

ORDINANCE NO. 179

AN ORDINANCE AMENDING ORDINANCE NO. 60 BY THE PROVISION OF ALTERNATIVE METHODS OF ABATING VEHICLE NUISANCES.

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

1. Section 1. Section 10, Ordinance 60, is hereby amended to read in its entirety as follows:

“Section 10. **ABATEMENT**. In addition to, or as an alternative to prosecution as provided in Section 9, the public officer may seek to remedy violations by abatement of the violation through either or both of the below describes sets of procedures:

- (A). If the person to whom a notice has been sent pursuant to Section 7 has not alleviated the conditions causing the alleged violation within the time period specified in Section 8, 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 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 12. A copy of the resolution shall be served upon the person in violation in one of the following ways:
  - (1) Personal service upon the person in violation;
  - (2) Service by certified mail, return receipt requested; or
  - (3) 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. Or in the alternative:
- (B) If the owner or agent fails to comply with the requirement of the notice for a period longer than that named in the notice, the city shall proceed to have the vehicle(s) described in the notice summarily removed from the lot or parcel of ground. In this case, the city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by KSA 12-1,115, and amendments thereto, or shall be assessed and charged against the

lot or parcel of ground in the manner described in Section 12 of this Ordinance, or the city may undertake to collect the said costs by both processes simultaneously.

Section 2. This Ordinance shall become effective upon its approval and the publication of a summary hereof in the official newspaper of the City and publication of the entire ordinance on the City's official web site for a minimum of one week.

ORDAINED THIS 11<sup>TH</sup> DAY OF JANUARY, 2016.

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MAYOR

ATTEST:

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CITY CLERK

SUMMARY OF ORDINANCE NO. \_\_\_\_\_

On January 11, 2016, the City Council of Linn Valley, Kansas approved the adoption of the above cited Ordinance which amends Ordinance No. 60 by the addition of alternative processes for the abatement of vehicle nuisances within the city. The entire Ordinance may be viewed for a minimum of one week on the City's web site \_\_\_\_\_.

Certified by: Gary E. Thompson, City Attorney