

# public notice

## ORDINANCE NO. 1632

### AN ORDINANCE REGULATING FIREWORKS WITHIN CORPORATE LIMITS OF THE CITY OF GOODLAND, KANSAS.

#### BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS:

##### Section 1. Fireworks

Except as hereinafter provided, it shall be unlawful for any person to sell fireworks as defined by the regulations of the Fire Marshal of the State of Kansas, within the corporate limits of the City of Goodland, Kansas.

##### Section 2. Permit Purpose

The purpose of issuing a permit for the sale of fireworks pursuant to this Ordinance is to permit a location for the sale of fireworks within the corporate limits of the City of Goodland, Kansas, while controlling the inconvenience, interference with pedestrian and vehicular traffic and danger to the public that could be caused by the unregulated placement of said location.

##### Section 3. Permit Required

It shall be unlawful for any person to sell, display for sale, offer to sell or give away any type of fireworks within the City of Goodland, Kansas without first paying the appropriate permit fee per establishment or premises to the City Clerk of the City of Goodland, Kansas and applying for and securing a permit therefore at least 10 days in advance of the date sales are to commence.

##### Section 4. Permit Fee

The permit fee for a tent, shed or other structure with a total square footage of up to 2500 square feet shall be \$50. The permit fee shall only be refundable upon failure of the Permittee to qualify for the permit.

##### Section 5. Permit Location

No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Fireworks stands are prohibited from all but the following zoning districts within the city; General Business District (C-1), Downtown Business District (C-2), Light Industrial District (L-1), Heavy Industrial (L-2). Any fireworks stands located in permanent structures must comply with City of Goodland Zoning Regulations. Fireworks stands shall be constructed according to administrative regulations and must not be located on, or interfere with streets, sidewalks, or utility facilities. Temporary Structures must be removed by July 6th of each year.

##### Section 6. Location Inspection

Prior to the issuance of a permit, an inspection will be made of the applicant's facility for compliance with this Ordinance and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Each location where fireworks are to be sold or displayed for sale shall be inspected by and subject to the standards imposed by the City of Goodland Fire Chief. The City Clerk of the City of Goodland, Kansas may only issue a permit pursuant to the Ordinance upon proof that the premises have passed the required inspection by the Goodland Fire Chief.

##### Section 7. Location Safety

Approval of all safety precautions and equipment at the sales location shall be by the City Manager or his/her designee, in conjunction with the Goodland Fire Chief.

Safety precautions and equipment shall include fire extinguishers and such other equipment as required by applicable state and city laws and regulations.

Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks, or flammable or volatile liquids in excess of one gallon.

If housed in a tent, the tent shall be constructed of a flame retardant material, with a certificate of such flame retardant attached. Any electrical cords shall be appropriately protected from damage by weather, the public and automobiles.

No sales of fireworks shall occur at any location, building, structure, tent or other similarly describable enclosure in conjunction with the retail sales of non-fireworks related items except as allowed by the City Manager of the City of Goodland, Kansas, at the written request of the Permittee. Any items sold under this exception must be approved by the City Manager prior to any sale taking place.

##### Section 8. Location Parking

Each location where fireworks are to be sold or displayed for sale shall provide at least 5 off street vehicular parking spaces.

##### Section 9. Permit Display

Upon qualifying for the permit, the Permittee shall conspicuously post, and prominently display, the same along with the City of Goodland Fire Chief inspection receipt at the establishment or premises where fireworks are to be sold or displayed for sale.

##### Section 10. Permit Application

Applications for permits to sell fireworks shall not be accepted before the first business day of January of the year for which the permit is to be issued. A preference will be extended to an application with proceeds supporting a not for profit organization within the City of Goodland, Kansas or an activity sponsored by the City of Goodland, Kansas. To exercise this preference, the applicant must apply for a permit before the first business day of March of the year for which the permit is to be issued. Thereafter, applications will be accepted on a first come first serve basis for a permit that remains un-issued.

##### Section 11. Application Process

All applications shall be on a form determined by, and include the information requested by, the City Clerk of the City of Goodland, Kansas. The appropriate permit fee, in certified funds, must accompany each application.

The City Clerk of the City of Goodland, Kansas shall present all applications received to the Governing Body of the City of Goodland, Kansas at the first meeting in March or the first meeting after receipt of the application, whichever is later.

Subject to a determination by the Governing Body of the City of Goodland, Kansas, that said applicant has met all the requirements set forth herein, including a determination as to the appropriateness of the proposed site and the availability of a permit, a permit shall be issued.

