in this Section 2. At the option of either the City or the Company and upon written notice given by one to the other sent at least (90) days before the fifth, tenth, or fifteenth anniversary of this franchise, the rate of compensation hereunder may be renegotiated. Any new rate of compensation that results from such renegotiation shall be effective on and after the fifth, tenth, or fifteenth anniversary of this franchise. Notwithstanding anything to the contrary in this Franchise, the fee provided for in this Section 2 shall not become effective within any area annexed by the City until 30 days after the City provides the Company with a certified copy of the annexation ordinance, proof of publication as required by law and a map of the city detailing the annexed area.

SECTION 3. That Company, its successors and assigns, in the construction, maintenance, and operation of its electric transmission, distribution and street lighting system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Overbrook, Kansas, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 4. After the approval of this ordinance by the City, Company shall file with the City Clerk of the City of Overbrook, Kansas, its unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after the expiration of 60 days from its final passage, approval and publication as required by law, and acceptance by said Company.

SECTION 5. That this ordinance, when accepted as above provided, shall constitute the entire agreement between the City and Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

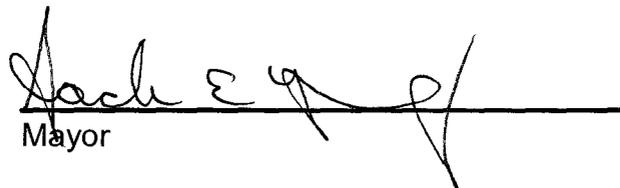
SECTION 6. This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 7. That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 8. The Company will file this ordinance with the State Corporation Commission of Kansas. Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Westar Energy, Inc., a Kansas corporation, from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

SECTION 9. A franchise shall be assignable only in accordance with the laws of the State of Kansas, as the same may exist at the time when any assignment is made, provided, however, that the franchise may be assigned by Company without action by the City to any creditworthy entity which succeeds to all or substantially all of the electric utility business of the Company. In the event of such assignment to a successor, Company shall be released from all obligations which are assumed in writing by such successor and the assignee shall have executed an assumption of the franchise being assigned.

PASSED and APPROVED this 14th day of JUNE, 2006.



Mayor

Attest:



City Clerk

ORDINANCE NO. 292

AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE LOAN AGREEMENT BETWEEN OVERBROOK, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE FIRST AMENDMENT TO THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution Control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, Overbrook, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection, pumping, and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain an amendment to the loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project consists of improvements and rehabilitation to the City' wastewater collection and treatment facilities. It includes rehabilitation and/or replacement of sewer lines and manholes, de-sludging of the lagoon, piping and slope protection (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for an amendment to the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Six Hundred Forty Thousand [\$640,000] (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the First Amendment to the Loan and to enter into a First Amendment to the loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the First Amendment to the Loan Agreement.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

Section 1. Authorization of the First Amendment to the Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain First Amendment to the Loan Agreement, with an effective date of June 13, 2006, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the First Amendment to the "Loan Agreement") to finance the Project Costs (as defined in the First Amendment to the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the First Amendment to the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the First Amendment to the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the First Amendment to the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the First Amendment to the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on [Ordinance Date] and [signed][and **APPROVED**] by the Mayor.

(SEAL)


6-21-2006 Mayor

ATTEST:


Clerk

[APPROVED AS TO FORM ONLY.]

(

[City Attorney]

ORDINANCE NO 293

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUE FOR BUDGET YEAR 2007 FOR THE CITY OF OVERBROOK, KANSAS.

WHEREAS, the City of Overbrook must continue to provide services to protect the health, safety and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase,

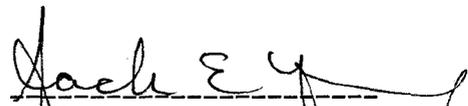
NOW, THEREFORE, be it ordained by the Governing Body of the City of Overbrook, Kansas:

SECTION 1. IN ACCORDANCE with state law, the City of Overbrook has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2007 until December 31, 2007.

SECTION 2. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this City, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2006 budget.

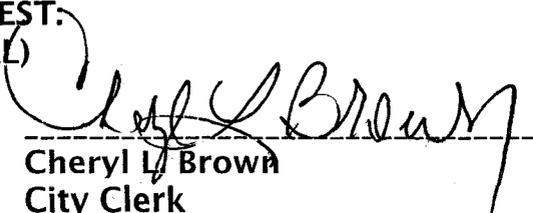
SECTION 3. This ordinance shall take effect after its publication once in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY THIS
9th DAY OF August, 2006.



