

ORDINANCE NO. 2023-08

AN ORDINANCE AMENDING SECTIONS 12-84 AND 12-115 OF THE CITY CODE REGARDING NOTICE TO BE PROVIDED UNDER THE CITY ENVIROMENTAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS:

SECTION 1. That Section 12-84 of the City Code is amended as follows:

Sec. 12-84. Notice.

- (a) Any person found by the public officer to be in violation of section 12-83 shall be sent a notice of such violation by the public officer. The notice shall provide a statement of the condition(s) which caused the violation to exist, and shall state:
 - (1) That the person in violation shall have fifteen (15) days from the date of the service of the notice to alleviate the exterior conditions (yard) violation or to request, as provided in section 12-87, a hearing before the governing body on the violation; and/or
 - (2) That the person in violation shall have forty-five (45) days from the date of service of the notice to alleviate the exterior conditions (structure) violation; but, should the person dispute the violation, that they shall have fifteen (15) days to request, as provided in section 12-87, a hearing before the governing body on the violation; and
 - (3) That failure to alleviate the condition or to request a hearing may result in prosecution under section 12-85 and/or abatement of the condition by the city according to section 12-86 with the costs assessed against the property under section 12-89.
- (b) The notice shall be served in the following manner, in the following order:
 - (1) The officer shall attempt personal service to the owner at the property in violation or at a known address of the owner within the City, or by service at the property to a person of suitable age and discretion so as to ensure it will be provided to the owner.
 - (2) If personal service is not accepted or cannot be performed, the officer shall tack a true and correct copy of the notice to the door of the residence or structure on the property in violation, and, on that same date, mail by first-class mail, postage prepaid, a true and correct copy of the notice indicating that the same was tacked on said date. If the property lacks a residential structure, the officer may similarly serve the notice at a known address of the owner within the city in the same manner.
- (c) Any person removing or destroying a tacked notice, or interfering with the service of a notice, shall be deemed to be interfering with the conduct of city officers in discharge of official duties and subject to prosecution for such interference. This would include, but not be limited to, the owner of the property and/or recipient of the notice.

SECTION 2. That Section 12-115 of the City Code is amended as follows:

Sec. 12-115. Notice.

(a) Any person found by the public officer to be in violation of section 12-111 shall be served a notice of such violation.

(b) The notice shall be served in the following manner, in the following order:


(1) The officer shall attempt personal service to the owner at the property where the vehicle is located or at a known address of the owner within the City, or by service at the property to a person of suitable age and discretion so as to ensure it will be provided to the owner of the vehicle.

(2) If personal service is not accepted or cannot be performed, the officer shall tack a true and correct copy of the notice to the door of the residence or structure on the property where the violation exists, and, on that same date, mail by first-class mail, postage prepaid, a true and correct copy of the notice indicating that the same was tacked on said date. If the property lacks a residential structure, the officer may similarly serve the notice at a known address of the owner within the city in the same manner. If the city officer is aware, by reference to official records, that an owner or lienholder exists apart from the owner of the property where the violation exists, a copy of any notice will be provided if the address of such persons are known.

SECTION 3. All Code sections and Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 11 day of May 2023.



TIM PRALLE, Mayor

Attest:



ELIZABETH WAGONER, City Clerk

