

## CHAPTER XII. PUBLIC PROPERTY

- Article 1. City Parks and Public Grounds
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- Article 3. City Lake
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- Article 5. Firearm Regulation

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### ARTICLE 1. CITY PARKS

- 12-101. PUBLIC GROUNDS. As used in this article, public grounds includes the city buildings, city parks, fairgrounds, and other public property unless otherwise specifically provided. (Code 1977, 12.32.010)
- 12-102. CITY LAWS EXTENDED TO PUBLIC GROUNDS. The laws of the city shall extend to and cover all public grounds. (Code 2007)
- 12-103. POLICE JURISDICTION OVER PUBLIC GROUNDS. The city shall have police regulations governing any public grounds 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 public grounds and shall maintain order therein. (Code 2007)
- 12-104. DAMAGING PUBLIC 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, planting or improvement or property of any kind belonging to any park or public grounds owned by the city. (Code 2007)
- 12-105. DANGEROUS WEAPONS NOT ALLOWED. (a) Except as provided by law, or in subsection (b), it shall be unlawful for any person to carry or have in his or her possession any firearm or dangerous weapon or to shoot or discharge the same within the limits of any city parks.  
(b) The provisions of subsection (a) above shall not apply to duly authorized law enforcement officers in the performance of official duty. (Code 2007)
- 12-106. 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 2007)

12-107. 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 2007)

12-108. 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 2007)

12-109. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks except where posted. (Code 2007)

12-110. 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 2007)

12-111. 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, except as defined in Chapter 2 of this code.  
(Code 2007)

12-112. 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 2007)

12-113. GENERAL REGULATIONS. (a) The city may adopt and post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks and public grounds in a conspicuous place in each city park and facility. Violations of these posted rules shall constitute a violation of this code. Such rules and regulations shall fix the conditions under which the grounds and facilities may be used and the charges, where authorized, to be paid to the city for such purposes.  
(b) No exclusive right or privilege may be granted permanently to any individual, society or organization of any kind, except that such person or groups may make reservations for the exclusive use of such grounds and facilities for temporary periods only.

(c) The city commission may, in accordance with sound public policy, grant permission for use of the grounds or facilities for such purposes as may not be inconsistent with the use for which the grounds or facilities were acquired and made available for use by the city.  
(Code 1977, 12.32.020)

12-114. USE FOR CONCESSIONS AND PUBLIC ENTERTAINMENT; LEASING OF SWIMMING POOL. (a) The city commission may, on application to the city clerk, grant permission for the use of the public grounds of the city by persons, organizations, or companies for concessions, carnivals, fairs, and other like public displays or entertainment.

(b) Any swimming pool owned by the city may be leased to private persons for a season together with any concessions to be operated in connection therewith, as may be provided in such agreement.  
(Code 1977, 12.32.030)

12-115. CONSTRUCTION; LEAVING MATERIAL; VIOLATIONS WHEN. No person, partnership or corporation, or any agent, servant or employee thereof, shall construct or erect any tent or structure on the public grounds of the city, or place or leave any wagon, vehicle, paraphernalia or equipment on any of the grounds without the consent of the city commission. (Code 1977, 12.32.040)

## ARTICLE 2. MUNICIPAL AIRPORT - AIRPORT BOARD

- 12-201. ESTABLISHED; LOCATION. (a) There is established the Hiawatha Municipal Airport, referred to in this chapter as the airport.  
(b) The location of the airport is on a tract of land in the county described as follows:  
The south half of the northwest quarter and the north half of the southwest quarter of Section 16, Township Two, Range 17, in the county.  
(Code 1977, 12.36.010)
- 12-202. FLIGHTS; VISUAL AND AUDITORY DISTURBANCES; PERMITS REQUIRED; FEES. (a) No person, firm or corporation shall make exhibition flights or flights displaying banners or operate a loudspeaking or a skywriting device from any aircraft flying within or over the corporate limits of the city without first obtaining a permit from the governing body.  
(b) The governing body may issue such permit if the person, firm or corporation who will operate the aircraft is duly licensed by the Federal Aviation Administration and if the aircraft to be used is licensed by the Federal Aviation Administration. The permit shall not be issued until the person, firm or corporation making application has paid to the city clerk a fee of \$5.00 for an individual flight.  
(c) The permits provided for in this section may be issued by the governing body for periods of not longer than six months when a permit fee of \$25.00 is paid; provided that such six months' permit shall be revoked by the governing body upon violation of any provisions of this chapter.  
(Code 1977, 12.36.100)
- 12-203. VEHICLES; USE UNLAWFUL WHEN; SPEED LIMITS. (a) It is unlawful for any person to use or travel upon any portion of the airport except when the same is clearly opened and maintained for public use or travel.  
(b) The speed of all vehicles shall not exceed the posted speed limit per hour on any public way of the airport, and at no time shall be more than 20 miles per hour.  
(Code 1977, 12.36.140)
- 12-204. AIRPORT BOARD; COMPOSITION; APPOINTMENT POWERS. (a) The airport shall be under the supervision and control of the airport board which shall consist of five residents of the city, of whom three must be licensed operators of aircraft and one shall be a member of the governing body.  
(b) The five person airport board shall be appointed by the mayor and ratified by a majority of the governing body, and shall consist of a chairperson, vice-chairperson and secretary-treasurer who shall all be elected annually by the airport board members. The members of the board shall be appointed on staggering terms initially. One shall be appointed for a one year term, two shall be appointed for two year terms, and two shall be appointed for three year terms. Thereafter, all board members shall be appointed for a three year term.  
(c) After the appointment of its members by the governing body, the airport board is authorized to adopt such rules and regulations as it deems necessary or advisable for the proper management, control and operation of the airport; the rules

