

## CHAPTER XII. PUBLIC PROPERTY

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### ARTICLE 1. CITY PARKS

- 12-101. CITY LAWS EXTENDED TO PARK. The laws of the city shall extend to and cover all city parks. (Code 1988)
- 12-102. POLICE JURISDICTION OVER PARKS. The city shall have police regulations governing any public parks belonging to the city and the chief of police and law enforcement officers of the city shall have full power to enforce city laws governing city parks and shall maintain order therein. (Code 1988)
- 12-103. DAMAGING PARK PROPERTY. It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree or improvement or property of any kind belonging to any park owned by the city. (Code 1988)
- 12-104. VEHICLE REGULATIONS. (a) Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways and motorbikes, go-carts, snowmobiles and other motorized off-the-road vehicles shall be operated in a safe and prudent manner at all times in park areas.
- (b) Except as provided in subsection (d), it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.
- (c) Except as provided in subsection (d), it shall be unlawful for any person to operate any motor vehicle within any city park except upon roads, drives and parking areas established by the city.
- (d) Subsections (b) and (c) above shall not apply to authorized city employees while engaged in the maintenance and care of the park.
- (e) It shall be unlawful to operate any such vehicle in any park area at a speed in excess of 20 m.p.h. (Code 1988)
- 12-105. HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park. (Code 1988)
- 12-106. FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after use thereof. (Code 1988)

- 12-107.           SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. (Code 1988)
- 12-108.           PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city any alcoholic liquor or cereal malt beverage unless expressly permitted by the governing body. (Code 2014)
- 12-109.           PRESERVATION OF NATURAL STATE. It shall be unlawful for any person, except duly authorized city employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks. (Code 1988)
- 12-110.           GENERAL REGULATIONS. The city may post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall constitute a violation of this code. (Code 1988)

## ARTICLE 2. CITY LIBRARY

- 12-201. PUBLIC LIBRARY ESTABLISHED. The library of the city shall be known as "Lincoln Carnegie Library." (Code 1988)
- 12-202. CORPORATE STATUS OF BOARD; POWERS. The library board shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes, under the name and style of "The Board of Directors of the Lincoln Center Public Library" and under such name may contract, sue and be sued and acquire, hold and convey real and personal property in accordance with the law. The acquisition or disposition of real property shall be subject to the approval of the governing body. (K.S.A. 12-1223; Code 1988)
- 12-203. LIBRARY BOARD; APPOINTMENT; TERMS; ELIGIBILITY; VACANCIES; EXPENSES. The library board shall consist of seven members who shall be appointed by the mayor with the approval of the council. Members shall be appointed for four year terms expiring on successive years on April 30. Two members shall be appointed each year except that every fourth year only one member shall be appointed. In addition to the appointment of each member of the board, the mayor of the city shall be ex officio a member of the library board with the same powers as appointed members; but no person holding any office in the city shall be appointed a member while holding such office. All members appointed to the library board shall be residents of the city. Vacancies occasioned by removal from the city, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two consecutive four year terms to the library board shall be eligible for further appointment to such board until two years after the expiration of the second term. Members of the library board shall receive no compensation for their services as such but shall be allowed their actual necessary expenses in attending meetings and in carrying out their duties as members. (K.S.A. 12-1222; Code 1988)
- 12-204. OFFICERS OF BOARD; MEETING; NOTICE. The members of the library board shall at the first regular meeting in May of each year, meet and organize by the election of a chairperson, a secretary, a treasurer, and such other officers as they may deem necessary. The board shall fix the date and place of its regular meeting and special meetings may be called by the chairperson or upon written request of a majority of the members. Written notice, stating the time and place of any special meeting and the purpose for which called, shall unless waived, be given each member of the board at least two days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such meeting. (K.S.A. 12-1224; Code 1988)
- 12-205. POWERS; DUTIES OF BOARD. The Library board shall have the following powers and duties:
- (a) To make and adopt rules and regulations for the administration of the library;
  - (b) With the approval of the governing body of the city, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library;
  - (c) To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the board for the maintenance and extension of modern library service;

(d) To employ a librarian and such other employees as the board shall deem necessary and remove them and to fix their compensation;

(e) To establish and maintain a library or libraries and traveling library service within the city or within any other city with which service contract arrangements have been made;

(f) To contract with the other libraries established under the provisions of this act or with the governing body of a city not maintaining a public library for the furnishing of library service to the inhabitants of such city to the extent and upon such terms as may be agreed upon, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library.