The City Clerk of the City of Goodland, Kansas shall notify each applicant by first-class United States Mail whether said applicant was successful in obtaining a permit within ten (10) business days of the determination by the Governing Body of the City of Goodland, Kansas. The permit fee submitted by all unsuccessful applicants shall be returned with the notice that said applicant was not successful in obtaining a permit.

##### Section 12. Permittee Insurance

Each Permittee shall obtain a policy of general comprehensive liability insurance for a minimum coverage of \$500,000 per occurrence, with the City of Goodland, Kansas named as an additional insured, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the Permittee upon less than thirty-days notice.

Each Permittee shall also obtain a policy of product liability

insurance for a minimum coverage of \$500,000 per occurrence for products sold and/or stored within the city by the vendor, and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the Permittee upon less than thirty days notice.

##### Section 13. Permittee Indemnification

Each Permittee shall at all times indemnify the City of Goodland, Kansas, its officials, representatives, designees and employees, and shall defend, save and hold them harmless, from and against any and all claims, actions, damages, liability and expense, including but not limited to attorneys and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such Permittee and Permittees customers, representatives, employees, contractors and designees.

##### Section 14. Permit Revocation

Any permit holder violating any provisions of this Ordinance shall, upon the first violation of this Ordinance, be issued a warning by the Goodland Police Department. On any second or subsequent violation of this Ordinance, the Goodland Police Department shall revoke the permit for sale and terminate the sale of fireworks by the violator.

Any permit holder whose permit is revoked hereunder may appeal to the City Manager of the City of Goodland, Kansas by notice served upon the City Clerk of the City of Goodland, Kansas, and a hearing shall be called and held not less than 24 hours from the date of the filing of such notice of appeal. The determination of the City Manager of the City of Goodland, Kansas shall be final.

##### Section 15. Permittee Disqualification

No permit shall be issued or renewed to a holder who has been revoked hereunder in a prior year or who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient grounds for the rejection of an application for a permit.

##### Section 16. Sale Times

Fireworks permitted under this Ordinance shall be sold only between the hours of 8:00 a.m. and 10:00 p.m. from June 27th through July 5th.

##### Section 17. Penalty

Any person, whether acting on his or her own behalf or that of any group or organization, who violates any section of this Ordinance shall be deemed to be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than \$500 or imprisonment of not more than 30 days, or by both such fine and imprisonment.

##### Section 18. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

For the current year 2012 due to the date upon which this Ordinance takes effect applicant may apply for a permit on or after June 25, 2012. The City will expedite the application process to determine whether or not it is appropriate to issue a permit pursuant to this Ordinance. This time for applying for a permit is only applicable for the calendar year 2012.

**PASSED AND APPROVED** by the Governing Body of the City of Goodland, Kansas, on this 18th day of June, 2012.

John Garcia,  
Mayor

ATTEST:  
Mary P. Volk,  
City Clerk

Published in The Goodland Star-News, Friday, June 22, 2012.

## RESOLUTION NO.1368

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT Lots One (1), Two (2), and Three (3), Block Eighty-Five (85), Original Town of Goodland, Kansas, according to the recorded plat thereof. Also known as 302 W 15th, GOODLAND, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REPAIRED OR REMOVED AND THE PREMISES BE MADE SAFE AND SECURE.

**WHEREAS**, the Enforcing Officer of the City of Goodland, Kansas, did on the 7th day of May 2012, file with the governing body of said city, a statement in writing that the structure, hereinafter described, was unsafe and dangerous; and,

**WHEREAS**, the governing body did by Resolution No. 1361, dated the 7th day of May, 2012, fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

**WHEREAS**, Resolution No. 1361 was published in the official city paper on the 11th day of May, 2012, and on the 18th day of May, 2012, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

**WHEREAS**, on the 18th day of June, 2012, the governing body did conduct the hearing scheduled in Resolution No. 1361 and took evidence from the following: the Enforcing Officer on behalf of the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS, THAT:

1. The governing body hereby finds that the structure located at Lots One (1), Two (2), and Three (3), Block Eighty-Five (85), Original Town of Goodland, Kansas, according to the recorded plat thereof. Also known as 302 W 15th, is unsafe and dangerous and directs that such structure is to be repaired and the premises made safe and secure.

2. The owner of such structure is hereby directed to commence the repair of the property within ninety (90) days of June 18, 2012. Provided that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the repairs to the property.

