

CHAPTER XII. PUBLIC PROPERTY

- Article 1. General Provisions
 - Article 2. Santa Fe Lake and Park
 - Article 3. Lake Augusta-Garvin Park
 - Article 4. City Swimming Pool
 - Article 5. Elmwood Cemetery
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ARTICLE 1. GENERAL PROVISIONS

- 12-101. CITY OF AUGUSTA PARK SYSTEM. As provided and allowed by K.S.A. 12-1301 et seq., the city may from time to time designate certain areas of the city to be a part of the city park system. The use of all lands which are within the park system shall be regulated and controlled by these ordinances and such rules and regulations as may be adopted. (Ord. 1575; Code 1991, 11-101)
- 12-102. PARK BOARD; AUTHORITY. There shall be appointed by the governing body a park board which shall have the responsibility and authority to regulate the use of the land and property which are a part of the city park system. The park board shall have the authority to adopt certain rules and regulations which set forth standards of conduct and activities which are permitted or prohibited within the park system. All such rules and regulations shall be on file with the city clerk. (Ord. 1575; Code 1991, 11-102)
- 12-103. FIRE PROHIBITED; EXCEPTIONS. The building or starting of fires is prohibited in the park system except in places designated as picnic areas and then only in fireplaces, grills or other utensils specifically designed to hold and contain fires or as may be further permitted by the park board. (Ord. 1575; Code 1991, 11-103)
- 12-104. DRIVING REGULATIONS. It shall be unlawful for vehicles to be driven or parked except in the designated roadways and parking areas of the city park system. The city manager shall cause to be posted speed limits and other driving regulations which apply to the park system. All other driving shall be governed by the traffic code of the city. (Ord. 1575; Code 1991, 11-106)
- 12-105. HOURS AVAILABLE. The city manager shall cause to be posted in each area of the park system the hours that the public shall be allowed access to the specific area of the park system. If no hours are posted the specific area shall be available to the public at all times. (Ord. 1575; Code 1991, 11-107)
- 12-106. FISHING LICENSES REQUIRED; EXCEPTIONS. All persons fishing by any means in Lake Augusta, Santa Fe Lake or any other water within the park system of the city shall be required to obtain a city fishing license as provided by the rules and regulations pertaining thereto. The licenses may be obtained from the city

clerk or any other person authorized by the city to issue licenses and such license shall entitle the holder to fish in all waters within the park system. Any resident age 65 or older or under the age of 16 years shall not be required to obtain a license to fish in the park system. (Ord. 1575; Code 1991, 11-108)

12-107. SAFETY EQUIPMENT. Any person boating on a lake under control of the City of Augusta shall provide a life preserver of a jacket type only, coast guard approved, and all such persons shall wear the same while in any boat while under sail or under power. (Ord. 1575; Code 1991, 11-306)

12-108. PENALTY. Any citations issued pursuant to the provisions as detailed in this chapter shall be handled in accordance with the general penalty provisions as established in section 1-116 of this code. (Code 2010)

