

## CHAPTER XII. PUBLIC PROPERTY

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### ARTICLE 1. CEMETERIES

- 12-101. CEMETERIES ESTABLISHED. There are hereby established for the city, the following cemeteries:
- (a) Oak Hill Cemetery;
  - (b) Hillcrest Cemetery; and,
  - (c) Galena Cemetery.
- (Code 1988)
- 12-102. CEMETERY SEXTON; DUTIES. The primary duties of the cemetery sexton are to care for and maintain the cemeteries owned and operated by the city and to sufficiently document the locations of graves.  
(Ord. 83-6, Sec. 1:2; Ord. 84-11, Sec. 1; Ord. 94-6, Sec. 1; Code 1998)
- 12-103. GRAVE SITES AND OPENINGS; PRICES AND FEES. (a) The price of a grave site (burial plot) at the Oak Hill, Hillcrest, or Galena Cemeteries is hereby set at \$200.00 per site.
- (b) A fee of \$225.00 to open a grave site at the Oak Hill, Hillcrest, or Galena Cemeteries, shall be charged Monday through Friday, unless (d) applies below in such event (d) shall be the only grave opening fee.
  - (c) An additional fee of \$150.00 shall be charged for Saturday grave openings, unless (d) applies below in which case (d) shall be the only grave opening fee.
  - (d) A fee of \$125.00 shall be charged for a grave opening under five feet or for emergency county burials.
  - (e) An infant grave opening is free.
  - (f) There shall be no grave openings on Sundays or other city holidays.
- (Ord. 02-01, Sec. 1; Ord. 06-05, Code 2015)
- 12-104. VAULT OR MAUSOLEUM. All cemetery vaults or individual mausoleum in which a body is or to be interred or buried, and all retaining walls surrounding any lot, lots, or part of a lot, shall be flush and level with the ground, except that the granite slab on top of any vault or mausoleum may extend above the ground.  
(Ord. 885, Sec. 2, Code 1988)
- 12-105. SAME; LIABILITY. In the event that a vault or mausoleum has been placed in any cemetery of the city in advance and in expectation of a burial therein, and if when and upon opening thereof, the person, firm or corporation from which the

vault or mausoleum was purchased should not be available or in existence for the same, then the owner thereof or next of kin shall be liable and responsible for the opening and closing costs thereof. (Ord. 923, Sec. 4, Code 1998)

- 12-106. PERPETUAL CARE FUND. The governing body of the city hereby authorizes the city treasurer to accept the Perpetual Care Fund, formerly in the custody and control of the Galena Cemetery Association, in accordance with K.S.A. 12-1416. (Ord. 84-8, Sec. 1; Code 1988)
- 12-107. SAME; INVESTMENTS AND EARNINGS; PURPOSE. (a) No part of the principal of the perpetual care fund shall be used and in no case shall the principal fund herein created be depleted or lessened. The principal of the fund shall be invested in county, state, municipal bonds, U.S. bonds, or shall be placed in an account with any state, national or savings and loan association bank in an amount not to exceed that which would be covered by the Federal Deposit Insurance Corporation.  
(b) The earnings derived from the investments shall be transferred to the city general fund where the use thereof shall be for any purpose. (Ord. 84-8, Sec. 2; Code 1988)
- 12-108. SAME; MONTHLY REPORT. It shall be the duty of the city treasurer to see that the principal from the perpetual care fund be properly invested. The city treasurer shall also issue a monthly report to the city's governing body showing investments and amount of earnings. The perpetual care fund shall be audited when and at the same time and under the same rules of procedure that the regular city audit takes place. (Ord. 84-8, Sec. 3; Code 1988)
- 12-109. SAME; RULES AND REGULATIONS. The governing body shall from time to time adopt and promulgate rules and regulations as they shall deem necessary for the perpetual care and management of the city cemeteries. (Ord. 84-8, Sec. 4; Code 1988)
- 12-110. RESERVED.
- 12-111. SAME; DONATIONS AND CONTRIBUTIONS. The City Clerk is hereby authorized and empowered to accept and receive any and all donations and contributions from persons for the betterment, improvement and beautification of the city cemeteries, the same to be collected at the city cemeteries on Memorial Day and at other places and at other times where the same may be offered and given. Such donations and contributions are to be deposited in the perpetual care fund. (Ord. 84-8, Sec. 6; Code 2015)
- 12-112. OAK HILL CEMETERY, GALENA CEMETERY AND HILLCREST CEMETERY; CONDUCT OF FUNERALS. The Oak Hill Cemetery, Hillcrest Cemetery and Galena Cemetery shall be open for the conduct of funerals during normal working hours, subject to the following provisions and regulations:  
(a) The cemetery sexton shall not normally be required to be on duty between the hours of 4:30 p.m. on Friday and 8:00 a.m. on Monday of any week of any year.