(g) To receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service.

(h) To receive and accept with any gift or donation to the library and administer the same in accordance with any provisions thereof;

(i) To make annual reports to the state librarian and the governing body of the city on or before January 31<sup>st</sup> of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to the library materials acquired and on hand, number of library users, library services available, and other information of general interest as the governing body may require;

(j) As to money received from sources other than a tax levy for library purposes, in its discretion, to place such money in a separate fund or funds, or to place the money in the fund to which the tax levy money is credited unless the grantor or donor shall direct how and for what purposes the money shall be handled and spent. (K.S.A. 12-1225; Code 1988)

12-206.           TREASURER OF BOARD; BOND; DUTIES. The treasurer of the library board shall give bond in the amount prescribed by the governing body for the safekeeping and due disbursement of all funds that may come into his or her hands as such treasurer. The bond shall be filed with the city clerk. Except where otherwise provided by law, the treasurer of the city shall pay over to the treasurer of the library board all funds collected for the maintenance of the library, and the treasurer of the library board shall pay out the funds on orders of the board signed by the secretary and chairperson thereof. Such treasurer shall keep an accurate record of all moneys received and disbursed by him or her and make a report thereof to the library board monthly or as often as the board requires. (K.S.A. 12-1226; Code 1988)

12-207.           USE OF LIBRARY; RULES, REGULATIONS. The city library shall be free to the use of inhabitants of the city, subject always to reasonable rules and regulations as the library board may adopt, and the board may exclude from the use of the library any and all persons who shall willfully violate such rules. The library board may extend the use and privilege of the library to nonresidents of the city and may make exchanges of books with any other library upon such terms and conditions as the board may from time to time by its regulations prescribe. (K.S.A. 12-1227; Code 1988)

12-208.           TRESPASS; DAMAGE TO LIBRARY PROPERTY. It shall be unlawful for any person to willfully injure or damage any building owned or occupied by the city library or to injure or fail to return any book or other library material belonging to the library. (K.S.A. 12-1228; Code 1988)

12-209.

REMOVAL OF LIBRARY PROPERTY. It shall be unlawful for any person to take from the library or any premises thereof any book, map, plat, chart, picture or other personal property belonging to or under control of the library except with the permission of the librarian or person or persons in charge thereof, and in compliance with the rules of the library or to retain such book, map, plat, chart or other personal property in his or her possession or keep the same out of the library for a longer period of time than that designated on each book or date card.  
(K.S.A. 12-1228; Code 1988)

### **ARTICLE 3. CITY SWIMMING POOL**

- 12-301. ESTABLISHED. There is hereby established a swimming pool for the city to be known as the Lincoln Center Swimming Pool. (Code 1988)
- 12-302. POOL MANAGER. The mayor, by and with the consent of the governing body, shall hire a pool manager. The pool manager shall have general police supervision over the swimming pool and over all people attending the same. (Code 1988)
- 12-303. RULES, REGULATIONS; POSTING. The pool manager shall make and enforce such rules and regulations as may be necessary for the management and operation of the swimming pool. Copies of all rules shall be posted in conspicuous places about the swimming pool as may be determined by the pool manager. (Code 1988)

