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ORDINANCE 1480

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING HEALTH AND WELFARE WITHIN THE CORPORATE LIMITS OF THE CITY OF SABETHA, KANSAS.

Be it ordained by the Governing Body of the City of Sabetha, Kansas:

Section 1. That Section 8-401, Section 8-403, and Section 8-404, Chapter VIII, Article 4. of the Code of the City of Sabetha are hereby repealed and the following adopted in its place and stead, and any other provisions of said City Code which are inconsistent with the provisions herein shall be amended accordingly.

Section 2. That Section 8-401, Section 8-403, and Section 8-404 of the Code of the City of Sabetha shall read as follows:

Section 8-401. WEEDS AND HOUSEHOLD TRASH. It shall be unlawful for any owner, agent, lessee, tenant, or any other person occupying or having charge or control of any premises to permit weeds or household trash to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds, as hereinafter defined, and household trash are hereby declared a nuisance and are subject to abatement as hereinafter provided.

Household trash shall be defined as those items usually set out for regular municipal trash service. This provision shall not apply to household trash set out near the street or alley no more than 24 hours for the purpose of municipal trash service.

Section 8-403. PUBLIC OFFICER; NOTICE TO REMOVE. The city administrator shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner, occupant, and/or person in charge of any premises in the City upon which weeds exist in violation of this article, by restricted mail or by personal service. Such notice shall include the following:

(a) That the owner, occupant, and/or the person in charge of the property is in violation of the city weed and trash control law.

(b) That the owner, occupant and/or the person in charge of the property is hereby ordered to cut the weeds and/or remove the household trash within 48 hours of the receipt of the notice.

If the owner, occupant, and/or the person in charge of the property cannot be served in the above manner, service may be made by publishing one notice in the official public newspaper. If notice is made by publication, the owner, occupant and/or the person in charge of the property will be ordered to cut the weeds or remove the household trash within 48 hours from the date of publication.

(c) That the owner, occupant, and/or the person in charge of the property may request a hearing before the governing body or its designated representative within 48 hours of receipt of the notice.

(d) That if the owner, occupant, and/or the person in charge of the property does not cut the weeds or remove the trash, the city or its authorized agent will cut the weeds and/or remove the trash and assess the cost of the cutting or trash removal, including reasonable administrative costs, against the owner, occupant, and/or the person in charge of the property as set forth below.

(e) That the owner, occupant, and/or the person in charge of the property will be given an opportunity to pay the assessment, and if it is not paid, such costs will be assessed against the property as an additional special assessment to the property tax.

(f) That the public officer should be contacted if there are any questions in regard to the order.

Section 8-404. ABATEMENT; ASSESSMENT OF COSTS. (a) Upon the expiration of 48 hours after receipt of notice or of publication of notice, or other service of the notice required by Section 8-403, and in the event that the owner, occupant, or person in charge of the premises shall neglect or fail to comply with the requirements of Section 8-401, the public officer or an authorized assistant shall cause all such weeds to be cut, destroyed and/or removed, or the trash to be removed, and abate the nuisance created thereby.

(b) The public officer or an assistant shall give notice to the owner, occupant, or person in charge of such property by restricted mail or by personal service of the costs of abatement of the nuisance. The notice shall provide that payment of the cost is due and payable within 30 days of the date of receipt of such notice.

(c) If the costs of abatement of the nuisance, including any reasonable administrative costs, remain unpaid after 30 days of the date of receipt of such notice, a record of the costs of abatement shall be certified to the city clerk who shall cause such costs to be assessed against the particular lot or parcel of land on which the nuisance was abated and against such lots or parcels of land in front of or abutting such street or alley on which the nuisance was abated. The city clerk shall certify the assessment to the county clerk at the time other special assessments are certified to the tax rolls of the county.

Section 3. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this _____ day of August, 2012.

Douglas Clark, Mayor

ATTEST: _____
Steve Compo, City Clerk