ARTICLE 2. SANTA FE LAKE AND PARK

- 12-201. **SANTA FE LAKE AND PARK PROPERTY.** The area known as Santa Fe Lake and Park containing 418 acres and consisting of Sections 11, 12 and 13, Township 27, Range 3 East, Butler County, Kansas and is part of the city park system. (Ord. 1575; Code 1991, 11-201)
- 12-202. **PERMITS; INDIVIDUAL AND GROUPS.** All persons using Santa Fe Lake facilities for the purpose of fishing, swimming, boating, skiing, picnicking, camping or recreation will obtain a recreation permit from an authorized representative of the City. The recreation permit shall allow an individual or family to utilize the facilities. Upon purchase of recreation permits a decal will be furnished to use as identification to enter the park area. Additional decals for extra family vehicles or lost decals can be purchased. Sightseeing or inspection of the premises does not require a permit.
Organized group activities may utilize the lake using a group daily permit, however organized groups that are for commercial activity and charge entry fees must receive approval from the City Manager. (Ord. 1620, Sec. 1; Code 2010)
- 12-203. **BOAT PERMITS.** Permits will be issued only to boats that display the state registration number as required by the Kansas Department of Wildlife and Parks. Santa Fe Lake users shall comply with boat safety requirements as promulgated by state agencies and as applies to state lakes. (Ord. 1620, Sec. 1; Code 2010)
- 12-204. **SPEED LIMIT FOR BOATS.** A speed limit of five mph will be in effect for all boats operating in the dock and swimming area at all hours and at all parts of the lake after sunset. (Ord. 1575; Code 1991, 11-204)
- 12-205. **REVOCAION OF BOATING LICENSE AND PARK PRIVILEGES.** The city manager and park caretaker shall have the right to revoke all privileges for any person, group or organization for violation of ordinances, rules or regulations of the city. (Ord. 1575; Code 1991, 11-205)
- 12-206. **SPECIAL EVENTS.** Special events will be allowed and are encouraged. All special events must be approved by the city manager in writing. (Ord. 1575; Code 1991, 11-206)
- 12-207. **SWIMMING REGULATIONS.** Swimming shall only be permitted in Santa Fe Lake in such areas as are specifically posted. The park board shall have the right to make rules and regulations relating to swimming including but not limited to the right to fix times and locations that swimming may be permitted and under what conditions and other regulations swimming is allowed. Those regulations shall be on file with the city clerk and the caretaker of Santa Fe Lake and park. (Ord. 1575; Code 1991, 11-207; Code 2010)

ARTICLE 3. LAKE AUGUSTA-GARVIN PARK

- 12-301. LAKE AUGUSTA-GARVIN PARK. The area known as Garvin Park-Lake Augusta and all surrounding lands owned by the city are hereby declared to be a part of the park system of the city. (Ord. 1575; Code 1991, 11-301)
- 12-302. FISHING PERMITTED; RIGHTS RESERVED BY CITY. Fishing shall be permitted during the seasons established by the laws of the State of Kansas and pursuant to the rules and regulations of the Kansas Department of Wildlife and Parks, which laws, rules and regulations are hereby adopted and incorporated by reference herein, insofar as such laws, rules and regulations are not in conflict with this article or any amendment thereof; provided, that the city, and more specifically the governing body thereof, recognizes and declares that Lake Augusta is of prime importance to the municipal water supply system of the city and hereby reserves the right to amend, repeal and withdraw all fishing privileges and rights to Lake Augusta without notice and without the necessity of refunding any sum paid by any person under the licensing provisions hereof. (Ord. 1575; Code 1991, 11-302; Code 2010)
- 12-303. ILLEGAL FISHING AND BAITING PROHIBITED. Fishing with seine, trammel net or any other type of net device, trotline, bank line, hand fishing or "noodling" or any other type of fishing other than with a pole and line shall be illegal. It shall be unlawful for any person to throw any surplus minnows or other bait, trash, dead fish, garbage or excretion into the lake or upon the lake property and the baiting of fishing holes is specifically prohibited. (Ord. 1575; Code 1991, 11-303)
- 12-304. HOURS FISHING PERMITTED. Lake Augusta shall be opened for fishing at all reasonable times, except that the park board, in its discretion, may from time to time during the year establish closing hours when the lake or any portion thereof shall be closed for fishing by posting notice at the entrance to Lake Augusta of such closing hours, and it shall be unlawful for any person to fish in the lake during such posted closing hours. (Ord. 1575; Code 1991, 11-304)
- 12-305. BOATS; PERMITTED, RESTRICTIONS. All boats of any type or nature shall be permitted on Lake Augusta-Garvin Park except that sailboats shall not exceed 16 feet in length and powered boats of any type shall not have on board a motor or means of propulsion greater than 10 horsepower. All rubber rafts, houseboats or other boats with toilet facilities shall be prohibited. Such boating privileges shall be confined to the citizens of the City of Augusta and Augusta township. (Ord. 1575; Ord. 1597, Sec. 1; Code 1991, 11-305)
- 12-306. MINORS IN BOATS ON LAKE AUGUSTA-GARVIN PARK; RESTRICTIONS. No minor under the age of 16 years shall be permitted to occupy any boat on the lake unless accompanied by an adult person 18 years of age or older. (Ord. 1791, Sec. 1; Code 2010)
- 12-307. BOAT DOCKS PROHIBITED. Nothing herein shall be construed as permitting the construction or installation of any temporary or permanent docking facilities on Lake Augusta, and any person launching a boat from a boat trailer

shall immediately upon the launching of the same remove the boat trailer beyond the waterline of the lake. (Ord. 1575; Code 1991, 11-307)

