ORDINANCE NO. G-1219

AN ORDINANCE AMENDING CHAPTER 235 - "NUISANCES", OF TITLE II "PUBLIC HEALTH, SAFETY AND WELFARE", OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS

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

Section 1. Chapter 235 — "Nuisances" of Title II, of the Code of Ordinances of the City of Junction City, Kansas, is hereby amended to read as follows:

CHAPTER 235: - NUISANCES

ARTICLE I. - NUISANCES—GENERALLY

SECTION 235.010: - NUISANCES—ENUMERATED
   A. For the purposes of this Chapter, the words "public nuisance" are hereby defined as any person, corporation, partnership or association doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist which the act, omission, condition or thing either:
   1. Injures or endangers the welfare, health or safety of others; or
   2. Offends decency; or
   3. Is offensive, unsightly or hazardous; or
   4. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, alley, stream, ditch, drainage or any public easement; or
   5. In any way renders other persons insecure in life or the use and enjoyment of property; or
   6. Essentially interferes with comfortable enjoyment of life or property or tends to depreciate the value of the property of others.

   B. Illustrative Enumeration. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions, constitute a public nuisance; provided however, the following enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
   1. Filth, excrement, lumber, concrete blocks, rocks, dirt, cans, paper, trash, metal, disabled automobiles and/or parts of any other offensive or disagreeable thing or substance thrown or left or deposited or permitted to remain upon any street, avenue, easement, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied.
   2. All dead animals not removed within twenty-four (24) hours after death.
   3. Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors.
   4. All stagnant ponds or pools of water.
5. All grass, bushes, shrubbery, weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed for ornamental purposes.

6. Abandoned iceboxes, freezers, refrigerators or similar appliances kept outdoors on the premises under the control of any person not in actual use; if such appliances are in actual use, they must be kept locked by a locking device that is an integral part of the appliance or by a chain and padlock, except for the time the owner thereof is placing articles in or removing articles from said appliance; this Subsection does not apply to commercial ice machines or commercial ice storage appliances when in actual use.

7. All articles or things whatsoever caused, kept, maintained or permitted by any person to the reasonable injury, annoyance or inconvenience of the public or of any neighborhood.

8. Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the City.

9. Any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one (1) of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable:

   a. Absence of current registration upon the vehicle. The fact that a vehicle is registered as a non-highway or salvage vehicle under K.S.A. 8-197, et seq. does not fulfill the requirement that a vehicle located on a property is currently registered;

   b. Placement of the vehicle or parts thereof upon jacks, blocks or other supports; or

   c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

10. The provisions of Subsection (9) shall not apply to:

   a. Any motor vehicle which is enclosed in a garage or other building;

   b. To the parking of a vehicle inoperable for a period of thirty (30) consecutive days or less as long as Subsections (9)(a), (b) or (c) does not apply;

   c. To any person conducting a business enterprise in full compliance with existing zoning regulations except that vehicles involved in such enterprises shall at all times be parked in accordance with City regulations;

11. To any person who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to such vehicles by others as long as such screening is in compliance with existing ordinances and zoning regulations. However, nothing in this Subsection shall be construed to authorize the maintenance of a public nuisance.

12. Any condition which provides harborage for rats, mice, snakes and other vermin.

13. Pollution of any public or private well, stream, lake or other body of water by sewage, dead animals, industrial wastes or other substances.
14. Any building, structure or other place or location where any activity which is in violation of local, State or Federal law is frequently conducted, performed or maintained. Two (2) such violations within a one (1) year period are deemed to be frequent.

15. Dense smoke, noxious fumes, gas, soot or cinders such as to be injurious to the public health.

16. Dead or cut tree, bush or shrub limbs, not including neatly stacked firewood.

17. Furniture customarily used indoors when located on porches, patios and decks or otherwise outside a residential building.

18. Appliances of any kind to include, in addition to those appliances listed in Subsection (B)(6) above, stoves, heaters, sinks, toilets, showers and similar items.