Jack E. Young, Mayor

ATTEST:
(SEAL)



Cheryl L. Brown
City Clerk

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, "EDITION OF 2006"; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 283.

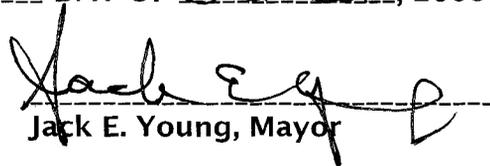
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Overbrook, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 296", and to which shall be attached a copy of this Ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the city charged with the enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 25th DAY OF October, 2006


Jack E. Young, Mayor

ATTEST:
(SEAL)


Cheryl L. Brown, City Clerk

ORDINANCE NO 297

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OVERBROOK, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2006 REPEALING ORDINANCE NO 284.

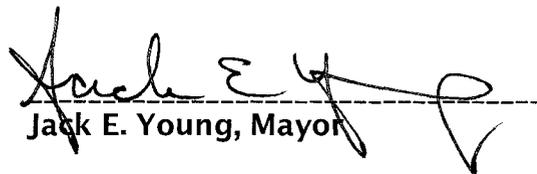
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Overbrook, Kansas, that certain Code known as the "Uniform Public Offense Code", Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy As Adopted by Ordinance No. 297, and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

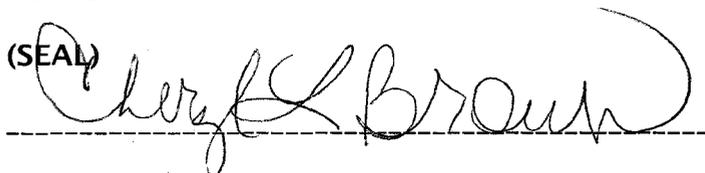
SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 25th DAY OF October, 2006.


Jack E. Young, Mayor

ATTEST:

(SEAL)



Cheryl L. Brown, City Clerk

ORDINANCE NO. 298

AN ORDINANCE PROVIDING FOR THE TIME AND PLACE FOR THE REGULAR MEETING OF THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS AT CITY HALL, LOCATED AT 401 MAPLE STREET, AND REPEALING ORDINANCE NO. 250.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS:

SECTION I. THAT the Governing Body of the City of Overbrook will meet on a regular basis the SECOND Wednesday of each month, commencing at 7:00 P.M.

SECTION II. THAT the regular meeting scheduled for the FOURTH Wednesday of each month as established in Ordinance No 250 is hereby abolished, and Ordinance No 250 is repealed.

SECTION III. THAT this ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper as provided by law.

PASSED AND APPROVED THIS 24th DAY OF January, 2007.

(Must be published and publication attached to budget)

ORDINANCE NUMBER 300

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2008 FOR THE City of Overbrook

WHEREAS City of Overbrook must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

NOW THEREFORE, be it ordained by the Governing Body of the City of Overbrook:

Section One. In accordance with state law, the City of Overbrook has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2008 until December 31, 2008.

Section Two. After careful public deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2007 budget.

Section Three. This ordinance shall take effect after publication once in the official city newspaper.

Passed and approved by the Governing Body on this 8th day of August, 2007.

ATTEST: /s/ 
City Clerk

/s/ 
Mayor

(SEAL)

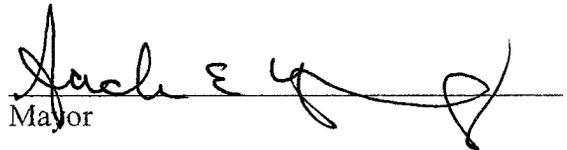
ORDINANCE NO. 301

AN ORDINANCE APPOINTING A BUILDING INSPECTOR

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
OVERBROOK, KANSAS:**

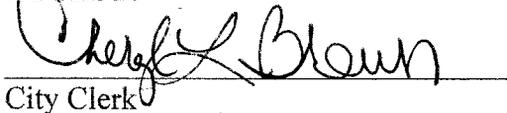
Robert W. Call is appointed the Building Inspector for the city of Overbrook, Kansas and is charged with the administration of the provisions of the Unsafe or Dangerous Structures and Abandoned Property for the state of Kansas and such other duties and responsibilities as the governing body assigns to him from time to time.