- 12-308. **BOATS LEFT UNACCOMPANIED PROHIBITED.** Any person removing a boat from the lake shall not leave the same on the lake or park property unless the same is accompanied by an adult person. (Ord. 1575; Code 1991, 11-308)
- 12-309. **HOURS OF BOATING.** Boating shall be permitted at all times except when the park board, in its discretion, has posted closing hours for fishing on all or any portion of the lake or when the park board shall deem boating to be dangerous for any reason whatsoever; provided, that sailboats shall be permitted only between the hours of dawn and dusk. (Ord. 1575; Code 1991, 11-309)
- 12-310. **BOATING LICENSES.** It shall be unlawful for any person to boat upon Lake Augusta without first having obtained a license in the manner hereinafter prescribed from the city. Prior to the issuance of such license the person issuing such shall receive an application containing information as may be required from time to time. The annual fees for licensing a boat shall be established by resolution of the governing body. (Ord. 1575; Code 1991, 11-310; Code 2010)
- 12-311. **SPEED LIMIT FOR BOATS.** It shall be unlawful for any person to operate any power boat at any time in a speed in excess of five miles per hour. (Ord. 1575; Code 1991, 11-311)
- 12-312. **BOATING; LIMITED AREA OF OPERATION.** No boat shall be operated at any time any closer than 150 feet from the dam and spillway. (Ord. 1575; Code 1991, 11-312)
- 12-313. **BOATS; LAUNCHING LIMITATIONS.** No boat shall be launched from any point, in any case, closer than 300 feet from any residence and, in the event that the park board shall designate a launch point no boat shall launched at any place other than at such point or points. (Ord. 1575; Code 1991, 11-313)
- 12-314. **PROHIBITION OF BOATING PRIVILEGES; NON-ASSIGNABILITY OF LICENSES.** Nothing herein shall be construed as permitting licenses issued hereunder to be assigned to any person or to any boat other than the persons or boats licensed and nothing herein shall be construed as preventing the city from prohibiting, limiting or curtailing any and all boating operations without being obligated to furnish any refund on any license fee; provided, that such prohibitions, limitations or curtailment is made for the purpose of protecting the public's health, safety or welfare. (Ord. 1575; Code 1991, 11-314)
- 12-315. **WADING AND SWIMMING PROHIBITED; EXCEPTION.** It shall be unlawful for any person to swim, wade or hunt or discharge firearms or to engage in camping on or about Lake Augusta-Garvin Park; provided, that any person over 16 years of age may wade in the lake for the sole and only purpose of recovering fishing equipment lost or snagged in the lake. (Ord. 1575; Code 1991, 11-315)

12-316. REVOCAION OF LICENSES. Any public safety officer, caretaker or any other person authorized by the city to enforce this article shall have the power to revoke any license issued hereunder or to exclude or reject any person from the premises when such person or holder of license in the sound discretion of the safety officer, caretaker or other authorized person is found to be violating any section of this article and such person or holder of license shall not be entitled to re-enter the park except with the consent of a majority of the governing body. (Ord. 1575; Code 1991, 11-316)

12-317 BEING ON THE LAKES WHEN FROZEN OR THROWING OBJECTS UPON THE LAKES WHEN FROZEN PROHIBITED. It shall be unlawful for any person to be upon the surface of Lake Augusta-Garvin Park or Santa Fe Lake, when the surface is frozen, partially or completely, or appears to be frozen, whether on foot or using a devise to move across the surface of the lake. Further, it shall be unlawful to throw, cast upon or propel any object upon the surface of the lake when the surface is frozen or appears to be frozen. (Ord. 1996; Code 2010)

ARTICLE 4. CITY SWIMMING POOL

12-401. CITY SWIMMING POOL. The area commonly referred to as the city swimming pool and all surrounding land is hereby declared to be a part of the park system of the city. (Ord. 1575; Code 1991, 11-401)

