

CHAPTER XII: PUBLIC PROPERTY

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ARTICLE 1: CITY PARKS

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' 12-101 CITY LAWS EXTENDED TO PARK.

The laws of the city shall extend to and cover all city parks.
(1997 Code, ' 12-101)

' 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.
(1997 Code, ' 12-102)

' 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.

(1997 Code, ' 12-103)

' 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 division (d) below, 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 division (d) below, 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) Divisions (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 mph.
(1997 Code, ' 12-105)

' 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.

(1997 Code, ' 12-106)

' 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.

(1997 Code, ' 12-107)

' 12-107 CAMPING PROHIBITED.

Overnight camping is hereby prohibited in city parks except where posted.

(1997 Code, ' 12-108)

' 12-108 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.

(1997 Code, ' 12-109)

' 12-109 PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES.

(a) No person shall possess or consume any alcoholic liquor or cereal malt beverage within the confines and boundaries of any municipal park within the city limits with the following exceptions where permitted:

(1) Drake Park; and

(2) Within the confines of the community buildings (Kelley Hall and 4-H Building) in Kelley Park when a \$15 alcohol permit and a \$100 refundable deposit have been issued upon renting of the building.

(Ord. 847, FEES adopted 1-18-2017)

(b) Violation of any provision of this section is a Class C misdemeanor punishable by fine of not more than \$500 or by imprisonment for not more than 30 days, or both.

(1997 Code, ' 12-110) (Ord. 826, adopted 3-5-2014)

' 12-110 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.

(1997 Code, ' 12-111)

' 12-111 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.

(1997 Code, ' 12-112)

' 12-112 TENNIS COURTS.

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(a) No person shall: ride, drive, skate, walk or running any wheeled conveyance on the surface of the tennis courts of the city; prohibited devices or means which are not to be utilized on such surfaces are inclusive of, but not limited to the following: bicycles, tricycles, roller skates, roller blades, inline skates, skateboards or any other means or mode of conveyance that causes injury, damage, marking or marring or discoloration to the surface of any tennis court located within the city parks of the city.

(b) Violation of this section shall be a Class C violation as defined in the Uniform Public Offense Code.

(1997 Code, ' 12-113) (Ord. 598, adopted 4-3-1996)

' 12-113 DISTURBING THE PEACE IN THE PARK.

It shall be unlawful to disturb others by throwing stones, clods or other materials, by interfering with the proper operation of play apparatus, or by any boisterous and disorderly conduct which tends to prevent the peaceful enjoyment of the parks or playgrounds.

(1997 Code, ' 12-114)

' 12-114 HANDBILLS, POSTERS AND THE LIKE.

No person shall paste or affix or inscribe any handbill, poster, card device, to or upon or against any fence, structure or other property.

(1997 Code, ' 12-115)

' 12-115 USING BOOTHS OR TABLES FOR BUSINESS.

No person shall set up any booth or table for the sale of any article whatever, without obtaining a license from the governing body.

(1997 Code, ' 12-116)

' 12-116 SKATE PARK RULES.

(a) This facility does not provide supervision. Users of this facility assume all risk of personal injury or damage to personal property. Use may result in serious injury.

(b) The city is not responsible for injuries that may occur.

(c) Users of the skate park should wear appropriate gear; such as helmets, knee pads and elbow pads at all times.

(d) No food, beverages or glass containers allowed in fenced area.

(e) Alcohol, tobacco and illegal drugs are prohibited.

(f) No graffiti or defacing of public property.

- (g) No unauthorized ramps or other obstacles are allowed in the skate park.
- (h) Children under seven years must be accompanied by a responsible adult.
- (i) This park is designed to be used by skateboarders and inline skaters only.
- (j) No BMX bikes.

(k) The city reserves the right to close the skate park facility or ask persons to leave the facility for any circumstances deemed necessary.

(l) Park hours: 7:00 a.m. to 10:30 p.m.

(m) No pets are allowed in the skate park area.