PASSED AND APPROVED this 8th day of August, 2007.



Mayor

ATTEST:



City Clerk

Property Detail Information

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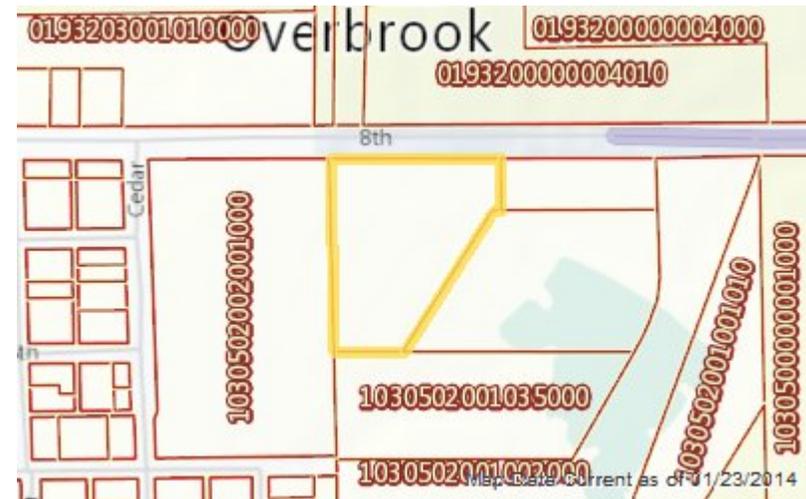
Report for Parcel No. 070-103-05-0-20-01-003.02-0

(Quick Ref. ID R4677)

Property Physical (Situs) Address
403 E 8TH ST, Overbrook, KS 66524

Tract (Legal) Description
S05 , T15 , R17E , ACRES 5.4 , BEG NWCOR E1/2 NW1/4 TH S52.7 TO POB; TH S606.6, E205, NLY 533.1, E20 N160 TO S ROW OF US HWY56 TH WALG ROW 528.2 TO POB

Owner(s)	Owner Mailing Address
FAWL, CHARLES M & ROXANE M - (P)	351 E 300RD ST OVERBROOK, KS 66524



Property Factors	
Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Major Strip or CBD - 1
Location	Major Strip - 4
Parking Type	Off Street - 1
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Covered Parking	Not Available
Uncovered Parking	Not Available

Property Detail Information



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Land-Based Classification	
Function	Convenience retail center
Activity	Goods-oriented shopping
Ownership	Private-fee simple
Site	Developed site - with buildings
General Property Information	
Property Class	Commercial & Industrial - C
Living Units	Not Available
Zoning	Not Available
Neighborhood	600.0
Tax Unit Group	007

Appraisal Information

Tax Year 2014

Class	Land	Building	Total
A	130	0	130
C	27,560	706,390	733,950

Tax Year 2013

Class	Land	Building	Total
A	140	0	140
C	27,590	723,380	750,970

Deed Information

Book 1	Page 1	Book 2	Page 2	Book 3	Page 3	Book 4	Page 4
N 28	239	N 5	345				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	DFact	Inf 1	Fact 1	Inf 2	Fact 2	Ovrd	Class	Value Est.
Acre	Primary Site - 1	2.85				4	150					27,560

Property Detail Information

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Agriculture Land Summary

Dry Land Acres	Irrigated Acres	Native Acres	Tame Acres	Total Acres	Total Ag Use	Ag Market Value
0.00	0.00	2.58	0.00	2.58	130	4,000

Agriculture Land Detail

Ag Type	Ag Acres	Soil Unit	Irr. Type	Well Depth	Acre Feet	Acre Ft./Ac.	Adj. Code	Gov't Prog.	Base Rate	Adj. Rate	Ag Value
Native Grass	0.39	8775				0			43	43	20
Native Grass	1.05	8797				0			60	60	60
Native Grass	1.14	8735				0			43	43	50



Commercial Information

Comm. Building No. 1

General Building Information	
LBCS Structure Code	Multi occupancy retail store
Bldg. No.	1
Building Name	BP CONV STORE
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data			
	Units	BR Type	Baths
1			
2			
3			
4			
5			
6			
7			
8			

Commercial Building 1 Sections / Basement Info.

