

ORDINANCE NO. 2025-01

AN ORDINANCE EMPOWERS THE GOVERNING BODY OF THE CITY OF READING, KS TO CAUSE THE REPAIR OR REMOVAL OF DANGEROUS AND/OR UNFIT STRUCTURES WITHIN THE CORPORATE LIMITS OF READING, KANSAS (K.S.A. 12-1751), AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH OF THE CITY OF READING, KANSAS.

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

SECTION 1: Purpose: Dangerous and/or unfit structures are unfit for human use or habitation because of any of the following:

- a. Dilapidation, defects increasing the hazards of fire or accidents
- b. Structural defects or other conditions which render the structure unsafe
- c. Unsanitary or otherwise inimical to the general welfare of the city
- d. Conditions which provide a general blight upon the neighborhood or surrounding properties.

SECTION 2: Definitions: For purposes of this ordinance, the following terms shall have the following meanings as described in this section.

- a. Public Officer: such person as the Governing Body shall appoint and/or employ on a per incident basis to fulfill the duties listed in SECTION #5 of this ordinance.
- b. Enforcing Officer: such person as the Governing Body shall appoint and/or employ on a per incident basis to fulfill the duties listed in SECTION #6 of this ordinance.
- c. Structure: shall include any building, wall, superstructure or other structure, which requires location on the ground, or is attached to something having a location on the ground.
- d. Residential Structure: any building, dwelling or structure, or part thereof used and occupied for human habitation or intended to be so used and including any appurtenances belonging thereto or usually enjoyed therewith.
- e. Nonresidential Structure: any structure which is used for other than residential purposes, or a part of such structure, or a structure, a part of which is used for other than nonresidential purposes, and where applicable, the premises on which such structures are situated. (K.S.A. 12-1750)

SECTION 3: Minimum Standards for Maintenance, etc.: For the purpose of this ordinance.

The following minimum standards shall apply:

- a. The owner shall keep every structure in good repair and structurally sound.
- b. The exterior surfaces of every structure shall be maintained free of broken glass, loose shingles, siding or lumber, crumbling bricks or stone, excessive peeling paint or other conditions reflective of deterioration, to the end that adjoining properties and the neighborhood enclosure are protected from blighting influences.
- c. Every foundation, exterior wall, exterior door, basement hatchway, window and roof shall be kept substantially weathertight, watertight and rodent proof.
- d. Every basement or cellar window or opening, which might provide an entry for rodents, shall be supplied with such screen or other device as will effectively prevent their entrance.

SECTION 4: Unfit Conditions:

The Public Officer may determine that a structure is unfit for human use or habitation if they find that conditions exist in such structure which are dangerous to injurious to the health, safety, or morals of the occupants of such building, or of residents of municipality, or which have a blighting influence on properties in the area.

Such conditions may include the following without limitations:

- a. Defects therein increasing the hazards of fire, accidents or other calamities
- b. Lack of adequate ventilation, light, or sanitary facilities
- c. Air pollution
- d. Dilapidation, disrepair, structural defects
- e. Uncleanliness, over crowding
- f. Dead and/or dying trees, limbs or other unsightly natural growth
- g. Unsightly appearances that constitute a blight to adjoining property, the neighborhood, or the city
- h. Walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood.
- i. Unsightly stored or parked materials, equipment supplies, machinery, trucks

- j. Any other violation of health, fire, building or zoning regulations or any other laws or regulation relating to the use of land and the use and occupancy of buildings and improvements

SECTION 5: Public Officer Duties:

The Public Officer or city resident, may present a written Statement of Concern to the Governing Body at any regularly scheduled meeting. The Statement of Concern must list the property address and identify one or more concerns listed in SECTION 4.

Upon receipt of the Statement of Concern, the governing body shall determine if the concern is justified. If justified, the mayor will appoint a Public Officer to inspect the property listed in the Statement of Concern.

After the Public Officer has inspected the property in concern and reports to the governing body, that further action needs to be taken, the mayor will appoint an Enforcement Officer. The governing body will mail a letter to the owner stating that a Statement of Concern has been presented to the governing body and an Enforcement Officer is being appointed to review the property stated in the Statement of Concern.

SECTION 6: Enforcing Officer Duties:

The Enforcing Officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:

- a. Inspect any structure, which appears to be unsafe, dangerous or unfit for human habitation
- b. Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the Enforcing Officer may seek an order for this purpose from a court of competent jurisdiction.
- c. Report all structures, which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body.
- d. Receive petitions as provided in this article; and,
- e. Delegate any of their functions and powers under this article to such officers, agents and employees as the officer may designate.

SECTION 7: Concerns, Complaints, Inquiry and/or Inspection:

The Public Officer shall make inquiry and inspection of premises upon receiving a concern(s)/complaint(s) in writing signed by two or more persons 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, Sheriff or the Fire Chief. The Public Officer may make such inquiry and inspection when he/she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the Public Officer shall make a written report of findings.

SECTION 8: Right of Entry:

The Public Officer has 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. K.S.A 12-1752.

SECTION 9: Order of Violation:

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 I. The order shall be served on the owner or agent of such property by certified mail, return receipt requested or 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.

When the governing body has made attempts, 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 or first-class mail. Then Section 10 shall immediately be in effect.

SECTION 10: Response to Order:

The order shall state the condition(s) which are in violation of Section 1. The order shall also inform the person, corporation, partnership or association that

- a) He, she or they shall have 10 days from the receipt of the order to abate the condition(s) in violation of Section 1; provided, however, that the governing body shall grant one or more extensions of the 10-day period if the owner or

agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions in violation of Section 1; or,

- b) He, she or they have 10 days from the receipt of the order, plus any additional time granted under subsection (a), to request a hearing before the governing body or its designated representative of the matter as provided by Section 11.
- c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 12 and/or abatement of the condition(s) by the city as provided by Section 13.

SECTION 11: Hearing

If a hearing is requested within the 10-day period as provided in Section 10, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the Public Officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five 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 are deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in Section 9.

SECTION 12: Failure to Comply; Penalty:

Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing the public officer 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 Section 1, be fined in an amount not to exceed \$100.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each unacknowledged response stated in Section 9, shall constitute additional violations or separate offense.

SECTION 13: Abatement:

In addition to, or as an alternative to prosecution as provided in Section 12, the public officer may seek to remedy violations of this ordinance in the following manner. If a person to whom an order has been served pursuant to Section 9 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in Section 10, 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 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- a) Personal service upon the persons 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 pursuant to Section 9, 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, consciously 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 14: City Abatement Costs:


- a) The city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city.
- b) The notice shall also state that the payment is due within 30 days following receipt of the notice.

- c) The city also may recover the cost of providing notice, including any postage, required by this section.
- d) 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 as a 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.

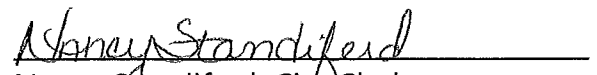
SECTION 15: Ordinance No. 642 and any other ordinance or parts of ordinances specifically in conflict with any of the provisions of this ordinance shall be and are hereby repealed.

SECTION 16: This ordinance shall take effect and be in force from and after its publication in the Emporia Gazette, the official city newspaper.

PASSED AND APPROVED this 6th day of March 2025.


Malonne Davies, Mayor

ATTEST:


Nancy Standiferd, City Clerk