#### ARTICLE 4. CITY CEMETERY

- 12-401. NAME. The cemetery grounds shall be known as the Lincoln City Cemetery. The word "cemetery" as used in this chapter shall mean the Lincoln City Cemetery. (Ord. 602; Code 2014)
- 12-402. COMMITTEE OF COUNCIL MEMBERS. The general care and supervision of the cemetery shall be under the charge and control of a committee of three members of the city council who shall be appointed annually by the mayor. Such committee shall be subject to the control and direction of the mayor and council. (Ord. 602; Code 2014)
- 12-403. BURIAL AND DISINTERMENT PERMIT FEES. (a) It shall be unlawful for any person to inter or cause to be interred or to disinter or cause to be disinterred in Lincoln city cemetery any human body without having first obtained a burial or disinterment permit from the city clerk. The permit fee shall be the sum of \$25 for each burial or disinterment, \$20 of which shall be paid to the cemetery caretaker (sexton). (Ord. 680; Code 2014)
- 12-404. CITY CLERK: SALE OF BURIAL PLOTS. The city clerk shall be ex officio secretary of the Lincoln City Cemetery. All sales of burial plots shall be by the city clerk for cash in the amount of \$100 per burial plot. A burial plot as the same is designated herein shall be four and one-half (4 ½) feet by 10 (ten) feet in size which is the necessary space for the burial of one body. The city clerk shall collect all money arising from the sale of burial plots at the time of the sale and pay the same to the city treasurer as received, taking a receipt therefore. Before issuing burial or disinterment permits, the city clerk shall require such information as is required by the laws of Kansas and the ordinances, rules and regulations of the city. (Ord. 680; Code 2014)
- 12-405. DISTRIBUTION OF PROCEEDS FROM SALE OF LOTS. The proceeds in the amount of \$100 derived from the sale of each burial plot shall be distributed as follows: \$80 of the sum shall go into and become part of the general cemetery fund and the remaining \$20 of the sum shall be paid into a separate fund which shall be used to pay the cemetery caretaker. This remaining sum shall be included with burial, disinterment, cremated remains and gravestone fees collected by the city. (Ord. 680; Code 2014)
- 12-406. CEMETERY CARETAKER. The city shall hire a cemetery caretaker who will be responsible for the maintenance of the cemetery under the direction of the cemetery committee. The caretaker shall:
- (a) Be responsible for the excavation of all graves, the burying of the dead, and keep an exact record of the location of graves in the various lots in a book for that purpose, and not allow any burial without a permit for the same from the city clerk;
  - (b) Superintend the building of all foundations for vaults, tombs and monuments and see that all rules regulating such structures are enforced and set all landmarks and cornerstones of lots in their proper places;
  - (c) Maintain a burial plot directory and assist citizens requesting such assistance in finding burial plots;
  - (d) Stake locations for graves and stones;
  - (e) Supervise the showing and sale of lots and burial plots.
- (Ord. 602; Code 2014)

- 12-407.           **TRANSFER OF OWNERSHIP.** No person now owning or hereinafter owning a lot or part of a lot in the cemetery shall convey, transfer or devise the same to any other party or person without the written consent of the city being first obtained. Any such conveyance, transfer or devise without such written consent shall be void and of no effect. Where two or more persons own a lot or a part of a lot jointly, the cemetery committee, upon application in writing, may allow a transfer from any of the joint owners to another joint owner. Any heir receiving title to a lot by descent shall have the same rights to its use as the original owner of the lot. Any owner of a lot or part of a lot shall have the right to give permission by written order filed with the city clerk for the interment of the remains of others than his or her own immediate family in his or her lot or portion of a lot but not for money or other consideration or profit. (Ord. 602; Code 2014)
- 12-408.           **FENCES PROHIBITED.** No fence railing, stone or other coping shall be placed above the level of the ground around any lot, part of lot or grave. Only granite cornerstones may be used which must be set level with the surface of the ground. (Ord. 602; Code 2014)
- 12-409.           **GRAVESTONES; PERMIT REQUIRED.** It shall be unlawful for any person, firm or corporation to place, construct or set any grave marker or monument, or the foundation therefore, in the cemetery without first having obtained a foundation permit therefore from the city clerk. Such foundation must also be approved by the caretaker or cemetery committee before any monument or marker or other structure is placed thereon. The charge for such permit, which shall be paid before the permit is issued, shall be \$25 for any stone, \$20 of which shall be paid to the cemetery caretaker (sexton). (Ord. 680; Code 2014)
- 12-410.           **FOUNDATIONS FOR GRAVESTONES.** All foundations for monuments and markers must be four inches longer and four inches wider than the base of the monument or marker and shall be constructed of concrete in the mixture of one part of Portland cement to four parts of good, clean, sharp river sand, thoroughly mixed. The top four inches of the foundation must be constructed out of sand and cement in the proportions as stated above, with the top to be finished smoothly with a trowel. Form boards shall be used. All foundations shall be built no higher than the level of the ground on the high side. All memorials shall be set in the center of such foundations. All foundation work shall be done when the ground is free from frost and not during freezing weather. (Ord. 602; Code 2014)
- 12-411.           **MONUMENT SPECIFICATIONS.** All monuments and markers must be set inside the lot line and must be true to the line. They must also be level and plumb. If monuments or markers are not so placed, the cemetery committee shall have power to have such stones and work changed so as to conform to this regulation. The cost and expense thereof shall be charged to and collected from the dealer erecting the work. Any person, firm or corporation who fails, neglects or refuses to comply with this or any other provisions of this article may be refused permission by the cemetery committee to place any more work in the cemetery. Any person, firm or corporation failing or refusing to correct any defective work done by any such person, firm or corporation in the cemetery, or who shall refuse to pay the expenses incurred by the cemetery committee in correcting defective work, shall be prohibited from doing any work or placing any stones in the cemetery until all of the regulations of this article shall have been complied with and all expenses paid. (Ord. 602; Code 2014)



