

CHAPTER XII. PUBLIC PROPERTY

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ARTICLE 1. PUBLIC USE REGULATIONS

- 12-101. DEFINITIONS. As used in this chapter, the term “public grounds” shall include the city parks, city swimming pool and any other public property or grounds not otherwise specifically provided for. (Code 1987)
- 12-102. RULES AND REGULATIONS. The governing body is authorized to prepare and adopt suitable rules and regulations governing the use of all public grounds of the city, as defined herein, and the facilities thereon, which shall be open and available to the general public, except as may otherwise be provided. Such rules and regulations shall fix the conditions under which said grounds and facilities may be used and the charges (where charges are authorized) to be paid to the city for such purposes. No exclusive right or privilege may be granted permanently to any individual, society or organization of any kind, except that such persons or groups may make reservations for the exclusive use of such grounds and facilities for temporary periods only. The governing body may, in accordance with sound public policy, grant permission for the grounds or facilities for such purposes as may not be inconsistent with the use for which grounds or facilities were acquired and made available for public use by the city. (Code 1987)
- 12-103. UNLAWFUL DEPOSITS. It shall be unlawful for any person to deposit or leave any garbage, refuse or waste materials or discard objects of any kind on the public grounds of the city. It shall be lawful to dispose of garbage or refuse in receptacles provided for the use of picnic groups or parties using the facilities of the parks or grounds, but only during the times of the public use of such grounds. (Code 1987)
- 12-104. LAWS ON PUBLIC GROUNDS. All ordinances of the city shall extend into the land set aside for public grounds unless otherwise provided. (Code 1987)

ARTICLE 2. OVERNIGHT CAMPING AREA

- 12-201. **DESIGNATED CAMPING AREA.** An overnight camping area in the Marysville city park is available for use by camping trailers, recreational vehicles and other similar camping vehicles. A map, detailing the size and number of parking spaces in the camping area, will be kept and maintained by the city clerk. This may be updated as necessary at the recommendation of the governing body. Overnight camping of vehicles in the Marysville city park, other than in the designated camping area, shall only be granted by special permission of the governing body. (Ord. 1303, Secs. 1:2)
- 12-202. **TENTS.** A designated area has been set aside in the city park to accommodate those individuals who desire to camp overnight in a tent or similar structure. A map, designating the area, will be maintained by the city clerk. No fee will be charged for camping overnight in a tent or similar structure. (Code 1987)
- 12-203. **LENGTH OF STAY.** The maximum length of stay in a camping area will be five consecutive days. (Ord. 1303, Sec. 4)
- 12-204. **UNLAWFUL ACTS.** Camping occupants shall maintain their camping spaces in a clean and sanitary condition. Garbage and rubbish shall be placed in sealed, plastic bags and disposed of in garbage containers located in the Marysville city park. (Ord. 1303, Sec. 5)
- 12-205. **PROHIBIT OVERNIGHT CAMPING.** The governing body may, at their discretion, prohibit overnight camping in the camping areas. (Ord. 1303, Sec. 6)
- 12-206. **CAMPING ON OTHER PUBLIC GROUNDS.** It shall be unlawful for any person to construct or erect any tent or structure or to leave any vehicle or equipment in or upon any public grounds of the city, other than as stated in this article, without the consent of the governing body. (Code 1987)

ARTICLE 3. PUBLIC RECREATION AND PLAYGROUNDS

- 12-301. **PARKS AND RECREATION DEPARTMENT.** The City shall have the authority to establish a combined park and recreation department within the city. Nothing in this article shall be construed to prohibit the City from outsourcing the management of such facilities. The Mayor may a committee to oversee parks and recreation activities. (Ord. 1295, Sec. 1)
- 12-302. **SMOKING FREE AREAS.** (a) The following named buildings, complexes and related facilities are hereby designated as “No Smoking Areas”:
- | | |
|-------------------------|---|
| City Hall | Fire Stations #1 and #2 |
| City Shop | Wastewater Treatment Plant Building |
| Old Water Plant | Airport Administration Building |
| Police Department | Lakeview Complex and related facilities |
| Koester House Museum | Feldhausen Field and related facilities |
| Swimming Pool/Bathhouse | Boy Scout Cabin |
| Simmons Auditorium | Girl Scout Cabin |
| Hedstrom Hall | Lee & Betty Dam Arts Center |
- (b) All city-owned vehicles are hereby designated as “No smoking Areas.”
- 12-303. **TOBACCO FREE AREAS.** Lakeview Complex and related facilities and Feldhausen Field and related facilities are designated as “Tobacco Free Area.” No tobacco product of any kind or type may be used or consumed in “Tobacco Free Area.”
- 12-304. **PENALTY.** It shall be unlawful for any person to smoke a lighted cigarette, pipe or cigar in any building designated as a “Smoking Free Area”. It shall be unlawful for any person to consume or use any tobacco product at any building, complex or facilities that has been designated as a “Tobacco Free Area” by the City Council. Violation of this provision shall be punishable as a Class C misdemeanor. (Ord. 1713)
- 12-305. **ANIMALS AT LAKEVIEW COMPLEX AND FELDHAUSEN FIELD.** No animal or pet, leashed or unleashed, shall be permitted on the premises of Lakeview Complex and Feldhausen Field during city-sponsored events. This ordinance shall not apply to animals under the control and supervision of a law enforcement officer or any service animal being used or trained to serve those citizens with disabilities. Any person convicted of violating this ordinance shall be guilty of a misdemeanor punishable by a fine or not more than \$50 for each violation.