and regulations shall be adopted by resolution of the airport board and filed with the city clerk.

(d) The airport board is authorized and empowered to employ an airport manager or superintendent, or such other persons, as deemed necessary; and to fix their salaries by resolution.

(Code 1977, 2.56.010)

12-205. AIRPORT BOARD; LEASING POWERS AND RESTRICTIONS. The airport board may lease, assign or sublease the whole or any part of the airport or municipal field, for aviation or revenue-producing purposes, to one or more responsible persons, associations or corporations, jointly or severally; and for any purpose directly or incidentally and necessarily required for the successful and proper operation of such property, upon such terms as insure the impartial operation thereof and retention of services and conveniences thereon, on an equal basis to all users of the airport or municipal field for aviation purposes.  
(Code 1977, 2.56.020)

12-206. AIRPORT BOARD; DUTIES GENERALLY. (a) The airport board shall prepare and approve an annual budget which shall include a capital improvement program and a report concerning the operation and maintenance of the airport.  
(b) The airport board shall receive and dispense funds received from leasing, state and federal grants, or revenue sharing, pertaining to or for the airport.  
(c) At a minimum, it shall make a semi-annual financial report to the governing body.  
(d) The airport board shall have its books audited annually by the auditor of the city.  
(e) Oversee the annual, yet continuous, operation and maintenance functions of the airport by doing, but not limited to the following:  
(1) Developing and approving specific rules and regulations;  
(2) Supervising and establishing priorities for maintenance and upgrading projects for the airport;  
(3) Conducting periodical safety inspections of the airport.  
(f) The airport board shall prepare, review and update a long-range plan for airport development to include but not be limited to a capital improvement program, including federal, state and local funding; and promoting orderly but compatible development of adjacent land to its maximum revenue-generating capacity.  
(g) The airport board shall serve as a communications conduit for airport-related matters to include but not be limited to the following:  
(1) Holding board meetings at least monthly;  
(2) Providing accurate information on facilities to federal, state and local agencies;  
(3) Providing liaison between airport users and local governmental officials;  
(4) Resolving conflicts which may periodically develop between the airport and its surrounding landowners, users and citizens.  
(Code 1977, 2.56.030)

12-207. AIRPORT BOARD; INSURANCE AGAINST LIABILITY. The governing body shall include the airport in its insurance and liability program. The airport board

members shall be protected from liability as any other governing body member of the city. (Code 1977, 2.56.040)

- 12-208. AIRPORT BOARD; GOVERNING BODY'S DISSOLUTION POWER. The governing body shall have the power to dissolve the airport board by an ordinance passed by a majority of its members. (Code 1977, 2.56.050)

### ARTICLE 3. CITY LAKE

- 12-301. BATHING, SWIMMING OR WADING PROHIBITED WHERE. It is unlawful for any person to wade, swim or bathe in the City Lake at Hiawatha, Kansas, which lake is located in the Northeast Quarter of Section 5, Township 3, Range 17 of Brown County, Kansas. (Code 1977, 12.40.010)

- 12-302. BOATING PROHIBITED. It is unlawful for any person to have a rowboat, sailboat, motorboat, paddle boat or raft upon the waters of the City Lake of Hiawatha. (Code 1977, 12.40.020)

- 12-303. VIOLATION; PENALTY. Any person violating the provisions of this chapter shall upon conviction thereof, be fined or imprisoned as provided in section 1-117, and amendments thereto. (Code 1977, 12.40.030)

- 12-304. GENERAL REGULATIONS. (a) Any persons having a Kansas State Fishing License and any persons exempt by the Fish and Game Laws of the state of Kansas from having a license, may fish during the open hours of the Hiawatha City Lake

(b) The city may restrict or close fishing at any time at the City Lake as it deems in its discretion necessary.