(b) No funeral services are to be conducted on any official recognized holiday observed by the city, on any Sunday, or after 2:00 p.m. on any Saturday, except for emergency county burials.

(c) In the event that any funeral home shall desire to conduct a funeral at any of the above cemeteries on a Saturday, the fees stipulated in Section 12-103 shall apply and be the responsibility of the funeral home conducting the funeral.  
(Ord. 02-1, Code 2015)

12-113. SAME; BURIAL SPACES AND PLOTS. (a) All spaces on a burial plot and around it that are inaccessible to being mowed by power mower may be, at the discretion of the superintendent of city cemeteries, either concreted over or sprayed by chemical in order to prevent the growth of vegetation.

(b) Extended corners on curbs around burial plots may be eliminated at the discretion of the superintendent of city cemeteries.  
(Ord. 738, Secs.1:2; Code 1988)

12-114. SAME; PLANTS SHRUBS; FLORAL PIECES. Plants, shrubs or artificial floral pieces, shall be limited to one for each grave except for a period of time on Memorial Day to be determined and set by the governing body.  
(Ord. 738, Sec. 3; Code 2015)

12-115. SAME; FOOT STONES AND BURIAL MARKERS. (a) All new foot stones shall be installed at surface level and all present foot stones will not be driven down or reinstalled at surface level.

(b) Burial markers and plot holders shall not be erected in any city cemetery.  
(Ord. 738, Sec. 4:5; Code 1988)

12-116. SAME; BOULDER MARKERS. The city superintendent has discretion to determine and perform consistent with proper maintenance, care or safety within any cemetery, that: present bolder markers and plot boarders be eliminated; or that walls that have deteriorated or become unsightly be removed; or that graves with high mounds be reduced to permit proper mowing and care.  
(Ord. 738, Sec. 6, Code 2015)

12-117. SAME; STREETS AND ALLEYS. Within the discretion of the city superintendent, boulders lining the sides of streets and alleys may be eliminated and a chemical spray may be used along the sides of such streets and alleys to eliminate vegetation. (Ord. 738, Sec. 7; Code 1988)

12-118. SAME; HEADSTONES. Headstones shall be installed on a concrete foundation extended three inches beyond the base of the marker, and where installed adjacent to a curb wall, to be extended to the wall, except where the marker is installed at surface level.  
(Ord., 738, Sec. 8; Code 1988)

12-119. CEMETERY HOURS. All cemeteries shall be open to the public from 7:00 a.m. to 9:00 p.m. on April 6th through October 26th of each year, and from 7:00 a.m. to 7:00 p.m. on October 27th through April 5th of each year. All persons, except those persons authorized by their public office or employment, shall be prohibited from entering into or remaining upon the grounds of said cemeteries

during hours that such are not open to the public. Persons violating this section shall be guilty of Criminal Trespass, a Class B violation, punishable by a sentence of no more than 6 months incarceration or a fine not to exceed \$1000.00, or both such fine and imprisonment.

(Ord. 05-01; Code 2015)