ARTICLE 4. CEMETERY

- 12-401. **CEMETERY BOARD.** There is hereby established a board to be known as the cemetery board.
- (a) The board shall be appointed by the mayor and confirmed by the council. It shall consist of five members, residents of the city, of which the mayor shall be ex officio chairman.
 - (b) Members shall be appointed for a term of two years, provided that any member may be removed for cause at any time by the governing body. Vacancies shall be filled by appointment for the unexpired term.
 - (c) The board shall make reports, recommend to the governing body rules and regulations governing the operation of the Marysville cemetery, and perform other duties and functions as dictated by the articles of this code.
- 12-402. **CEMETERY PLAT.** The Cemetery and Parks Supervisor shall be provided with a proper plat of the Marysville cemetery showing all unsold lots and shall assist persons interested in the purchase of lots in examining same. The city clerk shall deliver to any purchaser a cemetery deed, executed by the mayor and attested to by the city clerk, upon payment of the scheduled price for the lot selected. (Ord. 396, Sec. 11)
- 12-403. **GRAVES.** All graves shall be rectangular in shape and shall be dug due east and west. Effective January 1, 2001, mausoleum surface vaults will be prohibited with the following exception. If a mausoleum surface vault is already in place on the burial lot of record, mausoleum surface vaults will be permitted on the remaining lot of record. (Ord. 1574, Sec. 1)
- 12-404. **ORDER TO OPEN GRAVE.** Upon payment to the city clerk of the scheduled price for opening and closing a grave, the city clerk shall issue an order to the Cemetery and Parks Supervisor directing the supervisor to open the grave upon the proper lot. No grave shall be opened by the supervisor except upon written order from the city clerk. (Ord. 396, Sec. 8)
- 12-405. **LOT PRICES.** The following charges, which shall include perpetual care, shall be made for lots and parts of the lots in the Marysville cemetery:
- (a) Full lot: \$400.00.
 - (b) One-Half lot: \$200.00.
 - (c) Single Space: \$50.00. The location of the single space shall be designated by the cemetery board. (Ord. 1120, Sec. 1)
- 12-406. **RESTORE LOT.** It shall be the duty of the Cemetery and Parks Supervisor, after an interment is made upon any lot, to restore the lot to proper condition as soon as practicable. No mound shall be raised upon any lot to a height which would interfere with the operation of lawn mowers over such lot and in no case shall the mound be raised to a height exceeding four inches. The

cemetery board shall have the full power and authority to regulate the mounding of graves on any lot. (Ord. 396, Sec. 16)

- 12-407. **BURIAL LOTS.** On each individual burial space in the cemetery, the following burial limits shall apply:
- (a) One adult casket;
 - (b) One adult casket and/or one cremation urn;
 - (c) Two cremation urns;
 - (d) Two infant caskets;
 - (e) In no event shall stacking of caskets be permissible. For an adult casket, the minimum size of an individual plot shall be 45 inches wide and 10 feet in length. Any exceptions to the above must be approved by the cemetery board with notification to the city council. (Policy A-15a)
- 12-408. **RESTRICTED BURIAL POLICY.** No burials on Sundays, New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day shall be authorized. (Policy A-15a)
- 12-409. **FEES TO OPEN AND CLOSE GRAVES.** Fees for the opening and closing of graves within the cemetery shall be established by city policy. (Code 2011)
- 12-410. **MONUMENTS AND GRAVE STONES.** All monuments or grave stones shall be placed on a concrete foundation, which foundation shall be sufficient to prevent the tipping of the stone. The cemetery board shall prescribe rules and regulations to insure proper compliance with this article. Wooden markers of every description are deemed detrimental to the appearance of the cemetery and their use is forbidden. (Ord. 627, Sec. 2)
- 12-411. **DECORATIVE DEVICES.** The cemetery board shall have the right to prevent the erection of any structure or other decorative device which it deems detrimental to the general appearance of the cemetery, or which would tend to hinder the proper care of the cemetery. The cemetery board shall have the right to remove any such structure or material heretofore or hereafter erected. (Ord. 396, Sec. 15)
- 12-412. **PLANTINGS.** No more than four evergreens and shrubs shall be planted on any lot. Trees may be planted only by the cemetery board and under the board's direction. The location of any shrubs, bushes or plants on the lots must first be approved by the cemetery board. The standard which the cemetery board shall use in such approval is to allow such planting of plants, shrubs and bushes which shall not interfere with the efficient operation of the cemetery or the mowing of the cemetery for general appearances. Upon the finding that the proposed planting for plants, shrubs or bushes comply with this standard, the cemetery board shall allow the planting. In the event that the proposed planting