(Ord. 774, adopted 9-3-2008)

' 12-117 FIREWORKS PROHIBITED WITHIN CITY PARKS.

It shall be unlawful for any person, firm or corporation to fire or discharge fireworks within any city park in the city.

(Ord. 819, adopted 6-5-2013)

ARTICLE 2: COFFEY COUNTY FAIR

Section

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- 12-202 Right to use Kelley Park; generally
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- 12-207 Use of Kelley Hall
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- 12-210 Buildings
- 12-211 Cleanup of park by Fair Association
- 12-212 Use of 4-H Community Building

' 12-201 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

THE FAIR. The Coffey County Agricultural Fair Association (Fair Association).
(1997 Code, ' 12-201)

' 12-202 RIGHT TO USE KELLEY PARK; GENERALLY.

(a) The Coffey County Agricultural Fair Association, in consideration of the many benefits accruing to the city and its inhabitants and to the people of the county in the holding of an agricultural fair, and in further consideration of the large amount of money and labor expended in Kelley Park by the fair and by groups and individuals interested in the Fair Association and in the improvements of the grounds and buildings, is hereby granted the use of Kelley Park, beginning August 4, 1991, renewable annually on August 4, for a period of two weeks each year selected each year by the fair.

(b) The Fair Association is given the right to clear and grade ground and to construct buildings and other improvements in Kelley Park, after approval of the city governing body.

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(c) Each year during the two weeks selected, the Fair Association is granted the exclusive right to charge for admission to the park grounds, stadium and athletic field, and to rent and charge for stand right, carnival and all other amusements and entertainment, enterprises and all concessions.
(1997 Code, ' 12-202) (Ord. 507, adopted 7-17-1991)

' 12-203 SAME; RIGHTS RESERVED TO THE CITY.

(a) The city reserves the right except during the period of two weeks each year when used by the fair, to rent or lease the athletic field at Kelley Park, including grandstands and stadium to other persons or parties. All money received by the city for the use of the Fair Association property shall be expended only for the maintenance, upkeep or improvement of Kelley Park. The amount to be charged for such use shall be fixed by the governing body.

(b) The city shall have the right to use, and to lease with or without charge, the buildings of the Fair Association if not occupied by the Fair Association, or leased by the Fair Association at such time.
(1997 Code, ' 12-203) (Ord. 507, adopted 7-17-1991)

' 12-204 SAME; CERTAIN AREA EXCLUDED WITHOUT PRIOR APPROVAL.

The Fair Association shall exclude all vehicles and concessions from that portion of Kelley Park lying west of Kelley Hall unless given special permission by the governing body.
(1997 Code, ' 12-204)

' 12-205 EXEMPTION FROM LICENSE ORDINANCES.

The provisions of all ordinances regulating and fixing licenses and fees for carnivals, merry-go-rounds, circuses and other amusement enterprises shall not apply to those held in Kelley Park during the fair.
(1997 Code, ' 12-205)

' 12-206 DUTY TO HOLD CITY HARMLESS AND THE LIKE.

The buildings erected by the Fair Association in Kelley Park shall be maintained by the Fair Association in a safe condition, and the Fair Association shall assume all risk, and hold the city safe from all liability on account of damages resulting from any act or neglect of the Fair Association fair and any other damage in connection with the holding of the Fair Association.
(1997 Code, ' 12-206)

' 12-207 USE OF KELLEY HALL.

The rooms in the community building in Kelley Park known as Kelley Hall and the stadium may be used during the two weeks selected by the Fair Association for the Secretary's office and for the display of exhibits which will not deface or injure the walls, floors or other parts of the building.

(1997 Code, ' 12-207)

' 12-208 MAINTENANCE OF BUILDINGS AND THE LIKE; TERMINATION OF AGREEMENT.

In consideration of the grant, rights, and privileges contained herein, the Fair Association does agree that it will, during the term of the grant made in this article maintain all of its buildings, fence and grandstands in good condition and comply with all the terms of this article. And in case the Fair Association should at any time during this grant after 30 days= written notice by the city fail to comply with any of the terms of this article then the grant made in this article shall terminate and be null and void.