## ARTICLE 2. LIBRARY

- 12-201. PUBLIC LIBRARY ESTABLISHED. There is hereby established in the city a free, public library and reading-room for the inhabitants of the city, which shall be located and maintained in the city hall or at such other place as shall be designated by the governing body. The library shall be known and designated as "The Public Library of the City of Galena, Kansas."  
(Rev. Ord. 1951, 11-101; Code 2015)
- 12-202. PUBLIC LIBRARY BOARD. There is hereby created a board of nine directors, to be known as the "Public Library Board" for the library, to be appointed by the mayor of this city with the approval of the city council. The appointed directors shall be qualified electors of the city, and chosen from the city at large with particular reference to their fitness for such office, and with the fullest consideration for mental and educational and intellectual attainments. The mayor of this city shall be ex-officio one of such board of directors. No director shall receive compensation unless specifically authorized by the city's governing body.  
(Rev. Ord. 1951, 11-102; Code 2015)
- 12-203. TERM OF OFFICE OF BOARD MEMBERS. At the first regular meeting of the governing body of this city in October of each year, the mayor shall appoint two directors on the board with the approval of the city council who shall hold their term of office for a period of four years thereafter and until their successors are appointed and qualified, unless removed from office as provided by law. Each director of the library board shall take and subscribe an official oath of office and file the same with the city clerk of the city within 10 days after his or her appointment, and failure to so do shall create a vacancy on the library board, which shall be filled by the mayor at the next regular meeting of the governing body thereafter as provided by law. The city governing body may remove any director for misconduct or neglect of duty. Vacancies in the board of directors occasioned by removals either from the city or for cause, resignation or otherwise, shall be reported at once by the city librarian to the city clerk, and filled in like manner as original appointments. (Rev. Ord. 1951, 11-103; Code 2015)
- 12-204. DUTY OF LIBRARY BOARD. The board of directors shall within 30 days of the annual appointment and qualification of board members as specified in section 12-203, meet and elect one of their members as president, and the conduct the election of such other officers as the board may deem necessary. The board shall:
- (a) Make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act;
  - (b) Have charge of the rooms and quarters and that part of the building where the library and reading room is housed and maintained and set apart for that purpose;
  - (c) Have power to purchase such books, magazines, papers and other essential material including maps and equipment, as shall in their judgment be necessary and advisable, and to recommend the appointment of a suitable librarian and assistants when circumstances require to the mayor and city council;
  - (d) Have power in general to carry out the spirit and intent of this article, in establishing and maintaining a public library and reading room; and,

(e) Have the exclusive control of the expenditures of all moneys collected to the credit of the "Library Fund," which fund shall be kept by the treasurer of the library board.  
(Rev. Ord. 1951, 11-104; Code 1998)

12-205. **TREASURER OF THE BOARD.** The treasurer of the library board shall hold office for a term of two years and until his or her successor is elected and qualified, and shall have to give bond, to be approved by the city council of the city, for the safe-keeping and due disbursement of all funds that may come into the hands of such treasurer, in such amount as the board may direct. The salary of the librarian shall have priority in the payment of all claims which shall be payable from the library fund, and no debts or other obligations shall be created or contracted for by the board of directors unless there is sufficient money in the library fund in excess of the annual salary of the librarian to pay the same, and in the purchase and creation of obligations by the board of directors at all times they shall comply with the cash basis law and the budget law of the State of Kansas and the priority of the salary of the librarian, and shall be governed accordingly.  
(Rev. Ord. 1951, 11-104; Code 2015)

12-206. **MEETINGS; QUORUM; JOURNAL.** The board of directors shall meet in regular session each month at such time as they shall fix by rule or regulation and the meeting shall be held in the public library of this city, and shall hold such other meetings at such time as they deem necessary. Five directors of the board shall be necessary to constitute a quorum. The minutes and proceedings of the meetings of the board of directors shall be kept and recorded in a journal by the board and the librarian. (Rev. Ord. 1951, 11-104; Code 2015)

12-207. **QUARTERLY REPORT.** The board of directors of the library shall make and file with the city clerk, a written report quarterly hereafter to be presented to the governing body of this city, which report shall show the number of meetings held during the last quarter of the year previous, the amount of books, magazines and other material purchased for the library and a further report showing the condition of progress of the library, together with suggestions and recommendations, if any, that the board may deem necessary for the betterment and advancement for the purpose of the establishment of the same. The quarterly reports shall be made on or before the 15th day of the months of January, April, July and October of each year, signed by the president and secretary of the board, and shall be published in the official city paper.  
(Rev. Ord. 1951, 11-106; Code 1998)

12-208. **REGULATIONS AND RULES OF LIBRARY.** The library and reading room established under this article shall be forever free to the use of the inhabitants of the city, where located, subject always to such reasonable rules and regulations as the library board of directors may see fit to adopt, in order to render the use of the library and reading room of the greatest benefit to the greatest number.  
(Rev. Ord. 1951, 11-107; Code 1998)

12-209. **ANNUAL REPORT.** The board of directors shall on or before the 15th day of January, of each year, make an annual report in writing to the governing body of this city, stating the number of books on hand, the condition of their trust on the 31st day of December of the year next preceding, the various sums of money

received from the "Library Fund," and from other sources, and amounts received and amounts expended, and for what purposes; the number of books catalogued and periodicals on hand, the number of added books by purchase, gift or otherwise during the year; the number and value of books lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may have and deem of general interest. Such report shall be verified by affidavit of the president and secretary.