ID	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stor.	Area	Perim	Hgt	Phys	Funct	Econ	OVR	Rsn	Inc Use	Net Ar.	ClS	RCN	%Gd	Value
1	Restaurant	D	1.00	2006		01/01		2,982	226	10	3	3				031			401,797	75	301,350
2	Mini-Mart Convenience Store	D	1.00	2006		01/01		3,318	200	10	3	3				038			373,905	70	261,730

Property Detail Information



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Commercial Building 1 Section Components Info.

ID	Code	Units	Pct.	Size	Other	Rank	Year
1	Canopy, Retail Wood Frame	1200					
1	Complete HVAC		100				
1	Deck, Wood	761				4.00	2010
1	Deck, Wood w/ Roof	111				4.00	2010
1	PE.-Metal Sandwich Panels		75				
1	Porch, Raised Slab	30					2010
1	Stud -Brick Veneer		25				
2	PE.-Metal Sandwich Panels		100				
2	Warmed and Cooled Air		100				

Commercial Building 1 Improvements Info.

ID	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dim.	Stories	Phys	Funct	Econ	OVR	Rsn	Cls	RCN	%Gd	Value
34	Site Improvements	C	2.00	1	2006			2736		8	114 X 24	1	3	3					171,684	32	54,940
35	Site Improvements	C	2.00	1	2006			1464		8	68 X 24	1	3	3					91,866	32	29,400
99	Site Improvements	C	2.00	1	2006			19698		8		1	3	3					140,250	32	44,880
02	Site Improvements	C	2.00	1	2006			8786		8		1	3	3					44,018	32	14,090

excerpt from 3/10/04 minutes

of sewer line provided that the request be made on city letterhead. The clerk will send the request as asked.

Massoth also said that she is still waiting to hear from the pipeline company regarding moving the existing gas line on the lagoon property. She also told the council that Kansas Rural Water Association requires a signed contract to pursue mapping water and sewer lines. Massoth was asked to see if arrangements can be made to pay for the waterline mapping next year.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports as prepared. Hylton told the council that the 2004-2005 contract figures from Blue Cross Blue Shield are approximately 40% higher than the current year's premiums. Ed Harmison asked if the city has considered another company. Rich Hamit said that he's looked for himself and he couldn't find any better coverage. Ira Allen said that BCBS is very hard to beat for health insurance. The possibility of excluding certain benefits, such as maternity coverage was discussed. The clerk was asked to check on the matter. The clerk is waiting on new figures based on new health profiles submitted by Harmison and Brown. Mayor Young restated that what Patty Hylton is telling us is that this additional expense will have to be worked into the budget.

Hylton told the council that the General fund will have to be watched this year. Funds were transferred out of it last year to cover pool and bond shortages, but hopefully this will not be necessary this year.

MISCELLANEOUS: Rich Hamit made a motion, seconded by Bruce Smith, to pay for shingles for concession stand roof. Motion carried 4-0. Clyde Martin to be contacted about volunteering to do the work.

There was discussion about raising the fees for building permits. Ira Allen made a motion, seconded by Bruce Smith, to raise the fee to \$1.00 per \$1,000 of estimated value, with a \$25.00 minimum, or whichever is greater. A site plan or blueprint will also be required before a permit can be issued. Motion carried 4-0. The clerk was also instructed to add something to the amendment that would require the permit to be displayed on the building site visible from the road.

MISC: The following items were tabled: appointing of a wellhead protection committee, changing council meeting nights, licensing of plumbers, and changes to the personnel policy.

Bruce Smith made a motion, seconded by Rich Hamit, to authorize having a new council table built by Zeckser Custom Cabinets at a price of \$795. Motion carried 4-0. The clerk will contact the library to see if they are interested in the old table.

RE-ZONING: After discussion, Ira Allen made a motion, seconded by Bruce Smith, to adopt Ordinance No. 264 which will approve the recommendation of the Planning Commission to change the zoning of property on Eighth Street (Hwy 56) owned by F.A.R. Properties from Residential to Commercial. The mayor expressed a concern about the lack of limitations on Commercial zoned property. Motion carried 4-0.

LAW REPORT: Chief Harmison gave the council his report regarding citations issued and training for the department. He told the council that the insurance for each cell phone is \$3.99/month with a \$50 deductible. Ira Allen made a motion to purchase the insurance; Bruce Smith seconded. Motion carried 4-0.