or plant improvement shall not comply therewith, approval shall be denied by the cemetery board. The Cemetery and Parks Supervisor, upon direction from the cemetery board, shall remove all such plants, shrubs or bushes hereafter planted which are not in conformity with the standards set forth herein and/or not approved by the cemetery board under these standards. No trees or shrubs growing on any lot in the cemetery shall be cut down or destroyed without the consent of the cemetery board. (Ord. 396, Sec. 14; Ord. 627, Sec. 2)

- 12-413. UNLAWFUL ACT; UNAUTHORIZED SALE; TRANSFER OF LOT. It shall be unlawful for the owner of any lot to permit or authorize any interment to be made upon his or her lot for financial remuneration. It shall be unlawful for any person to sell, assign or transfer any lot or part thereof to another person without first filing a quit claim deed with the city clerk. (Ord. 396, Sec. 12; Code 1987)
- 12-414. SAME; PICKING FLOWERS. It shall be unlawful for any person to pick or remove any flower, shrub or ornament in the cemetery unless such flowers, shrubs or ornaments were deposited, placed or left in a cemetery lot by that person or their designee. (Ord. 396, Sec. 21)
- 12-415. SAME; ADVERTISING. It shall be unlawful for any person to erect, post or paint any sign or any other advertising matter in the cemetery or on any city property surrounding the cemetery. (Ord. 396, Sec. 19)
- 12-416. SAME; HUNTING, TRAPPING. It shall be unlawful for any unauthorized person to hunt or trap in the Marysville cemetery. Firearms will not be authorized except as part of a military honor guard. Persons accompanied by dogs running at large will not be admitted. Horses, automobiles and other vehicles shall be kept on the roads and drives in the cemetery and, in all cases, shall be kept off the grass in the cemetery. City employees may use firearms or other pest eradication devices to remove, eliminate or destroy pests or other animal situated on the Marysville cemetery. (Ord. 396, Sec. 20)
- 12-417. PERPETUAL ENDOWMENT FUND. All revenues received through the sale of each lot, one-half lot or single space, as well as the annual interest received from the "Permanent Endowment Fund", shall be placed in the city's general fund. All the funds so received shall be expended only for keeping the lots and grounds in the cemetery in a suitable and proper condition. The city shall guarantee that no part of the existing "Permanent Endowment Fund" will ever be expended for any purpose whatsoever. It shall be the duty of the city administrator or city clerk to keep the funds invested in investments authorized by K.S.A. 12-1675, and amendments thereto, or in state, county or municipal bonds, or bonds of or guaranteed by the United States of America. The city shall not furnish markers for perpetual care lots. (Ord. 1120, Sec. 1, Code 1987)

ARTICLE 5. AIRPORT

- 12-501. **MARYSVILLE MUNICIPAL AIRPORT.** The Marysville municipal airport shall be under supervision and control of the governing body. The mayor, with the approval of the city council, may appoint a committee of the city council to manage such activities of the airport as may be deemed advisable. The governing body is hereby authorized to promulgate such rules and regulations as it deems necessary or advisable for the proper management, control and operation of the airport, and such rules and regulations may be adopted from time to time hereafter by the governing body.
- The city clerk is hereby assigned the additional duty as airport manager whose duty it shall be to enforce the rules and regulations promulgated by the governing body for the operation, management and control of the airport and to carry out such other instructions and perform such other duties as may be determined or decided upon from time to time by the governing body. (Ord. 588, Sec. 12; Code 1987, 12-501)
- 12-502. **AIRPORT ADVISORY COMMISSION.** There is hereby created an advisory commission to be known as the Marysville Municipal Airport Advisory Commission whose duty it shall be to act in advisory capacity to the governing body or the standing committee of the city council in charge of the airport, in all matters pertaining to maintenance, operation and control of the Marysville municipal airport. The airport advisory commission shall consist of five residents of the city, to be appointed for a term of two years by the mayor with the approval of the city council; provided that any member may be removed for cause at any time by the governing body. At least one of the members of the commission shall be a duly elected, qualified and acting member of the city council. The mayor shall be an ex officio member of the commission. In making appointments to the commission the mayor is to designate one of its members as chairperson. Meetings shall be upon call by the chairperson of the commission or the mayor on an as-needed basis. (Ord. 588, Sec. 12; Code 1987, 12-502)
- 12-503. **DEFINITIONS.** For the purpose of this article, the following terms shall be given the following meanings:
- (a) Acrobatic flying means any intentional airplane maneuver or stunt not necessary to air navigation or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers.
 - (b) Aircraft means any machine or contrivance, except parachutes, used for exhibition purposes or for carrying persons or property, propelled through the air and controlled by man, regardless of how propelled or controlled.
 - (c) Airport – Means Marysville Municipal Airport.
 - (d) Airport Elevation – 1,283 feet above mean sea level.
 - (e) Approach Surface – A surface longitudinally centered on the extended primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

