

ORDINANCE NO. 178

AN ORDINANCE DEFINING AND REGULATING THE OCCUPANCY OF TEMPORARY AND PERMANENT RESIDENCES WITHIN THE CITY OF LINN VALLEY, KANSAS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY, KANSAS:

1. Permanent Residence shall be defined herein as a dwelling occupied on any other than a temporary basis.
2. Temporary Residence shall be defined herein as a dwelling occupied for a period of 14 days or less at one time and occupied fewer than 60 days in any year.
3. Tent shall be defined herein as a portable shelter made of fabric or other material stretched over or secured to a supporting framework.
4. Codes Enforcement Officer shall refer herein to any official or designee of the City authorized to enforce codes, to inspect properties or to issue citations in behalf of the City.
5. No person shall occupy a tent as a Permanent Residence within the City of Linn Valley.
6. No person shall occupy any dwelling, residence or structure as a Permanent Residence within the City of Linn Valley unless said dwelling, residence or structure contains an approved and operable sewage holding tank or is connected to an approved in-ground holding tank or an approved sewer system.
7. If the City Codes Enforcement Officer has reasonable cause to believe that an unsafe or unsanitary condition may exist as a result of violation of section 4 of this ordinance, he/ she is authorized to enter upon the property to determine the existence of said condition and the extent of the danger posed by said condition.
8. The City Codes Enforcement Officer is hereby authorized to issue a temporary "NO OCCUPANCY" ORDER upon citing a person for violation of Section 6 above. Said Order may be appealed in writing to the City Council or by means of a motion to dismiss said order filed in the Municipal Court. Such appeal to the City Council shall be heard by the Council at its next regular meeting or, at the Council's discretion, in a special meeting prior to the next regular meeting, called to hear said appeal. A motion to the Municipal Court to dismiss the Order shall be heard by the Court in its next sitting after said motion is filed.
9. Any person convicted of violating this ordinance may be fined up to \$500 per day the violation exists and may be ordered by the Court to vacate the Permanent Residence until it complies with this ordinance and all other city codes and ordinances.

10. This Ordinance shall become effective upon its approval, the publication of a summary in the official newspaper of the City, and the publication of the entire ordinance on the City's official website for at least one week.

ORDAINED THIS 9th DAY OF NOVEMBER, 2015.

MAYOR

ATTEST:

CITY CLERK