(1997 Code, ' 12-208)

' 12-209 FAILURE TO USE PARK.

In case the Fair Association fails to hold a fair in Kelley Park for two consecutive calendar years, then the grant made in this article shall terminate and be null and void and the Fair Association shall have the right to remove any or all of its buildings and, at the option of the city, shall be required to remove such buildings.

(1997 Code, ' 12-209)

' 12-210 BUILDINGS.

Any building erected by the Fair Association in Kelley Park shall be the property of the Fair Association. All buildings owned by the fair shall be maintained and kept in repair by the Fair Association without cost to the city.

(1997 Code, ' 12-210)

' 12-211 CLEANUP OF PARK BY FAIR ASSOCIATION.

Within ten days following the closing day of the fair each year, the Fair Association shall remove all rubbish, trash and waste materials deposited, scattered or left in sight in Kelley Park during and as a result of the Fair Association.

(1997 Code, ' 12-211)

' 12-212 USE OF 4-H COMMUNITY BUILDING.

The use of the 4-H Community Building will be in accordance with special agreement between the city governing body and Coffey County Agricultural Fair Association. The agreement will be on file in City Hall.

(1997 Code, ' 12-212) (Ord. 507, adopted 7-17-1991)

ARTICLE 3: CITY CEMETERIES

Section

- 12-301 City Cemetery Board; general
- 12-302 Same; officers
- 12-303 Same; compensation of members or officers
- 12-304 Same; employees; sexton
- 12-305 Same; rules and regulations
- 12-306 Same; cemetery funds; expenditures; audits
- 12-307 Cemetery conveyances; records; rules
- 12-308 Trust and endowment funds; investment
- 12-309 Cemetery reports

' 12-301 CITY CEMETERY BOARD; GENERAL.

(a) The cemeteries of the city shall be managed, operated, maintained and improved by a Cemetery Board of seven directors. Members of the Board shall be appointed by the Mayor with the consent of the City Council.

(b) The Mayor may, with the consent of the City Council, remove any Board member for misconduct or neglect of duty.

(c) No person shall be appointed to the Cemetery Board that is not a resident of the city or while holding any official position under the city.

(1997 Code, ' 12-301) (Ord. 286, adopted 9-3-1980)

' 12-302 SAME; OFFICERS.

(a) At the first meeting of the Cemetery Board following February 1 each year, it shall reorganize by electing a President, a Vice-President and a Secretary who shall hold their respective offices for terms of one year. The several officers shall have the duties commonly associated with such titles and as hereafter provided and the Secretary/Treasurer shall have the custody of all the records of the city pertaining to the management and control thereof except as may be necessarily kept by the Treasurer. The Secretary/Treasurer shall keep suitable records and plats of the cemetery and make suitable entries thereon to show the transactions of the Board respecting the sale of cemetery lots.

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(b) The Secretary/Treasurer is responsible for receiving and disbursing funds for the Cemetery Board. The City Clerk shall keep suitable records of all funds levied for the support of the city cemeteries and any other funds coming to the city treasury for the benefit of the cemeteries. (1997 Code, ' 12-302) (Ord. 286, adopted 9-3-1980)

' 12-303 SAME; COMPENSATION OF MEMBERS OR OFFICERS.

No compensation shall be received by any member or officer of the Cemetery Board except that the Board may pay the Secretary such a sum per annum as shall be fixed by the governing body for his or her services in keeping records, selling the lots and other duties. (1997 Code, ' 12-303) (Ord. 286, adopted 9-3-1980)

' 12-304 SAME; EMPLOYEES; SEXTON.

The Cemetery Board shall have power to appoint a suitable sexton of the cemetery and his or her necessary assistants and shall fix their compensation. It shall have power to remove such appointees and do all other acts relating to the necessary work of the cemetery. (1997 Code, ' 12-304) (Ord. 286, adopted 9-3-1980)

' 12-305 SAME; RULES AND REGULATIONS.

