

ORDINANCE NO. 1495

AN ORDINANCE AMENDING SECTION 8-305 OF THE MARION CITY CODE PERTAINING TO HEALTH, WEED AND MOTOR VEHICLE NUISANCES NOTICE OF VIOLATION WITHIN THE CORPORATE CITY LIMITS OF MARION, KANSAS.

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

SECTION 1:

8-305. Notice of violation.

(a) Any person found by the Public Safety Officers to be in violation of Sections 8-301, 302 or 303 shall be served a notice of such violation in the form of a door hanger notification or by a letter from the public safety officer. Said person(s) shall have 10 days to correct said violations and provide notification of compliance to the City Clerk's Office.

(b) Should failure to complete necessary actions to resolve issues noted in the violation within the 10 days, a notice shall be served upon such person and upon the owner of record of the lot or parcel of ground as to which such conditions exist by certified mail, return receipt requested, or by personal service. If property is unoccupied and the owner is a nonresident, then notice shall be sufficient if mailed to the owner by certified mail, return receipt requested, to last known address of the owner; and, as to any weed notice, such notice shall be published once in the official City newspaper.

(c) The notice shall state the conditions which are in violation of this article, and shall also inform the person:

- (1) That such person has 10 days from the date of serving the notice to abate the violating conditions or to submit to the City Clerk a written request for a hearing before the Governing Body as provided by Section 8-306;
- (2) That failure within the time allowed to either abate the violating conditions or to request a hearing may result in prosecution as provided by Section 8-306 and/or abatement of the conditions by the City as provided by Section 8-308; and
- (3) That, if the notice is as to a weed nuisance violation, no further notice shall be given during the calendar year as to any subsequent weed nuisance violations as to the described property prior to the City taking action to abate such nuisance conditions.

(d) Failure to make a timely request for a hearing shall constitute a waiver of any right to contest the findings of the Public Officer.

(e) After a notice as to a weed nuisance violation under Section 8-302 has been given once during the calendar year to the owner, occupant or agent of premises found to be in violation, it shall not be necessary to give any additional notices to such person or party as to any further violations of the weed nuisance provisions occurring upon such property during the same calendar year before action may be taken on behalf of the City to cut or remove such weeds and to abate on behalf of the City the nuisance created thereby, and to then charge and assess the costs of \$100.00 mowing fee per hour (minimum fee of \$100) and \$7.00 certified mail fee if necessary thereof; provided, however, that if there is a change in the record owner of title to the property subsequent to the giving of the original notice the City may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided with an original notice as provided above.

SECTION 2.

This amendment to this ordinance shall be included in the Code of the City of Marion, Kansas, and shall be effective upon its passage.

SECTION 3.

This ordinance shall be published following its passage in the City's official newspaper.

This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and publication of a summary hereof certified as legally accurate and sufficient by the City Attorney in the Official Newspaper of the City.

ADOPTED AND PASSED by the governing body of the City of Marion, Kansas on October 3, 2022 and **APPROVED** by the governing body **AND SIGNED** by the Mayor.



DAVID MAYFIELD, Mayor

ATTEST:



TIFFANY JEFFREY, CMC, City Clerk