

## CHAPTER XII. PUBLIC PROPERTY

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### ARTICLE 1. MUNICIPAL AIRPORT

- 12-101. **DEFINITIONS.** For the purpose of this article the terms defined in this section shall have the meaning ascribed to them as follows:
- (a) Airport means Cimarron Municipal Airport operated by the City of Cimarron;
  - (b) City means City of Cimarron, Kansas;
  - (c) Fixed base commercial user means any individual or firm who operates any business on the municipal airport and who has a written lease agreement entered into with the city;
  - (d) Transient commercial user means any individual or firm who operates any business at any time, or for any length of time from, to or at the municipal airport and who has not entered into a written lease agreement with the city.
- (Ord. 739, Sec. 1)
- 12-102. **GENERAL AUTHORITY.** The city at all times has authority to take action as may be necessary to safeguard the public and attendance at the airport and to make and enforce such temporary rules and regulations in addition to those provided by ordinance as may be required in any situation. (Ord. 739, Sec. 2)
- 12-103. **POLICE POWERS.** The city extends all its police powers and ordinances pertaining thereto to and over the airport property and grounds to the same degree and with the same force and effect as if the airport were situated within the corporate limits of the city. (Ord. 739, Sec. 3)
- 12-104. **LICENSE FEE.** No person shall use the airport as a fixed base commercial user or a transient commercial user for carrying on activities involving commercial aviation, or the carrying of passengers, freight, express or mail, or for giving flight instructions or offering a flying school, or for operating an aerial agricultural spraying business without first securing a permit from the governing body of the city, which permit is to be issued only after payment of the following fees: The sum of \$250 will be assessed to any individual, firm or corporation engaged in aerial agricultural spraying whether or not the firm is a fixed base commercial user or a transient commercial user. The annual license fee shall be paid to the city on a calendar year basis regardless of the number of days when the permit is used in any given year. A new permit will be required in each calendar year. (Ord. 739, Sec. 4)

- 12-105. INTERFERENCE WITH AIRCRAFT OPERATIONS. No person shall raise, release, or cause to be raised or released any object or thing including but not limited to balloons, kites, rockets or model airplanes on or above the airport or within an area of the airport which in any manner might interfere with the safety of aircraft operations. (Ord. 739, Sec. 5)
- 12-106. FUEL REGULATION. No aviation fuel or other inflammable fuels shall be stored or transported anywhere on the airport by anyone without the written consent and approval of the city. The airport shall be served by one centrally located refueling station to refuel all locally based and transient aircraft. The airport owner shall reserve the exclusive right of operation of the refueling station, but may at its pleasure, lease or assign the management of the refueling station to an airport based business. (Ord. 739, Sec. 6)
- 12-107. AIRCRAFT SPACE CHARGES. (a) There shall be a monthly charge of \$5 per aircraft space for persons who have a written lease with the city for space for a hanger building to house aircraft. The number of aircraft space shall be as set in the written lease agreement with each lessee.
- (a) The monthly tie down charge of \$5 for a permanent based aircraft shall be charged for persons not having a written lease agreement with the city. Transient aircraft staying seven days or less will not be charged a tie down fee and will be charged only for services specifically requested and furnished by the city. Transient aircraft staying more than seven days shall pay the monthly tie-down fee.
- (Ord. 739, Sec. 7)
- 12-108. ASSUMPTION OF RISK. The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility of risk by the use thereof. The use of any of its facilities in any manner shall create an obligation on the part of the user thereof to be governed by the rules and regulations of the city and all applicable state and federal laws and regulations. (Ord. 739, Sec. 8)
- 12-109. BUILDING PERMITS. (a) All persons desiring to construct privately owned buildings on airport property must first secure a lease by negotiation with the governing body.
- (b) All persons with a lease agreement with the city for use of airport property must secure a building permit before construction of any structure on airport property. An application requesting permission shall state the size, location, purpose, approximate cost of construction and plans and specifications including construction materials and design with sufficient detail to enable the governing body to pass on the proposed structure.
- (a) All structures must be of materials and design to complement the appearance and to enhance the attractiveness of the airport before the permit to build shall be issued.
- (b) No building which has been damaged by fire, explosion, act of nature, or the public enemy, to the extent of more than 50 percent of its structural value shall be restored except in conformity with the regulations of this article. In the event there be question in regard to structural value, the same shall be determined by three appraisers, one of whom shall be selected by the governing body, one by the owner, and the third appraiser shall be selected by the two or so appointed. The decision by a majority of

the appraisers shall be final for the purpose of determining whether the damaged property may be restored. The cost of appraisal shall be paid by the property owner. (Ord. 739, Sec. 9)

