

ORDINANCE NO. 2055

AN ORDINANCE AMENDING CHAPTER VIII, ARTICLE 3, SECTION 8-309 OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. Chapter VIII, Article 3, Section 8-309 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

8-309. ORDER OF VIOLATION. (a) The governing body or its designee, as hereinafter named, shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 8-308 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) SAME; CONTENTS. The order shall state the condition(s) which is (are) in violation of Section 8-308. The notice shall also inform the person, corporation, partnership or association that:

- i. He, she or they shall have 10 days from the date of serving the order to abate the condition(s) in violation of Section 8-308; or
- ii. He, she or they, have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided by Section 8-312;
- iii. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 8-310 and/or abatement of the condition(s) by the city as provided by Section 8-311.

(c) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(d) The City Code Enforcement Officer is hereby designated by the governing body for the purposes of issuing the order required herein. Such order shall be issued by the City Code Enforcement Officer upon the filing of a written statement of a violation of this Article. The order shall be issued in the name of the governing body; shall be served as required in this Article; and, shall contain all notices and other information as required by this Article; and, shall contain all notices and

other information as required by the Article and K.S.A. 1617e, and amendments thereto. (Ord 2055, 2020; Ord. 932, 2012; Ord. 796, 2005; Code 1995)

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 10th day of December, 2020.

/S/

DONALD ROBERTS, Mayor

ATTEST:

/S/

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

/S/

LEE W. HENDRICKS, City Attorney