19. Used tires whether or not mounted on rims.

20. Any mobile home as defined in Chapter 555 that does not meet the minimum standards for habitability as found in Chapter 530, Minimum Housing Standards, of this Code.

21. Dangerous and/or unsightly fences, retaining walls or similar structures constructed on or near a property line abutting a public right-of-way which has a condition as described as follows:
   a. Those in which there exists any condition that endangers life, health, safety, property or the public welfare including, but not limited to:
      1) Foundations, footings, posts, walls, bracing or other members inadequate to carry imposed loads due to deterioration, infestation, defective materials, insufficient size, insufficient fasteners or bonding material, or
      2) Members of walls, partitioning, screening or decorative materials that split, list, lean or buckle due to defective material or deterioration.
   b. Those in which there exists a blight on the appearance and aesthetics of the neighborhood including, but not limited to:
      1) Inconsistent and incompatible use of materials;
      2) Boards are missing;
      3) Boards are broken;
      4) Posts or other supports are broken; or
      5) Inconsistent or incompatible colors.

22. Parking, storing, displaying or otherwise keeping any vehicle, as defined in Section 220.870 of this Title II, on an unpaved (not asphalt or concrete) portion of any property designated "Commercial", "Restricted Industrial" or "Light Industrial" under Articles II and III of Chapter 405 and Article III of Chapter 400 of this Code. Parking, storing, displaying or keeping of vehicles on grass, dirt, gravel or other pervious surfaces is declared a blighting condition. This Subsection specifically applies to car and other vehicle dealerships and automobile repair facilities as well as any other commercial enterprise so located in a "Commercial", Restricted Industrial" or "Light Industrial" District. This Subsection (B)(22) of Section 235.010, Chapter 235, Title II of this Code will take effect one (1) year from the effective date of this Article.
a. As an exception to the prohibition set forth above, properties zoned as "Commercial", "Restricted Industrial" or "Light Industrial" under Articles II and III of Chapter 405 and Article III of Chapter 400 of this Code as of the effective date of this Article, which are not in compliance with the stated paving requirements and may thus be declared as nuisances, may continue their non-compliance under the following conditions:

1) The unpaved parking surface must be surfaced with gravel or stone and be kept free from all vegetation and potholes.

2) After three (3) cited violations of paragraph (a)(1), the property must be paved in asphalt or concrete. This must be accomplished within sixty (60) days of the filing of the third (3rd) violation.

3) The requirements of Subparagraph (22) above will be required of a new owner of the property within sixty (60) days of transfer of ownership. Transfer of ownership between family members by reason of inheritance or by transfer to a different legal entity consisting of substantially the same equitable owner(s) shall not constitute a transfer of ownership within the meaning of this Subsection.

b. A one-time list of the properties permitted to not comply with Subparagraph (22) above shall be maintained by the Office of the City Clerk.

SECTION 235.020: - PROHIBITED
It shall be unlawful for any person, corporation, partnership or association to cause, permit, maintain or allow the creation or maintenance of a public nuisance within the corporate limits of the City of Junction City.

SECTION 235.030: - PURPOSE
The purpose of this Chapter is to encourage a clean, healthy and satisfying environment for the citizens of Junction City, one free from nuisances, eyesores and unhealthy or devaluing conditions. To these ends, this Chapter seeks to regulate, identify and provide means to enforce this Chapter to protect the health, safety and welfare of the residents and property owners of the City.

SECTION 235.040: - COMPLAINTS, INQUIRY AND INSPECTION
The Board of Health or an employee of the City whose duties include inspection, to include uniformed Police Officers (Inspection Department or Inspector) or their duly authorized representatives, shall make inquiry and inspection of premises upon personal observation, receiving a complaint or complaints in writing stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the Board of Health, the Chief of Police, the Fire Chief or any other officer of the City having responsibility for the enforcement of the ordinances of the City. The Board of Health or the City Inspection Department or their duly authorized representatives may make such inquiry and inspection when he/she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection, the Board of Health or the City Inspection Department or their duly authorized representatives shall make a written report of findings.

