

**ORDINANCE NO. 385**

**AN ORDINANCE AMENDING ORDINANCE #353 BY CHANGING THE PROVISIONS OF ARTICLE 1 SECTIONS 5 AND 6 AND BY CHANGING THE PROVISIONS OF ARTICLE 2 SECTIONS 7.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS ARTICLE 1 SECTION 5 SHALL NOW READ:**

**Section 5. ORDER OF VIOLATION.** (a) The governing body, or its designated representative, 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, or its designated representative, 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. (K.S.A. 12-1617e)

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS ARTICLE 1 SECTION 6 SHALL NOW READ:**

**Section 6. SAME; CONTENTS.** The order shall state the condition(s) which is (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, or its designated representative, 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 9;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 7 and/or abatement of the condition(s) by the city as provided by Section 8.

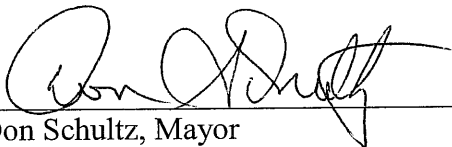
**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERBROOK, KANSAS ARTICLE 2 SECTION 7 SHALL NOW READ:**

**Section 7. ORDER OF VIOLATION.** (a) The governing body, or its designated representative, 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 3 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, or its designated representative, 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. (K.S.A. 12-1617e)

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF JANUARY, 2016.

  
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Don Schultz, Mayor

ATTEST:

(SEAL)

  
\_\_\_\_\_  
James H. Koger, City Clerk