- (f) Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section III of this article.
- (g) Board of Adjustment – A board of three (3) members appointed by the City Council as provided in the Laws of the State of Kansas.
- (h) Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (i) Hazard to Air Navigation – An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
- (j) Height – For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (k) Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (l) Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
- (m) Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
- (n) Non-Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (o) Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this article.
- (p) Person – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.
- (q) Precision Instrument Runway – a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (r) Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (s) Runway – A defined area on an airport prepared for landing and take-off of aircraft along its length.

- (t) Structure – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (u) Transitional Surfaces – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (v) Tree – Any object of natural growth.
- (w) Utility Runway – A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, i.e., Airport Approach Categories A and B.
- (x) Visual Runway – a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 1392, Sec. 2; Ord. 588, Sec. 1; Code 1987, 12-503; Code 2011)

12-504.

AIRPORT ZONES. In order to carry out the provisions of the ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transition surfaces, horizontal surfaces, and conical surfaces as they apply to the Marysville Municipal Airport. Such zones are shown on the Marysville Municipal Airport Airspace Drawing, dated June 22, 1992, and which is attached to this ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) Utility Runway Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (b) Utility Runway Non-precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (c) Runway Larger than Utility with a Visibility Minimum Greater than ¾ Mile. Non-precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (d) Runway – Larger than Utility with a Visibility Minimum Greater than ¾ Mile. Non-precision Instrument Approach Zone – Precision Runway – The inner

edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(e) Precision Instrument Runway Approach Zone – The inner edge of this approach coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(f) Transitional Zone – The transitional zones are the areas between the transitional surfaces.

(g) Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(h) Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. (Ord. 1392, Sec. 3; Code 2011)

12-505.

AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Utility runway Visual Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(c) Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone – Precision Runway – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(d) Precision Instrument Runway Approach Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

- (e) Transitional Zones – Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,283 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- (f) Horizontal Zone – Established at 150 feet above the airport elevation or a height of 1,433 feet above mean sea level.
- (g) Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (h) Excepted Height Limitations – Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. (Ord. 1392, Sec. 4; Code 2011)

12-506. **USE RESTRICTION.** Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this ordinance in such a manner as to cause electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport. (Ord. 1392, Sec. 5; Code 2011)

12-507. **NONCONFORMING USES.** (a) Regulations Not Retroactive – The regulations prescribed in this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

(b) Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city council to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport

obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Marysville. (Ord. 1392, Sec. 6; Code 2011)

12-508.

PERMITS. (a) Future Uses – Except as specifically provided in a., b., and c. hereunder no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article, except as set forth in Section IV, 8.

(b) Existing Uses – No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming Uses Abandoned or Destroyed – Whenever the city administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, will not be contrary to the public interest, will not create a hazard to air navigation, and will be in accordance with the spirit of this article.

(e) Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such marking and lights as may be necessary. If deemed property by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Marysville, at its own expense, to install, operate, and maintain the necessary markings and lights. (Ord. 1392, Sec. 7; Code 2011)

12-509. OPERATION OF AIRCRAFT TO BE SUBJECT TO AIR TRAFFIC RULES OF THE FEDERAL AVIATION ADMINISTRATION. No person shall operate any aircraft over or within the city limits or from the Marysville municipal airport, in violation of any valid current rules or regulations established by the Federal Aviation Administration or Kansas statutes. (Ord. 588, Sec. 5; Code 1987, 12-505)

12-510. ACROBATIC FLYING PROHIBITED. Acrobatic flying by any person flying over any portion of the city or over the Marysville municipal airport is hereby prohibited except by special permission of the governing body. (Ord. 588, Sec. 6; Code 1987, 12-506)

