

CHAPTER 12. CITY PROPERTY

Article 1. The Green

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ARTICLE 1. THE GREEN

12-101. DEFINITIONS. The following described area is hereby designated as "The Green":

Lot 42, Block 5, WESTWOOD HILLS, a subdivision in the City of Westwood Hills, Johnson County, Kansas, according to the recorded plat thereof; and

All that part of Lot 2, Block 5, WESTWOOD HILLS, a subdivision in the City of Westwood Hills, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the Northerly line of said Lot 2, 8.00 feet Easterly from the Northwest corner thereof, as measured along said Northerly line; thence South 2 degrees 20 minutes 10 seconds West, 107.26 feet to a point on the South line of said Lot 2, 9.67 feet East from the Southwest corner thereof, as measured along said South line; thence North 87 degrees 4 minutes 56 seconds East along the South line of said Lot 2, 36.00 feet; thence North 17 degrees 49 minutes 43 seconds East, 96.03 feet to a point on the Northerly line of said Lot 2, said point being 70.75 feet Easterly from the Northwest corner thereof, as measured along said Northerly line; thence Westerly along said Northerly line of said Lot 2, being a curve to the left, tangent to said curve bearing North 7 degrees 37 minutes 59 seconds West at the last described point, having a radius of 350.00 feet, 62.75 feet to the point of beginning.

12-102. USES PROHIBITED. The Green shall not be used as an area for athletic activities or for the location of playground equipment, as a private picnic area for more than twelve (12) persons in any one group or for the conduct of private parties, except as approved by the Governing Body upon application therefor.

12-103. USES PERMITTED. The Green may be used as an area for quiet reflection, relaxation, contemplation, and wildlife observation and as a gathering place for city residents and guests for functions or events planned by, sponsored by or co-sponsored by the City or approved by the Governing Body of the City.

12-104. HOURS OPEN. The Green shall be open for public use between the hours of 7:00 a.m. and 11:00 p.m. The Green may be closed temporarily in the case of emergency, repair or maintenance, adverse weather conditions or other unusual circumstances, and the open hours may be extended temporarily for special events of city-wide interest, all as determined by the Governing Body.

12-105. USE DURING OTHER HOURS PROHIBITED. It shall be unlawful for any person to be in The Green or to use The Green except during the hours that The Green is open to the public as set forth in Section 12-105 hereof.

ARTICLE 2. USE OF CITY PROPERTY

12-201. ACTS PROHIBITED. It shall be unlawful for any person to commit any of the following acts on The Green or any other property owned by the City:

- a. to build or start any fires, except within containers designed for such purposes;
- b. to affix, post, place or inscribe, or cause to be affixed, posted, placed or inscribed, any handbill, poster, card, sign, or device to, upon or against any structure, tree or other property;
- c. to destroy, mutilate, deface, injure or remove any property of any kind in or on The Green or any other property owned by the City;
- d. to throw, place, deposit or cause to be thrown, placed or deposited any cans, bottles, paper, junk, debris, trash or refuse of any kind or any other thing in, upon or about The Green or any other property owned by the City; provided, that this prohibition shall not apply to trash or refuse properly disposed of in containers placed in The Green for the purpose of waste disposal;
- e. to dispense or consume, or cause to be dispensed or consumed, any alcoholic beverages on The Green or any other property owned by the City, unless approved by the Governing Body upon such conditions, such as provision of insurance, as the Governing Body may require.
- f. to sell or cause to be sold merchandise, refreshments, food, beverages, articles or services of any kind in or upon The Green or any other property owned by the City.
- g. to commit any other act which is unlawful under the municipal code of the City, the laws of the State of Kansas or the laws of the United States.

ARTICLE 3. POLICY ON MEMORIALS

12-301. STATEMENT OF PURPOSE. It shall be the goal of the City to maintain, to the greatest extent possible, the openness of The Green and other property owned by the City and to prevent such places from becoming overcrowded and to keep such places free of visual clutter.

12-302. DEFINITIONS. The term "Memorial" shall include any physical item, both plant materials and hardscape materials, which a person or persons wish to donate to the City in honor of or in memory of a specific person or event.

The term "Memorial Contribution" shall mean any contribution of funds which a person or persons wishes to make to the City in honor of or in memory of a specific person or event without a physical Memorial to be placed in honor of or in memory of such person or event.

12-303. POLICY STATEMENT. The Governing Body of the City has the authority over all property owned by the City. In order to keep such property as open and unobstructed as possible, the Governing Body shall encourage any persons wishing to make donations to the City to donate funds for projects identified by the Governing Body as needs or priorities for the City. Alternatively, the Governing Body shall encourage persons wishing to make donations for Memorials to work with The Westwood Hills Foundation and the Westwood Hills Homes Association so as to add the name of any persons, groups or events to plaques installed by the City upon column(s) approved by the City and built upon The Green by The Westwood Hills Foundation and the Westwood Hills Homes Association. The Governing Body of the City hereby authorizes The Westwood Hills Foundation and the Westwood Hills Homes Association to maintain such plaques and column(s) and allow for the addition of names to such plaques upon receipt of Memorial Contributions to The Westwood Hills Foundation. The addition of the names of persons, groups or events to any such plaques shall be made upon such terms and conditions as are agreed upon by the donor and The Westwood Hills Foundation and the Westwood Hills Homes Association.

If The Westwood Hills Foundation or the Westwood Hills Homes Association wishes to place any additional columns or plaques upon The Green or any other property owned by the City, The Westwood Hills Foundation and/or the Westwood Hills Homes Association shall first obtain permission from the Governing Body of the City.

ARTICLE 4. PENALTIES

12-401. PENALTY. Any person violating any provision of this Chapter, upon conviction thereof, shall be punished by a fine in an amount not exceeding \$500.00, by confinement in the county jail for a period not to exceed 30 days, or by both such fine and confinement.