12-402. CITY SWIMMING POOL REGULATIONS. The park board shall adopt and amend annually the rules and regulations for the operation of the city swimming pool. Such rules and regulations shall be reduced to writing and no less than three copies shall be on file with the city clerk for inspection by the public at all reasonable hours. A copy of such rules and regulations shall also be kept by the manager of the city swimming pool. (Ord. 1575; Code 1991, 11-402)

ARTICLE 5. ELMWOOD CEMETERY

- 12-501. **NAME OF CEMETERY.** The cemetery heretofore acquired by the city and named "Elmwood Cemetery" shall be hereinafter referred to this article as the cemetery. (Code 1975, 6-101; Code 1991, 11-501)
- 12-502. **CITY MANAGER'S DUTIES; APPOINT SEXTON.** The city manager may appoint a sexton and have duties as follows:
 (a) The city manager shall cause the cemetery rules and regulations as fixed by the governing body to be observed and fully complied with by his or her subordinates and owners of cemetery lots.
 (b) The city manager may appoint a suitable and competent person to act as sexton of the cemetery, and to have immediate care of cemetery grounds and lots. The city manager may also employ such other persons as may be necessary for the proper care, maintenance and operation of the cemetery.
(Code 1975, 6-102; Code 1991, 11-502)
- 12-503. **SEXTON; DUTIES.** The sexton shall have the custody and care of all personal property of the city in or about the cemetery. He or she shall cause all persons within the cemetery to observe the rules and regulations pertaining to conduct therein and the care and adornment of cemetery lots. He or she and/or any assistant(s) shall make such reports of any burials as may be required. (Code 1975, 6-103; Code 1991, 11-503)
- 12-504. **CITY CLERK'S DUTIES.** The city clerk shall have the custody and keeping of the original and official cemetery records of lots, conveyances, owners and interments in the cemetery and shall keep an official plat of the cemetery in his or her office. He or she shall collect and account for cemetery funds from the sale of lots or received from other sources and shall issue all cemetery deeds and permits as authorized by law or ordinance. (Code 1975, 6-104; Code 1991, 11-504)
- 12-505. **PLAT.** The plat of Elmwood Cemetery shall be kept on file in the office of the city clerk and the same is hereby accepted and approved. The sale price of all unsold lots or parts thereof as the same shall be fixed by the governing body shall be plainly marked on the plat and the same shall at all times during office hours be subject to inspection by the public upon request therefore. (Code 1975, 6-201; Code 1991, 11-505)
- 12-506. **RULES AND REGULATIONS ADOPTED.** The rules and regulations hereinafter set forth are hereby adopted and established as the rules regulating, governing and protecting Elmwood Cemetery (including both the old and the new sections), and the grounds thereof, and the owners of the lots therein, visitors thereof, and regulating the enclosing, adorning and erecting of monuments and tombstones on cemetery lots, and the improvements on the grounds of the cemetery. (Code 1975, 6-202; Code 1991, 11-506)
- 12-507. **LOTS HELD SUBJECT TO RULES.** All lots in Elmwood Cemetery or additions thereto shall be held subject to the rules and regulations of the governing body herein set forth, or such as may hereafter, from time to time, be adopted by

the governing body for the government and regulation of the cemetery, and grounds thereof, and such lots shall not be used for any purpose other than as the burial place of the human dead. (Code 1975, 6-203; Code 1991, 11-507)

12-508. TRANSFER OF LOTS. Proprietors holding deeds for lots in Elmwood Cemetery shall not allow interments on their lots for a remuneration or pecuniary consideration, nor shall any transfer of any lot or interest therein be valid without executing a written conveyance thereof on forms supplied by the city clerk who shall enter the same on records of his or her office. (Code 1975, 6-105; Code 1991, 11-508)

12-509. BURIAL PERMITS. No interment or burial shall be made in Elmwood Cemetery or any other cemetery grounds of the city without a burial permit therefore, issued by the local registrar of vital statistics as provided by law. The sexton shall not inter or permit the interment of any dead body unless it be accompanied by a permit as required by law. He or she shall make the return of such permit to the local registrar and shall keep a cemetery record of all interments as required by law. (Code 1975, 6-206; Code 1991, 11-509)

12-510. BURIAL. When a lot is held jointly, a permit for interment may be granted to either owner of his or her heirs. One full burial, two cremations, or one full burial and one cremation may be made in each grave space. (Code 1975, 6-208; Code 1991, 11-510; Code 2010)