12-511. LANDING AT OTHER THAN ESTABLISHED AIRPORT PROHIBITED. Except in case of emergency, no person shall land any aircraft within the corporate limits of the city except upon regularly established airport, field or landing place. (Ord. 588, Sec. 7; Code 1987, 12-507)

12-512. NOISE BY AIRCRAFT OPERATION. Unnecessary noise by operation of aircraft within or over the corporate limits of the city and over or on the Marysville municipal airport is hereby prohibited. (Ord. 588, Sec. 9; Code 1987, 12-508)

12-513. DROPPING OBJECTS FROM AIRCRAFT PROHIBITED. No person shall hire or contract any person or no person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits of the city or over the Marysville municipal airport, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of

aircraft, without prior approval of the governing body. All equipment, baggage and articles of personal property carried in an aircraft shall be adequately fastened in place before leaving the ground. (Ord. 588, Sec. 10; Code 1987, 12-509)

- 12-514. PERMITS REQUIRED; WHEN. No person shall make exhibition flights by carrying banners on, or operate a loud speaking device from any aircraft flying over or within the corporate limits of the city without first obtaining a permit to do so from the governing body. The governing body may issue such permit if the person who will operate the aircraft and the aircraft to be used are duly licensed and certified by the Department of Commerce of the United States and the safety of lives of the inhabitants of the city will not be endangered by the proposed flight. The permit shall not be issued until the person making application shall have paid to the city clerk a fee of \$5.00. The permit provided for in this section may be issued by the governing body for periods of not longer than six months rather than for individual flights if the safety of lives of the inhabitants of the city will not be endangered by such permit and a permit fee of \$25.00 is paid. Such six-month permit shall be revoked by the governing body upon violation of any provision of this article. (Ord. 588, Sec. 11; Code 1987, 12-510)
- 12-515. LEASES. The governing body of the city may lease, assign or sublease any part of the Marysville municipal airport to one or more responsible persons, associations or corporations, jointly or severally, for any purpose directly or incidentally and necessarily required for the successful and proper operation of such property upon such terms as shall insure the impartial operation thereof, and rendition of services and conveniences thereon, on an equal basis to all users of the airport. (K.S.A. 3-122; Code 1987, 12-511)
- 12-516. COMMERCIAL USERS; LICENSE FEE. All commercial users of the Marysville municipal airport shall, prior to the commencement of operation from the airport, obtain the favorable recommendation of the airport advisory commission and approval of the governing body and purchase from the city clerk a license to so operate. The cost of the license shall be \$50.00 per calendar year. The airport advisory commission or governing body may terminate any lease if any of the provisions of this article are violated. The license fee, or any part thereof, will not be refunded. (Ord. 1026, Sec. 1; Code 1987, 12-512)
- 12-517. SAME; OPERATING SPACE FEE. A fee of \$75 per plane for any part of a six-month period will be charged for operating space rental at the Marysville municipal airport. (Code 1987, 12-513)
- 12-518. SAME; AGRICULTURAL SPRAY PLANES. Agricultural spray planes will be assigned parking north of the present ramp. Materials such as spray, fuel or mix tanks, etc. will not be stored less than 40 feet but not more than 65 feet from hard surfacing or taxiway. The width of the operating space will be marked out by the airport advisory commission. (Code 1987, 12-514)

- 12-519. SAME; POISONOUS MATERIALS. All poisonous materials will be kept out of reach of children and animals at all times. (Code 1987, 12-515)
- 12-520. SAME; CERTIFICATE OF INSURANCE. All commercial users of the Marysville municipal airport shall provide to the city clerk a certificate of liability insurance. The certificate shall provide a minimum of \$500,000 property and personal liability coverage and shall hold the city harmless for any accidents and/or damages which may occur. (Code 1987, 12-516)
- 12-521. SAME; MAINTENANCE EXPENSE. Any commercial user of the airport facility shall be liable for any and all expense incurred by the city for the necessary clean up, repair and maintenance resulting from the use. (Ord. 1026, Sec. 2, 12-517)
- 12-522. SAME; BOND. In addition to the fees provided in sections 12-512 and 12-513, a commercial user shall post a cash bond in the amount of \$250.00 which shall indemnify the city against any possible damage caused to any airport facility by the operation and to cover any cost imposed upon the city for the clean-up of the commercial use. The user shall notify in writing the city clerk of the termination of the use. Within five days of the termination, an inspection will be made of the site and, if no expense is incurred by the city for damage to any airport facility or for clean-up, the bond will be refunded forthwith to the user at the address provided on the license. This bond is in no way intended to limit the liability of the user for repairs or clean-up expense and if the amount of the bond is exhausted for repair and clean-up, the city may bill the user for additional expenses incurred. (Ord. 1026, Sec. 3; Code 1987;, 12-518)
- 12-523. ENFORCEMENT. It shall be the duty of the city administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city clerk upon a form published for that purpose. Applications required by this ordinance are to be submitted to the Board of Adjustment and shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the city clerk. (Ord. 1932, Sec. 8; Code 2011)
- 12-524. BOARD OF ADJUSTMENT. (a) There is hereby created a Board of Adjustment to have and exercise the following powers: (a) to hear and decide appeals from any order, requirement, decision, or determination made by the city administrator in the enforcement of this ordinance; (b) to hear and decide special exceptions to the terms of this article upon which such Board of Adjustment under such regulations may be required to pass; and (c) to hear and decide specific variances.
- (b) The Board of Adjustment shall consist of three (3) members appointed by the city council and each shall serve for a term of three (3) years or until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for

