

ORDINANCE NO. 632

**AN ORDINANCE AMENDING THE ORDER OF VIOLATION AND NOTICE PROCEDURE
ARTICLE OF ENVIRONMENTAL CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER
ARTICLE 2A OF CHAPTER 8 BY AMENDING SECTION 8-2A09.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. FRANCIS, KANSAS,
that Section 8-2A09 of Article 2A of Chapter 8 of the 2015 Code of the City of St.
Francis, Kansas is hereby amended to read as follows:

8-2A09

ORDER OF VIOLATION- (a) The governing body 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 1 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) 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.

(c) Upon the first instance in a 12 month period, the order shall state:

(1) The condition which has caused the violation of this article; and

(2) That the person in violation shall have:

(A) 15 days from the date of mailing of the notice or receipt by personal service to alleviate the exterior conditions (yard) violations; and/or

(B) 45 days from the date of the mailing of the notice or receipt by personal service to alleviate the exterior conditions (structure) violation;

(C) 10 days from the date of the mailing of the notice or receipt of personal service to request, as provided in Section 8-2A12 a hearing before the governing body on the matter; and

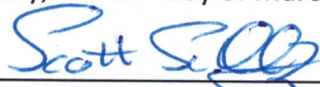
(3) That failure to alleviate the condition or to request a hearing may result in prosecution under Section 8-2A10 and/or abatement of the condition by the city according to Section 8-2A11 with the costs assessed against the property under Section 8- 2A14.

(d) Upon the second instance in a 12 month period, the order shall state:

- (1) The condition which has caused the violation of this article; and
- (2) That the person in violation shall have:
 - (A) 15 days from the date of mailing of the notice or receipt by personal service to alleviate the exterior conditions (yard) violations; and/or
 - (B) 45 days from the date of the mailing of the notice or receipt by personal service to alleviate the exterior conditions (structure) violation;
 - (C) 10 days from the date of the mailing of the notice or receipt of personal service to request, as provided in Section 8-2A12 a hearing before the governing body on the matter;
- (3) That failure to alleviate the condition or to request a hearing may result in prosecution under Section 8-2A10 and/or abatement of the condition by the city according to Section 8-2A11 with the costs assessed against the property under Section 8- 2A14; and
- (4) That the document is the final warning for the 12 month period and should the property fall out of compliance again within said 12 month period, no further notice shall be given, and such property owner shall receive an immediate citation.
(Code 1994; K.S.A. 12-1617e; Amended for Code 2003; Code 2015)


This amendment to the 2015 Code of the City of St. Francis, Kansas shall be effective upon its publication in the *St. Francis Herald and Bird City Times*.

ADOPTED AND APPROVED by the governing body, this 14th day of March, 2022.



Scott Schultz, Mayor
City of St. Francis, Kansas

ATTEST:



LILA L. WHITMORE, City Clerk
City of St. Francis, Kansas