SECTION 235.050: - RIGHT OF ENTRY
It shall be a violation of this Chapter to deny the City Inspection Department or the Board of Health or their duly authorized representatives the right of access and entry upon private
property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

SECTION 235.060: - NOTICE
Any person, corporation, partnership or association found by the City Inspection Department or the Board of Health or their duly authorized representatives to be in violation of this Article shall be served a notice of such violation. The notice may take the form of a complaint and uniform notice to appear in municipal court (notice) and may be served personally on any person found to be in violation of this Article. A Law Enforcement Officer may issue such complaint and uniform notice to appear or other City employee assigned the duties of inspection. The notice may also be served on the owner or duly authorized representative by certified mail, return receipt requested. If the property is unoccupied and the owner is a nonresident, then the notice may be served by mailing the notice by certified mail, return receipt requested, to the last known address of the owner. If the owner or the representative 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 city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of violations 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.

SECTION 235.070: - CONTENTS OF THE NOTICE
The notice shall state the condition(s) which is (are) in violation of this Chapter. The notice shall also inform the person, corporation, partnership or association that:

a. He, she or they shall have up to a maximum of seven (7) days from the date of serving the notice to abate the condition(s) in violation of Section 235.010. The amount of time given for abatement shall, within the sound discretion of the Inspection Department, depend on the severity of the nuisance and the apparent difficulty in abatement;

b. He, she or they have the number of days indicated under Section 235.070(a) from the date of serving the notice to request hearing before the Judge of the Municipal Court on the matter as provided by Section 235.100. Such request for a hearing shall be made in writing to the clerk of the Municipal Court with a copy to the City Prosecutor; and

c. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 235.080 and/or abatement of the condition(s) by the City as provided by Section 235.090. If a person, corporation, partnership or association maintain the same or similar public nuisance more than once within a twelve (12) month period, the Inspector or the City Prosecutor may file a complaint in the Municipal Court as provided in Section 235.080 regardless of whether notice to abate was given.

SECTION 235.080: - FAILURE TO COMPLY—PENALTY
Should the person, corporation, partnership or association fail to comply with the notice to either abate the public nuisance or request a hearing, the City Prosecutor may file a complaint in the Municipal Court of the City against such person, corporation, partnership or association and upon conviction of any violation of provisions of this Article, the person, corporation, partnership or association may be fined an amount not to exceed five hundred dollars ($500.00) or be
imprisoned not to exceed thirty (30) days, or be both fined and imprisoned. Each day during or
on which a violation occurs or continues after notice has been served shall constitute an
additional or separate offense.

SECTION 235.090: - ABATEMENT
In addition to, or as an alternative to, prosecution as provided in Section 235.080, the City may
seek to remedy violations of this Section in the following manner: If a person to whom a notice
has been provided pursuant to Section 235.080 has neither alleviated the conditions causing
the alleged violation nor requested a hearing before the Judge of the Municipal Court within the
time periods specified in Section 235.070, the City may authorize the abatement of the
conditions causing the violation in the following manner. The public officer may present a
resolution to the governing body for adoption authorizing the public officer or other agents of the
city to abate the conditions causing the violation at the end of 7 days after passage of the
resolution. The resolution shall further provide that the costs incurred by the city shall be
collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be
assessed as special assessments and charged against the lot or parcel of land on which the
nuisance was located as provided in Section 235.110. A copy of the resolution shall be served
upon the person in violation in one of the following ways:

a. Personal service upon the person in violation;

b. Certified mail, return receipt requested; or

c. In the event the whereabouts of such person are unknown and the same cannot be
ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be
made by the public officer and filed with the city clerk, and the serving of the
resolution shall be made by publishing the same once each week for two
consecutive weeks in the official city newspaper and by posting a copy of the
resolution on the premises where such condition exists.