12-110. **INSURANCE REQUIRED.** Owners of buildings on airport property shall maintain a liability policy for ground activities on the premises of the airport with a minimum coverage of \$100,000 for property damage and in addition agrees to indemnify and hold harmless the city for occurrences at the airport. (Ord. 739, Sec. 10)

12-111. **PENALTY.** Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding \$100 or committed to the city jail for any term not exceeding three months, or both such fine and imprisonment. Any person operating or handling any aircraft in violation of these rules, or refusing to comply therewith, may be promptly removed or ejected from the municipal airport by the law enforcement officer of the city, and upon the order of the governing body of the city, may be deprived of the further use of the airport and its facilities for such length of time as may be required to ensure the safeguarding of the airport and the public and its interest therein. (Ord. 739, Sec. 11)

## ARTICLE 2. PUBLIC LIBRARY

12-201. **LIBRARY EMPLOYEE BENEFITS CONTRIBUTION FUND.** (a) There is hereby created a special fund of the city entitled "Cimarron Library Employee Benefits Contribution Fund" for the purpose of paying the employer's share of employee benefits for employees of the Cimarron Library, exclusive of salaries, wages or other direct payment.

(b) Funding of the above fund may be from any source whatsoever which may be lawfully utilized and a tax may be levied annually upon all taxable tangible property within the municipality in an amount certified to the governing body of the municipality by the library board to be necessary for the purposes for which the fund was created and also an amount to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774 for the financing or redevelopment projects. The tax levied under this ordinance shall be exempt from the limitations imposed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto. (Ord. 806, Sec. 1:2)

## ARTICLE 3. CITY WATER TOWER

12-301. **PERMITS.** No person shall construct or install any material on the water tower of the city without first procuring a permit. Permits will be applied for on forms used for building permits. All applicable spaces must be filled in and each application shall state precisely how the installation will be made and who will install it, and the materials to be used. The application shall be filed with the city clerk who shall submit the application to the governing body for consideration. Permits will be granted by the governing

body only as space is available and only when the requested use will not interfere with prior permits. A height limitation and space slot shall be assigned each permittee. The city reserves the right to require city approved materials, installation and installers. No building permit fee will be required. (Ord. 758, Sec. 1)

12-302. TERMS OF USE. Each permittee must comply with the following regulations:

- (a) The permittee shall install its antenna at its own expense or shall reimburse the city if done at city expense;
- (b) The antenna are to installed and operated in compliance with all state and federal government regulations including but not limited to FCC and FAA regulations;
- (c) All radio and telephone and other operator licenses required will be maintained in good standing during the time permittee has an antenna on the city tower;
- (d) The permittee acknowledges that the antenna location is near the Cimarron airport and agrees to comply with airport regulations concerning use and installation of his or her equipment;
- (e) The permittee shall indemnify the city for any damages that its installation or antenna shall cause the city and does hereby agree that it will hold the city harmless and indemnify the city for any liability the city suffers because of its installation or use of the antenna or water tower;
- (f) The permit is personal between the permittee and the city and cannot be assigned or subcontracted in any manner without prior written permission of the city;
- (g) Only the antenna itself is to be mounted on any structure on the water tower. All transmitters and receivers must be mounted on the ground level.
- (h) Permittee's installation shall be such that its antenna or use will not interfere with any existing antenna use;
- (i) Antenna shall be limited to the height assigned in the permit and to an equivalent flat plate area of 4.7 square feet per antenna. All installations shall conform to the permit approved by the governing body.
- (j) Permittee shall pay \$20 per month rent for each month its antenna is attached to the water tower, rent to be paid one year in advance.
- (k) The city shall in no way be liable to permittee for any interruption of permittee's use, for property damage to permittee's property or for personal injury to permittee or his or her agents while on the water tower.

(Ord. 758, Sec. 2)

12-303. LENGTH OF USE. (a) Each permittee shall have its antenna installed within three months from the date of the permit or the permit shall lapse and be null and void and the city shall be free to contract the space to another party.

- (b) Use under one permit may be continued from month to month or for a period as shown in the permit. If the permit expires it must either be renewed as in section 12-301 or the permittee will have 30 days to remove its property from the city's property. If not removed after a permit expires, the city may either deem it abandoned and claim it or remove it and charge the permittee the expense of removal.
- (c) Failure to pay the yearly charge required in section 12-302(j) shall cause the permit to expire. When the payment is 30 days delinquent the city may take the steps of subsection (b) above, as with expiration of the permit at the end of its term.

- (d) The city reserves the right to terminate the permit upon 60 days notice with or without cause. The city further reserves the right to interrupt use or discontinue use at any time without notice for a reasonable purpose of need of the city for public health, safety, or general welfare.