12-511. SUPERVISION BY SEXTON. All workmen employed by lot owners in the construction of structures, erection of monuments and in performance of all other work, shall be subject to the control of the sexton, and on refusal of such person or persons to be thus controlled, or comply with the rules, he, she or they so refusing or failing so to do shall not be permitted by the sexton to work within the grounds of the cemetery. (Code 1975, 6-209; Code 1991, 11-511)

12-512. TREES, SHRUBS, FENCES. No lot or parcel of ground in the cemetery shall be defined by any fence, railing, coping, embankment or ditch. No trees, shrubbery or plants shall be planted or permitted to grow upon any lots in the cemetery, and no structure, rock work or other architectural object shall be permitted on any lot or parcel of ground in the cemetery, except as authorized and approved by the city manager. In case of violation of this rule, the sexton under the direction of the city manager shall have the right to enter upon the lot or ground and remove or cause to be removed the violation. (Code 1975, 6-210; Code 1991, 11-512)

12-513. MONUMENTS. No monuments or other structures shall be placed upon any lot until a design of the same, with specifications, has been submitted to and accepted by the sexton, and the location thereof on the lot approved by him or her. Only one monument will be permitted on a platted lot, where full lots only are sold, or half lots, where lots are divided, placed at the head of the graves in line with the monuments on other neighboring lots. (Code 1975, 6-211; Code 1991, 11-513)

- 12-514. MONUMENTS AND MARKERS. Stones marking individual graves on lots where there is a large monument, must be made of marble, granite or some other permanent material approved by the sexton, and shall have the outer surface set in line with the markers on other graves and only one marker shall be permitted on any grave. (Code 1975, 6-212; Code 1991, 11-514)
- 12-515. WOODEN MARKERS PROHIBITED. Wooden markers of every description are prohibited. (Code 1975, 6-213; Code 1991, 11-515)
- 12-516. MOUNDS. Mounds over graves shall not exceed four inches in height when thoroughly settled. (Code 1975, 6-214; Code 1991, 11-516)
- 12-517. FOUNDATIONS. All foundations of monuments, headstones, etc., placed in the cemetery shall be constructed in a substantial manner approved by the city under the direction and supervision of the sexton. (Code 1975, 6-215; Code 1991, 11-517)
- 12-518. ADVERTISING PROHIBITED. No advertisement in any form will be permitted in the cemetery. (Code 1975, 6-216; Code 1991, 11-518)
- 12-519. PROCESSIONS. On entering, and while within the cemetery, funeral processions will be entirely under the control and direction of the sexton or his or her assistant(s). It shall be unlawful to drive a motor vehicle within the cemetery except upon the streets or roadways therein. (Code 1975, 6-217; Code 1991, 11-519)
- 12-520. BURIAL ON SUNDAY PROHIBITED; EXCEPTIONS. The city clerk shall issue no permit for a burial or interment in Elmwood Cemetery or in the mausoleum to be held on the first day of the week commonly termed Sunday, except in cases of extreme hardship, and then only with the approval of the city manager. (Code 1975, 6-218; Code 1991, 11-520)
- 12-521. DEFACING IMPROVEMENTS. Any person or persons digging, removing or carrying away any earth, sod, flower, shrub or ornament of any kind whatsoever from the cemetery or any cemetery over which the city has jurisdiction, without the consent of the sexton or any person who shall intentionally, carelessly, wantonly or maliciously deface, injure or destroy any monument, urn, ornament, tree, shrubbery or flower in any cemetery over which the city shall have jurisdiction shall be deemed guilty of a code violation. (Code 1975, 6-220; Code 1991, 11-521)
- 12-522. VEHICLES; SPEED LIMITS; FIREARMS; FIREWORKS; PROHIBITED. All persons are hereby forbidden to ride or drive in the cemetery grounds or avenues thereof, faster than 15 miles per hour, and no picnic or party with refreshments, or persons with firearms or fireworks shall be permitted to enter the cemetery or the grounds thereof except that firing squads will be permitted in the cemetery on ceremonial functions. (Code 1975, 6-221; Code 1991, 11-522)
- 12-523. BURIAL. The city manager is hereby authorized to contract for the opening of graves within the cemetery. All graves will be opened in accordance with

specifications set by law and as directed by the sexton. Payment for the opening of any grave shall be paid to the city clerk prior to the grave being opened and the fee shall be credited to the general operating fund of the city and be used for the payment of the grave opening contract. (Code 1975, 6-222; Code 1991, 11-523)