Harmison asked the council to consider putting some kind of gate at the bottom of the stairs going to the second floor of the city building. He recommends installing one with a warning sign. The council agreed to consider the matter. Harmison said that he had given a list of signs to maintenance 2 years ago that need replaced, and there are still some that haven't been taken care of.

He also asked the council to come up with an alternative place to dump limbs and leaves as the windy season is approaching. Bruce Smith made a motion to ban all dumping and burning on the lagoon

Property Detail Information



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Report for Parcel No. 070-103-05-0-20-01-003.02-0 (Quick Ref. ID R4677)

Property Physical (Status) Address
 403 E 8TH ST, Overbrook, KS 66524

Owner(s)	Owner Mailing Address
FAWL, CHARLES M & ROXANE M - (P)	351 E 300RD ST OVERBROOK, KS 66524

Tract (Legal) Description
 S05 , T15 , R17E , ACRES 5.4 , BEG NWCOR E1/2 NW1/4 TH S52.7 TO
 POB; TH S606.6, E205, NLY 533.1, E20 N160 TO S ROW OF US
 HWY56 TH WALG ROW 528.2 TO POB

Property Factors	
Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Major Strip or CBD - 1
Location	Major Strip - 4
Parking Type	Off Street - 1
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Covered Parking	Not Available
Uncovered Parking	Not Available



Property Detail Information



LGIS



THOMSON REUTERS

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Land-Based Classification	
Function	Convenience retail center
Activity	Goods-oriented shopping
Ownership	Private-free simple
Site	Developed site - with buildings
General Property Information	
Property Class	Commercial & Industrial - C
Living Units	Not Available
Zoning	Not Available
Neighborhood	600.0
Tax Unit Group	007

Appraisal Information

Tax Year 2014

Class	Land	Building	Total
A	130	0	130
C	27,560	706,390	733,950

Tax Year 2013

Class	Land	Building	Total
A	140	0	140
C	27,590	723,380	750,970

Deed Information

Book 1	Page 1	Book 2	Page 2	Book 3	Page 3	Book 4	Page 4
N 28	239	N 5	345				

Market Land Information

Method	Type	AC/SF	Eff Ft	Depth	D/Fact	Int 1	Fact 1	Int 2	Fact 2	Ovrd	Class	Value Est.
Acres	Primary Site - 1	2.85				4	150					27,560



Agriculture Land Summary

Dry Land Acres	Irrigated Acres	Native Acres	Tame Acres	Total Acres	Total Ag Use	Ag Market Value
0.00	0.00	2.58	0.00	2.58	130	4,000

Agriculture Land Detail

Ag Type	Ag Acres	Soil Unit	Irr. Type	Wall Depth	Acres Feat	Acres Ft/Ac	Adj. Code	Gov't Proj	Base Rate	Adj. Rate	Ag Value
Native Grass	0.39	8775				0			43	43	20
Native Grass	1.05	8797				0			60	60	60
Native Grass	1.14	8735				0			43	43	50

Property Detail Information



LGIS v5



THOMSON REUTERS

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Commercial Information

Comm. Building No. 1

General Building Information	
LBCS Structure Code	Multi occupancy retail store
Bldg. No.	1
Building Name	BP CONV STORE
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data		
Units	BR Type	Baths
1		
2		
3		
4		
5		
6		
7		
8		

Commercial Building 1 Sections / Basement Info.

JID	OCCUPANCY	MSOLS	RANK	Y-EST	EFFYR	LEVLGS	STOR	AREA	PERINT	TOT	PHYS	FINIC	EGOT	GVR	RST	INCLUSE	NEVAL	CI5	RCN	%Gd	Value
1	Restaurant	D	1.00	2006		01/01		2,982	226	10	3	3				031			401,797	75	301,350
2	Mini-Mart Convenience Store	D	1.00	2006		01/01		3,318	200	10	3	3				038			373,905	70	261,730

Property Detail Information



LGIS v5



THOMSON REUTERS

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Commercial Building 1 Section Components Info.

ID	Code	Units	Pct	Size	Other	Rank	Year
1	Canopy, Retail Wood Frame	1200					
1	Complete HVAC		100				
1	Deck, Wood	761				4.00	2010
1	Deck, Wood w/ Roof	111				4.00	2010
1	PE-Metal Sandwich Panels		75				
1	Porch, Raised Slab	30					2010
1	Stud -Brick Veneer		25				
2	PE-Metal Sandwich Panels		100				
2	Warmed and Cooled Air		100				

Commercial Building 1 Improvements Info.