3. If the owner fails to commence the repair of the structure within the time stated, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed and the costs of razing and removing, less salvage, if any, shall be collected in the manner provided by K.S.A. 12-1,1115, and amendments thereto or shall be assessed as special assessments against the lot or parcel of land upon which the structure is located or both, all as provided by law.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the repair of the structure within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raise and remove the structure without further notice to the owner or other parties in interest.

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lienholders, occupants and other parties in interest.

Adopted this 18th day of June, 2012.

John Garcia,  
Mayor  
(S E A L)

ATTEST:  
Mary P. Volk,  
City Clerk

Published in The Goodland Star-News, Friday, June 22, 2012.

## RESOLUTION NO.1369

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED The North Twenty-five feet (N 25') of Lots One (1) and Two (2); The North Twenty-five feet of the East Seventeen feet (N 25' E 17') of Lot Three (3); Subdivision of Block Seventy-eight (78); Original Town of Goodland, Kansas, according to the recorded plat thereof. Also known as 229 E 13th, GOODLAND, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REPAIRED OR REMOVED AND THE PREMISES BE MADE SAFE AND SECURE.

**WHEREAS**, the Enforcing Officer of the City of Goodland, Kansas, did on the 7th day of May 2012, file with the governing body of said city, a statement in writing that the structure, hereinafter described, was unsafe and dangerous; and,

**WHEREAS**, the governing body did by Resolution No. 1362, dated the 7th day of May, 2012, fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

**WHEREAS**, Resolution No. 1362 was published in the official city paper on the 11th day of May, 2012, and on the 18th day of May, 2012, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

**WHEREAS**, on the 18th day of June, 2012, the governing body did conduct the hearing scheduled in Resolution No. 1362 and took evidence from the following: the Enforcing Officer on behalf of the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS, THAT:

1. The governing body hereby finds that the structure located at The North Twenty-five feet (N 25') of Lots One (1) and Two (2); The North Twenty-five feet of the East Seventeen feet (N 25' E 17') of Lot Three (3); Subdivision of Block Seventy-eight (78); Original Town of Goodland, Kansas, according to the recorded plat thereof. Also known as 229 E 13th, is unsafe and dangerous and directs that such structure is to be repaired and the premises made safe and secure.

2. The owner of such structure is hereby directed to commence the repair of the property within ninety (90) days of June 18, 2012. Provided that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the repairs to the property.

3. If the owner fails to commence the repair of the structure within the time stated, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed and the costs of razing and removing, less salvage, if any, shall be collected in the manner provided by K.S.A. 12-1,1115, and amendments

thereto or shall be assessed as special assessments against the lot or parcel of land upon which the structure is located or both, all as provided by law.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the repair of the structure within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raise and remove the structure without further notice to the owner or other parties in interest.

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lienholders, occupants and other parties in interest.

Adopted this 18th day of June, 2012.

John Garcia,  
Mayor  
(S E A L)

ATTEST:  
Mary P. Volk,  
City Clerk

Published in The Goodland Star-News, Friday, June 22, 2012.

### IN THE DISTRICT COURT OF SHERMAN COUNTY, KANSAS FILED PURSUANT TO CHAPTER 59 OF THE KANSAS STATUTES ANNOTATED

IN THE MATTER OF THE ESTATE OF RICHARD MEREDITH PARISH, Deceased.

Case No. 12 PR 14

### NOTICE OF HEARING AND NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are notified that on the 4th day of June, 2012, a petition was filed in this Court by John Arthur Bradshaw, an heir, devisee and legatee, and executor named in the "Last Will and Testament of Richard Meredith Parish," deceased, dated March 24, 3012, requesting the will filed with the petition be admitted to probate and record; petitioner be appointed as executor, without bond; and petitioner be granted Letters Testamentary,

You are required to file your written defenses to the petition on or before the 29th day of June, 2012, at 11:00 o'clock a.m. in the District Court, Goodland, Sherman County, Kansas, at which time and place the cause will be heard. Should you fail to file your written defenses, judgment and decree will be entered in due course upon the petition.

All creditors are notified to exhibit their demands against the Estate within the latter of four months from the date of first publication of notice under K.S.A. 59-2236 and amendments thereto, or if the identity of the creditor is known or reasonably ascertainable, 30 days after actual notice was given as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

John Arthur Bradshaw,  
Petitioner

VIGNERY & MASON L.L.C.  
214 E. 10th, P.O. Box 767  
Goodland, Kansas 67735  
Telephone: 785-890-6588

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