12-524. MAINTENANCE; REGULAR CARE. General maintenance of all lots in the municipal cemeteries, at no cost to the lot owners, shall be known as regular care and shall include the maintenance of a reasonable stand of grass, raking and cleaning, filling settled graves and reasonable attention to any planting thereon which are in accordance with the rules and regulations governing the cemetery. (Code 1975, 6-223; Code 1991, 11-524)

12-525. MAINTENANCE; SPECIAL LOT CARE. When a lot holder deems the regular care of a lot in the municipal cemeteries is not sufficient to gratify his or her wishes, he or she may order such improvements and care as he or she desires, so long as it conforms with the rules and regulations governing municipal cemeteries. Such care and improvements shall be known as special lot care and arrangements therefor shall be made by agreement with the sexton. Special fees paid therefor shall be paid to the city clerk and credited to the general operating fund of the city. (Code 1975, 6-225; Code 1991, 11-525)

12-526. TIMES AVAILABLE TO THE PUBLIC. All areas under the ownership or control of the city used as a cemetery shall be opened to the general public for the hours of the day from dawn until dusk and no person shall be upon any of the premises included within such areas during the prohibited periods except in the lawful exercise of duties to be discharged on behalf of the city. (Code 1975, 6-226; Code 1991, 11-526)

12-527. PROHIBITED USES. During the permitted hours as set forth in section 12-526 of this article, the cemetery properties shall be used only for the purposes of burial and matters in direct relation thereto and such areas shall not be used for any other purpose, including but not limited to recreational activities or any other group functions except gatherings for the purposes of memorials and other activities to pay respect to the dead. (Code 1975, 6-227; Code 1991, 11-527)

12-528. MAUSOLEUMS; RULES AND REGULATIONS ADOPTED. The rules and regulations as hereinafter set forth are hereby adopted for the management, regulation and control of mausoleums in Elmwood Cemetery. (Code 1975, 6-301; Code 1991, 11-528)

12-529. SAME; TRANSFER OF CRYPTS. The crypts in the mausoleum shall only be transferred and conveyed in the same manner as cemetery lots are transferred and conveyed. (Code 1975, 6-302; Code 1991, 11-529)

12-530. SAME; RECORD. The city clerk shall provide a record book in which shall be kept in a proper, accurate and definite form the names of all crypt owners, description of crypts, and upon which shall be entered from time to time any transfer or conveyance of such crypts, which shall include a description of the crypt or crypts, the names of the owner or owners, the date on which any

certificate is surrendered for cancellation and the date, number of the new certificate issued, together with the name of the prior owner, the name of the new owner, and a description of the crypt or crypts so conveyed, together with the address of the new owner thereof. All certificates surrendered shall be stamped or marked canceled by the city clerk and preserved in the files of his or her office. (Code 1975, 6-303; Code 1991, 11-530)

12-531. SAME; EMBALMING. All bodies must be properly embalmed before interment in any crypt. (Code 1975, 6-304; Code 1991, 11-531)

12-532. SAME; RIGHT TO INTER. Interment of any bodies is hereby prohibited except upon the written order from the owner or owners of the crypt or his, her or their proper representatives duly authorized in writing. (Code 1975, 6-305; Code 1991, 11-532)

12-533. SAME; CERTIFICATE OF DEATH. Proper certificates of death and burial permits must accompany all bodies before the interment takes place. (Code 1975, 6-306; Code 1991, 11-533)

12-534. SAME; OPENING AND CLOSING OF CRYPTS. All crypts will be opened and closed only by the sexton of the cemetery or authorized representatives. (Code 1975, 6-307; Code 1991, 11-534)

12-535. SAME; NUMBER OF BODIES. Not more than one body may be interred or deposited in any crypt except in the case of a mother and one or more infants born at the time of her death, which may be placed in the same casket; or where bodies are disinterred, and in that event not more than three may be placed in the same crypt. Before any such interment as in this regulation provided, the name or names of the bodies must be furnished in writing to the city clerk. (Code 1975, 6-308; Code 1991, 11-535)