d. 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

SECTION 235.100: - HEARING
The Municipal Judge of the City of Junction City is hereby designated as the representative of
the City to be the hearing officer for all hearings conducted pursuant to this Article. If a hearing
is requested within the time provided as indicated in Section 235.070, such request shall be
made in writing to the Municipal Judge either separately or on the person's copy of the uniform
complaint and notice to appear. A copy the request for hearing shall be provided to the City
Prosecutor. Failure to make a timely request for a hearing or to appear in accordance with a
uniform complaint and notice to appear shall constitute a waiver of the person's right to contest
the findings of the Health Department or the City Inspection Department or their duly authorized
representatives before the hearing officer.
The hearing shall be held by the Municipal Judge as soon as possible after the filing of the request therefore and the person shall be advised by the hearing officer of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the hearing officer. The hearing shall not be conducted according to the formal rules of evidence. Upon the conclusion of the hearing, the hearing officer shall make a written record of his/her determinations and findings of the matter. Such written record shall be served upon the person in the manner required in Section 235.060 and upon the City Manager within three (3) days of the conclusion of the hearing. The City Manager shall take action as necessary to carry out the determinations and findings of the hearing officer, to include authorizing abatement of the public nuisance.

SECTION 235.110: - COSTS ASSESSED
If the City abates the nuisance pursuant to Section 235.090, the City Clerk shall give notice to the person, corporation, partnership or association found to be in violation of this Article by certified mail, return receipt requested, of the costs of abatement of the nuisance, to include administrative costs of providing notice. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

ARTICLE II. - WEED ORDINANCE

SECTION 235.210: - WEEDS TO BE REMOVED
It shall be unlawful for any owner, agent, lessee, tenant or other person occupying or having charge or control of any premises to permit weeds 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 are declared a nuisance and are subject to abatement, penalty, or both, as hereinafter, provided.

SECTION 235.220: - DEFINITIONS
The following words, when used in this Article, shall have the meanings set out herein:

WEEDS: Any of the following:

1. Brush and woody vines shall be classified as weeds.
2. Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds which bear or may bear seeds of a downy or wingy nature.
4. Weeds which are located in an area which harbors rats, insects, animals, reptiles or any other creature which either may or does constitute a menace to health, public safety or welfare.
5. Weeds and indigenous grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed eight (8) inches in height or grow over the curbing and/or grow in the paved street right-of-way.

SECTION 235.230: - PUBLIC OFFICER—NOTICE TO REMOVE

A. The City Manager hereby designates the Codes Administrator as the public officer charged with the administration and enforcement of this Article. The public officer or authorized assistant shall give written notice to the owner, occupant or agent of such property by certified mail, return receipt requested, or by personal service to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified, return receipt requested, to the last known address of the owner. Such notice shall only be given once per calendar year.

B. Such notice shall include the following:

1. The owner, occupant or agent in charge of the property is in violation of the City weed control law.

2. The owner, occupant or agent in charge of the property is ordered to cut the weeds within seven (7) days of the receipt of notice.

3. The owner, occupant, tenant or agent in charge of the property may request a hearing before the City Manager or his or her designated representative (hearing officer) within five (5) days of the receipt of notice or, if the owner is unknown or a nonresident, and there is no resident agent, 10 days after notice has been published by the city clerk in the official city newspaper;

4. That if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time the city or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property;

5. That the owner, occupant or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment;

6. That no further notice will be given during the current calendar year prior to the removal of weeds from the property; and,

7. That the public officer should be contacted if there are questions regarding the order.

C. No person shall be required to pay or comply with this Section unless such person has received notice pursuant to the rules hereinabove adopted.

SECTION 235.240: - ABATEMENT - ASSESSMENT OF COSTS

A. Upon the expiration of seven (7) days after receipt of the notice required by Section 235.230, and in the event that the owner, occupant or agent in charge of the premises shall neglect or fail to correct the conditions in violation of Section 235.210 or request a hearing within the time periods specified in Section 235.230, the Public Officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year. The abatement activities authorized by this subsection are also authorized if the hearing officer determines that a violation of Section 235.210 exists.
B. If the City abates the nuisance pursuant to Section 235.040, the City Clerk shall give notice to the person, corporation, partnership or association found to be in violation of this Article by certified mail, return receipt requested, of the costs of abatement of the nuisance, to include administrative costs of providing notice. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

SECTION 235.250: - RIGHT OF ENTRY
The Public Officer and the Public Officer’s authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this Article.