(Rev. Ord. 1951, 11-108; Code 1998)

12-210. DONATIONS. Any person desiring to make donation of money, personal property or real estate for the benefit of such library shall have the right to vest the title to the money or real estate so donated in the board of directors of the public library created and established under this article, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be special trustee.

(Rev. Ord. 1951, 11-109; Code 1998)

12-211. HOURS OF LIBRARY. The library shall be open at such hours of the day as the board of directors shall designate on Monday through Saturday.

(Rev. Ord. 1951, 11-110, Code 2015)

12-212. SALARY OF LIBRARIAN. The salary of the librarian shall be fixed by the library board and shall be paid as provided by law.

(Rev. Ord. 1951, 11-111; Code 1998)

12-213. LEVY OF TAX. Taxes for the support and maintenance of the public library of the city, shall be levied annually by the governing body of this city at the annual levy of taxes for the city for other municipal purposes; and shall be duly certified, collected and received by the city, as other taxes are, as provided by law.

(Rev. Ord. 1951, 11-112; Code 1998)

12-214. UNLAWFUL DAMAGE TO LIBRARY PROPERTY. It shall be unlawful for any person to willfully injure or damage any building occupied by the public library of the city or to willfully injure or destroy any book, map, chart, magazine, picture, statuary or other personal property belonging to or under the control of the public library of the city. (Rev. Ord. 1951, 11-114; Code 1998)

12-215. FAILURE TO RETURN LIBRARY MATERIALS. It shall be unlawful for any person to fail to return any book, newspaper, magazine, pamphlet, manuscript, article, art print, phonograph record, film or any other property owned by the public library after notice in writing to return the same within 30 days has been given to such person; such notice shall be given after the expiration of the time which, by the rules of the library board, the book or other library material may be kept.

(Ord. 1042; Code 1998)

12-216. FRAUD IN PROCURING LIBRARY PRIVILEGES. It shall be unlawful for any person to give a fictitious name or address at the public library in order to obtain possession or use of any book or any other property of the public library, or to use a library card other than his or her own to secure without permission of the owner

thereof possession of any book or other property of the public library, or to conceal his or her identity or place of employment or residence in any manner whatsoever in order to secure possession of any book, library card, or any other property of the public library. (Ord. 1042; Code 1998)

12-217. NOTICE OF VIOLATION. Whenever it appears there has been a violation of this article, the librarian of the public library shall give notice of such alleged violation to the person(s) responsible therefore as herein provided. Such notice shall:

- (a) Be in writing;
- (b) Particularize the violations alleged to exist or have been committed and
- (c) Specify that the person to whom the notice is issued shall have 30 days within which to correct the violations particularized; and
- (d) Be addressed to and served upon the holder of the library card at the address which is most recent as it appears from such person's application for a library card.

Provided that such notice shall be deemed properly served upon such holder or owner of a library card if a copy thereof is served upon him or her personally, or a copy thereof is sent by certified mail to the address listed as most recent on his or her application for a library card.

(Ord. 1042; Code 1998)

12-218. PROSECUTION - PRESUMPTION OF PROOF. In any prosecution charging a violation of this article, proof that a particular individual was the registered holder of a particular library card which was used to secure any book or any other property, shall constitute in evidence a prima facie presumption that the record owner or holder of such library card was the person who utilized the same to secure a particular book or other property of the public library at the point where and at the time when such violation occurred. The foregoing stated presumption shall apply only when the procedure as mandated in this article has been followed.