12-536. SAME; FLOWERS. Flowers, wreaths or other designs will be removed by the sexton immediately following the funeral to prevent staining the marble and to keep the mausoleums in a sanitary condition. The family or relatives of the deceased may remove or arrange for the removal of the flowers immediately after the funeral if they so desire. (Code 1975, 6-309; Code 1991, 11-536)

12-537. SAME; VASES. All vases left in the mausoleums will be at the risk of the owner and may be removed in the discretion of the sexton. No person shall be permitted to place in or about the crypt or crypts any cans or any unsightly receptacles or anything unsightly before any crypt in the mausoleums. (Code 1976, 6-310; Code 1991, 11-537)

12-538. SAME; CHAIRS. Neither chairs nor settees shall be permitted or allowed in the corridors except during funeral services. (Code 1975, 6-311; Code 1991, 11-538)

12-539. SAME; TIMES AVAILABLE TO THE PUBLIC. All areas under the ownership or control of the city which are used as mausoleum shall be opened to the general

public for the hours of the day from dawn until dusk and no person shall be upon any of the premises included within such areas during the prohibited periods except in the lawful exercise of duties to be discharged on behalf of the city. (Code 1975, 6-313; Code 1991, 11-539)

- 12-540. SAME; PROHIBITED USES. During the permitted hours, as set forth in section 12-539 of this article, the mausoleum properties shall be used only for the purposes of burial and matters in direct relation thereto and such areas shall not be used for any other purpose, including but not limited to recreational activities or any other group functions except gatherings for the purposes of memorials and other activities to pay respect to the dead. (Code 1975, 6-314; Code 1991, 11-540)
- 12-541. PRICE OF GRAVE SPACES. Grave spaces for burial located in the Augusta Cemetery and all additions and extensions thereto shall be sold for such prices as may, from time to time, be established by Resolution of the Governing Body of the City of Augusta, Kansas. Grave spaces may be sold individually or in such numbers as are available collectively. (Ord. 1827, Sec. 1; Code 2010)
- 12-542. DISBURSEMENT OF FUNDS. All funds derived from the sale of grave spaces in the City Cemetery of the City of Augusta, Kansas which exceed the sum of \$100.00 shall be placed in the Endowment Fund for the City Cemetery. The remaining sum shall be placed in the general operating fund of the City for use in the maintenance and upkeep of the City Cemetery and its additions and extensions. (Ord. 1827, Sec. 2; Code 2010)
- 12-543. FEES FOR OPENING AND CLOSING GRAVES. The charges and fees for opening and closing a grave site, shall be established, from time to time, by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 3; Code 2010)
- 12-544. REQUIREMENTS FOR VAULTS OR CASKETS. No burial shall be performed in the City Cemetery of the City of Augusta, Kansas with a wooden vault or casket enclosure or any enclosure of any material which is likely to deteriorate or cause the grave to collapse. (Ord. 1827, Sec. 4; Code 2010)
- 12-545. FLOWERS AND ADORNMENTS. Fresh cut flowers may be placed on or adjacent to graves at any time. Artificial flowers, not in a permanent floral container, may be placed on or adjacent to graves only during the period from November 1 to the following March 1 and for a period of three (3) days prior to any Memorial Day and including ten (10) days following such Memorial Day. March 1 to November 1 is mowing season and any grave left unattended for a period of thirty (30) days will be maintained to cemetery specifications. At other times artificial flowers may be placed on and adjacent to graves if placed in an approved permanent floral display container. No glass object of any nature shall be placed on graves at any time. The sexton shall be authorized to cause removal and disposal of items not previously permitted or in conformity herewith and is further authorized to cause the removal and disposal of any wilted cut flowers and any artificial flowers which have become broken, faded or otherwise dilapidated in

order to prevent the littering of the cemetery grounds. (Ord. 1827, Sec. 5; Code 2010)