(c) Every person fishing is limited to not more than two fishing rods or poles with not more than two hooks or one set of treble hooks attached to any one line, or a fly rod and line with not more than two flies attached, or a casting rod with not more than one artificial bait or lure attached or one set of treble hocks. Any other method of taking or attempting to take fish is prohibited and is unlawful. Any fishing device or equipment used in the City Lake, except as provided in this section, is prohibited and unlawful.

(d) Any person fishing in the City Lake must have the fishing rods, lines or poles in his or her possession and any fishing rods, lines or poles left set in any bank, unattended or attached to anything in such a manner that hocks may be taken by fish is prohibited and unlawful and such items may be confiscated or seized by the city officers or game protectors.

(Code 1977, 12.44.010)

- 12-305. HOURS OF FISHING. The taking of fish shall be from 5:30 a.m. to 12:00 midnight each day. Fishing at any other time is prohibited. (Code 1977, 12.44.020)

- 12-306. SIZE AND LIMIT. No large mouth bass (black bass) of a length of less than 15 inches may be kept or possessed legally. Any bass less than 15 inches as described herein shall be returned to the lake from which taken immediately without

harm. No channel cat of a length of less than 15 inches may be kept or possessed legally. Any channel cat less than 15 inches as described herein shall be returned to the lake from which taken immediately without harm. (Code 1977, 12.44.030)

12-307. CREEL LIMITS. The daily creel limit shall be two large mouth bass (black bass) per day and four channel cat fish per day. A day shall be defined as between the hours as stated above for the taking of fish. (Code 1977, 12.44.040)

#### **ARTICLE 4. MORRILL FREE PUBLIC LIBRARY**

12-401. OPERATION; STATUTORY REFERENCE. In keeping with Section 12-1215 *et seq.* of the Kansas Statutes Annotated and in keeping with a letter from the family of the late Governor E. N. Morrill relinquishing their rights to appoint two trustees of the Morrill Free Public Library, the city library will be operated under the statute. (Code 1977, 2.64.010)

## ARTICLE 5. FIREARM REGULATION

12-501. DEFINITION. As used in this article, the term “firearm” shall mean any handgun, pistol, or revolver. (Code 2007)

12-502. CARRY RESTRICTIONS. Pursuant to the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, it shall be unlawful to carry a concealed firearm into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge’s courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of post-secondary education;
- (11) any professional athletic event not related to or involving firearms;
- (12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) any elementary or secondary school building or structure used for student instruction or attendance, attendance center, administrative office, services center or other facility;
- (14) any community college, college or university facility;
- (15) any place where the carrying of firearms is prohibited by federal or state law;
- (16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;
- (17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;
- (18) any city hall;
- (19) any public library operated by the state or by a political subdivision of the state;
- (20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or

- (21) any church or temple; or
  - (22) any place in violation of K.S.A. 21-4218, and amendments thereto.
- (Code 2007)

12-503. PENALTY. Violation of Section 12-202 is a Class A violation. (Code 2007)

12-504. LOCATION; RESTRICTIONS. Pursuant to the authority granted to property owners and to the owners or operators of businesses under the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, the governing body of the City of Hiawatha, Kansas, hereby prohibits the carrying of any concealed firearm by any person other than those identified in Section 4 below while in or upon the premises of any of the following properties which are owned by the City of Madison, Kansas, and/or on which the City is operating as a public employer:

- (1) The Fischer Community Center located at 201 East Iowa, Hiawatha, Kansas;
  - (2) The Hiawatha Police and Fire Stations;
  - (3) The Hiawatha Wastewater Treatment Plant North and South;
  - (4) The Hiawatha Street Department Garage;
- (Code 2007)

12-505. SAME; PENALTY. Violation of section 12-204 is a Class B violation.  
(Code 2007)

12-506. EXCEPTIONS. (a) The prohibitions set for in Sections 12-202 and 12-204 above shall apply both to the interiors of the structures on all such properties and to the exterior areas; provided, however, that the prohibitions shall not apply to persons who are otherwise lawfully in possession of any such firearm while in a motor vehicle which is located in an area designated for public vehicular traffic or for public vehicular parking.

- (b) The prohibitions set forth in Sections 12-202 and 12-204 above shall not apply to any person identified under the exclusions set forth in subsections (b) or (c) of K.S.A. 21-4201 regarding the criminal use of weapons, as said provisions now apply or may hereafter be amended.
- (Code 2007)