(Ord. 1042, Code 1988)

12-219. PENALTY. Any violation of any of the provisions of this article shall constitute a violation of this code and shall be punished by a fine of not less than \$5 nor to exceed \$200. (Ord. 1042; Code 2015)



### ARTICLE 3. CITY PARKS

- 12-301. PARK BOARD CREATED. A park board may be established by the governing body of the city to consist of five members who shall serve without compensation during their term of office. (Rev. Ord. 1951; Code 1998)
- 12-302. APPOINTMENT; QUALIFICATIONS; TERM; SECRETARY. The mayor shall be one member of the board and shall be ex-officio chairperson thereof. The mayor shall appoint the other four members, none of whom shall be related by blood or marriage to the mayor, to any member of the governing body, or to any officer of the city government. Such members so appointed, shall hold their office for a term of two years unless sooner removed by the mayor. The board shall elect one of their members secretary and he or she shall perform the usual functions of that office. (Rev. Ord. 1951, 16-102; Code 1998)
- 12-303. ANNUAL REPORT. The city park board or commission shall make an annual report of all its proceedings and the conditions of the parks of the city to the governing body in the month of January of each year.  
(Rev. Ord. 1951, 16-103; Code 1998)
- 12-304. MEETINGS. The park board or commission shall hold monthly meetings on the first Monday of each month and at such other special meetings as they may necessary for the transaction of the business of the board.  
(Rev. Ord. 1951, 16-104; Code 1998)
- 12-305. RULES AND POWERS. The city park board shall look after and care for all city parks and shall have full power and control thereof. It shall keep a record of all money expended and received by it, and shall recommend, as provided by law, the amount to be levied by the city council, not to exceed one mill, each year for the care and maintenance of the city parks. Any recommendation of the park board regarding the amount of the mill levy shall be advisory only to the city governing body. The city governing body possesses final authority as to any mill levy that may be imposed. (Rev. Ord. 1951, 16-105; Code 2015)
- 12-306. PARK CARETAKER ESTABLISHED. The position of park caretaker is established and shall serve at the discretion of the mayor. The park caretaker shall reside in the dwelling house located at Schemerhorn Park, upon his appointment to the position of park caretaker if the city governing body so designates by a vote of no less than four (4) of its members.  
(Ord. 84-14, Sec. 1:5; Code 2015)
- 12-307. SAME; DUTIES. The park caretaker shall have the following duties:
- (a) Clean daily all public restrooms in all parks;
  - (b) Keep the grass mowed and premises trimmed in all city parks;
  - (c) Maintain all machinery used in the maintenance of the parks, unless the city superintendent shall designate another public works employee to perform such duties;
  - (d) Maintain the structures in all city parks in a clean and orderly manner;
  - (e) Place any wood which is available from the maintenance of the parks at the cook sheds;

(f) Monitor activities in Schemerhorn Park to assure public safety and prevent destruction of park property.  
(Ord. 84-14, Sec. 3; Code 1988)

12-308. CITY PARK MAINTENANCE PROJECTS. The park committee and cemetery committee of the governing body will review conditions in both city parks prior to November 1st of each year. The committee will compile a list of projects that are necessary to the upkeep or would improve either park. The committee will submit this list to the mayor. The mayor will authorize the park caretaker to work in the street or water department at such time as he believes all work in the parks is complete. During the time the park caretaker works in the street or water department, he or she shall come under the direct supervision of the city superintendent. (Ord. 84-14, Sec. 4; Code 2015)

12-309. VEHICLE REGULATIONS. (a) It shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose, unless such vehicle is parked by a city employee or a third party at the direction of a city employee who is performing maintenance to the park. The city council committee overseeing parks shall designate such areas where parking is prohibited. The governing body may change such designations by motion duly passed.

(b) Motorized vehicles shall be operated in a safe and prudent manner in city parks, and in no event operated at a rate of speed that is more than 20 miles per hour. The operator of any vehicle within a city park shall slow his or her vehicle when approaching pedestrians and yield to pedestrians.  
(Code 2015)

12-310. 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 2015)

12-311. 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 2015)

12-312. SANITATION; LITTERING. Any person using and making waste material, paper, trash, rubbish, cans, bottles, containers, garbage and refuse of any kind whatsoever in a city park shall immediately upon leaving the park deposit such items in disposal containers provided by the city or its contractors for such purposes or such park visitor shall cause such items to be removed from the park concomitant with such park visitor leaving the park. Neither stone, gravel, rock or any other item listed in this section shall be thrown or discarded in or on any park land, fountain, pool, drinking fountain, sanitary facility, or other improvement. It shall be unlawful to violate any of the provisions of this section and any violator thereof is subject to a fine ranging from \$50 to \$2500. (Code 2015)