- 12-546. **STONES, MARKERS, FLORAL DISPLAY FIXTURES AND CONTAINERS.** Owners of lots and grave sites may at their own expense, erect grave markers, stones, monuments and permanent floral display fixtures, containers or urns provided such are set in a foundation or footing of concrete in a good workmanlike manner, so as to assure permanence of location and position. Monuments commonly known as Above Ground Vaults are strictly prohibited from being placed in the cemetery. Further such owner, heirs and assigns, shall maintain the same in good repair at their own expense. Further the same shall not be offensive in nature or such that would detract from the dignity of a place of burial or as would constitute a hazard to cemetery personnel or the public. In the event such items fall into disrepair or become damaged beyond repair the sexton shall be authorized to cause their removal. Such removal shall be the responsibility of the owner within ten (10) days after notification by the sexton. If, however, the sexton is unable to locate the owner or the owner fails to respond to such notice the sexton may proceed with such removal. (Ord. 1827, Sec. 6; Code 2010)
- 12-547. **CHARGES FOR SEALING CRYPT.** The charges and fees for sealing a crypt shall be established, from time to time, by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 7; Code 2010)
- 12-548. **MONUMENT PERMIT.** Monument Permits shall be issued by the City Clerk for the setting, placing or installing of any monument, headstone or other approved marker. The charges and fees for issuing a Monument License and the penalty for violating this section shall be established, from time to time, by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1827, Sec. 8; Code 2010)
- 12-549. **ACTS PROHIBITED.** No headstones, monuments or other markers of any type or nature shall be set, placed or installed upon any grave in the cemetery of the city without having first obtained a permit. (Ord. 1307, Sec. 1; Code 1991, 11-558)
- 12-550. **LICENSES.** Licenses shall be issued by the city clerk of the setting, placing or installing of any monument, headstone or other marker by a fee established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas. (Ord. 1307, Sec. 2; Code 1991, 11-559; Code 2010)
- 12-551. **CONDITION PRECEDENT TO ISSUANCE OF A LICENSE.** Any person applying for a license, as herein provided, shall indicate the type of material to be used and method of installation, placing or setting of such monument, headstone or other marker which shall be in writing and delivered to the city clerk. Such license shall not be issued unless the method set forth in the application shall comply with the rules and regulations of the city to be promulgated, from time to time, by the city manager. If the method to be used shall be acceptable, then such license shall be issued forthwith. (Ord. 1307, Sec. 3; Code 1991, 11-560)

- 12-552. INSPECTING AND COMPLIANCE WITH APPLICATION. During the installation, setting or placing of such monument, headstone or other marker the same shall be subject to inspection by the sexton of the city and the sexton shall have the right to require compliance with the method outlined in the application. (Ord. 1307, Sec. 4; Code 1991, 11-561)
- 12-553. REMOVAL OF HEADSTONE, MONUMENT OR OTHER MARKER. In the event that the headstone, monument or other marker shall to be placed, set or installed as approved upon the issuance of a license, then the city shall notify the person procuring the license to have the same reinstalled, reset or replaced and if the same shall not be so accomplished within a period of 30 days then the city shall have the right to remove such marker, headstone or monument and dispose of it without liability unto the licensee. (Ord. 1307, Sec. 5; Code 1991, 11-562)
- 12-554. ENDOWMENT FUND; CREATION. There shall be established a cemetery endowment fund for the purpose of caring for the Elmwood Cemetery which shall be held by the city clerk. (Ord. 1398, Sec. 1; Code 1991, 11-563)
- 12-555. SAME; CONTRIBUTIONS. The source of funds for the cemetery endowment fund shall be voluntary contributions from any person, proceeds from the sale of grave spaces and burial permits and the city clerk shall be authorized to receive such monies and place the same in the fund to be administered by law. (Ord. 1398, Sec. 2; Code 1991, 11-564)
- 12-556. SAME; INVESTMENT. All monies coming into the endowment fund shall be invested as provided in K.S.A. 12-1410 as the same may be amended from time to time hereafter. The investments to be made, within the limits aforesaid, shall be determined by a committee composed of the mayor, city manager and city clerk. (Ord. 1398, Sec. 3; Code 1991, 11-565)
- 12-557. SAME; BOND OF CITY CLERK. The city clerk shall include in his or her bond for faithful performance double the amount of the endowment fund on hand when he or she shall take his or her official oath of office and such bond may be combined with any other bond given by the city clerk or may be a bond for the purpose of the endowment fund singly. (Ord. 1398, Sec. 5; Code 1991, 11-566)