a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

(c) The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the city clerk and on due cause shown.

(d) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.

(e) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the city administrator or decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variation of this article. (Ord. 1392, Sec. 9; Code 2011)

12-525.

APPEALS. (a) Any person aggrieved or any taxpayer affected by any decision of the city administrator, made in the administration of the article, may appeal to the Board of Adjustment.

(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the city clerk a notice of appeal specifying the grounds thereof. The city clerk shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the opinion of the city administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the city administrator and on due cause shown.

(d) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement,

decision, or determination as may be appropriate under the circumstances. (Ord. 1392, Sec. 10; Code 2011)

12-526. JUDICIAL REVIEW. (a) Any person aggrieved or taxpayer affected by any decision of the Board of Adjustment may file within thirty (30) days from the rendition of such decision in the office of the District Court of Marshall County a verified petition setting forth and specifying the grounds for review upon which the petitioner relies and designating the decision sought to be reviewed. The clerk shall forthwith cause written notice of such appeal to be served upon the Board of Adjustment.

(b) Upon presentation of such petition, the court shall set it down for hearing and the same shall be tried de novo as in a civil case, and enforcement of said regulations shall be stayed until said petition is finally determined by the court. Appeals may be taken to the Supreme Court from any order, ruling or decision as in other civil cases. (Ord. 1392, Sec. 11; Code 2011)

12-527. PENALTIES. Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. 1392, Sec. 12; Code 2011)

12-528. CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 1932, Sec. 12; Code 2011)

12-529. SEVERABILITY. If any of the provisions of this article or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this article are declared to be severable. (Ord. 1392, Sec. 13; Code 2011)

ARTICLE 6. LIBRARY

- 12-601. **LIBRARY BOARD.** There is hereby established a board to be known as the Marysville library board.
- (a) The board shall be appointed by the mayor with the approval of the city council. It shall consist of seven members, residents of the city. In addition, the mayor shall be an ex officio member of the library board with the same powers as appointed members. No person holding any city office shall be appointed a member of the library board while holding such office.
 - (b) Members shall be appointed for a four-year term, provided that any member may be removed for cause at any time by the governing body.
 - (c) Vacancies occasioned by removal from the city, resignation or otherwise, shall be filled by appointment for the unexpired term.
 - (d) No person who has been appointed for two consecutive four-year terms to a library board shall be eligible for further appointment until two years after expiration of the second term. (K.S.A. 12-1222; Code 1987)
- 12-602. **SAME; DUTIES.** K.S.A. 12-1225 AND 12-1226 are hereby incorporated into this article by reference and become a part hereof and the provisions thereof are to regulate the operations of the library board. (Code 1987)

ARTICLE 7. TREES

- 12-701. **CREATION AND ESTABLISHMENT.** There is hereby created and established a tree board for the city which shall consist of three members, citizens and residents of the city, who shall be appointed by the mayor with the approval of the council. (Ord. 1258, Sec. 1)
- 12-702. **TERM OF OFFICE.** The term of the three persons to be appointed by the mayor shall be three years. In the event that a vacancy occurs during the term of any member, a successor shall be appointed for the unexpired portion of the term. Any member of the tree board may be removed for cause at any time by the governing body. (Ord. 1258, Se. 2; Code 1987)
- 12-703. **COMPENSATION.** Members of the board shall serve without compensation. (Ord. 1069, Sec. 3)
- 12-704. **DUTIES AND RESPONSIBILITIES.** (a) It shall be the responsibility of the board to study, investigate and develop and/or update annually a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.
(b) The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any matter or question coming within the scope of its work. (Ord. 1069, Sec. 4)
- 12-705. **OPERATION.** The board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 1069, Sec. 5; Code 1987)
- 12-706. **DUTY TO TRIM TREES/BUSHES ON OR NEAR PUBLIC WAYS.** (a) It shall be the duty of the owner or agent of real estate in the city abutting upon a public way to keep all trees and bushes located on or adjacent to such real estate property trimmed in a manner that they will not interfere with public travel upon the public way. Any part of a tree or bush projecting over a street or alley that:
 (1) Hangs or protrudes less than twelve (12) feet above street level;
 (2) Interferes with the visibility of any traffic control device or sign; or
 (3) Obstructs the light from any street light is declared to be hazardous and to interfere with the use of the street or alley.
(b) Any part of a tree or bush projecting over a sidewalk less than eight feet above sidewalk level is declared to be hazardous and to interfere with the use of the sidewalk.
(c) Any tree or bush located within 35 feet of any intersection or street in the city is declared to be hazardous unless the lowest branch of a tree is trimmed at least 12 feet and the maximum height of a bush does not exceed 30 inches above the top of the curb nearest the tree or bush, unless a member of the board of health