The Cemetery Board shall make and adopt bylaws, rules and regulations for its own guidance and for the regulation and government of the cemeteries as may be deemed expedient and not inconsistent with state law or this article. Among other things, the rules shall provide for meetings of the Board, transaction of its business, the price of cemetery lots, charges for cemetery services, the interment or disinterment of the dead, the adornment of the graves and the use of cemetery grounds. (1997 Code, ' 12-305) (Ord. 286, adopted 9-3-1980)

' 12-306 SAME; CEMETERY FUNDS; EXPENDITURES; AUDITS.

The Cemetery Board shall have exclusive power to expend all cemetery funds of the city and all such expenditures shall be authorized by the Board. All claims against the city arising from the operation of the cemeteries shall be filed with the Secretary and by him or her presented to the Board. All warrants or warrant-checks drawn against cemetery funds shall be signed by the President and countersigned by the Secretary. The accounts of the Cemetery Board shall be audited when other city funds are audited and the cost thereof shall be a charge against the city. (1997 Code, ' 12-306) (Ord. 286, adopted 9-3-1980; Charter Ord. 5, adopted 3-3-1982)

' 12-307 CEMETERY CONVEYANCES; RECORDS; RULES.

The Secretary of the Cemetery Board shall be charged with the sale of cemetery lots and shall prepare conveyances therefor. All cemetery deeds shall be signed by the Mayor and notarized by the Deputy City Clerk who shall record the same in his or her office and the deed shall be mailed to the

Cemetery Board. Such deeds shall recite among other things that the lot is conveyed for the sole purpose of interment, and the Cemetery Board may, by suitable regulations, reserve the right to re-invest title to all cemetery lots in the city when the grantee thereof shall violate the conditions of any conveyance and such reservation shall be stated in the conveyance. The Board may by proper rules regulate the transfer of cemetery lots from one person to another, the use of lots by members of families other than those of the record owners, limit the number of grave spaces sold to one person, and require all cemetery conveyances to be filed of record with the Register of Deeds of the county.

(1997 Code, ' 12-307) (Ord. 286, adopted 9-3-1980; Charter Ord. 5, adopted 3-3-1982)

' 12-308 TRUST AND ENDOWMENT FUNDS; INVESTMENT.

The Cemetery Board is authorized to accept trust funds, the same to be invested and the income therefrom to be used for the maintenance and upkeep of such lots as the donor may direct. The Board may provide for the perpetual endowment of cemetery lots or require annual care charges. All trust funds and endowment funds shall be invested by the Board in such securities as may be authorized by law, and only the income therefrom shall be expended by the Board for care and maintenance of cemetery lots as shall be provided by its rules. The custodian of all such invested funds shall give a surety bond in double the amount of such investments, the same to be approved by the Cemetery Board.

(1997 Code, ' 12-308) (Ord. 286, adopted 9-3-1980; Charter Ord. 5, adopted 3-3-1982)

' 12-309 CEMETERY REPORTS.

The Cemetery Board shall, on or before January 15 of each year, make an annual report to the governing body stating the condition of trust on December 31 of the year next preceding, the various sums of money received from the cemetery funds and from other sources, and how such money has been expended and for what purposes. Such report shall be verified by affidavit of the President and Secretary.

(1997 Code, ' 12-309) (Ord. 286, adopted 9-3-1980; Charter Ord. 5, adopted 3-3-1982)

ARTICLE 4: TENNIS COURTS

Section

12-401 Tennis courts

' 12-401 TENNIS COURTS.

No person shall: ride, drive, skate, walk or run using any wheeled conveyance on the surface of the tennis courts of the city; prohibited devices or means which are not to be utilized on such surfaces are inclusive of, but not limited to the following: bicycles, tricycles, roller skates, roller blades, inline skates, skateboards or any other means of mode of conveyance that causes injury, damage, marking or marring or discoloration to the surface of any tennis court located within the city parks of the city. (1997 Code, ' 12-401) (Ord. 598, adopted 4-3-1996)