(Ord. 758, Sec. 3)

12-304. GOVERNMENT USE. The government of Gray County, and the Gray County Sheriff's Department may each have an antenna on one pole at the water tower without charge. These two permittees, and any other governmental entity receiving a permit from the city, may be entitled to use of the antenna without the fee charge, depending on the terms as set by the governing body. Other provisions of this article shall be complied with by governmental entities, including Gray County and the Gray County Sheriff's Department. (Ord. 801, Sec. 2)

12-305. TRESPASS. Nothing in this article or in a permit authorized herein shall authorize permittees or their agents to enter onto the city property or water tower without prior knowledge and consent of city personnel. All installation repair, and review shall be done only with the specific oral permission of city personnel given the responsibility for the water tower for each time permittee will be on the water tower or its premises. (Ord. 758, Sec. 5)

12-306. PENALTY. Any person who shall violate the provisions of this article shall, upon conviction, be fined in a sum not exceeding \$100 and each day of violation shall constitute a separate offense. (Ord. 758, Sec. 6)

#### ARTICLE 4. RECREATION COMMISSION

12-401. RECREATION COMMISSION ESTABLISHED. There is hereby established the recreation commission of the city. (Code 1986)

12-402. AUTHORITY AND RESPONSIBILITY. The recreation commission shall cause to be inaugurated and conducted a recreation program in the city and shall be an advisory organization to supervise the recreation program and make recommendations to the council as to personnel and budgeting matters. (Code 1986)

12-403. APPOINTMENT; TERMS. Recreation commission shall consist of six members to be appointed as follows: The mayor shall appoint with the consent of the council, five members to be appointed from among the residents of the city to serve for a term of one year. A sixth member shall be chosen by the mayor with the approval of the council from those members that make up the five member city council in May of each year. It is suggested that the appointment of this sixth member of the committee be made in May at the same time that the mayor makes other city appointments and names committees. (Code 1986)

12-404. **TITLE ELECTION OF OFFICERS.** The members of the recreation commission shall annually elect one of its members to serve as the presiding officer to be known as the chairperson, one as vice-chairperson and one to serve as secretary of the recreation commission. All members and officers shall serve without pay; provided, that such officers shall be reimbursed for any expenditure made for the benefit of the recreation program if such expenditure is approved by the city council. (Code 1896)

12-405. **MEETINGS; RECORDS.** The members of the recreation commission shall meet regularly as determined by the membership. The regular meetings as determined by the recreation commission shall not require special notice. Special meetings may be called at any time by the chairperson or in his or her absence, by the vice-chairperson, in the event that notice is given to all members of the meeting. A majority of the meeting shall constitute a quorum for the transaction of business.

The commission shall cause a proper record to be kept of its proceedings and adopt suitable rules governing the conduct of the meetings. The meetings and records are subject to the state open meetings statutes and regulations. (Code 1986)

12-406. **EMPLOYMENT OF DIRECTOR AND OTHER PERSONNEL.** The recreation commission may seek applications from persons who desire to serve as recreation director for the city and may interview and do other procedures advisable in determining personnel recommendations to make to the city council. All employment of a director and other personnel for the recreation program shall be made by the city council after consideration of the recreation commission and upon its advice and recommendations. The city council may employ such personnel for such compensation as the council shall by motion determine. The recreation director shall report to the recreation commission which shall then send all reports and recommendations on the city council with any comments the commission wishes to make. (Code 1986)

12-407. **MONEY AND SEPARATE FUND; CITY TREASURER TO ACT AS TREASURER.** All money received from taxation, gift or otherwise for the use and benefit of the recreation program shall be kept by the city treasurer in a separate fund known and designated as the recreation fund and the city treasurer shall be treasurer of such fund. Gifts and donations to the city for the recreation program will be considered by the recreation commission and advice and suggestions given to the city council as to the use of these funds. (Code 1986)

12-408. **ANNUAL REPORT OF COMMISSION; PROPOSED BUDGET; REQUEST FOR TAX LEVY.** The recreation commission shall annually and not later than June 1, file with the city clerk the following report:

- (a) An annual report showing the activities and extent of the program conducted by the recreation commission during the preceding calendar year; and such report shall include a detailed statement of the amounts of all moneys received from every source and all property rights or privileges granted or extended for the use and benefit of the recreation program during the preceding year; and

- (b) A proposed budget of expenditures and anticipated costs for the operation, maintenance and improvement of the recreation program for the people of the city during the calendar year immediately following the report.
  - (c) Upon consideration by the city council of the preliminary budget, the recreation commission may formulate a final budget recommendation to file with the city clerk not later than July 1 of each year.
- (Code 1986)

12-409. CLAIMS AND DISBURSEMENTS. All claims or demands of every kind and nature against the moneys of the recreation fund shall be made upon a verified claim voucher signed by the claimant or on behalf of the claimant which shall be first presented to the recreation commission and if approved by such commission, shall be filed with the city clerk for approval by the city council and payment by the city treasurer out of the budget of the recreation program. (Code 1986)