

(Published at www.mcpcity.com beginning on December 20, 2022.)

ORDINANCE NO. 3388

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AMENDING CHAPTER 70, SECTION 41 OF THE CODE OF THE
CITY OF MCPHERSON, KANSAS REGARDING PROHIBITING
METAL DETECTING ON PUBLIC PROPERTY.**

WHEREAS, the City's parks and public lands are maintained for the public's benefit;

WHEREAS, metal detecting can damage public lands when holes are dug to find items beneath the surface; and

WHEREAS, the governing body of the City believes it is in the best interest of the City to amend the City Code to prohibit metal detecting on public property,

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF MCPHERSON, KANSAS:**

Section 1. Amendment to Code section.

Sec. 70-41. - Permit required; fees.

(a) No person shall make excavations in the streets, sidewalks, alleys or other public grounds of the city for the purpose of laying any pipe, wire or conduit, or for any other purpose, without such person first obtaining a permit authorizing such excavation from the public works director. Such a permit shall be issued upon a showing that there will be compliance with all applicable ordinances and upon payment of any required fee. The department of public works or its designee shall cut and replace the pavement as directed in the permit and the person shall be required to pay a fee for labor, equipment and materials as required by the public works director and approved by the governing body. No person, other than the department of public works, BPU or contractor previously approved in writing by the director of public works, shall cut any pavement in the city.

- 1) Without limitation, no person shall dig, probe or otherwise disturb the soil on any park or public property while metal detecting and no permit shall be issued to approve such digging. This prohibition shall not apply to utility locates or to City projects.
- 2) Violation of this section shall be a Class C misdemeanor.

(b) Any person who has obtained a permit to excavate as provided for in subsection (a) of this section shall pay the amount stipulated in subsection (a) of this section to the city clerk to cover the cost of replacing whatever pavement is cut. All such fees collected by the city clerk shall be credited to the city street fund and all expenses of replacing the pavement cut under the provisions of this section shall be charged to the street fund.


Section 2. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

ADOPTED by the governing body this 20th day of December, 2022.

CITY OF MCPHERSON, KANSAS




Thomas A. Brown, Mayor


Britta Erkelenz, City Clerk