

ORDINANCE NO. 2519

AN ORDINANCE OF THE CITY OF GARDNER, KANSAS, AMENDING TITLE 8 OF THE GARDNER MUNICIPAL CODE EFFECTUATING THE TRANSFER OF ENFORCEMENT OBLIGATIONS FOR THE PROPERTY MAINTENANCE CODE TO THE POLICE DEPARTMENT.

WHEREAS, the City of Gardner, Kansas has moved the duties associated with the Property Maintenance Code to the Police Department; and

WHEREAS, certain provisions of Title 8 Property Maintenance were deemed to need amendment to address this organizational change.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Chapter 8, Section 8.20.030 B.11. is amended to read as follows: That upon written request received prior to the expiration of the corrective action date set forth in the notice of violation, the owner, occupant, or agent in charge of the property may request a hearing before the City Administrator or designee to be held within seven business days of the City's receipt of the written request. The written request shall include the reason(s) that the owner, occupant or agent is relying upon to support its belief that no violation has occurred.

SECTION TWO: Chapter 8, Section 8.20.030 C.1.c. is amended to read as follows: That upon written request received prior to the expiration of the order to abate period by the City Administrator or designee, the owner, occupant or agent in charge of the property may request a hearing before the Building Code Board of Appeals.

SECTION THREE: Chapter 8, Section 8.20.030 D. Hearing is amended to read as follows: Following issuance of a notice of violation, the owner, occupant or agent in charge of the property may request a hearing. Said request must be in writing, and must be received by the City prior to the expiration of the corrective action date in the notice of violation. The hearing shall be held before the City Administrator or designee within seven business days of the City's receipt of the written request. The written request for hearing shall include the reason(s) that the owner, occupant or agent is relying upon to support its belief that no violation has occurred.

SECTION FOUR: Chapter 8, Section 8.120.020 paragraph 2 is amended to read as follows: If the structure is posted "Unfit for Human Occupancy," the property owner has seven days from the date of the notice to file a written appeal to request a hearing on the matter. If the request is deemed valid, the City Administrator or designee shall assemble the Building Code Board of Appeals and conduct a hearing within 10 days of the request. The Building Code Board of Appeals shall receive evidence, investigate the property and make a written decision no longer than 20 days from the original posting of the structure. If the decision of the Building Code Board of Appeals supports the original posting of the structure, the timeline set for correction or abatement by the Public Officer shall still be valid.

SECTION FIVE: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

SECTION SIX: That this Ordinance shall take effect and be in force after its passage by the City Council and publication in the official City Newspaper.

PASSED by the City Council on this 5th day of July, 2016.

SIGNED by the Mayor on this 5th day of July, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow

Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz

Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk

Ryan B. Denk, City Attorney