- 12-412. UNLOADING OF MONUMENTS; PROTECTION OF LOTS. All materials and monuments must be unloaded from the nearest street or alley and the lots properly planked and protected from all injury. All dirt and refuse of the job shall be immediately removed from the lot and the cemetery by the parties erecting any structure or memorial. (Ord. 602; Code 2014)
- 12-413. USE OF CEMETERY IN WET WEATHER; SPEED LIMITS. No heavy equipment will be allowed in the cemetery during wet weather, except for funeral purposes, and no vehicle shall exceed a speed of 15 miles per hour, nor shall any vehicle be driven in the cemetery except on the streets and alleys. (Ord. 602; Code 2014)
- 12-414. DESIGN; INSCRIPTIONS. No monument, vault, tomb, effigy or any structure whatever, nor any inscription thereon, which shall be determined by the cemetery committee to be improper, shall be placed in or upon any lot. (Ord. 602; Code 2014)
- 12-415. REMOVAL OF OLD STRUCTURES. If any vault, tomb, mausoleum, sarcophagus, columbarium or similar structure erected in and upon any lot shall become dilapidated or decayed, and the structure shall be determined by the cemetery committee to be offensive, dangerous or detrimental to the general appearance of the grounds, the caretaker shall have the right and it shall be his or her duty to cause such dilapidated structure to be removed. The bodies therein, if any, shall be interred on the lot and lot graded and improved to correspond with the surrounding grounds. Reasonable charges therefor may be assessed to the lot owner. (Ord. 602; Code 2014)
- 12-416. WORK SUSPENDED DURING BURIAL SERVICES. Workmen must suspend activities in the immediate vicinity of an interment until the conclusion of the service. (Ord. 602; Code 2014)
- 12-417. INTERMENT OF HUMAN BODIES ONLY; REGULATIONS. Only human bodies and the cremated remains of human bodies shall be interred in the cemetery. All bodies or cremated remains interred in the cemetery shall be enclosed in a container or casket and the top of such container must be at least three feet below the surface of the ground.  
No grave shall hereafter be covered with anything except marble or granite or dirt and sod. Funerals shall be so arranged as to give the caretaker sufficient time to close the grave before dark. (Ord. 602; Code 2014)
- 12-418. UNLAWFUL DEPOSITS; ADVERTISEMENTS. Paper boxes or withered flowers or other waste must not be deposited on the roadways, gutters, walks, or lots, but must be removed from the grounds or deposited in the receptacles provided for the purpose. Signs, notice or advertisements of contractors, stone cutters, funeral directors or any other persons will not be permitted on the cemetery grounds. (Ord. 602; Code 2014)
- 12-419. UNLAWFUL ACTS. It shall be unlawful for any person willfully to make any unnecessary noise or disturbance, or cut down, deface or injure any tomb, monument, fence, railing, tree, shrub or other property of the cemetery. (Ord. 602; Code 2014)

- 12-420. POLICE POWER EXTENDED OVER CEMETERY. The police power of the city is hereby extended to and over the cemetery. (Ord. 602; Code 2014)
- 12-421. RULES AND REGULATIONS. In all matters, except such as are herein specifically provided for, the cemetery shall be governed and controlled by rules and regulations made by the cemetery committee and approved by the mayor and council, which rules and regulations may be at any time changed, amended or repealed by a majority vote of the council and approval thereof by the mayor. (Ord. 602; Code 2014)
- 12-422. VIOLATIONS AND PENALTIES. Any person or persons who violate any of the provisions of this ordinance, or who violate any rules or regulations adopted in accordance with this ordinance, upon conviction thereof, shall be guilty of a misdemeanor and shall be fined an amount not less than \$25.00 not more than \$500.00 for each offense. (Ord. 602; Code 2014)