

ORDINANCE NO. 349

AN ORDINANCE PROHIBITING JUNK FROM BEING PERMITTED TO ACCUMULATE OR REMAIN UPON ANY LOT, PARCEL, TRACT, PREMISES WITHIN THE CITY; PROVIDING FOR THE REMOVAL AND ABATEMENT OF THE SAME; AUTHORIZING ASSESSMENT OF COSTS; AND PROVIDING PENALTIES.

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

Section 1. DEFINITIONS:

- (1) Junk means any old or scrap metal, rope, rags, cloth, wood, glass, plastic, paper, trash, batteries, containers or furniture; rubber debris; building and construction debris; inoperable, dismantled or wrecked machinery including, but not limited to motor vehicles, household appliances, farm implements, and lawn and garden equipment;
- (2) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed;
- (3) Vehicle means, without limitation, any automobile, truck, tractor, or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time;
- (4) Household appliances means any mechanism, device, apparatus, or equipment designed primarily for indoor, household use, including, but not limited to: stove, refrigerators, ovens, microwave ovens, washing machines, clothes dryer, sewing machines, televisions, vacuum sweepers, and other similar items;
- (5) Building materials means, materials and substances used to erect, repair, remodel or construct any building or structure, including, but not limited to: lumber, windows, doors, window and door frames, roofing, siding, gutters, drain spouts, bricks and concrete, flooring, and other similar items.

Section 2. JUNK NUISANCES UNLAWFUL:

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having control of any lot, parcel, tract, or other premises within the City to permit junk as defined herein, to accumulate and remain upon any portion of the premises and areas adjacent thereto including but not limited to streets, alleys, easements, right of ways, sidewalks, public or private.

Section 3. EXCEPTIONS:

The provisions of this Ordinance shall not apply to:

- (a) Any junk which is enclosed in a garage or other building, the storage of which does not violate any other Ordinance or any zoning rules and regulations of the City;
- (b) To any person conducting a business enterprise in compliance with existing zoning regulations, and who places such junk behind screening of sufficient size, strength and density to screen such junk from the view of the public and to prohibit ready access to stored junk by children. However, nothing in this section shall be construed to authorize the maintenance of a public nuisance.

Section 4. PUBLIC OFFICER:

The Governing Body shall designate a public officer to be charged with the administration and enforcement of this Ordinance.

Section 5. COMPLAINTS, INQUIRY AND INSPECTION:

The public officer or an authorized assistant shall give written notice to the owner, occupant or agent in charge of any premises within the City upon which junk has accumulated in violation of this Ordinance that such owner, occupant, or agent is in violation of the Ordinance and service of such notice shall be made by restricted mail or by personal service. Such notice shall include the following:

- (a) Notice directed to the owner, occupant or agent in charge of the premises that the premises are in violation of this Ordinance.
- (b) A description of the conditions, which constitute a violation of the Ordinance.
- (c) An order directed to the owner, occupant or agent in charge of the premises that such person is to remove and abate the condition described within ten (10) days of receipt of notice.
- (d) An order directed to the owner, occupant or agent in charge of the premises that such person may request a hearing before the Governing Body or its designated representative within five (5) days of the receipt of notice.
- (e) An order directed to the owner, occupant or agent in charge of the premises that if such person does not remove the junk and otherwise abate the conditions, the City or its authorized agent will remove the junk and otherwise abate the condition and assess the costs of such removal or abatement, including a reasonable administrative fee against the owner, occupant or agent in charge of the premises.
- (f) A notice to the owner, occupant or agent in charge of the premises that they may pay the costs assessed with thirty (30) days of the receipt of the same and if the same is not paid, it will be added to the property tax as a special assessment.
- (g) A notice to the owner, occupant or agent in charge of the premises that they may contact the public officer if there are any questions regarding the order.

If there is change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the City may not recover any costs or levy an assessment for the costs incurred by the removal of the junk or otherwise abating of the condition on such property unless the new record owner of title of such property is provided notice as required by this section.

Section 6. ABATEMENT; ASSESSMENT OF COSTS:

- (a) Upon expiration of ten (10) days after receipt of the notice required in this Ordinance and in the event the owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements herein, the public officer or an authorized assistant shall cause the junk to be removed and otherwise abate the condition created thereby.
- (b) The public officer or an authorized assistant shall give notice to the owner, occupant or agent in charge of the premises by restricted mail of the costs of abatement of the condition or removal of the junk. The notice shall state the payment of the cost is due and payable within thirty (30) days following receipt of the notice.
- (c) If the costs of removal or abatement remain unpaid after thirty (30) days following receipt of notice, a record of the costs of removal of the junk or abatement of the condition shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which the junk was removed or the condition abated and against lots or pieces of land in front of or abutting on such street or alley on which such junk was so removed or such condition was otherwise abated. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified.

Section 7. RIGHT OF ENTRY:

The public officer and the public officer's authorized assistants, employees, contracting agents and other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of removing junk and otherwise abating conditions in a manner not inconsistent with this Ordinance.

Section 8. UNLAWFUL INTERFERENCE:

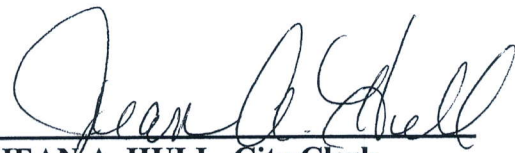
It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any lot, tract, parcel or premises or from proceeding with the removal of junk and otherwise abating conditions. Such interference shall constitute a Class C offense, the penalty for which shall be a fine in a sum not to exceed \$500 and a definite term of confinement in the County Jail not to exceed one (1) month or by both, such fine and confinement.

Section 9. This Ordinance shall be in full force and effect from and after its adoption and publication in the Tri-State News, the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Rolla, Kansas, on this
23rd day of September, 2004.


PAULA L. COWSER, Mayor

ATTEST:


JEAN A. HULL, City Clerk