12-313. 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 any alcoholic liquor or cereal malt beverage.  
(Code 2015)

- 12-314.           PRESERVATION OF NATURAL STATE. It shall be unlawful for any person, except 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, unless such person is doing so under the direction, control and approval of the city superintendent or park caretaker or is otherwise authorized by the city governing body, including but not limited to, any volunteer clean-up days.  
(Code 2015)
- 12-315.           GENERAL REGULATIONS. The city may post such rules and regulations, as are approved by the governing body, pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall constitute a violation of this code. (Code 2015)
- 12-316.           PARK BOARD; PROVISIONS. In the event that a park board has not been appointed the governing body shall assume the responsibilities designated for the park board under article 3 of chapter 12 hereof. (Code 2015)

**ARTICLE 4. CITY LANDFILL**

12-401. APPLICATION OF 12-402 TO 12-407; NOT EFFECTIVE UNDER CERTAIN CONDITIONS. Sections 12-402 through 12-407 hereof are only applicable whenever the landfill of the city is both operated and owned by the city. (Code 2015)

12-402. USAGE RULES; PAYMENTS. Persons using a construction and demolition landfill operated and owned by the City of Galena shall comply with all directives of the attendant and any other rules posted at the landfill. Large appliances, furniture and large bulky items shall only be unloaded into a roll-off container unless the city employee attending the premises directs otherwise. No unauthorized materials under city, state or federal law, shall be unloaded at the site. Hazardous chemicals, materials and waste, shall not be dumped at the site. Scavenging or salvaging of material from the landfill is prohibited. The refrigerant gas from refrigerators, air conditioners and other similar items using such gas must be removed from these items prior to unloading such items in the landfill. The unloading of materials at the landfill shall only occur during the times the gate is open and an attendant, who is an employee of the City of Galena, is on duty. Persons unloading materials shall take reasonable precautions to minimize the spillage of nails and screws. The attendant shall have full discretion to reject any request to unload any materials at the landfill. The prohibitions applying to any person above shall also equally apply to any entity. (Ord. 05-24; Code 2015)

12-403. OFFENSE DECLARED. It is unlawful to violate any of the rules of usage specified herein and any person or entity violating the provisions of this section pertaining to usage shall be guilty of the offense of Unlawful Unloading of Materials at a Landfill and subject to the penalties stated elsewhere in this Code in Section 1-111 hereof. (Ord. 05-24; Code 2015)

12-404 FEE SCHEDULE. The following fees shall be paid at the landfill to the attendant before any unloading of materials.

<u>Type of vehicle hauling materials</u>	<u>Fee amount</u>
Local resident rate- pick-ups of no larger than one-half or three-quarter ton size or a small utility trailer, bearing a single axle, hauling only items not removed from a business enterprise	\$5.00
Pick-ups- not a local resident	\$30.00
Small utility trailers- single axle only- not a local resident	\$30.00
16 foot trailers with the side height 2 feet or less	\$60.00
16 foot trailers with the side height more than 2 feet	\$60.00
20 foot trailer with the side height 2 feet or less	\$80.00
20 foot trailer with the side height more than 2 feet	\$120.00
6 wheel dump trucks- local resident rate	\$60.00
6 wheel dump truck- not a local resident	\$120.00
10 wheeler dump trucks	\$150.00
20 yard dumpsters	\$150.00
30 yard dumpsters	\$175.00
40 yard dumpsters	\$250.00
Small-end dump trailers	\$200.00
Large-end dump trailers	\$250.00

Only local residents may dispose of furniture and appliances in the landfill and the charge shall be \$5 per item disposed. This fee is waived during the first Saturday of each month. During the first Saturday of each month the disposal fee shall be waived for any hauling to which local residential rates specified above apply. Local residents shall not be charged for delivering brush to the construction and demolition landfill at any time, provided, the brush is from property that receives water service from the city of Galena. A "local resident" to which lower residential rates apply under the circumstances described above is defined as a person who pays a monthly fee to the city of Galena for water service provided by the city. (Ord. 05-24; Code 2015)