SECTION 235.260: - 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 such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

SECTION 235.270: - NOXIOUS WEEDS
A. Nothing in this Article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated relating to the control and eradication of certain noxious weeds.

B. For the purpose of this Section, the term “noxious weeds” shall mean kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea picris), hoary cress (Lepidium draba), Canada thistle (Cirsium arvense), quackgrass (Agropyron repens), leafy spurge (Euphorbia esula), burrageed (Franseria tomentosa and discolor), pignut (Hoffmannsiggia densiflora), musk (nodding) thistle (Carduus nutans L.) and Johnson grass (Sorghum halepense).

SECTION 235.275: - PRIVATE AGREEMENTS NOT BINDING ON THE CITY
Other than agreements made directly with the City of Junction City, Kansas, and notwithstanding any other provision of this Code, any and all agreements made between any owner, agent, lessee, tenant or other person occupying or having charge or control of any property within the City of Junction City, Kansas, to apportion the responsibility between themselves or others for complying with this Article or to limit the liability or responsibility between themselves or others for complying with this Article shall not be binding upon said City without the written approval of the City Manager or his agent for this purpose.

SECTION 235.280: - PENALTY
Upon conviction of any violation of the provisions of this Article, such owner, agent, lessee, tenant or other person occupying or having charge or control of the premises shall be guilty of a Class C misdemeanor and may be fined an amount not to exceed five hundred dollars ($500.00) or be imprisoned not to exceed thirty (30) days, or may be both fined and imprisoned, and shall be ordered to pay restitution for the cost incurred by the City of Junction City for weed cutting. Nothing in Section shall be construed to prevent the City from proceeding with Section 235.240.
ARTICLE III. - DANGEROUS OR UNSAFE STRUCTURES

SECTION 235.310 - DEFINITIONS
The following words and phrases when used in this Chapter shall, for the purpose of this Article, have the meanings respectively ascribed to them in this Section:

A. ENFORCING OFFICER: The Code Administrator or his/her designee or other officer designated by ordinance and charged with the administration of the provisions of this act.

B. STRUCTURE: Any building, wall or other structure.

C. UNSAFE OR DANGEROUS STRUCTURE: Any building or portion thereof, including any dwelling unit, mobile home, manufactured home, noncompliant manufactured home, guest room or suite of rooms, or the premises on which the same is located, in which there exists dangerous or unsafe conditions as established herein to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.

SECTION 235.320 - DANGEROUS OR UNSAFE CONDITIONS
For purposes of determining a dangerous or unsafe structure, the Enforcing Officer shall inspect and find the presence of one or more of the following conditions:

A. Inadequate sanitation. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of or improper water closets, lavatory, bathtub or shower in a dwelling unit.

2. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.

3. Lack of or improper kitchen sink.

4. Lack of hot and cold running water to plumbing fixtures in a hotel.

5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

6. Lack of adequate heating facilities.

7. Lack of or improper operation of required ventilating equipment.

8. Room and space dimensions less than required.

9. Lack of required electrical lighting.

10. Infestation of insects, vermin or rodents as determined by the Health Officer.

11. General dilapidation or improper maintenance.

12. Lack of connection to required sewage disposal system.

B. Structural hazards. Structural hazards shall include, but not be limited to, the following:
1. Deteriorated or inadequate foundations.

2. Defective or deteriorating flooring or floor supports.

3. Flooring or floor supports of insufficient size to carry imposed loads with safety.

4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

C. Hazardous wiring. All wiring except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

D. Hazardous plumbing. All plumbing except that which conforms with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

E. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

F. Faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.

2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.

3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

G. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his/her deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

H. Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by the Building Code and which have been adequately maintained in good and safe condition.
1. Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 115 of the International Building Code.

J. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Section 235.330 - GOVERNING BODY POWERS
The Governing Body of the City of Junction City, Kansas, shall have power to cause the repair or removal of or to remove any structure located within the City, which may have become unsafe or dangerous, subject to the provisions of this Chapter.

SECTION 235.340 - REMOVAL OF UNSAFE STRUCTURES, FILING STATEMENT, NOTICE AND HEARING REQUIREMENTS
Whenever the Enforcing Officer determines, following proper inspection, conditions exist to a structure rendering said structure dangerous or unsafe, he/she shall file with the Governing Body of the City of Junction City, Kansas, a statement in writing that the structure, describing the same and where located, is unsafe or dangerous and such condition needs to be rectified in accordance with this Article. The Governing Body shall by resolution fix a time and place at which the owner, his/her agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of the week in the official city newspaper. A copy of said resolution shall be mailed by certified mail within three (3) days after publication to each owner, agent, lienholder and occupant at his/her or its last known place of residence and shall be marked "deliver to addressee only".

SECTION 235.330 - FINDINGS, RESOLUTION, CONTENTS AND NOTICE
On the date fixed for hearing or any adjournment thereof, the Governing Body of the City of Junction City shall hear all evidence submitted by the owner, his/her agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Enforcing Officer filing the statement and shall make findings by resolution and shall cause the resolution to be published once in the official city newspaper. If the Governing Body of the City of Junction City, Kansas, finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be mailed to the owner, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed with all costs associated therewith payable by the owner or subject to a lien on said property as provided herein.

SECTION 235.340 - OWNER SHALL FILL EXCAVATIONS
The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe and sanitary condition. The owner shall fill all excavations to grade. The Enforcing Officer shall confirm these requirements have been met.

SECTION 235.350 - REMOVAL OF UNSAFE STRUCTURES, CERTIFICATION OF SALVAGE SALE, REMOVAL COSTS ON TAX ROLLS, NO FUND WARRANTS, TAX LEVIES
A. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter,
the City may proceed to raze and remove such structure, make the premises safe and secure or let the same to contract. The City shall keep an account of the cost of such work to include cost of publication of notices and postage for mailing of notices and including an administrative charge of five hundred dollars ($500.00), may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

B. The City shall give notice to the owner of such structure by certified mail of the total cost incurred by the City in removing such structure and making the premises safe and secure, including legal publication, mailing, and all administrative costs. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost is not paid within the thirty (30) day period and if there is no salvageable material or if monies received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the County against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, but only until the full cost and any applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this Chapter, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.

C. If there is no salvageable material or if the monies received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto are insufficient to pay the cost of the work, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body of such City shall make a tax levy at the first (1st) tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940 and amendments thereto, except they shall not bear the notation required by that Section and may be issued without the approval of the State Board of Tax Appeals. All monies received from special assessments levied under the provisions of this Section or from an action under K.S.A. 12-1,115, when and if paid, shall be placed in the General Fund of the City.

SECTION 235.360 - REMOVAL OF UNSAFE STRUCTURES, IMMEDIATE HAZARD, ACTION TO PROTECT PUBLIC, NOTICE NOT REQUIRED, COST

When, in the opinion of the Enforcing Officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 235.350 of this Article.
SECTION 235.370 - PENALTY
Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 100.090 of Article V, Chapter 100, Title I of this Code.

SECTION 235.380 – APPEALS
Any person aggrieved by a Resolution adopted by the Governing Body under this Article III may, within thirty (30) days after the adoption of such Resolution, may bring an action in the District Court of Geary County for an injunction restraining the enforcing officer from carrying out the provisions of the Resolution pending final disposition of the case.

SECTION 235.390 – SCOPE OF ARTICLE III
Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this ordinance shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756.

SECTION 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall be effective upon publication as required by law.

Passed and adopted by the Governing Body of the City of Junction City, Kansas this ___ day of

February, 2018.

CITY OF JUNCTION CITY, KANSAS

Pat Landes, Mayor

ATTEST: (Seal)

Shawna Settles, City Clerk