ID	Occupancy	MSGLS	Rank	Qty	Year	Effcy	IBGS	Area	Perim	Hgt	Dim	Stories	Plys	Funct	Econ	OVR	RSN	CS	RGN	%Gd	Value
34	Site Improvements	C	2.00	1	2006			2736		8	114 X 24	1	3	3					171,684	32	54,940
35	Site Improvements	C	2.00	1	2006			1464		8	68 X 24	1	3	3					91,866	32	29,400
99	Site Improvements	C	2.00	1	2006			19698		8		1	3	3					140,250	32	44,880
02	Site Improvements	C	2.00	1	2006			8786		8		1	3	3					44,018	32	14,090

- Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line.

ARTICLE III

- Sec. 1. All sewage generated within the city limits shall be discharged to a public sanitary sewer. Private sewage disposal systems are prohibited within the city limits.
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$100 shall be paid to the city at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ~~3 acres square feet~~. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of \$100.00 dollars for a residential, commercial or industrial building sewer permit shall be paid to the city of Overbrook at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city of Overbrook from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Overbrook. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

ARTICLE V

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).
 - (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half (1/2) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor- producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,

- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

- Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and

identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount up to \$500.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

ARTICLE IX

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the governing body of the city of Overbrook, State of Kansas on the 12th day of May, 2004, by the following vote:

Ayes 5:namely
Nays 0:namely

Approved this 12th day of May 2004..

(Signed) [Signature], (Mayor)

Attest:

(Signed) [Signature], (Clerk)

ORDINANCE NO. 269

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF OVERBROOK, COUNTY OF OSAGE, STATE OF KANSAS.

Be it ordained by the governing body of the City of Overbrook, State of Kansas, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle, greater than one-half (½) inch (1.27 centimeters) in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 17. "Shall" is mandatory; "May" is permissive.
- Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the city of Overbrook, or his authorized deputy, agent, or representative.
- Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Overbrook, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the city of Overbrook, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

- Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line.

ARTICLE III

- Sec. 1. All sewage generated within the city limits shall be discharged to a public sanitary sewer. Private sewage disposal systems are prohibited within the city limits.
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$100 shall be paid to the city at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ~~3 acres square feet~~. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of \$100.00 dollars for a residential, commercial or industrial building sewer permit shall be paid to the city of Overbrook at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city of Overbrook from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Overbrook. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

ARTICLE V

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).
 - (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half (1/2) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor- producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,

- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

- Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and

identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount up to \$500.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

ARTICLE IX

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the governing body of the city of Overbrook, State of Kansas on the 12th day of May, 2004, by the following vote:

Ayes 5:namely
Nays 0:namely

Approved this 12th day of May 2004..

(Signed) [Signature], (Mayor)

Attest:

(Signed) [Signature], (Clerk)

ORDINANCE NO. 269

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF OVERBROOK, COUNTY OF OSAGE, STATE OF KANSAS.

Be it ordained by the governing body of the City of Overbrook, State of Kansas, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle, greater than one-half (½) inch (1.27 centimeters) in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residents, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 17. "Shall" is mandatory; "May" is permissive.
- Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the city of Overbrook, or his authorized deputy, agent, or representative.
- Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Overbrook, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the city of Overbrook, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

- Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5) meters of the property line.

ARTICLE III

- Sec. 1. All sewage generated within the city limits shall be discharged to a public sanitary sewer. Private sewage disposal systems are prohibited within the city limits.
- Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$100 shall be paid to the city at the time the application is filed.
- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ~~3 acres square feet~~. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of \$100.00 dollars for a residential, commercial or industrial building sewer permit shall be paid to the city of Overbrook at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city of Overbrook from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city of Overbrook. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

ARTICLE V

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).
 - (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half (1/2) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor- producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provided, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,

- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

- Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and

identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount up to \$500.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

ARTICLE IX

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the governing body of the city of Overbrook, State of Kansas on the 12th day of May, 2004, by the following vote:

Ayes 5:namely
Nays 0:namely

Approved this 12th day of May 2004.

(Signed) , (Mayor)

Attest:

(Signed) , (Clerk)

ORDINANCE NO. 269

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF OVERBROOK, COUNTY OF OSAGE, STATE OF KANSAS.

Be it ordained by the governing body of the City of Overbrook, State of Kansas, as follows:

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.