determines a lower height is necessary to preclude a traffic or safety hazard. (Ord. 1448; Code 2011)

- 12-707. SAME; NOTICE TO ABATE. Whenever any citizen or member of the board of health shall file with the city clerk a written statement that a nuisance exists, describing the same and location thereof, the city clerk shall issue a notice requiring the owner, occupant or agent of the premises to abate the nuisance within a reasonable time, not to exceed 60 days. The notice shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the board of health. The notice shall be served by restricted mail or personal service to the owner or agent of such property. (Ord. 1448; Code 2011)
- 12-708. SAME; FAILURE TO ABATE. If the owner or agent fails to comply with the requirements of the notice, then the city shall proceed to have the nuisance abated. The city shall give notice to the owner or agent by restricted mail the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. (Ord. 1448; Code 2011)
- 12-709. SAME; COLLECTION OF COSTS. If cost of such abatement and notice is not paid within the 30-day period, the city may recover such cost, to include the cost of providing notice and postage, in the manner provided by K.S.A. 12-1,115, and amendments thereto, or assess such charges against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other city taxes to the county clerk, extend the same on the tax rolls of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other taxes are collected and paid. (Ord. 1448; Code 2011)
- 12-710. SAME; EMERGENCY ABATEMENT. Whenever a member of the board of health determines that an emergency exists which requires immediate abatement of the nuisance to protect the public health, safety or welfare, an order may be issued directing the owner or agent of the real estate to take appropriate action to immediately abate the nuisance causing the emergency. If the owner or agent does not take immediate action to abate the emergency or is not immediately available, the city may act to abate the emergency with any costs incurred to be assessed and collected in the same manner as stated in Article 12-709 above. (Ord. 1448; Code 2011)

ARTICLE 8. ADVISORY BOARDS/COMMITTEES/COMMISSIONS

- 12-801. HEDSTROM HALL ADVISORY BOARD. The City may establish a Hedstrom Hall Advisory Board when necessary and appropriate. (Ord. 1472, Sec. 1; Code 2011)
- 12-802. SAME; MEMBERSHIP. The Hedstrom Hall Advisory Board shall consist of the members of the governing body of the city with the Marshall County extension agent serving as an ex-officio member. (Ord. 1472, Sec. 1; Code 2011)
- 12-803. SAME; MEETINGS. The board shall meet on an as-needed basis. An accurate record of the minutes and proceedings of each meeting shall be maintained. (Ord. 1472, Sec. 1; Code 2011)
- 12-804. SAME; DUTIES. It shall be the duty of the board to operate, maintain, set rental fees and schedule the use of Hedstrom Hall for the benefit of the residents of the city. (Ord. 1472, Sec. 1; Code 2011)
- 12-805. KOESTER BLOCK ADVISORY BOARD. There is hereby established a Koester Block advisory board to be appointed by the mayor with consent and approval of the city council. (Ord. 1127, Sec. 1)
- 12-806. SAME; MEMBERSHIP. The board shall consist of five members who shall serve for a term of three years. Each member shall serve until a successor is appointed and qualified and vacancies on the board shall be filled by appointment for the unexpired term. The mayor shall annually appoint one member to be chairperson. Any member of the board may be removed for cause by the governing body. (Ord. 1198, Sec. 1; Code 2011)
- 12-807. SAME; MEETINGS. The board shall meet at least quarterly on a regular date and at other times on call of the chairperson. The board shall keep an accurate record of the minutes and proceedings of each meeting which shall be made available to the governing body upon request. (Ord. 1127, Sec. 3)
- 12-808. SAME;DUTIES. It shall be the duty of the board to manage and operate that portion of the Koester Block acquired by the city by deed dated December 15, 1977; to provide for insurance on the property; to provide for ordinary and necessary maintenance of the property; to make recommendations to the governing body on items of major maintenance, remodeling or matters which involve a change in use of the property; to enter into and negotiate new or amended leases, to be approved by the governing body; however, the mayor is authorized to approve and execute any lease negotiated by the board which is for a period of one year or less without the approval of the governing body. (Ord. 1127, Sec. 4; Ord. 1324, Sec. 1; Code 2011)