12-405. FEES APPLICABLE TO DEBRIS FROM STRUCTURES DEMOLISHED WITHIN THE CITY. In the event a structure within the city is demolished, the following rates shall apply in the event the person or entity paying the debris disposal fee indicates such person or entity agrees to be billed at the rate established under section 12-404. In the event the combined square footage of all structures found upon the premises that are to be demolished and disposed of at the city landfill are 1500 square feet or less, a \$500 fee shall apply. In the event the combined square footage of all structures found upon the premises that are to be demolished and disposed of at the city landfill are 1501 square feet or more, a \$750 fee shall apply. These rates are an exception to usual rates set forth in 12-404 and shall only apply if the code enforcement officer examines the premises at the request of the person or entity that is demolishing the structure, or the owner thereof, and is able to have sufficient access to determine the square footage of the structures located thereon. (Ord. 07-22; Code 2015)

12-406. SAME; PERMIT ISSUANCE. Upon payment of the fee, as is applicable, by such person or entity, as specified above, a permit shall be issued for the disposal of debris from the location. This permit shall expire 90 days after its issuance, unless a written extension is granted thereto by the code enforcement officer. The person or entity granted the permit shall inform the landfill operator on the date when the last load of debris from the permitted site has been hauled to the landfill. The landfill operator shall notify the appropriate city office or city official, as directed by the mayor, to assure an inspection of the debris removal site has occurred. (Ord. 07-22; Code 2015)

12-407. SALVAGING; RECYCLING. (a) The salvaging of material from the city landfill by any person or entity is prohibited, unless by motion of the city council a permit for such activity is authorized. Such authorization may be issued to a particular person or entity to conduct salvaging operations for profit, or to the city for purposes of recycling, salvaging or saving material, or to both a private person or entity and the city.

(b) In the event the city holds a permit, it may establish an incentive program for employees that permit such employees to a percentage share of the proceeds from the sale of such materials. However, the purchase price paid by a third party shall be to the city clerk's office for deposit to the city's general fund and paid to any incentivized city employees by appropriations authorized by the city council.

(c) Any permit shall specify the beginning and ending dates of authorized scavenging, salvaging or saving of material and shall not extend for more than one year.

Such permit shall require and state the following:

- (1) Its length;
  - (2) To what person or entity the permit is issued;
  - (3) The materials that may be salvaged;
  - (4) A statement that all materials shall be inspected by a city employee at the landfill site before the removal of the same;
  - (5) A landfill site city employee, upon satisfactory inspection, shall approve and render an inventory thereof;
  - (6) Such inventory shall be forwarded to the city superintendent and city clerk within 7 days of its rendering;
  - (7) In the event the permit holder is the city, the permit shall state a requirement that simultaneously upon the sale of such materials to a person or entity that is not the permit holder, a receipt be issued by the purchaser to the permit holder and that the purchaser within 24 hours transmit by fax a copy of the receipt to the city clerk's office; and,
  - (8) Any other conditions the city council may require, including any that incentivize recycling.
- (Code 2015)

## ARTICLE 5. SWIMMING POOL

- 12-501. SWIMMING POOL MANAGER; COMPENSATION; LEASE. (a) The position of city swimming pool manager is hereby established. The pool manager shall be an independent contractor to the city and shall be selected on an annual basis by the city council.
- (b) The compensation for labor of the swimming pool manager shall be determined on an annual basis by the city council.
- (c) In addition to labor compensation the swimming pool manager shall be entitled and permitted to operate all concessions within the swimming pool enclosure, providing his or her own supplies and merchandise and retaining all profit therefrom during his or her term of office.
- (d) The swimming pool shall be leased under contract between the city, as lessor, and the swimming pool manager, as lessee.
- (e) The lessee of the pool shall be bound by the regulations of this article, any additional requirements set forth in the contract, and assume the responsibilities for administration of the pool.  
(Ord. 832; Ord. 90-13; Code 2015)
- 12-502. SAME POWERS AND DUTIES. (a) The manager shall have general supervision of the swimming pool, plant and enclosure and shall maintain proper order and decorum at all times.
- (b) The manager shall be in charge of all equipment appurtenant or pertaining to the swimming pool and buildings and enclosure thereof, and shall make an inventory of any and all city equipment situated at the swimming pool and file the same in the office of the city clerk within five (5) days after taking office and shall keep strict account of the same and any and all addition thereto and alterations thereof and report the same to the city clerk and shall make and file a final inventory of equipment not later than the first day of October of each year and shall not receive final pay until the inventory is filled and approved by the city council.
- (c) The manager shall keep accurate and complete daily records showing the attendance at the pool; all results of tests made of swimming pool water for disinfectants, turbidity (water clarity), pH value (degree of activity or alkalinity) and the presence of bacteria. Entries shall be made daily of the amount of new water and disinfectants or coagulants added, the chemicals used to correct the pH value, the number of times the bathhouse and deck are disinfected and other pertinent records that may be required by the governing body, including all cash receipts for swimming pool admissions.
- (d) The manager shall conduct any and all daily tests necessary to make the daily reports prescribed in subsection (c) herein, and shall be responsible for same and for all income received from sale of admissions to swimming pool.
- (e) The manager shall have supervision of any and all persons employed at the swimming pool of the city and shall and is hereby vested with power to enforce any and all rules, regulations, and laws relating to the swimming pool.
- (f) The manager shall attend any city council meetings, as the mayor or city council may require, during his or her term of office and report upon the condition of the swimming pool, plant and equipment and recommend necessary work to be done to properly maintain the pool, plant and equipment in proper condition and the general welfare of the financial receipts connected therewith.  
(Ord. 832; Code 2015)