- 12-809. KOESTER BLOCK MAINTENANCE FUND ESTABLISHED. There is hereby established in the treasury of the city a fund to be designated the “Koester Block Maintenance Fund”. All revenues received for the Koester Block shall be deposited in this fund. All revenues in the fund are hereby appropriated for the repair, maintenance, insurance, taxes and other operating expenses of any property in the entire Koester Block (all of Block 10, Ballard & Morrall Addition), including the remodeling, rebuilding and removal of buildings or the construction of new buildings or other facilities on the property. (Ord. 1127, Sec. 5; Ord. 1324, Sec. 2)
- 12-810. CONVENTION AND TOURISM COMMITTEE. There is hereby established a convention and tourism committee to consist of 10 members, residents of the city, who are appointed by the mayor with the approval of the city council. (C.O. No. 4, Sec. 2)
- 12-811. SAME; TERM OF OFFICE. Of the initial membership, four shall serve for one year, three for two years and three for five years. Thereafter, the members of the committee shall be selected in the same manner as the member he or she is succeeding and the term of office of each shall be three years. Whenever a vacancy occurs, an elector shall be selected to fill such vacancy in the same manner as and for the unexpired term of the member he or she is succeeding. The mayor shall annually appoint a chairman, and the committee shall elect a secretary who shall keep an accurate record of the minutes and proceedings of each meeting and shall make such minutes available to the governing body upon request. Any member of the convention and tourism committee may be removed for cause at any time by the governing body. (C.O. No. 4, Sec. 2)
- 12-812. SAME; DUTIES. The convention and tourism committee shall make recommendations concerning the programs and expenditures for promotion of convention and tourism in the city. (C.O. No. 4, Sec. 2)
- 12-813. KOESTER HOUSE MUSEUM ADVISORY BOARD. There is hereby established a Koester House Museum Advisory Board to be appointed by the mayor with the consent and approval of the city council.
- (a) The board shall consist of seven members. Five of the members shall be residents of the city, and the remaining two shall be residents of the city or Marshall County, Kansas.
 - (b) The term of each office shall be for two years.
 - (c) Vacancies on the board shall be filled by appointment by the governing body for the unexpired term of office.
 - (d) Any member of the board may be removed for cause by the governing body. (Ord. 1522, Sec. 1)
- 12-814. SAME; MEETINGS. The board shall meet on a monthly basis on an established date or at the call of the chairperson and make reports to the governing body. An accurate record of the proceedings of each meeting shall be made

available to the governing body upon request. A majority of the voting members shall constitute a quorum for the transaction of business. (Ord. 1313, Sec. 1)

12-815. SAME; DUTIES. It shall be the duty of the board to consider, investigate and make findings, reports and recommendations to the city council on the methods to maintain, operate, upkeep and preserve that portion of the Koester Block known as the Koester House Museum, 919 Broadway, and its surrounding grounds, which was assigned to the city by Assignment of Lease dated December 28, 1987. (Ord. 1313, Sec. 1)

12-816. MARYSVILLE ARTS COUNCIL ADVISORY BOARD. There is hereby established a Marysville Fine Arts Council Advisory Board to be appointed by the mayor with the consent and approval of the city council.

(a) The board shall consist of five members. The chairperson and secretary shall be chosen by the board each year at the first meeting following June 1, or at such time as a vacancy occurs in either office.

(b) Following the initial membership, outlined in Ordinance No. 1409, the term of each office shall be three years.

(c) Vacancies on the board shall be filled by appointment for the unexpired term of office.

(d) No person who has been appointed for two consecutive three-year terms to the board shall be eligible for further appointment until three years after expiration of the second term.

(e) Any member of the board may be removed for cause by the governing body. (Ord. 1409, Sec. 1)

12-817. SAME; MEETINGS. The board shall meet on regular dates to be established at the first meeting following June 1 of each year, or at the call of the chairperson. The board shall make reports to the governing body and shall keep an accurate record of proceedings of each meeting. Said meetings shall be available to the governing body upon request. A majority of the voting members shall constitute a quorum for the transaction of business. (Ord. 1409, Sec. 1)

12-818. SAME; DUTIES. It shall be the duty of the board to consider, investigate and make findings, reports and recommendations to the city council on the methods to maintain, operate, and preserve the facility known as the Lee and Betty Dam Fine Arts Center. It shall also be the duty of each member to serve on the Board of Directors for the Marysville Area Friends of the Arts. (Ord. 1409, Sec. 1)