- 12-503. SAME; BOND REQUIRED. The swimming pool manager shall not be required to provide a bond. (Code 2015)
- 12-504. MONEY FROM ADMISSION CHARGES. The manager shall provide all money received by such manager from admissions to the swimming pool to the city clerk on or before noon of each Monday during his or her term of office and take a receipt therefore. Further, such manager shall deliver his or her books and records to the city clerk on or before the first day of October, which shall be approved by the governing body before he or she receives his or her final pay as such officer, and the records shall be kept by the city clerk and shall be included in the annual audit of the books of the city. If leased, this section shall not apply, and the requirements regarding money received from admission charges shall be specified in any lease to operate the city swimming pool.  
(Ord. 832; Code 2015)
- 12-505. SWIMMING POOL; RULES AND REGULATIONS. The following shall be the rules and regulations for the city's swimming pool:
- (a) No person with a communicable disease or skin infection will be admitted to the pool. Persons having symptoms that are suspect will be denied entry unless they possess a physician's statement that the condition is not contagious.
  - (b) Swimmer's suits and towels must be clean and dry,
  - (c) Food, drinks and containers are not permitted in the pool area.
  - (d) Bandages shall not be worn in the pool.
  - (e) A soap and water shower must be taken before entering the pool and again before entry when using toilet facilities.
  - (f) No running, pushing or rough play is permitted on any of the premises.
  - (g) Swimmers may be required to swim the width of the pool before being permitted entry to the deep end.
  - (h) Swimmers shall not swim in the area beneath diving boards.
  - (i) Any person, who appears to be under the influence of alcoholic beverage or other substances, whether prescribed or not, shall be excluded and refused admittance.
  - (j) No person shall drink beer, whiskey, wine, cereal malt beverage or malt liquors, or any other form of intoxicants, nor consume illegal drugs upon the premises.
  - (k) No person shall be permitted to remain upon the premises with beer, whiskey, wine, cereal malt beverages or malt liquors or illegal drugs in his or her possession.
  - (l) No person or persons, except authorized personnel, shall be permitted upon the premises except during the hours of admission.
  - (m) The hours of admission shall be determined by the governing body.
  - (n) Any person of tender years, or one lacking in skill, or any person, who in the judgment of the manager, could be dangerous to himself, herself or to other bathers, may be excluded or denied admittance to the pool.
  - (o) The swimming pool manager is hereby granted full power and authority to remove or cause to be removed, to exclude and to refuse admittance to any person or persons who fail or refuse to comply with any part of this section,



(p) Any person who refuses to leave the premises when so ordered by the swimming pool manager, shall constitute a public offense and may be punished a fine of not to exceed \$150.

(q) Any other rules made to assure the order and safety of the pool area to persons present. (Ord. 774; Code 2015)

12-506.

LIFEGUARDS. The governing body shall employ lifeguards to properly safeguard the patrons at the swimming pool. The number of life guards shall be decided upon by the city council each year when the swimming pool manager is appointed. The lifeguards shall be paid an hourly wage to be determined by the city council. Any person so employed as a lifeguard must be qualified to so act by proper credentials and senior-life saving certificate from the American Red Cross, YMCA, or other similar organization, and must present his or her certificate before entering upon his or her duty. (Ord. 832; Code 1988)